

149209

BOOK 244 PAGE 769

Return Address: Skamania County
Department of Community Events and Recreation
Attn: Ken Cohen
P.O. Box 790
Stevenson, WA, 98648

Public Works

JUL 2 11 11 AM '03

Q. Lowry MAY 29 2003

Skamania County
Department of Planning and
Community Development

Skamania County Courthouse Annex
Post Office Box 790
Stevenson, Washington 98648
509 427-9453 FAX 509 427-8288

Administrative Decision

APPLICANT: Ken Cohen, Community Events and Recreation Director

OWNER: Skamania County and Washington Department of Fish and Wildlife

FILE NO.: NSA-01-43

PROJECT: Drano Lake Recreation Facility Improvement Project including expanding an existing boat launch site from 1.03 acres to 1.93, relocating boat launch to the East, construct a dock and break wall, expanding entryway to site, landscaping and irrigation, new restroom facilities (17' X 13'), and new ticket dispenser.

LOCATION: Immediately North of SR-14 at Drano Lake in Skamania County; Section 35 of Township 3N, Range 9E, W.M. and identified Skamania County tax lot #03-09-35-00-0201-00

LEGAL: See attached page 9-11

ZONING: General Management Area zoned Public Recreation where development is taking place and undeveloped Open Space

DECISION: Based upon the record and the Staff Report, the application by Ken Cohen, Public Works Director, described above, subject to the conditions set forth in this Decision, is found to be consistent with Title 22 SCC and is hereby approved.

Although the proposed development is approved, it may not be buildable due to inadequate soils for septic and/or lack of potable water. These issues are under the

Skamania County Planning and Community Development
File: NSA.01-43 Administrative Decision
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jurisdiction of Skamania County's Building Department and the Southwest Washington Health Department.

Approval of this request does not exempt the applicant or successors in interest from compliance with all other applicable local, state, and federal laws.

CONDITIONS OF APPROVAL:

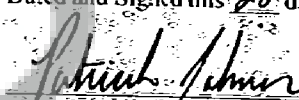
The following conditions are required to ensure that the subject request is consistent with Skamania County Title 22. This document, outlining the conditions of approval, must be recorded by the applicant in the deed records of the Skamania County Auditor in order to ensure notice of the conditions of approval to successors in interest. SCC §22.06.050(C)(2).

- 1) As per SCC §22.06.050(C)(2), this Administrative Decision **SHALL BE RECORDED** by the applicant in the County deed records and submitted to the Planning Department prior to issuance of a building permit for the approved project. A copy of the first page of the recorded Administrative Decision must be submitted to the Planning Department prior to the issuance of a Building Permit.
- 2) All developments shall be consistent with the enclosed site and landscape plan, unless modified by the following conditions of approval. If modified, the site and landscape plan shall be consistent with the conditions of approval.
- 3) The applicant shall submit a sample of the colored hard surfacing material to the Planning Department prior to commencement of surfacing.
- 4) The applicant shall submit color samples for the restroom facility and boat-launch dock that are dark and either natural or earth-tone in color prior to issuance of a building permit.
- 5) Signage shall be limited to that necessary to provide relevant recreation of facility information, interpretive information, and vehicular and pedestrian direction and for safety purposes.
- 6) There shall be no outdoor lighting at the facility.
- 7) The parking areas shall not exceed 50 parking spaces.
- 8) Grading and soil compaction within the "drip line" of existing mature trees shall be avoided to the maximum extent practicable, to reduce risk of root damage and associated tree mortality.
- 9) All disturbed area shall be re-vegetated with native vegetation.
- 10) The existing tree cover shall be retained as much as possible, except as is necessary for site development.
- 11) The applicant is responsible for the proper maintenance and survival of the planted vegetation required in conditions of approval. Any dead or dying vegetation shall be replaced in-kind or with species native to the setting.

Skamania County Planning and Community Development
File: NSA-01-43 Administrative Decision
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- 12) Compliance with all conservation measures included in Table 3 of Biological Assessment Drano Lake Recreation Facilities Project prepared by The JD White Company shall be followed. (Attached)
- 13) Conditions of the attached approvals shall be considered conditions of approval for this decision and attached to the Administrative Decision.
- 14) All in-water construction shall be conducted during the WDFW approved in-water construction period for Drano Lake.
- 15) The applicant shall comply with all conditions for visual subordination, prior to final inspection by the Building Department. The applicant shall coordinate all inspections with the Building Department. Planning Department staff should be able to conduct a final inspection site visit within four business days from the time of calling for the inspection. Final inspection will not be issued until compliance with all conditions of approval, including visual subordination criteria, has been verified.
- 16) The Planning Department will conduct at least two site visits during construction. Each inspection may take up to four business days from the time of calling for the inspection. Inspections should be arranged by calling the Building Department at 509-427-9184.
- 17) The following procedures shall be effected when cultural resources are discovered during construction activities:
 - a) Halt Construction. All construction activities within 100 feet of the discovered cultural resource shall cease. The cultural resources shall remain as found; further disturbance is prohibited.
 - b) Notification. The project applicant shall notify the Planning Department and the Gorge Commission within 24 hours of the discovery. If the cultural resources are prehistoric or otherwise associated with Native Americans, the project applicant shall also notify the Indian tribal governments within 24 hours.
 - c) Survey and Evaluations. The Gorge Commission shall arrange for the cultural resources survey.

Dated and Signed this 28 day of May, 2003, at Stevenson, Washington.


Patrick Johnson, Associate Planner
Skamania County Planning and Community Development.

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NOTES

Any new residential development, related accessory structures such as garages or workshops, and additions or alterations not included in this approved site plan, will require a new application and review.

As per SCC §22.06.050(C)(2), this Administrative Decision **SHALL BE RECORDED** by the applicant in the County deed records prior to commencement of the approved project.

As per SCC §22.06.050(C)(5), this Administrative Decision approving a proposed development action shall become void in two years if the development is not commenced within that period, or when the development action is discontinued for any reason for one continuous year or more.

APPEALS

This Administrative Decision shall be final unless reversed or modified on appeal. A written Notice of Appeal form must be filed by an interested person within 20 days from the date hereof. Appeals are to be made to the Skamania County Board of Adjustment, P.O. Box 790, Stevenson, WA 98648. Notice of Appeal forms are available at the Planning Department Office and must be accompanied by a \$500.00 nonrefundable filing fee.

WARNING

On November 30, 1998 the Columbia River Gorge Commission overturned a Skamania County Director's Decision 18 months after the 20-day appeal period had expired. You are hereby warned that you are proceeding at your own risk and Skamania County will not be liable for any damages you incur in reliance upon your Administrative Decision or any amendments thereto.

A copy of the Decision was sent to the following:

Skamania County Building Department
Skamania County Assessor's Office

A copy of this Decision, including the Staff Report, was sent to the following:

Skamania County Public Works
Board of County Commissioners
Yakima Indian Nation
Confederated Tribes of the Umatilla Indian Reservation
Confederated Tribes of the Warm Springs
Nez Perce Tribe
Columbia River Gorge Commission
U.S. Forest Service - NSA Office
Friends of the Columbia Gorge
United States Department of Agriculture
U.S. Army Corps of Engineers
U.S. Fish & Wildlife
National Marine Fisheries Service
Washington State Department of Fish and Wildlife
Washington State Department of Ecology

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Washington State Department of Transportation
Department of Natural Resources - Aquatic Resources Section and Department of Natural Heritage
Washington State Department of Community Development
Oregon Fish & Wildlife Service
City of Aberdeen Parks Department
kpff Consulting Engineers
Green Works P.C.

