



DIRECTOR'S DECISION

CASE FILE: C20-0009

PROPOSAL: The Columbia River Gorge Commission has received an application for removal of an existing shed, construction of a new 778 square-foot accessory building for the storage of farm vehicles and equipment, and installation of an approximately 380 square-foot roof-mounted solar array.

APPLICANT: Charles & Valerie Fowler

LANDOWNER: Charles & Valerie Fowler

LOCATION: The subject parcel is located at 381 Old Highway 8, Lyle, WA, in Section 30, Township 3 North, Range 12 East. Klickitat County Parcel Number 03123000000400.

LAND USE

DESIGNATION: The subject parcel is designated Agriculture in the Special Management Area (SMA) and is 55.95 acres in size.

DECISION:

Based upon the following findings of fact, the land use application by Charles and Valerie Fowler to remove an existing shed and construct a new accessory building with roof-mounted solar array 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 with conditions**.

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 C20-0009, 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 document to the Executive Director at the Commission.**
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 new buildings, accessory structures, additions to existing buildings, or grading not included in the approved application or site plan will require a new application and review.
4. The final development shall be sited and constructed as described in the staff report and as shown on the approved site plan and elevation drawings. Any changes must be reviewed and approved by the Executive Director pursuant to Commission Rule 350-81-046 (Changes or Alterations to an Approved Action).
5. All exterior building materials, including roofing, trim, and siding, shall be nonreflective or have low reflectivity. All windows shall be composed of low-reflectivity glass. Solar panels shall be black, including panels and frames, to minimize reflectivity, with no bare aluminum framing or bare structural surfaces. The metal framing of the solar panels shall be painted with matte black paint and maintained as necessary to ensure that the material is nonreflective.
6. Only the approved dark earth-toned colors for exterior materials shall be used. The approved color for the siding of the accessory building is Sherwin-Williams "English Ivy" (SW 2935). The approved color for the roof shingles is dark brown. The approved color for the solar panels is black and the framing of the solar panels shall be painted matte black. Any proposed changes to these colors shall be submitted for review by the Executive Director for consistency with this condition of approval.
7. The annual energy production of the solar panel array shall not exceed the annual energy needs for the agricultural use of the property. Any additional solar panels not included in the approved application or site plan will require a new application and review.
8. All exterior lighting shall be as described in the project description. All outdoor lighting shall be directed downward and sited, hooded, and shielded such that it is not highly visible as seen from Key Viewing Areas. Shielding and hooding materials shall be composed of non-reflective, opaque materials.
9. Except for dead trees or other dead vegetation that may serve as a fire hazard, all existing vegetation on the site shall be retained and maintained for screening purposes.
10. Within one year of project completion, the disturbed project area that is undeveloped shall be established with native ground cover species or other soil-stabilizing methods to prevent soil erosion until the area has 80 percent vegetative cover.
11. 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.
12. 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.
13. **The applicants 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**

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:

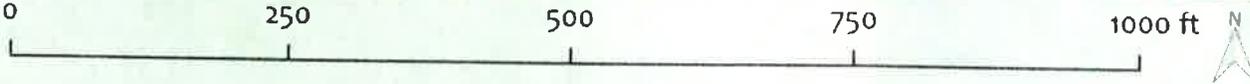
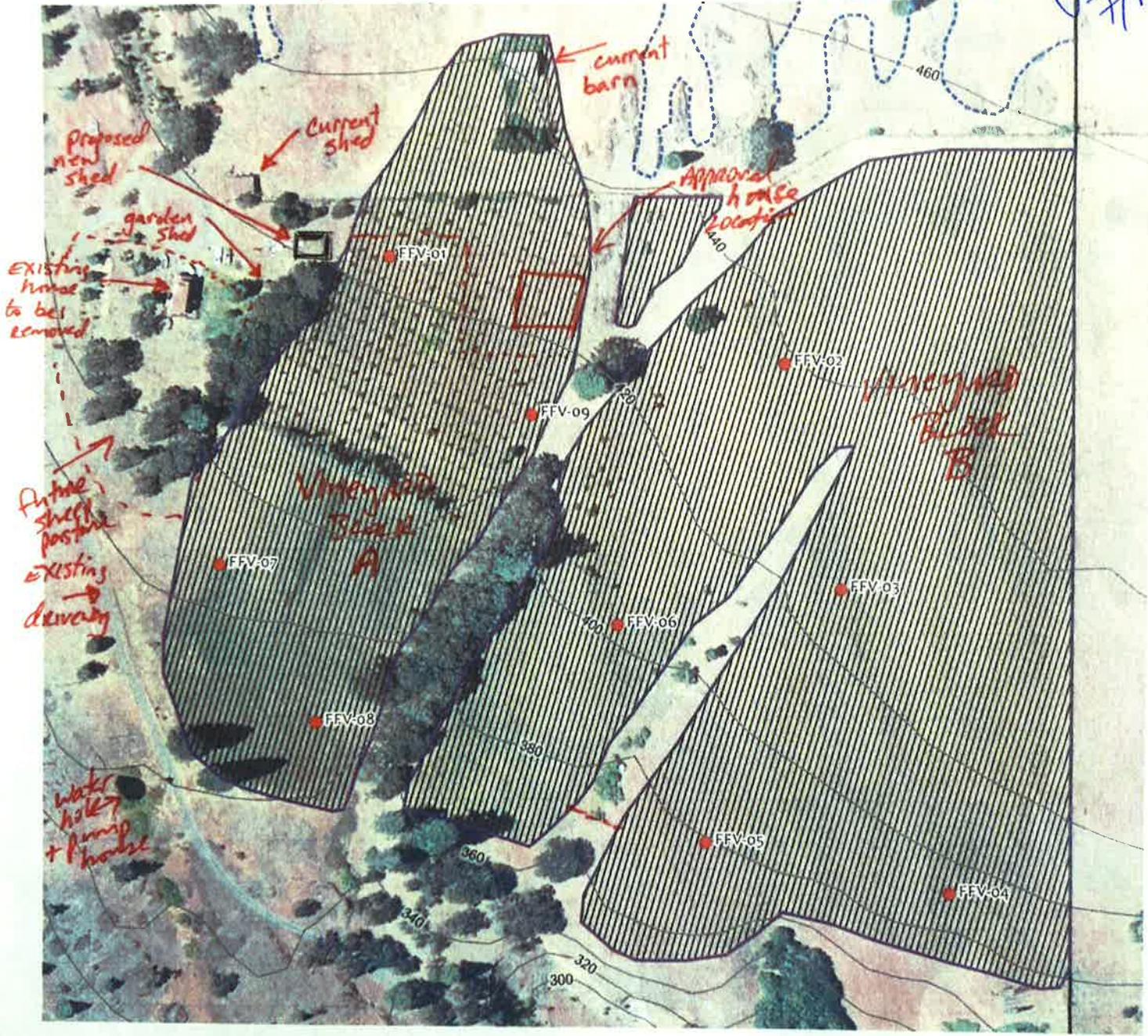
**Confederated Tribes and Bands of the Yakama Nation
Confederated Tribes of the Umatilla Indian Reservation
Confederated Tribes of Warm Springs Reservation of Oregon
Nez Perce Tribe
U.S. Forest Service National Scenic Area Office
Washington Department of Archaeology and Historic Preservation
Klickitat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

