

# Director's Decision

## Summary of Application

<b>FILE NUMBER:</b>	C22-0020
<b>PROPOSAL:</b>	The Columbia River Gorge Commission has received an application for a 1,360 sq ft (40 ft x 34 ft), 20 ft tall agricultural building.
<b>APPLICANTS:</b>	Eric Blossman
<b>LANDOWNERS:</b>	Gorge Farms LLC
<b>SIZE and LOCATION:</b>	The subject parcel is 110 acres in size and is described as Tax Lot Number 03-12-2810-0403/00 in the Eastern 1/2 of Section 28, Township 3 North, Range 12 East, Willamette Meridian, Klickitat County, Washington.
<b>LAND USE DESIGNATION:</b>	General Management Area (GMA) – Small-Scale Agriculture (80)

## Decision

Based upon the findings of fact and conclusions of law in the staff report accompanying this decision and the conditions of approval in this decision document, the land use application by Eric Blossman, for a new agricultural building is consistent with Commission Rules chapter 350, division 082, and thus consistent with the *Management Plan for the Columbia River Gorge National Scenic Area* and the standards of Section 6 and the purposes of the Columbia River Gorge National Scenic Area Act, Pub. L. 99-663, 100 Stat. 4274 (1986), and is hereby **APPROVED**.

## Conditions of Approval

The following conditions of approval are given to ensure that the subject request is consistent with Commission Rules chapter 350, division 082. Compliance with these conditions of approval is required. The Gorge Commission may take one or more enforcement actions at any time to ensure compliance with these conditions of approval.

1. In accordance with Commission Rule 350-082-0150(3), the applicant shall record the Executive Director's decision and conditions of approval and approved site plan and elevation drawings in county deeds and records (at the Klickitat County Auditor's Office) to ensure notice of the conditions to successors in interest. The record shall be

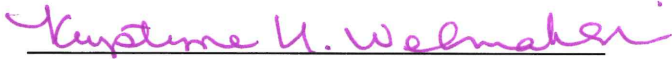
associated with all tax lots and parcels that constitute the subject property. The applicant need not record the separate staff report document containing the relevant findings and conclusions. Once recorded, the applicants shall submit a copy of the recorded documents to the Executive Director.

2. This decision does not exempt the proposal from other non-National Scenic Area rules and regulations. It is the applicant's responsibility to ensure the use complies with all other applicable federal, state, and county laws and to obtain necessary approvals, including utility easement approvals.
3. Inspections Required, contact the Gorge Commission office to schedule:
  - A. Post-completion inspection required.
  - B. Applicants may request interim inspections, and the Gorge Commission staff may, at its discretion, conduct interim inspections.
4. Any new land uses or structural development, alterations, or grading not included in the approved application or site plan will require a new application and review.
5. The barn shall not be used as a dwelling and shall not be certified for occupancy.
6. All exterior building materials for the agricultural building, including roof, doors, siding, trim, window casings and sashes, decks, and railings shall be dark earth-tone colors. Only approved dark earth-tone colors for exterior materials shall be used. The following color submitted by the applicants for the roof is consistent with this condition and is hereby approved:

Siding:	Benjamin Moore "Brown" (2099-10)
Roof:	Sheffield Metals "Mansard Brown"
7. All exterior building materials shall be nonreflective or have low reflectivity.
8. Except for the four trees identified in the site plan and dead trees or other dead vegetation that may pose a hazard, all existing mature vegetation in the vicinity of the site shall be retained and maintained for screening purposes and so the overall visual character and appearance of the landscape is retained.
9. If cultural resources are discovered, 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](mailto:guy.tasa@dahp.wa.gov). The cultural resources shall remain as found and further disturbance is prohibited until permission is granted by the Executive Director of the Gorge Commission.
10. If human remains are discovered, 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.

DATED THIS 7 day of November 2023 at White Salmon, Washington.



Krystyna U. Wolniakowski  
Executive Director

## Expiration of Approval

Commission Rule 350-082-0160 governs the expiration of this Director's Decision.

Expiration of this Director's Decision is automatic. The Executive Director does not notify applicants or landowners of decisions that are expired or may be close to expiring.

**This decision of the Executive Director becomes void on the 7 day of November 2025 unless construction has commenced in accordance with Commission Rule 350-082-0160(4).**

Commission Rule 350-082-0160(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 the applicant commenced construction. Commission Rule 350-082-0160(5) specifies that completion of the structure means completion of the exterior surface(s) of the structure and compliance with all conditions of approval in the National Scenic Area approval. The date of the Executive Director's preconstruction inspection to confirm the location of proposed structural development shall be considered the date the applicant commenced construction unless the Gorge Commission or applicant demonstrates otherwise.

Once the applicant has commenced construction of one element in this decision, the applicant must complete all elements in this decision in accordance with Commission Rule 350-082-0160. The Gorge 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 350-082-0160(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 applicant shall specify the date construction commenced. The Executive Director may grant an extension upon determining that conditions, for which the applicant is not responsible, would prevent the applicant from commencing or completing the proposed development within the applicable time limitation. The Executive Director shall not grant an extension if the site

characteristics 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 7 day of December 2023.

The decision of the Executive Director is final unless the applicant or any other person who submitted comment files a Notice of Appeal with the Commission within thirty (30) days of the date of this decision. Commission Rule chapter 350, division 70 governs appeal of this decision. This rule is available on the Gorge Commission's website and at the Gorge Commission office. You may contact the Gorge Commission office if you have questions about appealing this decision.

## Notes

1. 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.
2. This decision does not address local, state, or federal requirements that may be applicable to the proposed development. The landowner is responsible for obtaining all applicable county, state, or federal permits required for the development.