Attached:

Site Diagram

Landscape Plan

Fill and Grading Plan

Washington Department of Fish and Wildlife - Hydraulic Project Approval (SF-E6881-02)

Washington Department of Ecology - Water Quality Certification (02-SEASR-1474/2001-00839)

Washington Department of Ecology - Letter of Concurrence and Approval of Shoreline Substantial Development

Variance Permit # 2001-SW-02064

Skamania County Board of Commissioners Shoreline Substantial Development Variance Permit (SHR-01-02)

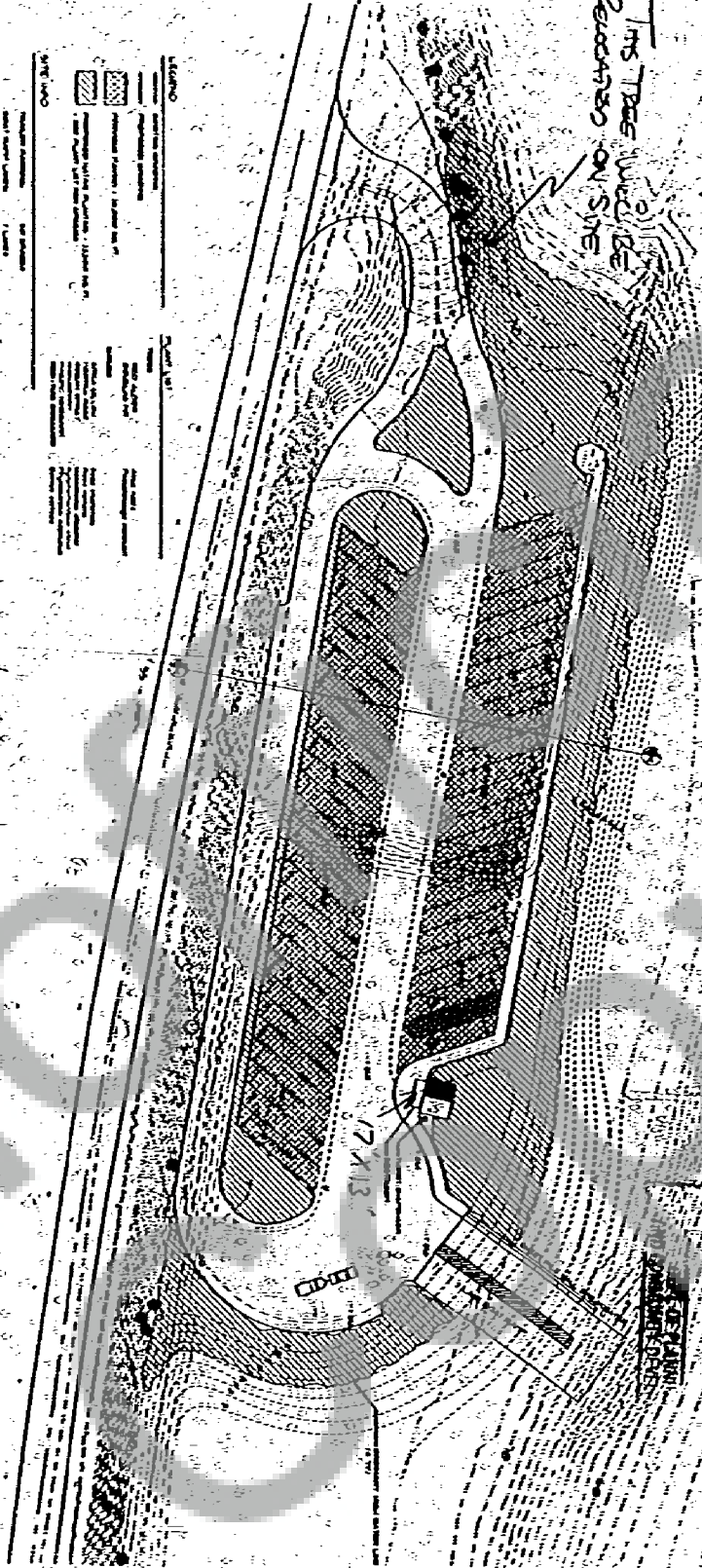
Skamania County Department of Planning and Community Development "Mitigated" Determination of Non-

Significance (SEP-01-14)

Conservation Measures from Biological Assessment Drano Lake Recreation Facilities Project prepared by The JD White Company, Inc.

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1175 TREE WOOD RD
REOCATION ON SITE



NOTE: No Trees will be removed from the site.

SKANAWA COUNTY COMMUNITY EVENTS AND RECREATION DEPARTMENT
DRANO LAKE RECREATION FACILITIES

SITE DIAGRAM

GreenWorks, P.C.

09-2003

SKALMANIA.CO.UK

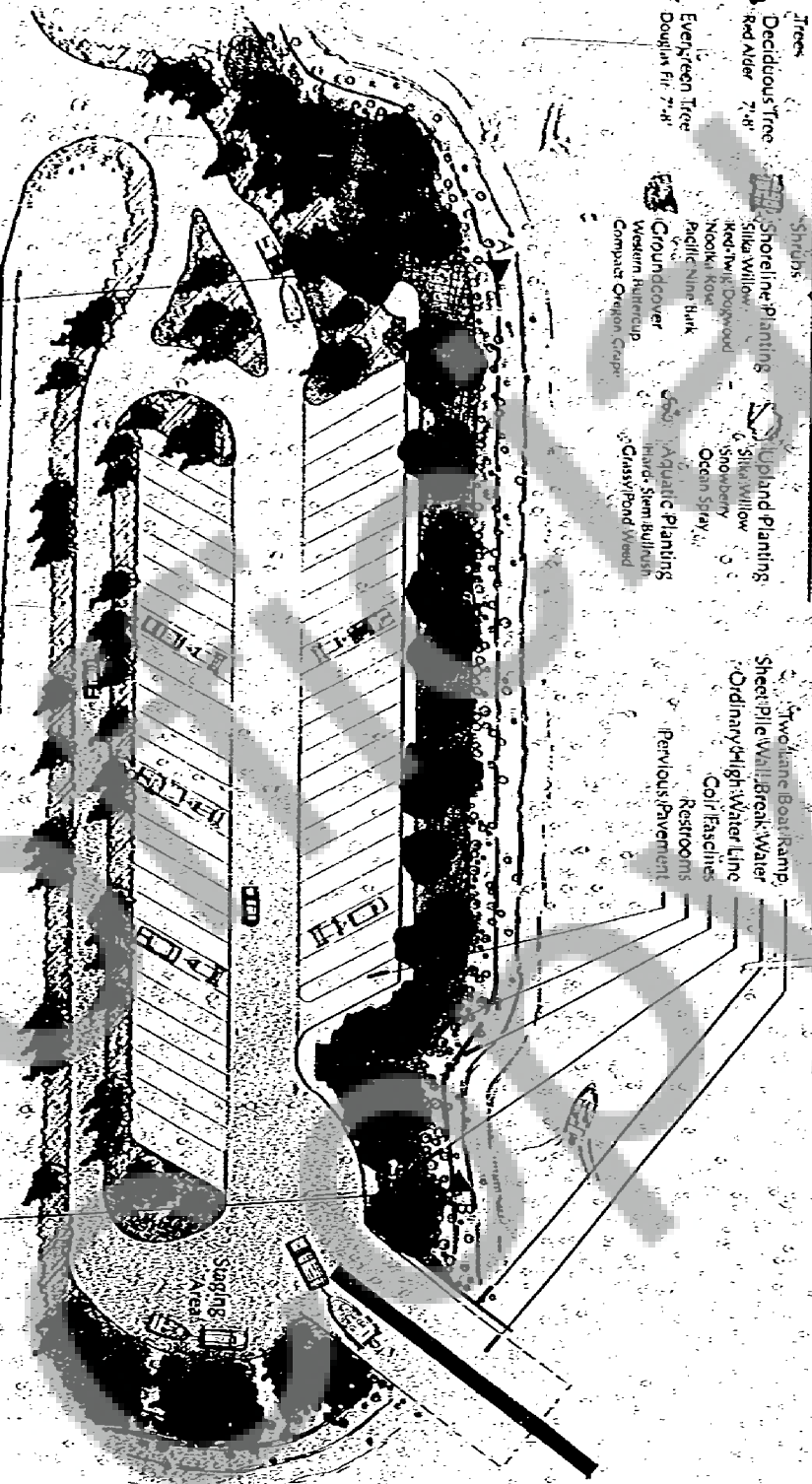
PLANT LEGEND

Trees
 Deciduous Tree
 Red Alder 7'-8'
 Evergreen Tree
 Douglas Fir 7'-8'