Attachments:

Staff Report for C20-0009

JK
7/1/20

New Shed Site Plan - Fowler Ranch - 55.95 Acres



-  Property boundary
-  Planned vineyards with 7 foot row spacing
-  Sample Pits
-  20 foot contours
-  Loess Biscuits to be examined in future for soil depth

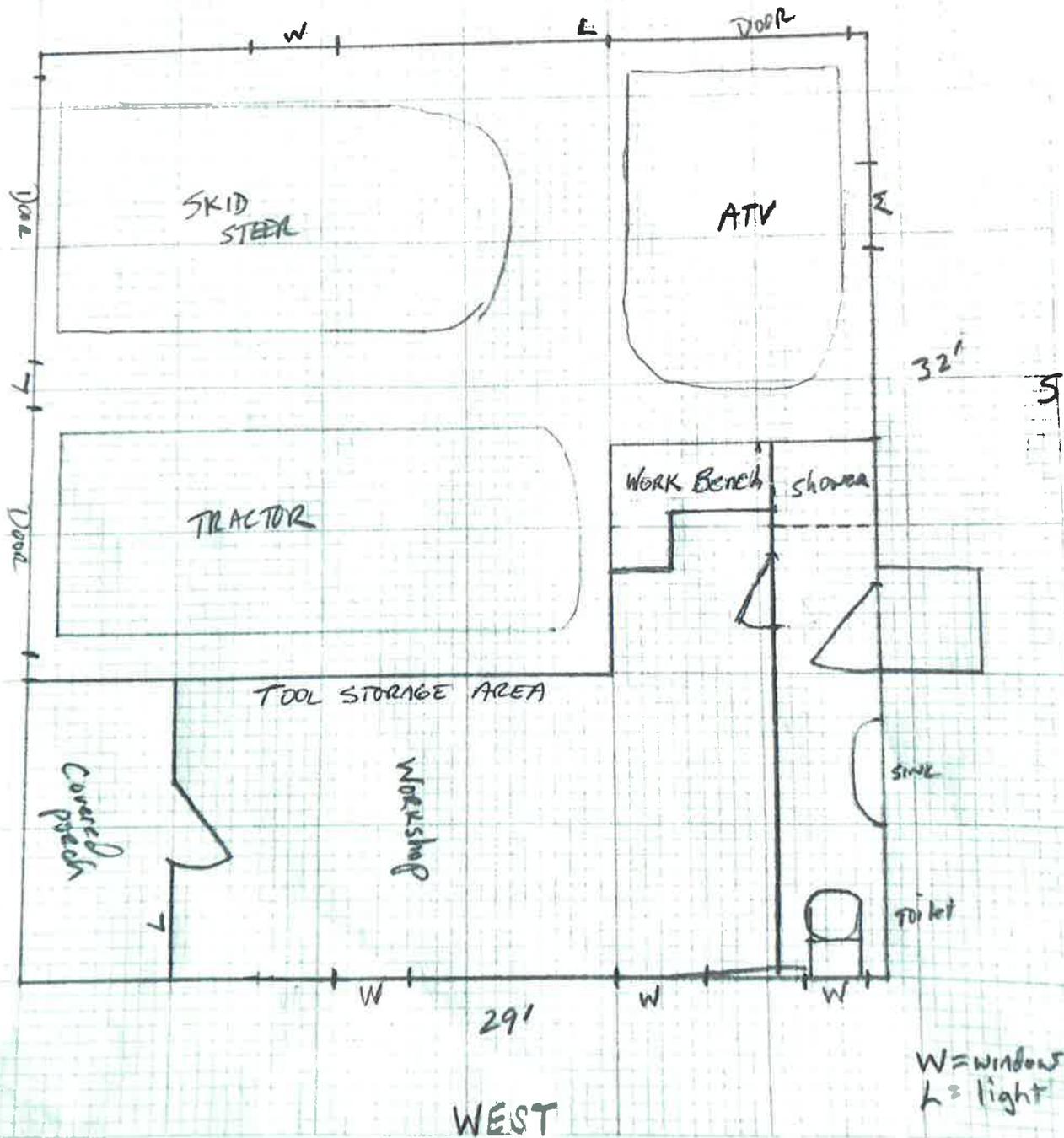
Scale 1:2,000
 Map Projection: UTM Zone 10 NAD 1983
 Map prepared by Richard Rupp, Palouse Geospatial
 February 2017

Background image provided by Mapbox.