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In accordance with Commission Rule 350-082-0150(6), the Gorge Commission staff mailed notice of this decision to the following governments, agencies, and organizations and persons who provided comment on the application:

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

Attachments:

Staff Report for C22-0020

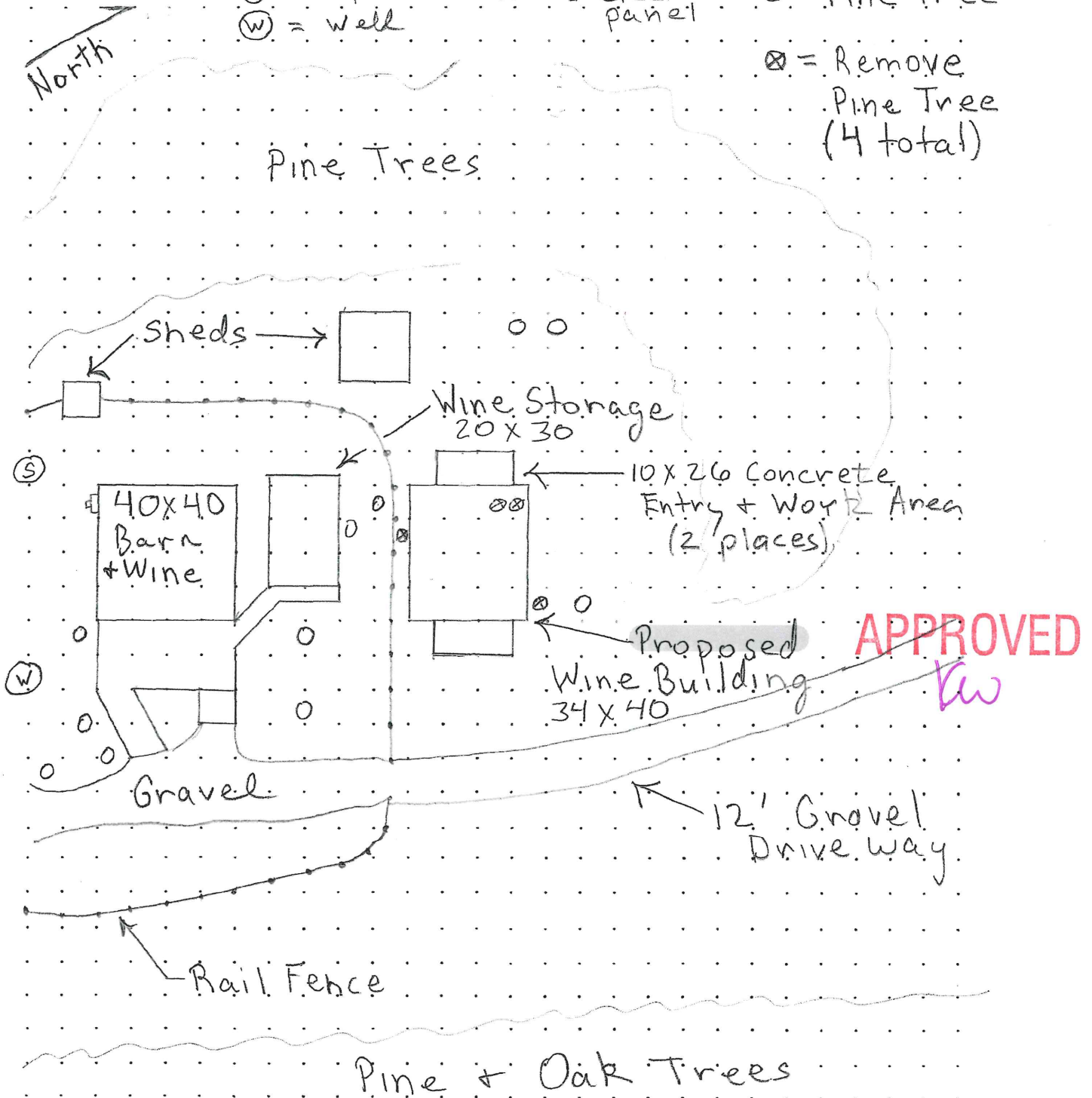
Approved site plans and elevation drawings

# Site Plan

10 Oct 22

(Indicate scale: each grid equals 10 x 10 feet) 1" = 40'

- Ⓢ = septic tank
- Ⓜ = elec. panel
- Ⓦ = well
- = Pine Tree
- ⊗ = Remove Pine Tree (4 total)



Blossman - Wine Bldg.

03 Oct 22

Scale 1/8" = 1'

☼ = flood light

26 Oct 22

36'

34'

19'-6"

East Elev.

EG

APPROVED

Kew

15'-6"

West Elev.

14'

EG

4' 12' 4' 10' 4'

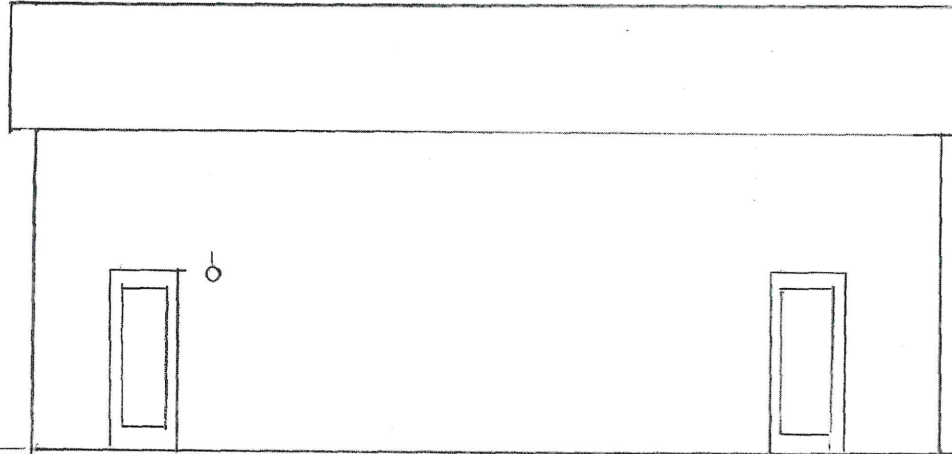
Page 11 of 15

Blossman - Wine Bldg. 03oct 22

Scale  $\frac{1}{8}'' = 1'$   
o = sconce light

North Elev.

19'-6"



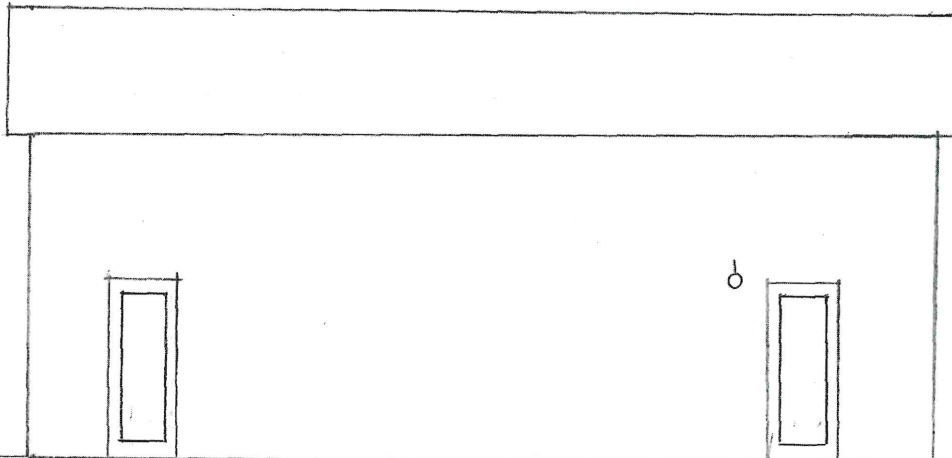
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~5'-6"

South Elev.