Shrubs
 Shoreline Planting
 Silver Willow
 Red-Twig Dogwood
 Pacific Nine Bark
 Groundcover
 Western Buttercup
 Compact Oregon Grape

Upland Planting
 Silver Willow
 Snowberry
 Ocean Spray
Aquatic Planting
 Inland Stem Bulrush
 Grass/Pond Weed

Two Lane Boat Ramp
 Sheetpile Wall/Break Water
 Ordinary-High Water Line
 Restrooms
 Golf Facilities
 Paved Pavement



KPIII

SAMAMIA COUNTY PARKS AND RECREATION DEPARTMENT
 BRANO LAKE RECREATION FACILITIES
 SITE CONCEPT PLAN AND SECTIONS
 May 2003





1. FILL DIAGRAM



PROPOSED FILL
EXISTING GROUND

NEW RIPARIAN VEGETATION



2. SECTION A-A



PROPOSED FILL
EXISTING GROUND

NEW RIPARIAN VEGETATION

MIAMI COUNTY COMUNITY NORTH AND SOUTHERN DEPARTMENT
DRANO LAKE RECREATION FACILITIES

FILL COMPARISON

GreenWorks PC

May 24, 2001

BOOK 244 PAGE 777

PAGE 193 PAGE 828

FILED FOR RECORD
SKAMANIA CO. WASH
BY

JAN 15 2 31 PM '94

119729

QUITCLAIM DEED

Public
Auditor

BURLINGTON NORTHERN RAILROAD COMPANY (formerly known as Burlington Northern Inc.), a Delaware corporation, Grantor, for Ten and no/100 Dollars (\$10.00) and other good and valuable consideration, conveys and quit claims, without any covenants of warranty whatsoever and without recourse to the Grantor, its successors and assigns, to **SKAMANIA COUNTY AND WASHINGTON STATE DEPARTMENT OF FISH AND WILDLIFE**, (formerly Washington State Department of Fisheries) hereinafter called "Grantee", all its right, title and interest, if any, in real estate situated in Skamania County, State of Washington, together with all after acquired title of Grantor therein, described as follows:

All that portion of Government Lots 2, 3, 4 and 5 of Section 35, Township 3 North, Range 9 East of the Willamette Meridian, Skamania County, Washington lying Northerly of the Northerly right of way line of State Road No. 14 (formerly State Road No. 3) said Northerly right of way line of State Road No. 14 described as follows:

Beginning at a point on the East line of said Government Lot 5 distant 127.0 feet Northerly, as measured at right angles from Burlington Northern Railroad Company's (formerly Spokane, Portland & Seattle Railway Company) Main Track centerline as now located and constructed, thence Southwesterly parallel with said Main Track centerline 641 feet, more or less, to a point which is 127.0 feet Northerly, measured at right angles from said Main Track centerline at said Railroad Company's Engineering Station 978+72.7; thence Northerly at right angles to said Main Track centerline 20.0 feet; thence Southwesterly parallel with said Main Track centerline 600 feet, more or less, to a point which is 147.0 feet Northerly, measured at right angles from said Main Track centerline at said Railroad Company's Engineering Station 983+72.7; thence Southerly at right angles to said Main Track centerline 40.0 feet; thence Westerly parallel with said Main Track centerline 1782.4 feet, more or less, to a point which is 107.0 feet Northerly, measured at right angles from said Main Track centerline at said Railroad Company's Engineering Station 1001+86.3; thence Northerly at right angles to said Main Track centerline 23.0 feet; thence Northwesterly parallel with said Main Track centerline 199.5 feet, more or less, to a point which is 130.0 feet Northerly, measured at right angles from said Main Track centerline at said Railroad Company's Engineering Station 1003+86.3; thence Southerly at right angles to said Main Track centerline 20.0 feet; thence Northwesterly parallel with said Main Track centerline 1300 feet, more or less, to a point which is 110.0 feet Northerly, measured at right angles from said Main Track centerline at said Railroad Company's Engineering Station 1016+86.3; thence Northeasterly at right angles to said Main Track centerline 10.0 feet; thence Northwesterly parallel with said Main Track centerline to a point on the Northwesterly line of said Government Lot 2 of said Section 35, said line being also the Government meander line of East bank of Little White Salmon River, said point also distant 120.0 feet Northeasterly, as measured at right angles from said Main Track centerline and there terminating.

REAL ESTATE EXCISE TAX

JUN 15 1994

PAID 1464.78

SKAMANIA COUNTY TREASURER

Clarence J. Himmell, Skamania County Auditor
By: J.C. Pucillo, J.P.

SUBJECT, however, to all existing interests, including but not limited to all reservations, rights-of-way and easements of record or otherwise.

EXCEPTING AND RESERVING, however, unto said Grantor, its successors and assigns, all of the coal, oil, gas, casinghead gas and all ores and minerals of every kind and nature, including sand and gravel, underlying the surface of the premises herein conveyed, together with the full right, privilege and license at any and all times to explore, or drill for and to protect, conserve, mine, take, remove and market any and all such products in any manner which will not damage structures on the surface of the premises herein conveyed, together with the right of access at all times to exercise said right.

Environmental Obligations. - Covenants providing as follows. Grantee agrees to indemnify, defend and hold harmless Grantor and its officers, directors, employees and agents, from and against any and all claims, proceedings, actions, demands, liabilities, damages (including consequential, incidental and special damages), fines, losses, costs, expenses (including attorney's fees in connection with any administrative proceeding, trial, appeal or petition for review) and amounts paid in settlement (collectively, "Losses") of any nature whatsoever, whether contingent or accrued, arising out of, in connection with or in any way relating to the actual or alleged presence, use, treatment, storage, generation, manufacture, transport, release, leak, spill, disposal or other handling of Hazardous Substances on the premises prior to transfer or by the negligent or intentional activities of Grantee before, during or after Grantee's acquisition of the premises. Losses shall include without limitation (a) the cost of any investigation, removal, remedial or other response action that is required by any Environmental Law, that is required by judicial order or by order of or agreement with any governmental authority, or that is necessary or otherwise is reasonable under the circumstances, (b) capital expenditures necessary to cause the Grantor's remaining property or the operations or business of the Grantor on its remaining property to be in compliance with the requirements of any Environmental Law, (c) Losses for injury or death of any person, and (d) Losses arising under any Environmental Law enacted after transfer. The rights of Grantor under this section shall be in addition to and not in lieu of any other rights or remedies to which it may be entitled under this document or otherwise.

The term "Environmental Law" means any federal, state or local statute, regulation, code, rule, ordinance, order, judgment, decree, injunction or common law pertaining in any way to the protection of human health or the environment, including without limitation, the Resource Conservation and Recovery Act, the Comprehensive Environmental Response, Compensation and Liability Act, the Toxic Substances Control Act, and any similar or comparable state or local law.

