DIRECTOR’S DECISION

CASE FILE: C20-0020

PROPOSAL: The Columbia River Gorge Commission has received an application for additions to an existing barn totaling approximately 507 square feet for the purpose of sheltering sheep and storing hay.

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 construct additions to an existing accessory building totaling approximately 507 square feet for the purpose of sheltering sheep and storing hay 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 C20-0020, 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. The metal roofing shall be painted with matte black coating 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 is Sherwin-Williams "English Ivy" (SW 2935) in matte finish. The approved color for the roof is 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. 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.

8. 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.

9. 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.

10. 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 means completion of all work on exteriors of structures (including painting).

DATED AND SIGNED THIS 11th day of February 2021 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 11th day of February 2023 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 13th day of March 2021.
The decision of the Executive Director is final unless the applicant or any other person who submitted comment files a Notice of Intent to Appeal and Petition with the Commission within thirty (30) days of the date of this decision. Information on the appeal process is available at the Commission office.

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

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

cc:
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 C20-0020
PROPOSAL: The Columbia River Gorge Commission has received an application for additions to an existing barn totaling approximately 507 SF for the purpose of sheltering sheep and storing hay.

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.

COMMUNICATIONS 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:
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, fenced corral, a barn, a shed, a rock wall, a water reservoir, and approximately 16 acres of vineyard planted in 2018. At the time of issuing this decision for C20-0020, the replacement dwelling approved by the C19-0004 Modified Director’s Decision and an accessory building approved by Director’s Decision C20-0009 are under construction.

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. Four 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. Director’s Decision C20-0009 approved the removal of an existing shed, construction of a new 778 square-foot accessory building, and installation of an approximately 380 square-foot roof-mounted solar array. The development approved in the 1998 and 2017 decisions is complete. The replacement dwelling approved in 2019 and the accessory building approved in 2020 are under construction.

5. The applicants propose approximately 507 total square feet in additions to an existing accessory building for the purpose of sheltering sheep and storing hay. The addition expands the existing accessory building approved in Director’s Decision C98-0033, currently used for the storage of farming equipment. The building is sited within a fenced corral.

6. A condition of approval for the building approved in C98-0033 states ten 8-foot-tall Douglas fir or ponderosa pine trees shall be planted to partially screen the south side of the building as seen from Key Viewing Areas. Eight mature Douglas fir trees remain and are currently 40 to 50 feet tall. Due to the size of the existing trees and the constraints of the site, there is no room in the planting area south of the building to plant the additional trees required by the condition of approval in C98-0033. As discussed in Section B below, the mature Douglas fir trees provide adequate screening for the accessory building and the proposed additions, and no additional vegetation is required for screening. No trees or other vegetation will be removed or affected by the proposed additions.

7. Commission Rule 350-81-190(2) states:

   The use or development shall be sited to minimize the loss of land suitable for the production of agricultural crops or livestock.
Commission Rule 350-81-190(2)(x) allows as a review use:

*Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.*

Commission Rule 350-81-020(4) defines an addition as,

*An extension or increase in the area or height of an existing building.*

Commission Rule 350-81-020(7) defines an agricultural structure/building as:

*A structure or building located on a farm or ranch and used in the operation for the storage, repair, and maintenance of farm equipment and supplies or for the raising and/or storage of crops and livestock. These include, but are not limited to: barns, silos, workshops, equipment sheds, greenhouses, wind machines (orchards), processing facilities, storage bins and structures.*

The applicants propose two additions to an existing accessory building sited within a fenced corral and currently used for the storage of farm equipment and supplies. The proposal is to extend the north side of the existing building to by 10 feet, for a total expansion of 300 square feet. The proposed use for this addition is to provide shelter for the applicants’ flock of sheep during the winter months and will include four lamb birthing areas. The applicants also propose to expand the east side of the existing building by 9 feet, for an addition of 207 square feet. The proposed use for this addition is to store hay and alfalfa bales to feed the sheep during the winter. Together, the additions to the building total approximately 507 square feet. The existing accessory building is 16 feet tall at the highest point. The proposed additions will remain below this height, with the roof of both additions proposed at 12 feet at the highest point. The additions minimize the loss of agricultural land by siting in a previously disturbed area currently used for storing farming equipment.