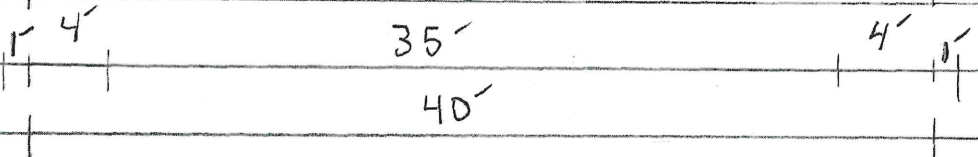
14'

4"



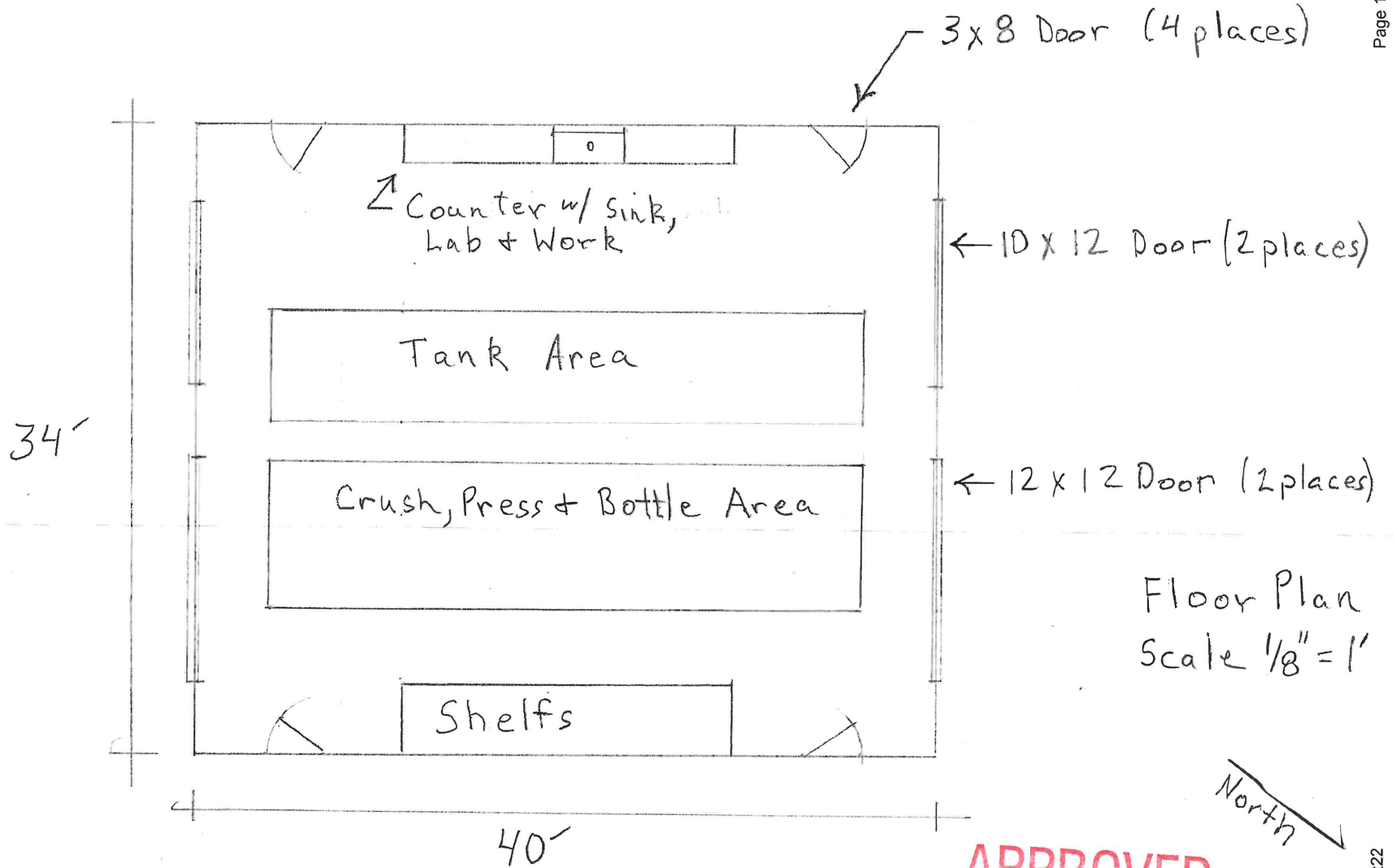
APPROVED  
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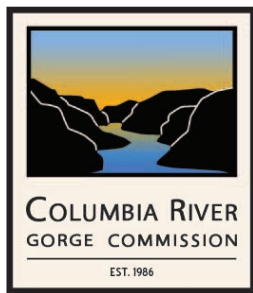
Blossman - Wine Bldg. 20 Oct 22



Floor Plan  
Scale 1/8" = 1'

**APPROVED**

*fw*



# Development Review Staff Report

## Summary of Application

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<b>LANDOWNERS:</b>	Gorge Farms LLC
<b>SIZE and LOCATION:</b>	The subject parcel is 110 acres in size and is described as Tax Lot Number 03-12-2810-0403/00 in the Eastern 1/2 of Section 28, Township 3 North, Range 12 East, Willamette Meridian, Klickitat County, Washington.
<b>LAND USE DESIGNATION:</b>	General Management Area (GMA) – Small-Scale Agriculture (80)

## Notice of Application Mailed to:

In accordance with Commission Rule 350-082-0110, the Gorge Commission staff mailed notice of this application to property owners within 200 feet of the subject parcel and sent email notice of this application to the following governments, agencies, and organizations:

Confederated Tribes and Bands of the Yakama Nation  
Confederated Tribes of the Umatilla Indian Reservation  
Confederated Tribes of Warm Springs  
Nez Perce Tribe  
U.S. Forest Service National Scenic Area Office (USFS CRGNSA)  
Washington Department of Archaeology and Historic Preservation (DAHP)  
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 (WDFW)  
Friends of the Columbia Gorge

## Written Comments Received From:

Friends of the Columbia Gorge (Steve McCoy, Staff Attorney)  
USFS CRGNSA (Chris Donnermeyer, Heritage Resource Program manager)

## Findings of Fact

### A. Land Use

1. Eric Blossman proposes to build a 1,360 sq ft (40 ft x 34 ft), 20 ft tall agricultural building with associated utilities and improvements including two concrete pads and buried power, water and septic lines.
2. The subject parcel is in a General Management Area (SMA) and designated Small-Scale Agriculture with an 80-acre minimum parcel size.