The term "Hazardous Substance" means any hazardous, toxic, radioactive or infectious substance, material or waste as defined, listed or regulated under any Environmental Law, and includes without limitation petroleum oil and any of its fractions.

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TO HAVE AND TO HOLD the same unto the said Grantee, its successors and assigns, forever.

IN WITNESS WHEREOF, the said Grantor has caused this instrument to be signed by its Vice President, Regional Sales & Property Management, attested by its Assistant Secretary, and its corporate seal to be affixed on the 24th day of May, 1994.

ACCEPTED AND APPROVED

June 8, 1994

STATE OF WASHINGTON
DEPARTMENT OF FISH AND WILDLIFE

by [Signature]
for Robert Turner, Director

BURLINGTON NORTHERN
RAILROAD COMPANY

BY [Signature]
Vincent M. Accardi
Vice President,
Regional Sales & Property
Management

ATTEST:

BY [Signature]
Victoria H. Vasquez
Assistant Secretary



File: BN 10685 - Cooks, WA



HYDRAULIC PROJECT APPROVAL
RCW 77.55.100 - appeal pursuant to Chapter 34.05 RCW
SKAMANIA

State of Washington
Department of Fish and Wildlife
Region 5 Office
2105 Southeast Grand Boulevard
Vancouver, Washington 98661

DATE OF ISSUE: December 9, 2002

DEC 11 2002 BOOK 244 PAGE 780
LOG NUMBER: ST-E6861-02

1 OF PLAN

At the request of Kent E. Snyder, on October 31, 2002, this Hydraulic Project Approval (HPA), which now supersedes all previous HPAs for this project, is a time extension and change of the original HPA issued November 6, 2001.

PERMITTEE	AUTHORIZED AGENT OR CONTRACTOR
Skamania County Community Events and Recreation Dept. ATTENTION: Ken Cohen PO Box 790 Stevenson, WA 98648 (509) 427-9478	Not Applicable

CODED PROJECT DESCRIPTION: Modify and Enlarge Existing Boat Launch Parking and Staging Area; Remove Old Boat Ramp and Install New Boat Ramp; Install New Breakwater; Establish New Riparian Vegetation; Install New Floating Dock Between New Boat Ramp Lanes.

PROJECT LOCATION: Drano Lake, North Latitude 45.71073, West Longitude 121.64147

WRIA	WATER BODY	TRIBUTARY TO	14 SEC.	SEC.	TOWNSHIP	RANGE	COUNTY
1-29.0131	Drano Lake	Columbia River	25-26	03 North	09 East		Skamania

NOTE: This Hydraulic Project Approval pertains only to the provisions of the Washington State Fisheries and Wildlife Codes. It is the permittee's responsibility to apply for and obtain any additional authorization from other public agencies (local, state and/or federal) that may be necessary for this project.

NOTE: Changes in timing of in-water activity are stated in Provision 1. Changes in the sheetpile breakwater design are required in Provision 10. Changes in the dock design are required in Provision 18.

PROVISIONS

1. **TIMING LIMITATIONS:** The project may begin immediately and shall be completed by September 30, 2007, provided:
 - a. Work within the wetted perimeter, including enlarging the footprint of the facility, demolishing the existing ramp, establishing the new ramp, building the new dock, and establishing the breakwater shall only occur between November 1 and February 28 of the years 2002, 2003 and 2004.
 - b. Revegetation shall be completed by May 31 following the season of construction, but no later than May 31, 2004, and shall be monitored through September 30, 2007.
2. **NOTIFICATION REQUIREMENT:** The permittee or contractor shall notify the Habitat Manager listed below of the project start date. Notification shall be received by the Habitat Manager at least three working days prior to the start of construction activities. The notification shall include the permittee's name, project location, starting date for work, and the control number for this Hydraulic Project Approval.



HYDRAULIC PROJECT APPR /AL
RCW 77.55.100 - appeal pursuant to Chapter 34.05 RCW

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State of Washington
Department of Fish and Wildlife
Region 5 Office
2108 Southeast Grand Boulevard
Vancouver, Washington 98661

DATE OF ISSUE: December 9, 2002

LOG NUMBER: ST-FC861-02

17. Wooden components which will be in contact with the water shall not contain creosote or pentachlorophenol. This shall include pilings, beams, structural supports, and decking. These components shall remain free of these toxic substances for the duration of their functional lives.
18. The boat dock that serves the launch ramp lanes shall have wooden blocks or other structures placed beneath it to allow passage of juvenile salmonids when parts of the dock are grounded during low pool elevations. The structures shall allow a minimum of 6 inches vertical passage space between the dock structure and the substrate.
19. If at any time, as a result of project activities, fish are observed in distress, a fish kill occurs, or water quality problems develop (including equipment leaks or spills), operations shall cease and the Washington Department of Fish and Wildlife at (360) 696-6211 and Washington Department of Ecology at (360) 690-7171 shall be contacted immediately. Work shall not resume until further approval is given by the Washington Department of Fish and Wildlife.
20. Erosion control methods shall be used to prevent silt-laden water from leaving the work area. These may include, but are not limited to, straw bales, filter fabric, sediment retention booms, sediment retention curtains or other methods, and immediate mulching of exposed areas.
21. All waste material such as construction debris, silt, excess dirt or overburden resulting from this project shall be deposited above the limits of flood water in an approved upland disposal site.
22. If high flow conditions or significant rainfall that may cause siltation are encountered during this project, work shall stop until suitable construction conditions are restored.
23. Extreme care shall be taken to ensure that no petroleum products, hydraulic fluid, fresh cement, sediments, sediment-laden water, chemicals, or any other toxic or deleterious materials are allowed to enter or leach into the stream.
24. Revegetation of the shoreline and aquatic area immediately adjacent to the shoreline is required. Revegetation shall be accomplished per plans and specifications entitled, "Biological Assessment Drano Lake Recreation Facilities Project Skamania County Washington-TWC Project #00-181 section 5.2 (Shallow Water Habitat Enhancement), 5.2.1 (Planting Plan) and 5.2.2 (Planting Specifications)", dated July 2001, and submitted to the Washington Department of Fish and Wildlife.
25. Monitoring of the revegetation effort described in #24 above is required. Monitoring of the revegetation shall be accomplished per plans and specifications entitled, "Biological Assessment Drano Lake Recreation Facilities Project Skamania County Washington-TWC Project #00-181 section 5.3 (Monitoring Plan), 5.3.1 (Performance Standards) and 5.3.2 (Monitoring Program)", dated July 2001, and submitted to the Washington Department of Fish and Wildlife.
26. A report summarizing the results of the vegetation monitoring effort listed in provision #25 above shall be submitted to the Habitat Manager listed below on an annual basis for a period of five years. The initial report shall be submitted no later than June 30, 2004 and the final report shall be submitted no later than October 31, 2007.
27. Site protection and maintenance is required. Site protection and maintenance shall be accomplished per plans and specifications entitled, "Biological Assessment Drano Lake Recreation Facilities Project Skamania County Washington-TWC Project #00-181 section 5.4 (Site Protection and Maintenance)", dated July 2001, and submitted to the Washington Department of Fish and Wildlife.



HYDRAULIC PROJECT APPR /AL
RCW 77.55.100 - appeal pursuant to Chapter 34.05 RCW

State of Washington
Department of Fish and Wildlife
Region 5 Office
2108 Southeast Grand Boulevard
Vancouver, Washington 98661

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DATE OF ISSUE: December 9, 2002

LOG NUMBER: STE6861-02

IF YOU WISH TO APPEAL A DENIAL OF OR CONDITIONS PROVIDED IN A HYDRAULIC PROJECT APPROVAL, THERE ARE INFORMAL AND FORMAL APPEAL PROCESSES AVAILABLE.