This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

APPROVED *JK 7/1/20*

E



WEST

Figure 2

APPROVED
JK 7/1/20

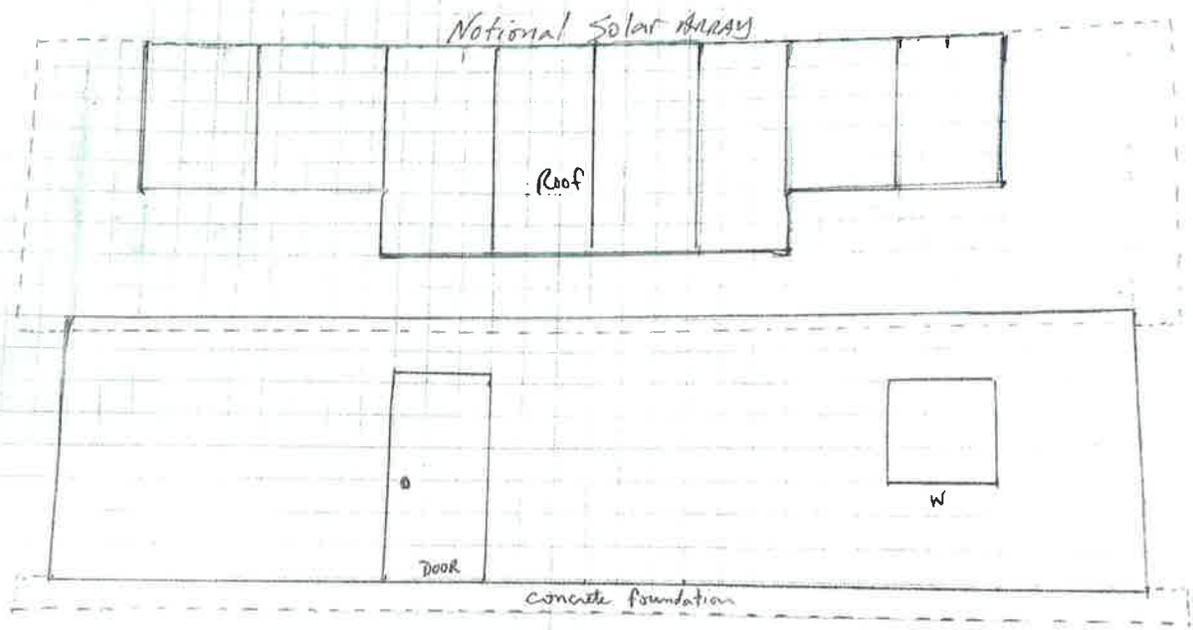
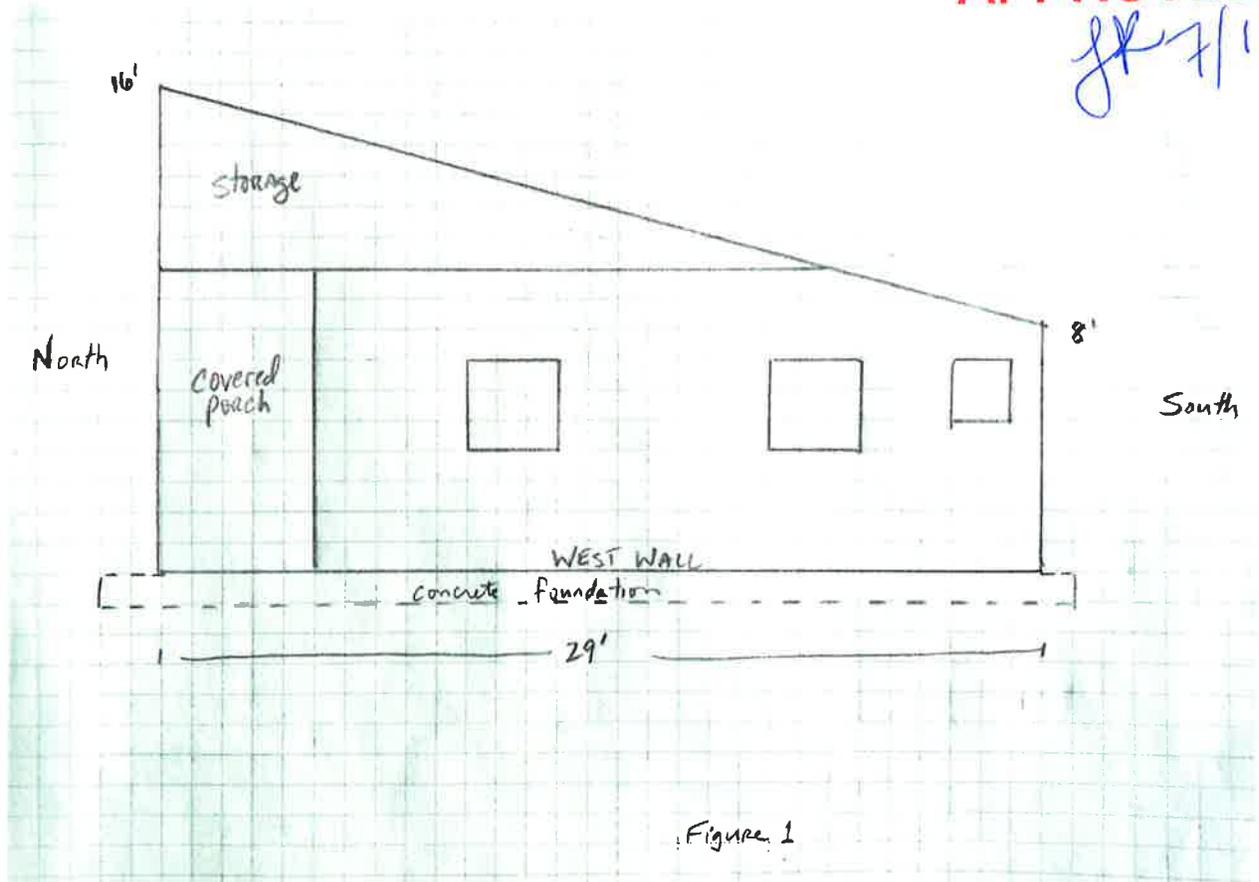
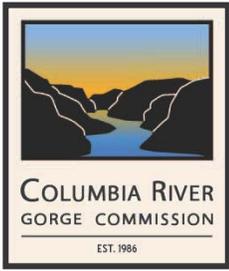


Figure 4



COLUMBIA RIVER GORGE COMMISSION STAFF REPORT

- CASE FILE:** C20-0009
- PROPOSAL:** The Columbia River Gorge Commission has received an application for removal of an existing shed, construction of a new 778 square-foot accessory building for the storage of farm vehicles and equipment, and installation of an approximately 380 square-foot roof-mounted solar array.
- APPLICANT:** Charles & Valerie Fowler
- LANDOWNER:** Charles & Valerie Fowler
- LOCATION:** The subject parcel is located at 381 Old Highway 8, Lyle, WA, in Section 30, Township 3 North, Range 12 East. Klickitat County Parcel Number 03123000000400.
- LAND USE DESIGNATION:** The subject parcel is designated Agriculture in the Special Management Area (SMA) and is 55.95 acres in size.

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 the following parties:

Casey Gatz, U.S. Forest Service, National Scenic Area
Steve McCoy, Friends of the Columbia Gorge

FINDINGS OF FACT:

A. Land Use

1. The subject parcel is approximately 55.95 acres and is designated Agriculture in the Special Management Area (SMA).
2. The subject parcel has south and west facing slopes ranging from approximately 5 to 50 percent grade. The parcel is characterized by open pastureland and cultivated vineyards, interspersed with mixed stands of native Oregon white oak, Douglas fir, and ponderosa pine. According to information provided by the Klickitat County Assessor, the subject parcel is managed for agricultural use (orchard, cropland, and grazing land/rangeland). The parcel includes an existing single-family dwelling, access road, driveway and parking area, garage, barn, two sheds, a rock wall, a water reservoir, and approximately 16 acres of vineyard planted in 2018.
3. The Executive Director recognized the subject parcel as a legal parcel on November 2, 2017 with the approval of Commission decision C17-0011.
4. Three previous Director's Decisions apply to the parcel. Director's Decision C98-0033 approved an 864 square-foot accessory building. Director's Decision C17-0007 approved new cultivation of 16 acres of grapes and associated agricultural structures, a deer fence, and a 10,000-gallon water tank. Director's Decision C19-0004 Modified Decision approved a replacement single-family dwelling and expansion of the existing driveway. At the time of issuing this decision for C20-0009, the development approved in the 1998 and 2017 decisions is complete, but the replacement dwelling approved in 2019 has not been constructed.
5. The applicants propose to remove an existing 416 square-foot shed, construct a new 778 square-foot accessory building for the storage of farm vehicles and equipment, and attach a solar array of approximately 380 square feet to the roof of the accessory building. The solar panels will be used to power the agricultural uses of the property.
6. Commission Rule 350-81-050(1)(m) allows for the removal/demolition of structures that are less than 50 years old to be reviewed using the expedited development review process, provided they comply with the resource protection and procedural guidelines. The 416 square-foot shed proposed for removal is less than 50 years old, but is being reviewed under the full development review guidelines along with the other uses proposed in this application.
7. Commission Rule 350-81-190(2) lists review uses that may be allowed on lands designated SMA Agriculture subject to compliance with scenic, cultural, natural, and recreation resources guidelines (350-81-520 through 350-81-620). The use or development shall be sited to minimize the loss of land suitable for the production of agricultural crops or livestock.