*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 proposed additions are to an accessory building that has an existing footprint of 864 square feet. The parcel has three existing accessory buildings: a 120 square-foot utility shed, an 864 square-foot pole barn, and a new 778 square-foot accessory building (under construction). After the completion of the 507 square-foot addition, the total combined footprints of all accessory buildings on the parcel will be 2,269 square feet. This will not exceed the 2,500 square foot maximum allowed for accessory buildings on the parcel. The 507 square-foot additions will increase the total footprint of the accessory building to 1,371 square feet. The proposed additions...
will not cause the footprint of the accessory building to exceed the maximum of 1,500 square feet. The proposed additions to the accessory building are 12 feet in height, less than the maximum allowed height of 24 feet.

**Conclusion:**
The proposed additions are a review use on lands designated SMA Agriculture, subject to the guidelines to protect 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). The subject parcel is in the Pastoral Landscape Setting. Commission Rule 350-81-530(1)(a)(A) states that Pastoral areas shall retain the overall appearance of an agricultural landscape.

   The proposed additions are to an existing accessory building. The proposed development site is within a fenced-in corral, is generally level and has been previously disturbed; minimal grading will be necessary to site the addition. 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, Old Highway 8 (County Road 1230), and Rowena Plateau and Nature Conservancy Viewpoint.

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 retention of existing vegetation, color, and building materials.
Old Highway 8 is the closest KVA. From driving along this KVA, staff determined that none of the proposed development would be visible from this KVA. The building to which the additions are proposed is slightly visible behind vegetation for approximately 1 second while driving along Old Highway 8, approximately one quarter mile west of Major Creek. The side of the building visible from this point of the KVA is the west side. The additions proposed are to the north and east sides of the building and will be obstructed from view by the existing building and existing vegetation when viewed from the southwest at this portion of Old Highway 8.

The Interstate 84 KVA is approximately 1.4 miles from the proposed development site at its nearest point where the site may be topographically visible. A row of mature pine trees to the south of the existing accessory building effectively screens the entire building and the site of the proposed additions from view from this KVA.

The distance from points on the HCRH KVA from which the proposed development site is topographically visible ranges from approximately 1.6 to 2.5 miles. The nearest point, the Memaloose Overlook off the HCRH, is approximately 1.6 miles from the proposed development site and is approximately 100 feet above the site in elevation. From this viewpoint, the existing mature trees between the proposed development site and the KVA completely screen the existing accessory building and proposed development site from view.

The proposed development may be partially visible from the Columbia River KVA and Rowena Plateau and Nature Conservancy Viewpoint. Using modeling on Google Earth, staff estimates that the proposed development will be partially or fully screened from the Columbia River due to existing topography and vegetation. The Rowena Plateau and Nature Conservancy Viewpoint is approximately 3.4 miles from the proposed development site. At this distance, staff estimates that the proposed development is in the background as viewed from this KVA, and that existing topography and vegetation help to screen the development site from view.

The proposed additions will be visually subordinate as seen from KVAs due to distance, existing screening vegetation, design, and building materials. The distance between the proposed development site and the KVAs, as well as existing topography and mature pine trees screening the development from view from KVAs, ensures that the proposed building will not be visually dominant in relation to its surroundings as viewed from KVAs.

A condition of approval requires the existing trees be retained to maintain visual subordinance. 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 additions 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 subordinance, the retention of existing vegetation, the distance from KVAs, 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.

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 1,762 square feet. With the proposed additions to the existing pole barn, the combined footprints of all accessory buildings will be 2,269 square feet. Therefore, after the proposed additions, the subject parcel would be eligible for another accessory building of up to 231 square feet. Alternatively, either the existing 120 square-foot shed or the 778 square-foot accessory building may be allowed an addition of up to 231 square feet, or the existing barn may be allowed an addition of up to 129 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 Highway 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 proposed additions to the existing accessory building are on the north and east sides of the building. Due to the placement of the additions on these sides of the existing development, staff estimates that the proposed development will be screened from view from KVAs by the existing development, topography, vegetation, and exterior materials that are dark, earth-toned, and low- or non-reflective. 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.”