A. INFORMAL APPEALS (WAC 220-110-340) OF DEPARTMENT ACTIONS TAKEN PURSUANT TO RCW 77.55.100, 77.55.110, 77.55.140, 77.55.190, 77.55.200, and 77.55.290:

A person who is aggrieved or adversely affected by the following Department actions may request an informal review of:

- (A) The denial or issuance of a HPA, or the conditions or provisions made part of a HPA; or
- (B) An order imposing civil penalties.

It is recommended that an aggrieved party contact the Area Habitat Biologist and discuss the concerns. Most problems are resolved at this level, but if not, you may elevate your concerns to his/her supervisor. A request for an INFORMAL REVIEW shall be in WRITING to the Department of Fish and Wildlife, 600 Capitol Way North, Olympia, Washington 98501-1091 and shall be RECEIVED by the Department within 30-days of the denial or issuance of a HPA or receipt of an order imposing civil penalties. The 30-day time requirement may be stayed by the Department if negotiations are occurring between the aggrieved party and the Area Habitat Biologist and/or his/her supervisor. The Habitat Protection Services Division Manager or his/her designee shall conduct a review and recommend a decision to the Director or its designee. If you are not satisfied with the results of this informal appeal, a formal appeal may be filed.

B. FORMAL APPEALS (WAC 220-110-350) OF DEPARTMENT ACTIONS TAKEN PURSUANT TO RCW 77.55.100 OR 77.55.140:

A person who is aggrieved or adversely affected by the following Department actions may request a formal review:

- (A) The denial or issuance of a HPA, or the conditions or provisions made part of a HPA;
- (B) An order imposing civil penalties; or
- (C) Any other "agency action" for which an adjudicative proceeding is required under the Administrative Procedure Act, Chapter 34.05 RCW.

A request for a FORMAL APPEAL shall be in WRITING to the Department of Fish and Wildlife, 600 Capitol Way North, Olympia, Washington 98501-1091, shall be plainly labeled as "REQUEST FOR FORMAL APPEAL" and shall be RECEIVED DURING OFFICE HOURS by the Department within 30-days of the Department action that is being challenged. The time period for requesting a formal appeal is suspended during consideration of a timely informal appeal. If there has been an informal appeal, the deadline for requesting a formal appeal shall be within 30-days of the date of the Department's written decision in response to the informal appeal.

C. FORMAL APPEALS OF DEPARTMENT ACTIONS TAKEN PURSUANT TO RCW 77.55.110, 77.55.200, 77.55.230, or 77.55.290:

A person who is aggrieved or adversely affected by the denial or issuance of a HPA, or the conditions or provisions made part of a HPA may request a formal appeal. The request for FORMAL APPEAL shall be in WRITING to the Hydraulic Appeals Board per WAC 259-04 at Environmental Hearings Office, 4224 Sixth Avenue SE, Building Two Rowe Six, Lacey, Washington 98504; telephone 360/459-6327.

D. FAILURE TO APPEAL WITHIN THE REQUIRED TIME PERIODS RESULTS IN FORFEITURE OF ALL APPEAL RIGHTS. IF THERE IS NO TIMELY REQUEST FOR AN APPEAL, THE DEPARTMENT ACTION SHALL BE FINAL AND UNAPPEALABLE.

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REC'D JUL 30 2002



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

P.O. Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6311

July 18, 2002

CERTIFIED MAIL

Mr. Ken Cohen
Skamania County Community Events and Recreation
PO Box 790
Stevenson, WA 98648

Dear Mr. Cohen:

RE: Order #02SEASR-1474/2001-2-00830 -- Water Quality Certification for 0.96 acres of wetland fill to be placed in Drano Lake, near Columbia River Mile 162.5 in Skamania County, Washington

The request for certification for proposed work in and adjacent to Drano Lake has been reviewed. On behalf of the State of Washington, we certify that the proposed work, as conditioned by the enclosed Order, will comply with applicable provisions of Sections 301, 302, 303, 306 and 307 of the Clean Water Act, as amended, and other appropriate requirements of State law. This letter also serves as the State response to the Corps of Engineers.

Other Approvals/Permits:

- HPA #00-E6861-01 issued November 6, 2001
- Shoreline Substantial Development and Variance Permits issued by Skamania County on November 20, 2001

Water quality conditions of the above permits and approvals shall be considered conditions of this Order.

This certification is subject to the conditions contained in the enclosed Order. If you have any questions, please contact Helen Pressley at (360) 407-6926. Written comments can be sent to her at the Department of Ecology, Southwest Regional Office, PO Box 47775, Olympia WA 98504-7775 or at hpre461@ecy.wa.gov. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

Paula Ehlers
Paula Ehlers, Section Manager
Shorelands and Environmental
Assistance Program

Enclosure

cc: David Martin - Corps of Engineers
Yvonne Oliva - Ecology
Mark Bentley - Ecology

IN THE MATTER OF GRANTING)
A WATER QUALITY)
CERTIFICATION TO:)
Skamania County Community Events)
and Recreation Department)
in accordance with 33 U.S.C. 1341)
FWPCA § 401, RCW 90.48.260)
and WAC 173-201A)

ORDER #02SEASR-4474/2001-2-00830
0.96 acres of wetland fill to be placed in Drano Lake,
near Columbia River Mile 162.5 in Skamania County,
Washington

TO: Mr. Ken Cohen

On March 22, 2002, a public notice for a proposed water quality certification from the State of Washington was distributed for the above-referenced project pursuant to the provisions of 33 U.S.C. 1341 (FWPCA § 401). The proposed project entails 0.96 acres of wetland fill to be placed in Drano Lake, near Columbia River Mile 162.5 in Skamania County, Washington. The proposed project also includes construction of a 40' x 100' pre-fabricated concrete boat ramp, and 80' long metal sheet piling breakwater along the west side of the boat ramp, 51 gravel covered parking spaces, asphalt paving, restrooms, and a beach and non-motorized watercraft landing area that would be located along the east shoreline of the facility.

AUTHORITIES:

In exercising authority under 33 U.S.C. 1341, 16 U.S.C. 1456, and RCW 90.48.260, Ecology has investigated this application pursuant to the following:

1. Conformance with applicable water quality-based, technology-based, and toxic or pretreatment effluent limitations as provided under 33 U.S.C. Sections 1311, 1312, 1313, 1316, and 1317 (FWPCA Sections 301, 303, 306 and 307);
2. Conformance with the state water quality standards as provided for in Chapter 173-201A WAC authorized by 33 U.S.C. 1313 and by Chapter 90.48 RCW, and with other appropriate requirements of state law; and,
3. Conformance with the provision of using all known, available and reasonable methods to prevent and control pollution of state waters as required by RCW 90.48.010.

CONDITIONS OF ORDER # 02SEASR-4474 / 2001-2-00830 AND WATER QUALITY CERTIFICATION:

In view of the foregoing and in accordance with 33 U.S.C. 1341, 90.48.260 RCW and Chapter 173-201A WAC, water quality certification is granted to the Skamania County Community Events and Recreation Department (Applicant) subject to the following conditions:

A. No Impairment of Water Quality:

- A1. Certification of this proposal does not authorize the Applicant to exceed applicable state water quality standards (173-201A WAC), including the state sediment quality standards (173-204 WAC). Furthermore, nothing in this certification shall absolve the Applicant from liability for contamination and

any subsequent cleanup of surface waters or sediments occurring as a result of project construction or operations.

This project will be out of compliance with this certification if discharges from the project exceed limits established in 173-201A-030(5) WAC and/or 173-201A-040 WAC.