The applicants propose to construct the accessory building in a 3,000 square-foot area that is currently area used for parking vehicles. According to the applicants, the previous owner graded the area over 30 years ago to use as a parking area for farm equipment and it has been used for parking ever since. Due to the leveling of the ground and the continual use of the site for parking vehicles, the proposed development site is not an area suitable for production of agricultural crops or livestock. The proposed accessory building is sited to minimize the loss of land suitable for agriculture. This rule does not apply to the other uses proposed of removing an existing shed and installing a roof-mounted solar array on the proposed accessory building.

8. Commission Rule 350-81-020(2) defines accessory structure/building as:

A structure or detached building whose use is incidental and subordinate to that of the main use of the property, and that is located on the same parcel as the main building or use...

In *Heany v. Executive Director*, CRGC No. C99-0002-K-S-11 (Feb. 22, 2000), the Commission determined there can only be one “main use” of a property and that the main use is “the most dominant and continuous use on the property.”¹ The applicants’ property contains a single-family dwelling, barn, two sheds, and 16 acres of vineyard planted.

Prior to the establishment of a single-family dwelling in 1984, the land was used solely for agriculture. In the applicants’ previous application C17-0007, application for the 16-acre vineyard on the property, the applicants note the continuous use of agriculture before the residence was established: “The land is currently zoned for farming and agriculture by Klickitat County and has been in active pasture management for cattle livestock and orchard farming since the late 1970s.” It is additionally noted in the Staff Report for C17-0007, page 2, Land Use Finding of Fact A. 3.: “Based on information provided by the Klickitat County Assessor and the applicant, the subject parcel is managed for agricultural use (grazing land/rangeland). The property includes an abandoned fruit tree orchard. Upon review, staff discovered much of the property has been plowed and cultivated in the past.” Furthermore, in a previous Director’s Decision C98-0033 on the subject property, approval of a shop building, it is noted that the dominant use on the property is agriculture. As stated in the Staff Report for C98-0033, page 5, Land Use Finding of Fact A. 4.: “The property includes an orchard (about 3 acres) and irrigated pasture and hay field (about 15 acres). In addition, the applicants raise cattle on the property (20 to 25 cattle per year).”

As previously stated, the current agricultural use of an irrigated vineyard is approximately 16 acres. The existing residence on the property has a developed footprint of approximately 0.04 acre. The approved replacement dwelling, including the driveway and parking apron, will cover approximately 0.33 acre. Upon completion of the replacement dwelling, the existing dwelling will be removed and rehabilitated as pastureland, per a condition of approval in the Director’s Decision C19-0004 Modified Decision. Staff concludes that agriculture is the most dominant and continuous use on the property, and therefore, is the main use of the property.

The applicants propose to use the new accessory building for storing farm vehicles, farm equipment and supplies, and for a work bench and tool area. The use of the proposed accessory building is incidental and subordinate to the main agricultural use of the property.

9. Commission Rule 350-81-190(2)(i) allows accessory buildings on lands designated SMA-Agriculture. Commission Rule 350-81-190(2)(i) states:

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.

¹ http://www.gorgecommission.org/images/uploads/appeals/Heany_v_ED_C99-0002_Final_Order.pdf

(C) The height of any individual accessory building shall not exceed 24 feet.

The proposed accessory building is 778 square feet and 16 feet high at the tallest point on the roof. The parcel has three existing accessory buildings: a 120 square-foot utility shed, an 864 square-foot pole barn, and the 416 square-foot shed proposed for removal. When combined with the proposed accessory building, these amount to a total of 2,178 square feet, not exceeding the combined footprint maximum of 2,500 square feet. After the proposed removal of the 416 square-foot shed and the construction of the proposed accessory building, the total combined footprints of all accessory buildings on the parcel will be 1,762 square feet. The proposed accessory building is less than 1,500 square feet in size. The proposed accessory building is 16 feet tall, less than the maximum height of 24 feet. The proposed accessory building is allowed subject to compliance with the guidelines to protect scenic, cultural, natural, and recreation resources.

10. Commission Rule 350-81-020(90)(d) defines *Industrial Uses* as any use of land or water primarily involved in the production of electric power for commercial purposes. The Management Plan expressly prohibits industrial uses in the National Scenic Area.

The proposed roof-mounted solar array is intended to provide renewable power for the accessory building and vineyard irrigation system. It is common practice among Plan implementers to require the applicant to demonstrate that the amount of power generated by a solar development does not exceed the annual energy needs of the property. As proposed, the solar panels will assist in meeting the energy needs of the agricultural use of property and will not exceed it. The proposed solar array is 21 panels; each panel is approximately 40 inches by 66 inches, for a total area of approximately 380 square feet. The panels proposed are 330W PERC Module (JAM60S09 310-330/PR) produced by JA SOLAR Technology. According to information supplied by the manufacturer, each panel has a maximum power rating (Pmax) of 330W. If the panels were to get 5 hours of direct sunlight every day (the average solar radiation for Lyle, WA is 4.83 hours per day²) the maximum energy output would be approximately 1.7 kwh per panel. For 21 panels, the annual combined maximum energy production is estimated at 13 MWh per year.

The applicants provided information from the Klickitat County PUD including the usage history from January through April 2020 for the irrigation system for the vineyard, water pumps, and weather station. These used a total of 4.3 MWh of energy during the first four months of the year. To estimate the total annual energy consumption for these uses, staff multiplied this by three to estimate annual consumption. Based on the energy consumption recorded for the first four months of 2020, the total annual consumption of the agricultural uses on the property is estimated to be approximately 13 MWh/year. With the proposed 21-panel solar array projected to produce approximately 13 MWh per year at peak production, the energy produced by the solar panels will not exceed the energy needed to power the agricultural uses on the property. The proposed solar panels are accessory and subordinate to the primary use of the parcel as an agricultural use and will not be used commercially. The proposed solar array is not an industrial use.

A **condition of approval** states that the annual energy production of the solar panel array shall not exceed the annual energy needs for the agricultural use of the property.

Conclusion:

The applicants propose to remove an existing structure and build a new accessory building with a roof-mounted solar array. These are all allowed review uses on lands designated SMA Agriculture.

² National Renewable Energy Laboratory <https://pvwatts.nrel.gov/pvwatts.php>

The uses may be allowed provided they do not adversely affect scenic, cultural, natural, or recreation resources in the National Scenic Area.

B. Scenic Resources

1. Commission Rule 350-81-530(1)(a) includes design guidelines for lands within the SMA based on Landscape Settings, regardless of visibility from Key Viewing Areas (KVAs). Commission Rule 350-81-530(1)(a)(A) states that Pastoral areas shall retain the overall appearance of an agricultural landscape.