The subject parcel is 110-acres in size and lies approximately 1.5 miles north up Lyle-Snowden Road from its intersection with Canyon Road. The parcel is mostly rectangular in shape (4000 ft north/south x 1350 ft east/west). The parcel is mostly open grassland and pastureland but there are areas of dense mature vegetation including Oregon white oak, ponderosa pines and other evergreens. The parcel is in the Oak-Pine Woodland landscape setting.

3. Existing development on the property includes a dwelling, a winery building, a wine equipment and storage building, and two small accessory buildings. Each of the buildings also have graveled areas for parking vehicles and equipment. A barn was approved in Director's Decision C92-0206. The barn was retrofitted and approved as a winery building in Director's Decision C06-0025. The property also contains a vineyard that the Commission approved in 2001 and 2002 (Director's Decision C01-001 and C02-0006). Approximately 4 acres of grapes are currently in production. Director's Decision C08-0008 approved enclosing a 400 square foot overhang attached to the winery building. Director's Decision C09-0017 approved an additional 600 sq ft (20 ft x 30 ft) wine equipment and storage building.
4. Commission Rule 350-082-0240(3)(c) allows:

*Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to compliance with 350-082-0380.*

The applicants propose a new agricultural building. The building will be used in conjunction with an established on-site vineyard. Commission Rule 350-082-0380 states:

#### *Agricultural Buildings*

*(1) Agricultural buildings may be allowed where authorized in specified land use designations and consistent with the guidelines in sections (2) and (3) below.*

*(2) The size of proposed agricultural buildings shall not exceed the size needed to serve the current agricultural use and, if applicable, the proposed agricultural use.*

*(3) To satisfy 350-082-0240(3), applicants shall submit the following information with their land use application:*

*(a) A description of the size and characteristics of current agricultural use;*

*(b) An agricultural plan for any proposed agricultural use that specifies agricultural use (e.g., crops, livestock, products), agricultural areas and acreages (e.g., fields, pastures, enclosures), agricultural structures (e.g., irrigation systems, wind machines, storage bins) and schedules (e.g., plowing, planting, grazing); and*

*(c) A floor plan showing intended uses of the agricultural building (e.g., space for equipment, supplies, agricultural products, livestock).*

The parcel is currently used for agriculture for growing grapes. The agricultural building will serve the current agricultural use by allowing for the processing of grapes into wine on the property. The applicants supplied a layout of the proposed agricultural building as part of the application materials to address the requirements of this rule. The applicants propose a 1,360 sq ft (40 ft x 34 ft), 20 ft tall agricultural building to serve the proposed agricultural use. The agricultural building includes four overhead doors. The proposed floor plan for the building includes a tank area, shelving, a laboratory, and a crush, press and bottling area.

5. Commission Rule 350-082-0580(2) provides buffer distances for all new buildings in the GMA proposed on parcels adjacent to lands designated Large-Scale Agriculture or Small-Scale Agriculture that are currently used or suitable for agricultural use. Three parcels surrounding the subject parcel are designated Small-Scale Agriculture. Commission Rule 350-082-0580 Table 1 – Setback Guidelines describes the buffers for various types of agricultural uses and buffer types. Commission Rule 350-082-0580(2)(b) states:

*New buildings adjacent to lands designated Large-Scale Agriculture or Small-Scale Agriculture that are suitable, but currently not used for agriculture, shall use the open or fenced setback associated with the dominant type of agriculture in the vicinity. If a vegetation barrier, eight-foot berm, or terrain barrier exists, the corresponding setback shall apply. If more than one type of agriculture is dominant, the setback shall be the larger width.*

Commission Rule 350-082-0070(183) defines suitability as:

*The appropriateness of land for production of agricultural or forest products or for recreation, considering its capability for production; whether the land is committed by development to another land use that does not allow for agricultural use; surrounding uses and features associated with development; compatibility with scenic, cultural, natural and recreation resources; compatibility among uses; and other cultural factors, such as roads, powerlines, dwellings, and size of ownership.*

Adjacent parcels to the north, west and east are designated GMA Small-Scale Agriculture. The adjacent parcels to the south are designated GMA Residential, and Commission Rule 350-082-0580(b) does not apply.

Agricultural uses in the areas of adjacent parcels that are suitable for agriculture include grazing and vineyards. Adjoining lands to the east are forested with oak-pine woodland and are not currently used for agriculture. The adjoining lands to the west are used for limited livestock grazing, as are lands to the north. There are also some vineyards on nearby lands northwest of the subject parcel.

The eastern part of the subject parcel is forested and has an ample amount of vegetation to form a natural vegetation barrier from adjacent properties. The western and northern parts of the subject parcel are open, with scattered pine trees. Pursuant to Commission Rule 350-082-0580 Table 1, grazing requires a 15-foot buffer and vineyards require a 50-foot buffer from adjacent properties with a natural vegetation barrier. For open or fenced areas, the applicable buffer zone requirements are 100 feet for grazing and 150 feet for vineyards. At its closest points to the boundaries, the proposed agricultural building will be approximately 600 feet from the northern boundary, 680 feet from the eastern boundary, and 210 feet from the western boundary. The building can meet the larger 150-foot buffer that would be required for an adjacent vineyard in all three directions. The proposed building is consistent with Commission Rule 350-082-0580(2).

#### **Land Use Conclusion:**

The proposal is an allowed review use, subject to Commission Rules 350-082-0600 through 350-082-0720 that protect scenic, cultural, natural, and recreation resources.

## **B. SCENIC RESOURCES**

1. Commission Rule 350-082-0600(1)(a) states:

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

The proposed building is located directly adjacent to the existing wine buildings on a flat site which retains the existing topography. Grading activities are minimized to the maximum extent practical, consistent with this rule.