B. Temporary Modification of Water Quality Standards:

B1. Project construction, operation, and maintenance shall be done in compliance with WAC 173-201A. This certification does not authorize a modification of standards above those established in WAC 173-201A.

C. Notification Requirements:

C1. Notification shall be made to Ecology's Federal Permit Manager for WSDOT projects 360/407-6068, Fax 360/407-6904, or mail P.O. Box 47600, Olympia, WA 98504-7600) for the following activities:

- a) at least 10 days prior to starting construction at the project site or at each of the mitigation sites; and,
- b) within 7 days after the completion of construction at the project and each of the mitigation sites.

NOTE: These notifications shall include the Applicant's name, project name, project location, the number of this Order, contact and contact's phone number.

C2. The Applicant shall provide to Ecology a signed statement from each project manager and construction superintendent working at the project and mitigation sites that they have read and understand the conditions of the above-referenced permits, plans, and approvals. These statements shall be provided to Ecology no less than seven (7) days before construction begins at each project or mitigation site.

D. Project Mitigation:

D1. Impacts to aquatic resources shall be mitigated through measures described in the following documents, except as modified by this Order:

- Drano Lake Shallow Water Habitat Mitigation Plan dated March, 2002
- Biological Assessment Drano Lake Recreation Facilities Project dated July, 2001
- Addendum to the Drano Lake Biological Assessment, dated March 5, 2002

D2. Mitigation elements include the following:

- a) The property owner shall grant Ecology access to the mitigation areas for inspection during the 10 year monitoring period or until mitigation success has been achieved.
- b) Contingency measures and additional monitoring of the mitigation may be required by Ecology if monitoring reveals that performance measures are not being met.

D3. Any changes to the mitigation plan or monitoring requirements must be approved by Ecology. Two copies of each monitoring report shall be sent to Ecology's Federal Permit Coordinator at the Southwest Regional Office, P. O. Box 47775, Olympia, WA 98504-7775.

Evidence shall be provided that the mitigation site has been field inspected by a qualified wetland specialist during grading and planting operations, and after the planting has been completed.

D4. "As Built" and Monitoring Reports: a detailed "as built" report shall be prepared for construction. The "as-built" report shall show any variances from the final mitigation plan. The "as-built" shall be the baseline document used for all future monitoring of the mitigation project. Contents of the "as-built" shall include but not be limited to:

1. comments from the wetland specialist present on-site during mitigation construction;
2. final site plan topography (both site plan view and typical sections) which clearly indicates the mitigation site boundary;
3. photographs of the area taken from permanent photo points;
4. the installed planting scheme showing densities, sizes, and approximate locations of plants as well as plant sources and time of planting; and,
5. an analysis of any changes to the mitigation plan that occurred during construction.

D5. Mitigation efforts shall be monitored by a qualified specialist for compliance with the performance standards referenced in the mitigation plan. Within 60 days of each monitoring event, two copies of the monitoring report shall be prepared by the specialist and submitted to Ecology's SW Regional Office. If the results of monitoring indicate that contingency measures are needed, the monitoring report shall include a detailed description of actions taken to rectify the deficiencies.

E. Construction:

- E1. Work in or near the waterbody shall be done so as to minimize turbidity, erosion, and other water quality impacts.

E2. Machinery and equipment used during construction shall be serviced, fueled, and maintained on uplands in order to prevent contamination to surface waters.

E3. Construction Stormwater and Erosion Control:

- a. Work in or near waters of the state shall be done so as to minimize turbidity, erosion, and other water quality impacts. Construction stormwater, sediment and erosion control Best Management Practices suitable to prevent exceedances of state water quality standards (e.g., silt curtains, detention areas, filter fences, etc.), shall be in place before starting clearing, filling, and grading work at the impact sites.
- b. Construction fencing or flagging (using brightly colored tape at no less than twenty-five foot (25') intervals) of the existing wetlands and stream channels to be protected shall be completed prior to clearing. All project staff shall be trained to recognize construction fencing or flagging that identifies wetland boundaries. Equipment shall not be moved into or operated in wetlands or stream channels that are not authorized to be filled.

E4. All construction debris shall be properly disposed of on land so that it cannot enter a waterway or cause water quality degradation to state waters. All excess excavated material shall be disposed of above the 100-year floodplain and shall be contained so as to prevent its re-entry into waters of the state.

E5. Wash water containing oils, grease, or other hazardous materials resulting from wash down of equipment or working areas shall be contained for proper disposal, and shall not be discharged into state waters or storm drains.
Comments from the wetland specialist present on site during mitigation construction:

E6. Clean Fill Criteria: The Applicant shall ensure that fill placed for the proposed project does not contain toxic materials in toxic amounts.

E7. Toxic conditions resulting in distressed or dying fish (including dissolved oxygen levels below 5.0 mg/L) are not allowed. If these conditions exist, construction shall cease immediately and the Applicant or the contractor shall contact Ecology's Southwest Regional Spill Response Office at (360) 407-6300.

E8. Construction monitoring: During and immediately after project construction, the Applicant or contractor shall visibly monitor the area for distressed or dying fish. If water quality exceedances are observed outside the dilution zone, in-water work shall cease immediately and the Applicant or the contractor shall contact Ecology's Southwest Regional Spill Response Office at (360) 407-6300.

F. Emergency/Contingency Measures:

F1. In the event the Applicant is unable to comply with any of the permit terms and conditions due to any cause, the Applicant shall:

- a) Immediately take action to stop, contain, and clean up unauthorized discharges or otherwise stop the violation and correct the problem.
- b) Notify Ecology of the failure to comply. Spill events shall be reported immediately to Ecology's 24-Hour Spill Response Team at (360) 407-6000, and within 24 hours to Ecology's Helen Pressley at (360) 407-6926.
- c) Submit a detailed written report to Ecology within five days that describes the nature of the violation, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of any samples taken, and any other pertinent information.

Compliance with this condition does not relieve the Applicant from responsibility to maintain continuous compliance with the terms and conditions of this Order or the resulting liability from failure to comply.

- F2. Fuel hoses oil drums, oil or fuel transfer valves and fittings, etc., shall be checked regularly for drips or leaks, and shall be maintained and stored properly to prevent spills into state waters. No refueling of equipment shall occur over, or within 50 feet of creeks or wetlands.

G. General Conditions:

- G1. This certification does not exempt and is provisional upon compliance with other statutes and codes administered by federal, state, and local agencies.
- G2. The Applicant will be out of compliance with this certification if the project is constructed and/or operated in a manner not consistent with the project description contained in the Public Notice for certification, or as otherwise approved by Ecology. Additional mitigation measures may be required through other local, state, or federal requirements.
- G3. The Applicant will be out of compliance with this certification and must reapply with an updated application if five years elapse between the date of the issuance of this certification and the beginning of construction and/or discharge for which the federal license or permit is being sought.
- G4. The Applicant will be out of compliance with this certification and must reapply with an updated application if the information contained in the Public Notice is voided by subsequent submittals to the federal agency. Any future action at this project location, emergency or otherwise, that is not defined in the public notice, or has not been approved by Ecology, is not authorized by this Order. All future actions shall be coordinated with Ecology for approval prior to implementation of such action.
- G5. The Applicant shall provide access to the project site and all mitigation sites upon request by Ecology personnel for site inspections, monitoring, necessary data collection, or to ensure that conditions of this Order are being met.
- G6. Nothing in this Order waives Ecology's authority to issue additional orders if Ecology determines further actions are necessary to implement the water quality laws of the state.

ORDER #02SEASR-4474/2001-2-00830
July 18, 2002
Page 6 of 6

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Further, Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if additional impacts due to project construction or operation are identified (e.g., violations of water quality standards, downstream erosion, etc.), or if additional conditions are necessary to further protect the public interest.

