

COLUMBIA RIVER GORGE COMMISSION MINOR CHANGE TO A DIRECTOR'S DECISION

CASE FILE: Minor Change to C20-0003

MINOR CHANGE APPLICANT: Michael Cangiamilla

ORIGINAL APPLICANT: Michael Cangiamilla

LANDOWNER: Michael Cangiamilla

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

MINOR CHANGE REQUEST : The same development as in the original approved Director's Decision with changes as follows :

1. Change the exterior siding, windows and doors on the existing barn, and pave a parking space and sidewalk to meet ADA requirements.

LOCATION: The subject parcel is 5 acres and located at 19 Sauter Road in the SW ¼ of Section 29, Township 3 North, Range 12 East, W.M., Klickitat County Tax Lot Number 03-12-29-5100-03/00.

LAND USE DESIGNATION: General Management Area – Small-Scale Agriculture (40)

AUTHORITY TO APPROVE MINOR CHANGE:
This application was received and reviewed under Commission Rule 350-81. The proposed minor changes are therefore being reviewed pursuant to Commission Rule 350-81-046.

Commission Rule 350-81-046 states:

Any change to a development action approved by the Executive Director shall be processed as a new action, except that the Executive Director may approve minor changes to findings, conclusions, and conditions of approval deemed to be consistent with the guidelines of Commission Rule 350-81 and the findings and conclusions for

the original action. If the Executive Director approves a minor change, the Director shall notify all of the parties that would have standing to appeal the change, including the applicant, the Forest Service, the four Indian tribal governments, the county planning department, and anyone who submitted comments during the comment period on the original land use application. The change itself (not the original decision) would be subject to appeal under the same time frames applicable to the original decision.

DECISION:

Based upon the findings of fact in the Staff Report for Director's Decision C20-0003, the request for a minor change by Michael Cangiamilla is consistent with the purposes of the Columbia River Gorge National Scenic Area Act (Act) and the standards in Section 6 of the Act, 16 U.S.C. §§ 544(a), 544d(d), the Management Plan for the Columbia River Gorge National Scenic Area (Management Plan), and Commission Rule 350-81, and is hereby approved.

AMENDED 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).** *(Note: Conditions with changes are shown with strikethrough text indicating deletions to the original condition and underlined text indicating additions to the original condition.)*

1. To ensure notice of the conditions to successors in interest, this Director's Decision, Staff Report for C20-0003, and approved site plan shall be recorded in county deeds and records at the Klickitat County Auditor's Office. Once recorded, the applicants shall submit a copy of the recorded document to the Executive Director.
2. This decision does not exempt the proposal from other non-Scenic Area rules and regulations. It is the applicant's responsibility to ensure the use complies with all other applicable federal, state, and county laws; and obtain necessary approvals, including utility easement approvals.
3. Any new land uses or structural development such as commercial events, including weddings; residences; garages, workshops, or other accessory structures; additions or alterations; or grading not included in the approved application or site plan will require a new application and review.
4. The development shall be constructed as shown on the approved project description, site plan and elevation drawings. Any changes shall be reviewed and approved by the Executive Director before the changes are implemented.

5. All exterior building materials, including doors, siding, trim, window sash, and roofing shall be dark earth-tone colors. Only approved dark earth-tone colors for exterior materials shall be used. The following colors submitted by the applicants for the exterior of the house are consistent with this condition and are hereby approved:

Exterior: Behr Green Agate (M430-&7), Behr Russet (ST-117), and Behr Cordovan Brown (ST-104)
Roof: Antique Black