The subject parcel is in the Pastoral Landscape Setting. The proposed accessory building will be sited close to existing development. The building is sited next to an existing shed, and adjacent to the vineyard. Accessory buildings in conjunction with agricultural use are common elements in the Pastoral Landscape Setting. As such, the proposed accessory building will be part of the existing working agricultural landscape. The proposed building is sited on a previously disturbed site outside of the existing vineyard, as viewed from all KVAs, and therefore will not conceal the agricultural features of the landscape. The proposed development will retain the overall appearance of the property as an agricultural landscape.

2. Commission Rule 350-81-530(2) includes guidelines for development and uses visible from KVAs. Commission Rule 350-81-530(2)(a) states, "The guidelines in this section shall apply to proposed developments on sites topographically visible from key viewing areas."

To determine the topographical visibility of a site from KVAs, Commission staff first used a Composite Seen Areas dataset mapping tool which indicates areas potentially visible from KVAs. This data indicates that the proposed development site may be visible from six KVAs. Next, staff used Google Earth mapping tools to determine potential topographic visibility of the development site from each of the identified KVAs. Observations made during site visits confirmed that the proposed development site is potentially topographically visible from the Columbia River, Historic Columbia River Highway (HCRH), Interstate 84, and Old Highway 8 (County Road 1230), and Washington State Route 14 (SR-14).

Through on-site observations and using Google Earth mapping tools to model the proposed development, staff explored alternative sites to find a site where the one-story accessory building would not be topographically visible as seen from KVAs. Staff concluded that there is no developable site on the subject property that would be fully topographically screened. Therefore, Commission Rule 350-81-530(2) guidelines apply.

3. Commission Rule 350-81-530(2)(b) states, "New developments and land uses shall be evaluated to ensure that the required scenic standard is met and that scenic resources are not adversely affected, including cumulative effects, based on the degree of visibility from key viewing areas." The required scenic standard for all development and uses in the Pastoral Landscape Setting is "visually subordinate." 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.

As discussed in the findings below, conditions of approval are needed for aspects of the proposed development to ensure that it is visually subordinate as seen from KVAs. These aspects include reflectivity, exterior lighting, retention of existing vegetation, color, and building materials.

Old Highway 8 is the closest KVA. From analyzing photos of the proposed development site taken from this KVA, staff determined that part of the proposed development may be visible behind existing trees. The distance from the nearest point on the Highway where the site may be visible to the proposed development site is approximately 0.3 miles. The Highway at this point is approximately 160 feet lower in elevation than the proposed development site. The building may be partially visible from this KVA but is heavily screened behind existing vegetation of mature oaks and ponderosa pine trees. The proposed site may be topographically visible from Old Highway 8 for a stretch of approximately 0.25 miles.

State Route 14 is the second closest KVA to the proposed development site, at approximately 0.5 miles from the proposed development site to the nearest point on the KVA where the site may be visible. After site visits taking photos from SR-14 looking up to the proposed development site, staff was unable to conclude whether the proposed development would be visible from the KVA. Staff was not able to see the proposed development site due to screening vegetation located between the proposed development site and State Route 14.

The Interstate 84 KVA is approximately 1.3 miles from the proposed development site at its nearest point where the site is topographically visible. Staff estimates that the proposed development is fully screened by existing trees to the southeast, south, and southwest of the site and is not visible from I-84.

The distance from points on the HCRH KVA from which the proposed development site is topographically visible ranges from approximately 1.5 to 2.4 miles from the subject parcel. The nearest point, the Memaloose Overlook off the HCRH, is approximately 1.5 miles from the subject parcel and is approximately 100 feet above the proposed development site in elevation. From this viewpoint, the existing mature trees between the proposed development site and the KVA completely screen the accessory building from view.

Staff compared the visual subordination of the proposed accessory building at the proposed site versus the visual subordination of placing the accessory building elsewhere on the subject parcel. From observations and photos taken during site visits and visits to the KVAs to determine visibility, along with modeling the proposed development in Google Earth, staff concludes that the proposed site is the most visually subordinate site. There are no alternative sites on the parcel where the proposed development would not be topographically visible. Using existing vegetation for screening from KVAs, the proposed development site is the site which is most visually subordinate as seen from KVAs.

The proposed accessory building be visually subordinate as seen from KVAs within three miles due to distance, existing screening vegetation, design, and building materials. The distance between the proposed development site and the KVAs, as well as the short linear distance that the site is visible from KVA roads, ensures that the proposed building will not be visually dominant in relation to its surroundings as viewed from KVAs. Existing mature trees on the subject parcel effectively screen the proposed development from view from KVAs.

A condition of approval requires these trees be retained to maintain visual subordination. Another **condition of approval** will ensure compliance with SMA Guidelines for Development

and Land Uses Visible from KVAs Commission Rule 350-81-530(2)(k) and Commission Rule 350-81-530(2)(l), requiring the accessory building be constructed as described in the application and this staff report, using non-reflective and low-reflective materials that are dark earth-tone in color. Based on these findings, the proposed development will not noticeably contrast with the surrounding landscape, and therefore is visually subordinate as seen from KVAs.

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

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

As seen from key viewing areas, the subject parcel is in an area where existing dwellings, accessory buildings, and vineyards are seen scattered throughout the landscape. Buildings, dwellings, and other structures are sited near existing stands of trees which serve to partially screen the development, making them visually subordinate as viewed from KVAs. As discussed in the findings above about visual subordination, the retention of existing vegetation, the distance from KVAs, siting near existing development, and the use of exterior building materials and colors that blend with the landscape will ensure the proposed development will not cause adverse impacts to scenic resources as viewed from key viewing areas. These elements are necessary to ensure the proposed accessory building will have no cumulative effects on scenic resources.

To determine cumulative effects, staff analyzed the existing development and development potential of the subject parcel and the adjacent and nearby SMA land also in the Pastoral Landscape Setting within a half mile of the subject parcel. This area was chosen because it is managed as SMA, which contains different development standards from nearby GMA and Tribal land, and because all the parcels are subject to the design requirements of the Pastoral Landscape Setting. The subject parcel is surrounded by state and federal government lands to the southwest, south and southeast. Government-owned land in the SMA is not typically developed, so staff assumes that government lands near the subject parcel would not be developed. Within the study area there are two privately-owned parcels, one of which is the subject parcel. Both parcels are currently developed with a single-family dwelling and accessory structures.

Commission Rule 350-81-190(2) allows on lands designated SMA Agriculture a combined footprint of 2,500 square feet for accessory buildings on parcels larger than 10 acres, and a combined accessory building footprint of 1,500 square feet on parcels less than or equal to 10 acres. The subject parcel, which is over 10 acres, currently has three accessory buildings with a combined footprint of 1,400 square feet and would therefore be eligible for an additional accessory building of 1,100 square feet. The proposed development includes removal of the existing 416 square-foot shed and construction of a new 778 square-foot accessory building. Therefore, after the proposed development, the subject parcel would be eligible for another accessory building of up to 738 square feet. The adjacent parcel to the east is over 10 acres and has one accessory building of 1,432 square feet. Therefore, an additional accessory building of approximately 1,000 square feet is allowable on this parcel. The existing development on the subject parcel and the adjacent parcel is approximately one quarter of a mile apart. At this distance, the cumulative visual impact of the current development is insignificant. If any new development on the subject parcel and the adjacent parcel were to be sited near existing development, the visual impacts of the combined activities would be collectively insignificant.