G7. Liability: Any person who fails to comply with any provision of this Order shall be liable for a penalty of up to ten thousand dollars (\$10,000) per violation for each day of continuing noncompliance.

Appeal Process:

Any person aggrieved by this Order may obtain review thereof by appeal, within thirty (30) days of receipt of this Order, to the Washington Pollution Control Hearings Board, P.O. Box 40903, Olympia, WA 98504-0903. Concurrently, a copy of the appeal must be sent to the Department of Ecology, Enforcement Section, P.O. Box 47600, Olympia, WA 98504-7600. These procedures are consistent with the provisions of Chapter 43.21B RCW and the rules and regulations adopted thereunder.

Dated 7.19.02 at Lacey, Washington.

Paula Ehlers
Paula Ehlers, Section Manager
Shorelands and Environmental Assistance Program
Department of Ecology - Southwest Regional Office



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REC'D MAR 06 2002

STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

P.O. Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

February 25, 2002

Mr. Stephen Grichel
Skamania County Planning
PO Box 790
Stevenson, WA 98648

Skamania Community Events & Recreation Department
Attn: Ken Cohen
PO Box 709
Stevenson, WA 98648

I certify that I mailed a copy of this document
to the persons and addresses listed thereon,
postage prepaid, in a receptacle for United
States mail in Lacey, Washington on
February 26, 2002.

Kenna Y. Nicholson

Dear Mr. Grichel and Mr. Cohen:

Re: Skamania County Permit #SHR 01-02
Skamania Community Events Applicant
Shoreline Substantial Development/Variance Permit # 2001-SW-02064

The Department of Ecology has reviewed the above referenced Shoreline Variance permit to relocate existing boat launch, improve shoreline public access parking and circulation, develop restrooms within the setback zone, and establish long-term riparian habitat by planting native species shrubs and trees as a buffer zone along shoreline areas. Long term monitoring of the plantings is also a requirement.

We concur that the proposal, as conditioned by Skamania County, is consistent with the intent of the master program and the criteria set forth in WAC 173-27-170 for granting a Variance, provided the following additional conditions are upheld:

1. Applicant shall provide Ecology with the final landscape plan meeting requirements of WDFW in the Hydraulic Project Approval 00-E6861-01. Specific locations and densities of buffer zones and plantings proposed therein shall be identified on the plan, which shall be subject to Ecology review and approval prior to construction.
2. Within one month from completion of the facilities permitted by this approval, a post-construction review by Ecology field staff of the buffer zone plantings and the project as built is required. Applicant shall notify Jeffree Stewart at (360) 407-6521 to arrange a time for the inspection.

The permit is hereby approved.

This approval is given pursuant to requirements of the Shoreline Management Act of 1971. Other federal, state, or local approvals may be required.

BOOK 244 PAGE 791

Mr. Stephen Grichel
Mr. Ken Cohen
February 25, 2002
Page 2

Those developments and activities authorized by the subject permit may not begin until twenty-one (21) days from the transmittal date of this approval letter, or until conclusion of any review proceeding (appeal) initiated within the twenty-one day period. The Shorelines Hearings Board will notify you by letter if this permit is appealed.

If you have any questions on the above action, please contact Jeffree Stewart at (360) 407-6521.

Sincerely,

Perry Lund
Unit Supervisor
Shorelands and Environmental
Assistance Program

PL:JF:dn
Enclosure



BOOK 244 PAGE 792
**SKAMANIA COUNTY
BOARD OF COMMISSIONERS**

Skamania County Courthouse
Post Office Box 790
Stevenson, Washington 98648

(509) 427-9447 FAX: (509) 427-7365
TDD Relay Service (800) 833-6888

DEC - 3 2002

CLERK OF COURT
FBI

L. W. BUD GUINN
District 1

BOB TALENT
District 2

AL McKEE
District 3

**SHORELINE MANAGEMENT ACT OF 1971
PERMIT FOR SHORELINE SUBSTANTIAL DEVELOPMENT
AND VARIANCE**

APPLICATION NO.: SHR-01-02
ADMINISTERING AGENCY: Skamania County
DATE RECEIVED: June 28, 2001
TYPE OF ACTION: Substantial Development and Variance
DATE APPROVED: November 20, 2001

Pursuant to RCW 90.58, a permit is hereby granted to:

Skamania County Community Events and Recreation Department
PO Box 790
Stevenson, WA 98648

to undertake the following development:

To relocate existing boat launch, improve parking and circulation (paved circulation road and a gravel area for 50 vehicles with boat trailer), a day use area for boats and people, grass lawns, restrooms, and landscaping with native vegetation, with the following conditions:

- I. In the event that archeological data is uncovered during excavations, the applicant or his employee, agent or representative must stop work and contact the County Planning Office. The County Planning Office will take action to protect the archeological data, consistent with State and Federal law. The County Planning Office will facilitate a resolution of the issues between the affected parties. Excavation may resume at such time when it is determined that further excavation will not have an adverse affect on the archeological data.

All applicable Federal, State and Local permits must be obtained prior to commencement of project.

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3. No construction equipment shall enter any shoreline body of water, except if authorized by the Washington State Fish and Wildlife Hydraulics permit.
4. During construction, care will be taken to assure that waste material and foreign matter are not allowed to enter the water.
5. All fuel and chemicals shall be kept, stored, handled and used in a fashion which assures that there will be no opportunity for entry of such fuel and chemicals into the water.
6. Protection from siltation and erosion shall be provided for all earthworks projects.
7. Land being prepared for development shall have an adequate drainage system to prevent runoff from entering water bodies.
8. All construction debris such as fuel and oil containers and barrels and other miscellaneous litter shall be removed from the shoreline area. No equipment shall be abandoned within the shoreline area.
9. All activities must be consistent with the associated Hydraulics Project Approval.
10. No advertising signs or billboards shall be permitted within the shorelines except those signs identifying the names and business of the persons or firm occupying a particular site. Such identifying signs may be painted or mounted flush onto the exterior face of buildings and shall not rise higher than the buildings they are affixed to. Illuminated signs are permitted provided they are placed on that side of the building furthest from the water. Flashing and moving signs shall not be permitted. The size and design of all identifying signs shall be compatible with the surrounding environment. Preferable signs should be constructed of wood with routed lettering and finished in muted tones.
11. All electrical and telephone service shall be brought underground into the development site and to buildings.
12. Buildings and structures shall be no higher than 35 feet if there is the possibility that they might interfere with the views of a substantial number of upland properties.

The project will be within the shorelines of Skamania County. The project will be located within a Conservancy designation.

The permit is granted pursuant to the Shoreline Management Act of 1971 and nothing in this permit shall excuse the applicant from compliance with any other federal, state or county statutes, Ordinances or regulations applicable to this project, but not inconsistent with the Shoreline Management Act (Chapter 90.58 RCW).

This permit may be rescinded pursuant to RCW 90.58.140(7) in the event the permittee fails to comply with the terms or conditions hereof.

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CONSTRUCTION PURSUANT TO THIS PERMIT WILL NOT BEGIN OR IS NOT AUTHORIZED UNTIL TWENTY-ONE (21) DAYS FROM THE DATE OF FILING THE FINAL ORDER OF THE LOCAL GOVERNMENT WITH THE REGIONAL OFFICE OF THE DEPARTMENT OF ECOLOGY AND THE ATTORNEY GENERAL OR UNTIL ALL REVIEW PROCEEDINGS INITIATED WITHIN TWENTY-ONE (21) DAYS FROM THE DATE OF SUCH FILING HAVE TERMINATED.