2. Commission Rule 350-082-0600(1)(b) states:

*New buildings and expansion of existing development shall be compatible with the general scale of existing nearby development. New buildings that are 1,500 square feet or less are exempt from this guideline. Findings addressing this guideline shall include, but are not limited to:*

*(A) Application of the landscape setting design guidelines, if applicable.*

*(B) A defined study area surrounding the development that includes at least ten existing buildings, not including existing buildings within urban areas or outside the National Scenic Area.*

(C) Individual evaluations of scale for each separate proposed building in the application and each separate building in the study area, including:

- (i) All finished above ground square footage;
- (ii) Total area of covered decks and porches;
- (iii) Attached garages;
- (iv) Daylight basements;
- (v) Breezeways, if the breezeway shares a wall with an adjacent building; and
- (vi) Dimensions, based on information from the application or in Assessor's records.

(D) An overall evaluation demonstrating the compatibility of proposed development with surrounding existing development and development approved but not yet constructed. Buildings in the vicinity of the proposed development that are significantly larger in size than the rest of the buildings in the study area should be removed from this evaluation.

The proposed building will be 1,360 sq ft (34 ft x 40 ft) and is exempt from this guideline.

3. Commission Rule 350-082-0600(1)(c) states:

*Landowners shall be responsible for the proper maintenance and survival of any planted vegetation required by 350-082-0600.*

No planted vegetation is required by 350-082-0600.

4. Commission Rule 350-082-0600(2) has guidelines that affect developments on sites visible from Key Viewing Areas (KVAs). Staff determined the subject parcel is topographically visible from six KVAs: Columbia River, Historic Columbia River Highway (HCRH), I-84, Old Highway 8, Rowena Plateau, and SR 14. Because the proposed development is topographically visible from KVAs, the guidelines of Commission Rule 350-082-0600(2) are applicable. The proposed development is visible from the four KVAs at the following distance zones:

Key Viewing Area (KVA)	Distance Zone		
	Foreground	Middle ground	Background
	0 -1/4 mile	1/4 - 4 miles	Over 4 miles
Columbia River		<b>X</b>	<b>X</b>
Historic Columbia River Highway		<b>X</b>	<b>X</b>
Interstate 84		<b>X</b>	<b>X</b>
Old Highway 8		<b>X</b>	
Rowena Plateau		<b>X</b>	
SR-14		<b>X</b>	<b>X</b>

5. Commission Rule 350-082-0600(2)(a) requires new development to be visually subordinate to its landscape setting as visible from key viewing areas.

Commission Rule 350-082-0070(202) defines *visually subordinate* as follows:

*... A description of the relative visibility of a development, structure, or use where that development, structure, or use does not noticeably contrast with the defining landscape setting characteristics, as viewed from a specified vantage point (generally a key viewing area, for the Management Plan) and the setting appears only slightly altered (distinctive characteristics of that setting remain dominant). As opposed to development, structures, or uses that are fully screened, structures that are visually subordinate may be partially visible but would be difficult to discern to the common viewer. Visually subordinate development, structures, or uses as well as forest practices in the SMAs shall repeat form, line, color, or texture common to the natural landscape, while changes in their qualities of scale, proportion, intensity, direction, pattern, etc., shall not dominate the natural landscape setting.*

The Director's Decision has requirements and conditions of approval to ensure the development is *visually subordinate*. Factors contributing to the visibility of the development include the size, shape, dark earth-tone colors, low reflective building materials, distance from KVAs and existing topography, vegetation, and screening.

6. Commission Rule 350-082-0600(2)(b) requires that a determination of potential visual effects and compliance with the visual subordination standard in subsection (a) above shall include consideration of the cumulative effects of proposed development. Commission Rule 350-082-0070(50) defines cumulative effects as:

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

To determine cumulative effects of the proposed development, staff analyzed existing development and development potential of the subject parcel and the adjacent and nearby lands in the Small-Scale Agriculture land use designation within a half mile of the subject parcel. As seen from KVAs, the subject parcel is in an area where existing dwellings are visible but sparsely scattered throughout the landscape. Staff chose the study area because the parcels are within the same land use designation and several of the parcels in the area are developed with single-family dwellings. The parcels in the study area are also in the same landscape setting as the subject property, oak-pine woodlands, and have similar visibility from KVAs. Of the twenty-three parcels in the study area, staff found seventeen parcels with development, including seventeen single-family dwellings, and forty-seven other accessory buildings.

As seen from KVAs the area is not densely developed or populated, but existing dwellings and accessory buildings are visibly scattered throughout the landscape. There will not be any visual effects from KVAs in the foreground because no development in the study area will be visible in the foreground of any KVA. The development will be

visible from KVAs further away, such as I-84 and the Historic Columbia River Highway. From these KVAs, there is already limited existing development in the viewshed. Generally, however, buildings in these viewsheds are clustered together and appear part of the scattered rural residential development and consistent with the landscape settings guidelines.

Using records from the Klickitat County Assessor's office, within the study area there are twenty-three parcels. Only one parcel is in public ownership. Government owned land in the National Scenic Area is not typically developed, so staff assume this parcel will not be developed. The remaining twenty-two parcels are privately-owned. Of the twenty-two privately-owned parcels, seventeen are developed with dwellings and accessory structures. The remaining five of the privately-owned parcels are undeveloped. These five parcels can be developed in the future with dwellings and other accessory structures because they are designated GMA Small-Scale Agriculture.

It is possible that there could be similar agricultural buildings and structures on the 'same piece of ground' given the existing agricultural use and the size of the applicant's property. Any proposal for agricultural structures would be based on existing or proposed agricultural use.

Several factors ensure the proposed agricultural building will not cause adverse scenic impacts, including size, viewing distance, colors, low reflectivity building materials, and screening vegetation. The proposed building will not create any adverse cumulative effects to scenic resources because the building will be difficult to distinguish from KVAs. If new agricultural buildings are built according to applicable land use designation guidelines in the vicinity of the proposed development, and if they are designed in an equivalent manner to existing development and consistent with the guidelines of this chapter, they will be held to the same visual resource protection standards and will be required to be visually subordinate. If new developments are built in a comparable manner to the proposal, there would be no cumulative effects to scenic resources. By using existing topography and vegetation, and building materials that are dark, earth-toned, low- or non-reflective there will be no significant increase in visibility of new development. Development designed and sited to achieve the standard visually subordinate will not generate adverse cumulative scenic impacts. For the reasons above, the proposed development will not cause adverse scenic impacts, and will not cause adverse cumulative scenic impacts, consistent with Commission Rule 350-082-0600(2)(b).