Following SMA standards, any new development would need to be sited to reduce visibility from KVAs. The sites on the subject parcel and adjacent parcel that would be least visible for new development are behind existing development as viewed from KVAs to the south. There would be no cumulative effect from KVAs in the foreground because the potential buildings would be clustered together with other development and a traveler along Old Hwy 8 would only encounter one of the two developed sites at a time because of the quarter mile distance between them. From KVAs further away, such as I-84 or the Historic Columbia River Highway, the two clusters of buildings would be seen in the same viewshed, but the accessory structures would be clustered together with other buildings and appear to be part of the existing scattered rural residential development.

The design guidelines for the Pastoral Landscape Setting within the SMA require that development retain the overall appearance of an agricultural landscape. According to this guideline, if new accessory buildings were built to support the agricultural use of the parcel, and if they were designed in a similar manner to the proposed accessory building, the development would be consistent with the guidelines of the landscape setting. By using existing development and vegetation to screen the development from view, a design that fits with the landscape setting, and exterior materials that are dark, earth-toned, and low- or non-reflective, there would be no significant increase in visibility of the potential new development. These elements, along with conditions of approval in this report, ensure the proposed development will not cause adverse scenic impacts, including cumulative effects, consistent with Commission Rule 350-81-530(2)(b).

5. Commission Rule 350-81-530(2)(d) states, "In all landscape settings, scenic standards shall be met by blending new development with the adjacent natural landscape elements rather than with existing development."

The adjacent natural landscape to the proposed new development is characterized by open grazing fields of seasonally light green and brown grass, with stands of Ponderosa pine and oak trees that have shadows of dark green, and dark grey/brown basalt cliffs and outcroppings. In this landscape, there is a high contrast of light and dark. The shadows of the trees and rocks are very dark and recede into the landscape, while the lighter colors of the grass and rock faces are highlighted by the sun's reflection and visually stand out in the landscape.

The accessory building is designed to remain visually subordinate to the surrounding trees in the landscape by keeping the height below the average tree canopy level and by using non-reflective or low-reflectivity materials of dark earth-tone colors. The nearby trees are a mix of mature ponderosa pine and Oregon White oak, with an average tree canopy height of approximately 40 feet. The highest pitch of the roof of the proposed accessory building is 16 feet from the finished grade, keeping the building well below the average height of the canopy. The exterior of the building will be constructed of non-reflective materials and of colors that are as dark or darker than the shadows of natural elements in the surrounding landscape to ensure that nothing about the building will be highlighted in the landscape. The wood siding will be painted with the approved dark green color, Sherwin-Williams "English Ivy" (SW 2935). The roof will be dark brown composite shingles. The solar panel array and frame will be matte black.

With the **condition of approval** requiring the use of only the Commission-approved non-reflective exterior materials and dark earth-tone colors, the new development is consistent with Commission Rule 350-81-530(2)(d).

6. Commission Rule 350-81-530(2)(e) states, “Proposed developments or land uses shall be sited to achieve the applicable scenic standard. Development shall be designed to fit the natural topography, to take advantage of landform and vegetation screening, and to minimize visible grading or other modifications of landforms, vegetation cover, and natural characteristics. When screening of development is needed to meet the scenic standard from key viewing areas, use of existing topography and vegetation shall be given priority over other means of achieving the scenic standard such as planting new vegetation or using artificial berms.”

The subject parcel is situated on a gradual south-facing slope. Approximately 60 percent of the subject parcel is a gentle southerly and southwesterly slope of 5 to 15 degrees.³ The other approximately 40 percent of the parcel, at the western and southern edges, consists of steep and cliffed slopes of exposed basalt and talus that are unsuitable for development of any kind. Of the area on the parcel suitable for development, over half is planted with the vineyard, which takes up the lower 1/2 of the property. The vineyard is sited south of the rock wall that runs east-west across the property at approximately the 430-foot elevation. With the slope of the land rising gradually toward the north, anything sited north of the rock wall will be more topographically visible from KVAs to the south, and therefore siting new development south of the wall will be more visually subordinate. Based on visits made to the site, observations made from Key Viewing Areas, and Google Earth analysis, staff determined that there are few significant topographical features on the land aside from two narrow gullies that run north-south and some low rock outcroppings of shallow bedrock. The lack of topographical features provides little to no opportunity for any potential development on the property to be screened by existing topography.

Most of the parcel is open pastureland or vineyard. Some stands of trees exist on the edges of the pastures and adjacent to existing development. The trees are a mix of evergreen and deciduous trees. The evergreens provide screening year-round, while the deciduous trees provide decreased screening during the time of year when the leaves on these trees are gone. Based on staff photos taken from KVAs during the winter, the existing vegetation will screen the proposed development from KVAs to the south, southeast, and southwest year-round.

The proposed building has a shed roof ranging in height from approximately 8 feet at the southern edge to 16 feet above finished grade at the north side. This will not exceed the height of the surrounding existing trees, which are approximately 30-60 feet high. The trees effectively screen the proposed development site as seen from all KVAs.

The proposed accessory building will be constructed on a concrete pad, which will require minimal grading. This area will not be visible from any KVAs, as it is either topographically hidden as seen from KVAs below the elevation of the development site or screened by vegetation as seen from KVAs at elevations higher than the proposed site.

The design of the proposed accessory building ensures that it will blend well with the adjacent natural landscape elements and achieve visual subordination. The topography surrounding the proposed site slopes gently toward the north. The proposed accessory building is a low, one-story building with a shed roof that slopes up to the north. The proposed development is designed to remain visually subordinate to the surrounding trees in the landscape by keeping the roof height below the average tree canopy level. The nearby trees to the site are a mix of mature ponderosa pine and Oregon White oak, with an average tree canopy height of approximately 40 feet. The top of the highest point of the roofline of the building measures approximately 16 feet from the

³ Site and Soils Evaluation: Vineyard Development for Fowler Family Vineyards, Lyle WA. Prepared by Alan Busacca, PhD, Vinitas Consultants, LLC. February 1, 2017.

finished grade. The exterior of the building will be constructed of non-reflective materials and of colors that are as dark or darker than the shadows of natural elements in the surrounding landscape to ensure that nothing about the building will be highlighted in the landscape. The wood siding will be painted a dark green to emulate the dark green of the shadows of the adjacent evergreen trees. The roof will be composite shingles in a dark brown color. The solar panels on the south-facing roof will be low-reflective and black, with a metal frame painted matte black.

With the **conditions of approval** requiring the use of only the Commission-approved non-reflective exterior materials and dark earth-tone colors, the proposed development is consistent with Commission Rule 350-81-530(2)(d).

7. Commission Rule 350-81-530(2)(f) addresses visual impacts of the proposed development from KVAs. It states that conditions of approval to achieve the scenic standard shall be proportionate to its potential visual impacts as seen from KVAs and lists the factors.