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

6. All windows shall be composed of low-reflectivity glass. A reflectivity rating of 11% is required.
7. The processing of any wine on the property shall be from grapes grown on the property and in the local region.
8. All trellis materials, fencing, and irrigation lines shall be non-reflective and black or dark earth tone in color. If metal end posts are used, these shall be painted matte black or pre-weathered to achieve a non-reflective and dark appearance. Materials shall be approved by Commission staff prior to installation.
9. If cultural resources are discovered during construction activities, all activities within 100 feet of the cultural resources shall immediately cease and the applicants shall notify the Gorge Commission within 24 hours of discovery and the State Physical Anthropologist, Dr. Guy Tasa at (360) 586-3534 or guy.tasa@dahp.wa.gov. The cultural resources shall remain as found and further disturbance is prohibited until permission is granted by the Executive Director of the Gorge Commission.
10. If human remains are discovered during construction activities, all activities shall cease immediately upon their discovery. Local law enforcement, the Executive Director and Indian Tribal governments shall be contacted immediately. Further disturbance is prohibited until permission is granted by the Executive Director of the Gorge Commission.
11. The applicant shall notify the Gorge Commission within 30 days of project completion to arrange for an inspection to confirm compliance with conditions of approval. Project completion means completion of all work on exteriors of structures (including painting).

DATED AND SIGNED THIS 8 day of February 2023 at White Salmon, Washington.

Krystyna U. Wolniakowski

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 8 day of February 2025 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 10 day of March 2023.

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.

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

Attachments:

- Staff Report for C20-0003
- Approved site plan

COMMENTS FROM INDIVIDUALS/AGENCIES/GOVERNMENTS:

Notice of the original 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 (USFS NSA)
- 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:

Chris Donnermeyer, Heritage Resource Program Manager, USFS NSA
Steve McCoy, attorney, Friends of the Columbia Gorge
James Mantone, neighbor

AMENDED FINDINGS OF FACT AND CONCLUSIONS AND ANALYSIS OF CONSISTENCY OF PROPOSED CHANGES: *(Note: Findings and Conclusions with changes are shown with ~~strikeout text~~ indicating deletions to the original findings and underlined text indicating additions to the original findings. Original, unchanged Findings and Conclusions are not included.)*

A. LAND USE

1. Michael Cangiamilla proposes to convert an existing barn into a winery and tasting room including changes to the exterior siding, windows and doors; plant approximately 3.5 acres of grapes, install deer fencing, construct a pump house, and create a new driveway and parking area.
7. Commission Rule 350-81-190(1)(l) allows,

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

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

CONCLUSION:

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

ANALYSIS OF CONSISTENCY OF PROPOSED CHANGE:

This finding is hereby amended to accurately describe the proposed changes. The amended findings continue to support the conclusion that the project will be consistent with Commission Rule 350-81-520.

C. SCENIC RESOURCES

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

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

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

7. Commission Rule 350-81-520(2)(b) requires new development to be visually subordinate to its setting when viewed from Key Viewing Areas.

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

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

The dwelling and barn are in a cluster of several buildings located centrally on the subject property. In addition, there are several other buildings on adjacent properties nearby. Existing vegetation to the south of the dwelling helps the buildings blend in with the adjacent landscape. The new pump house and renovated barn will be a dark-earth tone color and be constructed with materials that have low reflectivity. It will be sited where the existing well is located which is approximately 90 ft. south of existing development and surrounded by grape vines and trellises.

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

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

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

(i) Siting (location of development on the subject property, building orientation, and other elements).

(ii) Retention of existing vegetation.

(iii) Design (color, reflectivity, size, shape, height, architectural and design details and other elements).

(iv) New landscaping.

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

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

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

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

The pump house will be composed of T-111, a wood product that is not reflective. The applicant has chosen the color Behr Green Agate (M430-&7) as the primary color and black asphalt shingles for the roof. The barn will be composed of board and batten siding, a wood product that is not reflective. The applicant has chosen the colors Behr Russet Brown (ST-117), and Behr Cordovan Brown (ST-104) as the primary colors of the exterior of the barn. The roof of the barn will not be renovated. These color choices are included as conditions of approval.

The new cultivation meets the visually subordinate standard for the Pastoral Landscape Setting. However, the new agricultural structures have potential to affect the natural characteristics of the Landscape Setting. A condition of approval requires the new structures to be non-reflective and black or dark earth tone in color. Trellises shall be dark wood or alternative material and color approved by Commission staff. Deer fencing shall be matte black or other material and color approved by Commission staff. With conditions of approval pertaining to the colors of the agricultural structures, the structures will be difficult to distinguish in the landscape as seen from KVAs.