7. Commission Rule 350-082-0600(2)(b) states:

*A determination of the potential visual impact of a new development shall include written findings addressing the following factors:*

- (A) The amount of area of the building site exposed to key viewing areas;*
- (B) The degree of existing vegetation providing screening;*
- (C) The distance from the building site to the key viewing areas from which it is visible;*
- (D) The number of key viewing areas from which it is visible;*



*(E) The linear distance along the key viewing areas from which the building site is visible (for linear key viewing areas, such as roads); and*  
*(F) Other factors the reviewing agency determines relevant in consideration of the potential visual impact.*

The site is visible from the six KVAs listed in Finding B.5. The proposed agricultural building is located at an elevation of 1000 ft and will be clustered together near three other agricultural buildings. The buildings are surrounded by mature ponderosa pine whose tall canopy helps screen the buildings from view of KVAs. The proposed agricultural building will be screened from KVAs to the south and southwest by the existing agricultural buildings. There are also several mature pine trees within 100 ft of the development surrounding it that provide partial screening from KVAs to the south and southeast. As designed, the building is screened from KVAs by existing buildings and vegetation. Given the distance from KVAs, existing topography and screening, and exterior colors, the building will have minimal visibility from KVAs. Because of the screening from the existing buildings, the new agricultural building is topographically visible, but the site is not.

The site is not visible in the foreground of any KVAs. Using GIS inventories and conducting site visits, staff found that the proposed building site is visible intermittently along SR 14 in the middle ground for .3 miles and in the background for .5 miles at an elevation of 100 ft. From the Columbia River KVA, the building site is visible in the middle ground for 1.75 miles and in the background for 2.25 miles.

From the Historic Columbia River Highway KVA to the south of the development, the building site is visible in the for 1.5 miles in the middle ground and 3.5 miles in the background. From the Interstate 84 KVA to the southwest of the development, the building site is visible in the middle ground for 2.5 miles in the middle ground and 1.5 miles in the background at an elevation of 100 feet. As seen from lower-elevation KVAs in the middle ground such as I-84, the Columbia River, and SR-14, the development site is topographically visible because the southern slope of the hillside angles downward towards these KVAs. These KVAs are much lower in elevation than the development site however, and the development site and surrounding areas are covered in scattered tall trees which help to screen the development from view of KVAs.

The site is only visible from one higher elevation KVA, Tom McCall Viewpoint (approximately 1,700 ft elevation). The building site is visible in the middle ground from Tom McCall Viewpoint KVA, 3.75 miles south of the development. From this KVA, existing vegetation both on and off the subject parcel provides effective screening because the site is located over 3 miles away. At that viewing distance the development will appear insignificant in the landscape and not be visible to the unaided eye

As explained below, conditions are applied to the development's color and reflectivity to ensure the development is visually subordinate to its setting as seen from KVAs. With the retention of the existing trees around the agricultural building, the building will blend with the setting and not noticeably contrast with the landscape.

8. Commission Rule 350-082-0600(2)(c) states:

*The extent and type of conditions applied to a proposed development to achieve visual subordination to its landscape setting shall be proportionate to its potential visual impacts as visible from key viewing areas. Conditions may include, and shall be applied using the following order of priority, with (A) being the first condition to require and (F) being the last condition to require if the prior conditions do not achieve visual subordination:*

*(A) Screening by existing topography.*

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

*(C) Retention of existing vegetation on the applicant's property.*

*(D) Design and building materials (color, reflectivity, size, shape, height, architectural and design details and other elements).*

*(E) New landscaping on the applicant's property.*

*(F) New berms or other recontouring on the applicant's property, where consistent with other applicable provisions.*

Factors contributing to the visual subordination of the development include the location, size, shape, dark earth-tone colors, low reflective building materials, distance from KVAs and existing topography, screening, and vegetation. The site is visible from the six KVAs listed in Finding B.5 and is not visible in the foreground of any KVA.

The proposed development is sited on the subject parcel with minimal visibility from KVAs. As designed, the building is screened from KVAs by existing buildings and vegetation. Given the distance from KVAs, existing topography and screening, and exterior colors, the building will have minimal reflectivity from KVAs. The applicant has chosen dark earth-tone colors for the building which are included as conditions of approval.

Consistent with the landscape settings design guidelines, a condition of approval requires existing vegetation surrounding the development on the parcel be retained except for safety.

With these conditions included in the Director's Decision, the proposal will be visually subordinate as viewed from KVAs and consistent with the design guidelines for the Oak-Pine Woodlands Landscape Setting. Staff finds these conditions to be proportionate to the development's potential visual impact as seen from KVAs.

9. Commission Rule 350-082-0600(2)(d) states:

*New development shall be sited using existing topography and/or existing vegetation as needed to achieve visual subordination from Key Viewing Areas. The following guidelines shall apply to new landscaping used to screen development from key viewing areas:*

*(A) New landscaping (including new earth berms) shall be required only when application of all other available guidelines in 350-082-0600 is not sufficient to make the development visually subordinate from key viewing areas. Alternate sites shall be considered prior to using new landscaping to achieve visual*

*subordination. Development shall be sited to avoid the need for new landscaping wherever possible.*

*(B) If new landscaping is required to make a proposed development visually subordinate from key viewing areas, existing on-site vegetative screening and other visibility factors shall be analyzed to determine the extent of new landscaping, and the size of new trees needed to achieve the standard. Any vegetation planted pursuant to this guideline shall be sized to provide sufficient screening to make the development visually subordinate within five years or less from the commencement of construction. If after five years the vegetation has not achieved a size sufficient to screen the development, the Executive Director may require additional screening to make the development visually subordinate.*

*(C) Unless as specified otherwise by provisions in 350-082-0600, landscaping shall be installed as soon as practicable, and prior to project completion.*

*(D) Applicants and successors in interest for the subject parcel are responsible for the proper maintenance and survival of planted vegetation, and replacement of such vegetation that does not survive.*

*(E) The Scenic Resources Implementation Handbook includes recommended species for each landscape setting consistent with 350-082-0600(3) and minimum recommended sizes of new trees planted (based on average growth rates expected for recommended species).*

The applicants did not propose a landscaping plan as part of the proposal, and no new landscaping is required to screen the development from KVAs.

10. The Commission Rule 350-082-0600(2)(e) states:

*Existing tree cover screening proposed development from key viewing areas shall be retained as specified in 350-082-0600(3).*

The subject parcel is in the Oak-Pine Woodlands landscape setting. Findings for the Landscape Settings Design Guidelines are addressed below.