The proposed accessory building is screened from KVAs to the southeast, south, and southwest by existing vegetation. As described in Finding B.3. above, staff estimates the proposed development will be screened from view from all KVAs by existing vegetation. As described in Finding B.1., the proposed building is sited and designed to blend with the surrounding Pastoral landscape. It is sited near mature ponderosa pine and Oregon white oak trees. The accessory building is one story, measuring up to approximately 16 feet tall from the finished grade, keeping it below the canopy of trees in the surrounding landscape. Potential visual impacts will be lessened by using dark, earth-toned colors, and low or non-reflective materials.

8. Commission Rule 350-81-530(2)(g) states, "Sites approved for new development to achieve scenic standards shall be consistent with guidelines to protect wetlands, riparian corridors, sensitive plant or wildlife sites and the buffer zones of each of these natural resources, and guidelines to protect cultural resources."

As addressed in Sections C and D, the proposed development is consistent with the applicable cultural resource guidelines in Commission Rule 350-81-550 and natural resource guidelines in Commission Rule 350-81-600.

9. Commission Rule 350-81-530(2)(h) states, "Proposed developments shall not protrude above the line of a bluff, cliff, or skyline as seen from key viewing areas." The definition of skyline in the Commission's land use ordinance is:

The line that represents the place at which a landform, such as a cliff, bluff or ridge, meets the sky, as viewed from a specified vantage point (generally a key viewing area, for the purpose of the Management Plan). In areas with thick, unbroken tree cover, the skyline is generally formed by the top of the vegetative canopy. In treeless areas or areas with more open tree cover, the skyline is generally formed by the surface of the ground.

The proposed development is in an area with thick, unbroken tree cover that forms the skyline as viewed from the Columbia River, State Route 14, and Old Highway 8 key viewing areas. From staff's observations and analysis, the proposed accessory building is screened by a mix of deciduous and coniferous trees to the south of the site, and the roof does not protrude above the canopy of the trees as seen from these KVAs. As viewed from all KVAs across the river to the south, the hills behind the subject parcel rise to form a ridgeline far above the development site to the north. This ridge forms the skyline above the development site as viewed from I-84 and the Historic Columbia River Highway. The proposed development is far below the ridgeline and does

not protrude above it as seen from key viewing areas. Therefore, as proposed, the accessory building does not protrude above the skyline as seen from all KVAs.

10. Commission Rule 350-81-530(2)(i) states, "Structure height shall remain below the average tree canopy height of the natural vegetation adjacent to the structure, except if it has been demonstrated that meeting this guideline is not feasible considering the function of the structure."

As discussed above, the proposed accessory building is designed to remain visually subordinate to the surrounding trees in the landscape by keeping the height below the average tree canopy height of the natural vegetation surrounding the development site. The nearby trees are a mix of mature ponderosa pine and Oregon White oak, with an average tree canopy height of approximately 40 feet. The top of the highest point of the roofline of the accessory building measures approximately 16 feet from the finished grade, keeping the building well below the average height of the canopy, consistent with this rule.

11. Commission Rule 350-81-530(2)(j) includes guidelines for new landscaping used to screen development from key viewing areas.

As stated above, existing vegetation effectively screens the development from key viewing areas. No new landscaping is proposed or necessary to screen the development from key viewing areas. A **condition of approval** requires all existing screening vegetation be retained.

12. Commission Rule 350-81-530(2)(k) states, "Unless expressly exempted by other provisions in this chapter, colors of structures on sites visible from key viewing areas shall be dark earth-tones found at the specific site or the surrounding landscape."

The applicants propose dark earth-tone exterior material colors. Staff approves these colors, which are consistent with the dark earth-tones found at the site and surrounding landscape. The approved color for the siding of the accessory building is Sherwin-Williams "English Ivy" (SW 2935). The approved color for the roofing shingles is dark brown. The approved color for the solar panels and frame is matte black. All the exterior material colors are dark colors found in the shadows of the surrounding landscape, consistent with this rule.

13. Commission Rule 350-81-530(2)(l) states, "The exterior of structures on lands seen from key viewing areas shall be composed of non-reflective materials or materials with low reflectivity."

As described in Finding B.2, the subject parcel is topographically visible from five Key Viewing Areas. Therefore, the exterior of the proposed accessory building must be composed of non-reflective materials or materials with low reflectivity. The exterior of the proposed building will be composed of non-reflective wood and composite shingles. The wood siding will be painted with a non-reflective paint. The metal frame of the solar array will be painted with a non-reflective matte black paint. The glass proposed for the windows on the accessory building has an external reflectivity rating of 11%.

14. The *Scenic Resources Implementation Handbook* recommends limiting continuous unscreened glass to 50-square-feet to prevent adverse impacts to scenic resources but suggests larger areas of glass may be used if visual impacts are reduced by other measures.

The applicants propose a total of five windows on the accessory building: three windows on the west side of the building, one on the south side, and one window on the east. All the proposed

windows are less than 10 square feet each and are separated by at least 3 feet of siding in between.

15. Commission Rule 350-81-530(2)(m) states, “Any exterior lighting shall be sited, limited in intensity, shielded, or hooded in a manner that prevents lights from being highly visible from key viewing areas and from noticeably contrasting with the surrounding landscape setting, except for road lighting necessary for safety purposes.”

The applicants propose three small exterior lights: two on the north side and one on the east side. These lights will be directed downward and sited, hooded, and shielded to reduce potential visibility from KVAs. The Executive Director encourages applicants to refer to the International Dark Skies Association for information about placement and types of fixtures.

16. Commission Rule 350-81-530(3) contains guidelines for all new developments and land uses within KVA foregrounds and immediately adjacent to scenic routes.

SR 14 is listed as a Scenic Travel Corridor in Commission Rule 350-81-020(133). The proposed accessory building will be set back more than 1,000 feet from SR 14 and therefore not immediately adjacent to SR 14. It is also not in the immediate foreground of a KVA. Commission Rule 35081-530(3) does not apply.

Conclusion:

As proposed, the accessory building is visually subordinate. With the implementation of conditions addressing color, reflectivity, landscaping, retention of existing trees, and outdoor lighting, the proposed development at the proposed site would be visually subordinate as seen from Key Viewing Areas.

C. Natural Resources

1. Commission Rules 350-81-560 through 600 provide guidelines for protecting wetlands, streams, ponds, lakes, riparian areas, sensitive wildlife areas and sites, and rare plants.

The Gorge Commission’s natural resource inventory and National Wetland Inventory do not indicate any wetlands, streams, ponds, lakes, or riparian areas located on the subject property. The nearest water resource to the proposed development site include Major Creek, a perennial stream/river, located approximately 1,000 feet to the west of the site, and an intermittent stream/river approximately 1,100 feet to the southeast.

2. Commission Rule 350-81-600(2) includes buffers for water resources. A minimum 200-foot buffer is required for perennial or fish bearing streams and a 50-foot buffer for intermittent (including ephemeral), non-fish bearing streams.