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

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

The applicant has proposed three small windows to the exterior on the southern façade of the barn, and six windows to the western façade; both façades are exposed to KVAs. The *Scenic Resources Implementation Handbook* recommends the use of glass with less than 11% reflectivity ratings for new development visible from KVAs. This is included as a condition of approval.

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

C. CULTURAL RESOURCES

2. Chris Donnermeyer, Heritage Resource Program Manager for the U.S. Forest Service Columbia River Gorge National Scenic Area, reviewed the land use application and determined in a Cultural Resources Survey Determination, dated September 11, 2020, that pursuant to Commission Rule 350-81-540(1)(c)(A)(iii) a Cultural Resource Reconnaissance Survey is not required because the proposed use would not disturb the

ground and would involve a lot-line adjustment or partition, is not within 100 feet of a high probability zone, and does not occur within 500 feet of a known archaeological site.

While reviewing the minor change request, Gorge Commission staff contacted Chris Donnermeyer, U.S. Forest Service Archeologist Heritage Program Manager. Mr. Donnermeyer concluded in a message dated February 2, 2023, the proposed changes to the dwelling and the garage do not change his original survey determination.

CONCLUSION:

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

ANALYSIS OF CONSISTENCY OF PROPOSED CHANGE:

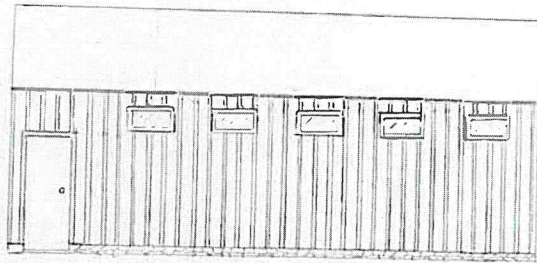
This finding is hereby amended to accurately describe the proposed changes. The amended finding continues to support the conclusion that the project will be consistent with Commission Rule 350-81-540.

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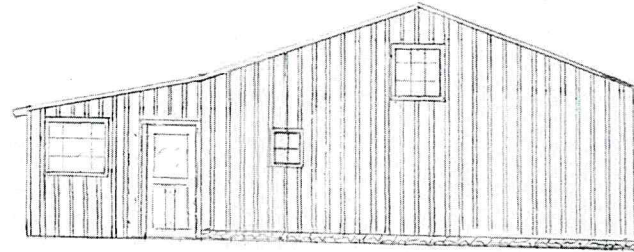
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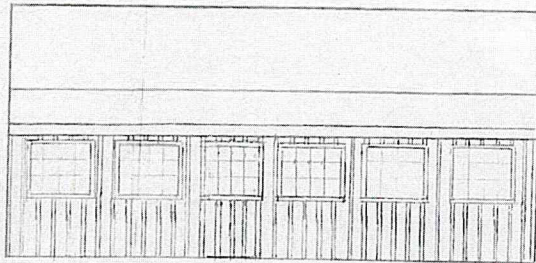
VIA CANGIAMILLA VINEYARDS
WINERY AND TASTING ROOM
OWNER/DESIGNER MIKE CANGIAMILLA
DATE: 01/22/22
SCALE: 1/4" = 1' UNLESS O.S.
DRAWING A3.1, ELEVATIONS



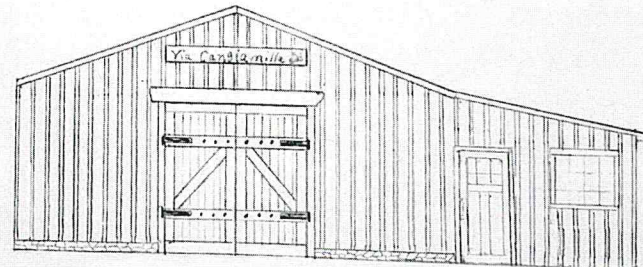
EAST ELEVATION



SOUTH ELEVATION



WEST ELEVATION



NORTH ELEVATION