11. Commission Rule 350-082-0600(2)(f) states:

*The silhouette of new buildings shall remain below the skyline of a bluff, cliff, or ridge as seen from key viewing areas.*

12. The proposed building will be 20 ft tall. Because the land to the north continues to rise behind the existing and proposed winery buildings, they will not break the skyline as seen from all KVAs from which the development sites are topographically visible. The development is consistent with Commission Rule 350-082-0600(2)(f). Commission Rule 350-082-0600(2)(h) states:

*Unless expressly exempted by other provisions in 350-082-0600, 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 approved by the reviewing agency shall be included as a condition of approval.*

Staff requested a specific paint swatch on September 27, 2023, and the applicant provided Sheffield Metals “Mansard Brown” for the roof and Benjamin Moore “Brown” (2099-10). These colors are dark earth-tones that are found at the specific site on the shaded leaves and bark of trees and vegetation. A condition of approval is included in the Director’s Decision requiring all elements of the proposal to be these colors, consistent with Commission Rule 350-082-0600(2)(h).

13. Commission Rules 350-082-0600(2)(i) states:

*The exterior of buildings on lands visible from key viewing areas shall be composed of non-reflective materials or materials with low reflectivity. Continuous surfaces of glass shall be limited to ensure visual subordination. The Scenic Resources Implementation Handbook includes a list of recommended exterior materials and screening methods.*

The proposed exterior material for the siding of the new building is wood, which is nonreflective, and no windows are proposed. The applicant requests a metal roof. A condition of approval will require a matte finish to ensure the building will have low reflectivity. As designed, the building is screened from KVAs by existing buildings and vegetation. Given the distance from KVAs, existing topography and screening, and exterior colors, the building will have minimal reflectivity from KVAs. The proposal is consistent with this rule.

14. Commission Rule 350-082-0600(2)(j) 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 applicant proposes four exterior lighting fixtures for the new agricultural building: two entry way lights and two flood lights between the overhead doors. A condition of approval is included in the decision ensuring lights are directed downward, hooded, and shielded such that they are not highly visible from KVAs, consistent with this rule. Staff also provided the applicant with examples of acceptable light fixtures from the International Dark-Sky Association as an attachment to this decision.

15. Commission Rule 350-082-0600(2)(r) states:

*Driveways and buildings shall be designed and sited to minimize visibility of cut banks and fill slopes from key viewing areas.*

The building site is flat with negligible slope and will involve minimal grading with no cut banks. No grading will be visible from KVAs. The development is consistent with this rule.

16. The Landscape Settings Map for Columbia River Gorge National Scenic Area classifies the subject parcel as Oak-Pine Woodlands. Commission Rule 350-082-0600(3)(c) has applicable guidelines for the proposed development in this landscape setting.

17. Commission Rule 350-82-0600(3)(c)(A) states:

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

On the subject parcel and in the vicinity, trees vary in height up to fifty feet and are a mix of oak, fir, and pine trees. The height of the proposed agricultural building is 20 ft, which is significantly smaller in height than existing vegetation in the vicinity of the development. The height of the building is below tree canopy level, consistent with this rule.

18. Commission Rules 350-082-0600(3)(c)(B) states:

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

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

*(ii) At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.*

*For substantially wooded portions:*

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

*(iv) For treeless portions or portions with scattered tree cover:*

*(I) Structures shall be sited on portions of the property that provide maximum screening from Key Viewing Areas, using existing topographic features.*

*(II) Patterns of plantings for screening vegetation shall be in character with the surroundings. Residences in grassy, open areas or savannahs shall be partly screened with trees in small groupings and openings between groupings.*

*(III) Accessory structures, outbuildings, and access ways shall be clustered together as much as possible, particularly towards the edges of existing meadows, pastures, and farm fields.*

No new landscaping is required. The property has mature pine trees to the south and west of the development that help screen the development from view of KVAs. Four immature ponderosa pines will be removed to site the building. A condition of approval is included requiring the applicants to retain all remaining tree cover screening the development from view of KVAs to ensure the overall visual character and appearance of the landscape is retained, consistent with this rule.

### **Scenic Resources Conclusion:**

The proposed development is consistent with Commission Rule 350-082-0600 that protects scenic resources in the National Scenic Area.

## C. CULTURAL RESOURCES

1. Except as specified in Commission Rule 350-082-0620(2)(a)(C), new development in the NSA requires a reconnaissance survey.
2. Chris Donnermeyer, Heritage Resource Program Manager, U.S. Forest Service Columbia River Gorge National Scenic Area, reviewed the land use application and determined in a Cultural Resources Survey Determination letter, dated December 30, 2022, that pursuant to Commission Rule 350-082-0620(2)(a)(B) a Cultural Resource Reconnaissance Survey is required because the proposed use would occur on a site that has been determined to be located within a high probability zone.
3. Luciano Legnini, Archaeological Technician, USFS CRGNSA, conducted a reconnaissance survey on April 18, 2023, consistent with Commission Rule 350-082-0620(2)(b)(A) and (B). Mr. Legnini and Mr. Donnermeyer prepared a confidential report dated June 5, 2023, that was consistent with Commission Rule 350-082-0620(2)(b)(C) describing the requirements for reconnaissance surveys and reports for small-scale uses in the General Management Area.
4. Commission Rule 350-082-0620(2)(f) states:

*(A) The Executive Director shall submit a copy of all cultural resource survey reports to the State Historic Preservation Officer and the tribal governments. Survey reports may include measures to avoid affected cultural resources, such as a map that shows a reasonable buffer zone.*

*(B) The State Historic Preservation Officer and the tribal governments shall have 30 calendar days from the date a survey report is mailed to submit written comments to the Executive Director. The Executive Director shall record and address all written comments in the development review order.*

Notice of the cultural resource survey report was mailed to Washington DAHP and to tribal governments on June 7, 2023. No comments were received within 30 calendar days from the date the report was mailed.

5. Commission Rule 350-082-0620(2)(g)(B)(ii) states the cultural resource protection process may conclude when the following conditions exist:

*A reconnaissance survey demonstrates that cultural resources do not exist in the project area, no substantiated concerns were voiced by interested persons within 30 calendar days of the date that a notice was mailed, and no substantiated concerns regarding the reconnaissance survey were voiced by the State Historic Preservation Officer or Indian tribal governments during the 30-day comment period required in subsection 2(f)(B) above.*

The June 5, 2023, survey report concluded that the proposed development would have no effect on significant cultural resources. No substantiated concerns were voiced by interested persons, Washington DAHP, or tribal governments during the initial notice period that began on November 22, 2022, or by DAHP or tribal governments during the cultural survey notice period that began June 7, 2023.