The proposed development is located outside the buffer of any of the nearby water resources. The proposed use would not impact protected wetlands, streams, ponds, lakes, riparian areas, or buffers; therefore, it is consistent with Commission Rules 350-81-560 and 350-81-570.

3. Commission Rule 350-81-600(3) allows uses within 1,000 feet of a sensitive wildlife/plant area or site subject to review under Commission Rule 350-80-600(3).

The natural resource inventory indicates that the proposed accessory building is within 1,000 feet of the following sensitive wildlife/plant areas and sites:

- Mule and black-tailed deer winter range
- Lower Catherine and Major Creeks Natural Area
- Thompson's broad-leafed lupine (*Lupinus latifolius*)
- Few-flowered collinsia (*Collinsia sparsiflora*)
- Poet's shooting star (*Dodecatheon poeticum*)
- Alumroot (*Heuchera spp*)

In accordance with Commission Rule 350-80-600(3)(b), staff submitted site plans for the development proposed by the applicants. The Forest Service, Washington Department of Fish and Wildlife, and the Washington Natural Heritage Program received the site plans for review on May 27, 2020. No comments were received. Staff recently consulted with Natural Heritage Program staff for a prior application on the subject property for which the Natural Heritage Program stated that it had no concerns because of the distant location of these rare plants.

According to prior Commission decision C17-0007, which approved the development of a vineyard on the subject parcel, state and federal agencies had no concerns about impacts of the proposed development on sensitive wildlife and/or plants on the subject parcel. Jasa Holt, with the Washington Natural Heritage Program, in an email to Commission staff sent on May 16, 2017 indicated that there are occurrences for few-flowered collinsia on the subject parcel. In a follow up conversation in August 2017, Ms. Holt provided additional information about the rare plant populations in the immediate area, primarily in the Lower Catherine and Major Creeks Natural Area and reiterated that the proposed project was not likely to adversely affect those populations.

Based on the previous reviews on the subject parcel showing no potential impacts, and no comments received by natural resource agencies for the current proposal, staff finds that there are no likely adverse impacts to rare and sensitive plant species in the area.

Review of Gorge Commission resource inventories show the proposed development is within an area mapped as Western Gray Squirrel priority habitat by the Washington Department of Fish and Wildlife. This same area is also Oregon white oak priority habitat. The application and site plan were sent to Amber Johnson, habitat biologist with WDFW, on May 27, 2020 for review and comment. No comments were received. Staff consulted with WDFW for prior approvals C17-0007 and C19-0004 for development sites adjacent to the current development site. Staff received a response for these projects that WDFW had no concern about the proposed development having adverse effects on priority habitats.

WDFW publishes management recommendations for some priority species and habitats. For Western Gray Squirrel, WDFW recommends that the squirrels' primary habitat of well-connected canopy cover be left standing. For Oregon white oak, WDFW recommends that the trees be left standing. The applicants are not proposing to remove any Oregon white oak, nor will the proposed development disconnect any existing canopy cover.

WDFW does not provide management recommendations for black-tail deer. Commission Rule 350-81-580(6) provides guidelines for new fences in deer and elk winter range. No fencing is proposed as part of this development, and the development will take place in a previously-disturbed area. As proposed, the development will have no adverse impact on wildlife habitat.

4. Commission Rule 350-81-600(3)(c) requires that the USFS, in consultation with state biologists, review the site plan and field survey records. Commission Rule 350-81-600(3)(d) includes site plan review criteria to ensure that the proposed developments or uses do not compromise the integrity and function of or result in adverse effects to the wildlife or plant areas or sites.

Staff submitted site plans for the development proposed by the applicants. The Forest Service, Washington Department of Fish and Wildlife, and the Washington Natural Heritage Program received the site plans for review on May 27, 2020. No comments were received.

5. Commission Rule 350-81-600(4) includes guidelines for protecting soil productivity. Projects must control all soil movement within the area shown on the site plan. The soil area disturbed by new development or land uses, except for new cultivation, must not exceed 15 percent of the project area. Within one year of completion, 80 percent of the disturbed area must be restored using effective native ground cover species.

The disturbed soil area for the new development will be covered with the proposed accessory building, constructed on a concrete pad. A **condition of approval** will require that within one year of project completion, the disturbed project area that is undeveloped shall be established with native ground cover species or other soil-stabilizing methods to prevent soil erosion until the area has 80 percent vegetative cover.

Conclusion:

With the conditions of approval applied to ensure protection of natural resources, the proposed development is consistent with the guidelines in Commission Rule 350-81-560 through 600 that protect natural resources in the National Scenic Area.

D. Cultural Resources

1. Commission Rule 350-81-550(2) states that the procedures and guidelines in Commission Rule 350-81-540 (General Management Area Cultural Resource Review Criteria) shall be used to evaluate new developments on non-federal lands in Special Management Areas. The proposed development falls within this category.
2. Commission Rules 350-81-540(1)(c)(A) and (B) contain provisions regarding when reconnaissance and historic surveys are required. Proposed uses that occur on sites that have been adequately surveyed in the past may not require an additional reconnaissance survey.

An area on the subject parcel was surveyed in the past for Director's Decision C17-0007. The proposed development site is just outside of the area surveyed for C17-0007. Staff sent the site map and project proposal for the proposed development to USFS Archaeologist Chris Donnermeyer on May 27, 2020. Mr. Donnermeyer reviewed the cultural resource inventories for the area and sent a cultural resources survey determination letter stating that based on the information in the resource inventories, he recommends that neither a cultural reconnaissance survey nor a historic survey are required.

4. Commission Rule 350-81-540(2)(c)(B)(i) states:

The cultural resource protection process may conclude when 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 proposed development does not require a reconnaissance or historic survey. No cultural resources are known to exist in the project area. No comments were received during the project notice period by interested persons regarding cultural resources. Therefore, pursuant to Commission Rule 350-81-540(2)(c)(B)(ii), the cultural resource protection process may conclude.

5. Commission Rules 350-81-540(6)(a) and (b) require 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** states that 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.

6. Commission Rule 350-81-550(5) requires a condition of approval that if cultural resources are discovered during construction or development, all work in the immediate area of discovery shall stop, and immediate notification shall be given to the Forest Service or the Executive Director. If the discovered material is suspected to be human bone or a burial, the applicant shall stop all work in the vicinity of the discovery and immediately notify the Executive Director, the Forest Service, the applicant's cultural resource professional, the State Medical Examiner, and appropriate law enforcement agencies.

A **condition of approval** states 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.

Conclusion:

The proposed development is consistent with applicable cultural resource protection guidelines in Commission Rule 350-81-540 and 550 with conditions of approval requiring 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.

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 on adjacent parcels, an appropriate buffer shall be established between the building/structure and the parcel."

No recreation site or facility exists on the subject parcel. The Catherine and Major Creeks Natural Area is the nearest recreational site. However, the off-site impacts associated with the proposed accessory building are not expected to detract from the use and enjoyment of the Catherine and Major Creeks Natural Area or any established recreation sites.

Conclusion:

The proposed development is consistent with Commission Rule 350-81-086.

JK
FIND0009_20