Retention of existing mature coniferous trees and the use of dark earth-toned color and nonreflective materials will help ensure the building blends in with the adjacent natural landscape elements and achieve the scenic standard visually subordinate. The nearby trees are mature Douglas fir, with an average tree canopy height of approximately 45 feet. The highest point of the roof of the proposed additions is 12 feet from the finished grade, keeping the proposed development well below the average height of the canopy. The exterior of the addition 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 black with a matte finish to ensure minimal reflectivity.

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 proposed development site is generally level and has been previously disturbed; minimal grading will be necessary to site the addition. As proposed, the additions are sited and designed to retain the existing topography and vegetation and reduce necessary grading to the maximum extent practicable, consistent with this guideline. As seen from key viewing areas, the additions are screened by intervening topography and existing vegetation both on and off the subject parcel.

7. Commission Rule 350-81-530(2)(f) addresses visual impacts of the proposed development from Key Viewing Areas. 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 additions are 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 additions are sited and designed to blend with the surrounding Pastoral landscape. No other location on the subject property would have afforded additional topographic or vegetation screening. The additions to the existing building are near mature Douglas fir trees. The proposed additions are lower in height than the building to which they are being added and are well below
the average tree canopy height of the surrounding trees. Potential visual impacts will be lessened by using dark, earth-toned colors, and low or non-reflective materials. No new landscaping is required to screen the proposed development. A **condition of approval** is included in the decision to ensure that existing vegetation will be retained to ensure continued screening.

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 and Old Highway 8 key viewing areas. From these KVAs, the proposed development sits at an elevation that is 150-360 feet above, depending where one is viewing the site from the KVAs. From staff’s observations and analysis, the proposed development as well as the existing accessory building is screened by the mature coniferous trees to the south of the site, and the roof does not protrude above the canopy of the trees. From other vantage points on Old Highway 8, as well as from the Historic Columbia River Highway (HCRH), Interstate 84, and the Rowena Plateau and Nature Conservancy Viewpoint KVAs, the skyline behind the proposed development is formed by a ridge. As viewed from these KVAs, the hills behind the subject parcel rise to form a ridgeline far above the development site to the north. The proposed development is far below the ridgeline and does not protrude above it. Therefore, as proposed, the proposed additions do 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 additions are designed to remain visually subordinate to the surrounding trees in the landscape by keeping the roof height below the average tree canopy height of the natural vegetation surrounding the development site. The trees adjacent to the existing accessory building are mature Douglas fir, with an average tree canopy height of approximately 45 feet. The top of the highest point of the roofline of the additions is approximately 12 feet from the finished grade, and the existing building reaches a maximum height of 16 feet above 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.

While the proposed additions may be topographically visible from some key viewing areas, existing vegetation effectively screens the development from key viewing areas. No new landscaping is proposed or necessary to screen the development. 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 additions is Sherwin-Williams “English Ivy” (SW 2935) in matte finish. The approved color for the roof 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 six Key Viewing Areas. Therefore, the exterior of the proposed additions must be composed of non-reflective materials or materials with low reflectivity. The wood siding will be painted with a matte finish paint, and the metal roof will be painted with a non-reflective matte black coating.

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. No glass is proposed for the additions.

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.”

No exterior lighting is proposed.

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 development will be set back more than 2,000 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 350-81-530(3) does not apply.

**Conclusion:**
As proposed, the additions are visually subordinate. With the implementation of conditions addressing color, reflectivity, landscaping, and retention of existing trees, the proposed development will 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 resources 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 2,000 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 additions are 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-leaved 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 December 17, 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. 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.

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 December 17, 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 proposed development is sited within an existing fenced corral where the ground is exposed dirt. Any disturbed soil area for the new development will be covered by the development.

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.

Staff sent the site map and project proposal for the proposed development to USFS Archaeologist Chris Donnermeyer on December 17, 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.


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 adjacent parcels. The Catherine and Major Creeks Natural Area is the nearest recreational site. However, the off-site impacts associated with the proposed additions will not 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
FIND0020_20
Barn Extension Site Plan

- Fonker Ranch - 55.95 acres

- Proposed new shed
- Current shed
- Garden shed
- Existing home to be removed
- Existing delivery
- Future fencing post
- Vineyard A
- Vineyard B
- Approx. 1 mile
- Property boundary

Scale 1:2,000
South Elevation

East Elevation