6. Commission Rule 350-082-0620(2)(a)(D) describes when a historic survey is required. In his December 30, 2022, Cultural Resources Survey Determination letter, Mr. Donnermeyer determined that a historical survey is not required because the proposed use would not alter the exterior architectural appearance of significant buildings and structures that are 50 years old or older and would not compromise features of the surrounding area that are important in defining the historic or architectural character of significant buildings or structures that are 50 years old or older.
7. Commission Rule 350-082-0620(2)(g)(B)(i) states the cultural resource protection process may conclude when the following conditions exist:

*The proposed use does not require a reconnaissance or historic survey, no cultural resources are known to exist in the project area, and no substantiated concerns were voiced by interested persons within 30 calendar days of the date that a notice was mailed.*

The project notice was mailed on November 22, 2022, and the comment period ended on December 13, 2022. The proposed use did not require a historic survey and no comments were received regarding cultural resource concerns. Pursuant to Commission Rule 350-082-540(2)(c)(B)(i), the cultural resource protection process for historic resources may conclude.

8. Commission Rule 350-082-0620(6) protects cultural resources discovered during construction. It requires that if cultural resources are discovered after construction begins, all construction activities within 100 feet of the discovered cultural resource shall cease; further disturbance is prohibited, and the Gorge Commission shall be notified within 24 hours of the discovery. A condition of approval is included in the director's decision consistent with this rule.
9. Commission Rule 350-082-0620(7) contains provisions addressing discovery of human remains during construction. A condition of approval is included in the director's decision consistent with this rule.

### **Cultural Resources Conclusion**

With conditions protecting unknown cultural resources and human remains discovered during construction, the proposal is consistent with the guidelines in Commission Rule 350-082-0620 that protects cultural resources in the National Scenic Area.

### **D. NATURAL RESOURCES**

1. Commission Rule 350-81 provides guidelines for protecting wetlands, streams, ponds, lakes, and riparian areas (Section 0640); sensitive wildlife areas and sites (Section 0650); and sensitive plants (Section 0660) in the GMA.
2. The Gorge Commission's natural resource inventories do not show any wetlands, streams, ponds, lakes, riparian areas, or resource buffer zones on the parcel. Commission inventories show an intermittent stream approximately 450 feet away from the proposed development site, which is greater than the applicable water

resource buffers for GMA water resources. The proposed development is consistent with Commission Rule 350-82-0640.

3. The Gorge Commission's sensitive wildlife inventory shows the development site is found within deer and elk Winter Range; a sensitive wildlife area defined by Commission Rule 350-082-0690 Table 1 – Priority Habitats. Commission Rule 350-082-0650, which protects sensitive wildlife areas and sites, applies to the proposal.
4. Commission Rule 350-082-0650(3)(a) requires the Gorge Commission notify the Washington Department of Fish and Wildlife (WDFW) when a new development or land use is proposed within a sensitive wildlife area, in this case, deer and elk winter range and Oregon white oak woodlands. On November 22, 2022, Gorge Commission staff sent WDFW a copy of the applicant's land use application and site plan.
5. Commission Rule 350-082-0650(3)(d) states:

*The wildlife protection process may conclude if the Executive Director, in consultation with the state wildlife agency, determines:*  
*(A) The sensitive wildlife site is not active; or*  
*(B) The proposed use would not compromise the integrity of the Priority Habitat or sensitive wildlife site or occur during the time of the year when wildlife species are sensitive to disturbance.*

WDFW did not indicate any concerns with the proposed development. Staff do not believe the proposed development compromises the integrity of the parcel as wildlife site due to the size, location and nature of the development.

6. Commission Rule 350-082-0650(1)(c) states:

*Proposed uses within 1,000 feet of a Priority Habitat or sensitive wildlife site shall be evaluated for adverse effects, including cumulative effects, and adverse effects shall be prohibited.*

Commission Rule 350-082-0070(50) 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.*

Staff considered the existing conditions of the study area and the likelihood of other similar developments. WDFW did not indicate any concerns about the proposed development. Staff believes the proposed development will have a negligible effect on the existing Winter Range and will not create any adverse effects due to the size, location and nature of the development. Pursuant to Commission Rule 350-082-580(1)(c), staff does not believe the proposed development creates any adverse effects, including cumulative effects, to the integrity of the parcel as wildlife site.



7. The Gorge Commission's sensitive plant inventory does not show any sensitive plant sites within 1,000 feet of the proposed development. The proposal complies with Commission Rule 350-082-0660 that protects sensitive plants.

#### **Natural Resources Conclusion:**

With the conditions of approval discussed above, the proposed development is consistent with the rules in Commission Rule 350-082, Sections 0640 through 0690, that protect natural resources in the National Scenic Area.

### **E. RECREATION RESOURCES**

1. Commission Rule 350-082-0580(3) states:

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

The property is designated Recreation Class 1 and 2, according to the Gorge Commission's Recreation Intensity Class map. There are no established recreation sites nearby or adjacent lands. The proposal is consistent with this guideline.

#### **Recreation Resources Conclusion:**

The proposed development is consistent with Commission Rule 350-082-0580(3) that protects recreation resources in the National Scenic Area.

### **F. TREATY RIGHTS PROTECTION**

1. Rule 350-082-0130 provides protection of tribal treaty rights from new development in the National Scenic Area. Consistent with Commission Rule 350-082-0130(1)(a), notice of the proposed development was provided to the tribal governments on November 22, 2023.
2. Commission Rule 350-082-0130(1)(b) lists additional notice requirements for projects in or providing access to the Columbia River or its fish bearing tributaries or for projects that may affect tribal treaty rights. The subject parcel does not adjoin the Columbia River or its fish-bearing tributaries and does not provide access to the Columbia River.
3. Commission Rule 350-082-0130(1)(c) requires the Commission to offer to meet with or consult with the tribal governments prior to making a decision on the proposed development, and to make this offer more than once. The Commission provided the initial offer to meet or consult with the initial notice on November 22, 2023. The Commission provided a second offer to meet or consult on June 7, 2023. No treaty tribe requested a meeting or consultation.
4. Commission Rule 350-082-0130(d) provides 30 calendar days for tribal governments to request consultation regarding tribal treaty rights. No comments were received.
5. Commission Rule 350-082-0130(i) states:

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

The subject parcel does not provide access to the Columbia River or its fish bearing tributaries. No known treaty rights are affected by this proposal and no treaty rights concerns were raised by the tribal governments. Because the proposed use does not affect or modify treaty or other rights of any Indian tribe, the treaty rights protection process may conclude pursuant to Commission Rule 350-082-0130.

**Treaty Rights Conclusion:**

The proposed development is consistent with the guidelines in Commission Rule 350-082-0130, which provides protection for treaty rights and any other rights of any Indian tribe.

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