Nov. 20, 2001
Date

Albert E. McKee
Chairman, Board of County Commissioners

THIS SECTION FOR DEPARTMENT OF ECOLOGY USE ONLY IN REGARD TO A SUBSTANTIAL DEVELOPMENT PERMIT WITH A CONDITIONAL USE OR VARIANCE.

Date received by Department of Ecology: _____

Date Approved _____

Denied _____

by: _____

This substantial development permit with conditional use/variance is approved by the Department of Ecology pursuant to Chapter 90.58 RCW. Development shall be undertaken pursuant to the following additional terms and conditions:

REC'D OCT 11 2001 CP

BOOK 244 PAGE 745



Skamania County
Department of Planning and
Community Development

Skamania County Courthouse Annex
Post Office Box 790
Stevenson, Washington 98648
509 427-9455 FAX 509 427-8285

DEC - 3 2001

1 OF 1

"MITIGATED" DETERMINATION OF NON-SIGNIFICANCE

DESCRIPTION OF PRO-
POSAL: Drano Lake Boat Launch Expansion

PROPOSER: Skamania County Community Events and
Recreation
P.O. Box 790
Stevenson, WA 98648
Attn: Ken Cohen

LOCATION OF PRO-
POSAL: Adjacent to SR-14 and the Columbia River at the confluence of the Little White Salmon
River and the Columbia River, Section 35 of T1N, R9E, W.M. and identified as
Skamania County Tax Lot #3-9-35-00-201, Skamania County, Washington.

Skamania County is the lead agency.

This is a "Mitigated" DNS issued under WAC 197-11-350(1) which allows the lead agency to consider mitigation measures. The mitigation measure set out below is consistent with the environmental checklist, dated, July 16, 2001, submitted by the Applicant, a copy of which is available in the Planning Department. The Planning Department has set out one mitigation measure that shall be implemented by the Applicant as development proceeds. A copy of this mitigation measure is also available in the Planning Department.

1. Prior to commencing work, the Skamania County Community Events and Recreation Department shall apply for and receive National Scenic Area, Shorelines, State Fish and Wildlife Hydraulics and Corps of Engineers Section 404 permit approval.

The lead agency for this proposal has determined that with the above mitigation measure does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public upon request.

This DNS is issued under 197-11-340(2); this is a comment period and the lead agency will not act on this proposal for 15 days from the date below. Comments shall be submitted in writing to the address set forth above.

DATE: 10/3/2001

Karen A. Witherspoon - AICP, Director

APPEALS

You may appeal this "Mitigated" Determination of Non-Significance to the Skamania County Board of Commissioners at P.O. Box 790, Stevenson, WA 98648 no later than 10 days from the above date, by submitting a letter of appeal. You should be prepared to make specific factual objections in the letter of appeal. Contact Karen Witherspoon to ask about the procedures for SEPA appeals.

CC: Greenmont

JD White

(Att: Greenmont) ✓

Mike Forls

7. CONSERVATION MEASURES

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The proposed recreation facility improvement project at Drano Lake will incorporate construction activities while protecting the site's sensitive natural resources. While some in-water work will be necessary to implement this project, measures will be taken to keep debris and sediment from extending into Drano Lake and the Columbia River during construction work. Table 3 summarizes conservation measures to be implemented for the proposed project.

Table 3: Summary of Conservation Measures

Conservation Measures	
1.	Only clean, non-leaking (fluid) equipment will be used in the vicinity of the lake.
2.	Project work will be conducted during WDFW approved in-water construction period for Drano Lake and the Columbia River.
3.	During construction, preventative measures will be in place during equipment storage to keep loose dirt and fluids from contaminating the environment.
4.	Necessary pollution prevention and sediment control measures will be implemented, including an on-site spill response kit, in the event of an equipment fuel or oil spill or leak.
5.	Green concrete will not contact any water that enters a watercourse or wetland.
6.	Construction-related disturbances to vegetation outside of the immediate area of construction activities will be negligible. Vegetation inside the construction limits will be disturbed.
7.	The project will be monitored at all times to ensure that there is no significant sedimentation of Drano Lake, or other impacts to water quality and habitat that may adversely affect fish populations.
8.	Erosion control measures and Best Management Practices will be utilized during earth-disturbing activities to prevent downstream sedimentation.
9.	Areas of disturbed soils will be seeded and planted with appropriate grasses and/or woody vegetation to stabilize soils and reduce erosion.
10.	Vegetation monitoring will be conducted to ensure survival of planted vegetation to guard against invasion by aggressive plant species, drought, herbivores, etc.
11.	Dead or dying vegetation will be replaced to ensure that a minimum of 80% survive at the end of 10 years.



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**Skamania County
Department of Planning and
Community Development**

Skamania County Courthouse Annex
Post Office Box 790
Stevenson, Washington 98648
509 427-9458 FAX: 509 427-8268

STAFF REPORT

National Scenic Area

Drano Lake Recreation Facility Improvement Project including expanding an existing boat launch site from 1.03 acres to 1.93, relocating boat launch to the East, constructing a dock and break wall, expanding entry way to site, landscaping and irrigation, new restroom facilities (17' X 13'), and new ticket dispenser.

FILE No. NSA-61-43

Drano Lake Recreation Facility Improvement Project

May 28, 2003

This staff report is to address the application by Ken Cohen, Skamania County Community Events and Recreation, for a Drano Lake Improvement Project including expanding an existing boat launch site from 1.03 acres to 1.93, relocating boat launch to the East, constructing a dock and break wall, expanding entry way to site, landscaping and irrigation, new restroom facilities, and new ticket dispenser. The subject parcel of land is in the General Management Area zoned Open Space- Public Recreation (where development is taking place). The parcel is 13.41 acres immediately North of State Route 14 in Skamania County at the confluence of the Little White Salmon River and the Columbia River, Section 35 of Township 3N, Range 9E, W.M. and identified as Skamania County Tax Lot #03-09-35-0-0-0201-00.

The Drano Lake Boat Launch facility provides water access to both Drano Lake and the Columbia River. Conceptually the project is proposed in the *Management Plan for the Columbia River Gorge National Scenic Area* and immediate implementation was recommended "because of the project's approved status and pressing need to expand the overused facility (III-10)." The project has received a grant award from the Columbia River Gorge National Scenic Area for the proposed project. The boat launch site is publicly owned by Skamania County and Washington State Department of Fish and Wildlife.

Some comments were received in a timely manner during the Notice of Development commenting period. The following Staff Report includes findings on those comments that are applicable and that are within the jurisdiction of the Planning Department.

RELEVANT STATUTORY AND REGULATORY PROVISIONS

Chapter 22.06 ADMINISTRATION

§22.06.010- REVIEW AND APPROVAL REQUIRED

No building, structure or land shall be used, and no building or structure shall be hereafter erected, altered or enlarged, including those proposed by state or federal agencies, in that portion of the County lying within the Columbia River Gorge National Area, except as allowed by this Title.

Finding: The applicant is applying for a Drano Lake Improvement Project including expanding an existing boat launch site from 1.03 acres to 1.93, relocating boat launch to the East, constructing a dock and break wall, expanding entry way to site, landscaping and irrigation, new restroom facilities, and new ticket dispenser.

Conclusion: The following staff report will review the application for compliance with all provisions of Title 22 protecting natural, scenic, recreational and cultural resources.

§22.06.020- GENERAL AND SPECIAL MANAGEMENT AREAS - APPLICATION AND SITE PLAN INFORMATION REQUIRED; ACCEPTANCE AND PROCESSING OR APPLICATION BY DEPARTMENT.

A. COMPLETE APPLICATION REQUIRED PRIOR TO REVIEW BY DEPARTMENT.

Finding: An application was submitted by Ken Cohen, Director of Skamania County Community Events and Recreation, on June 28, 2001. All required aspects were found in the application and site plan. The Site plan was amended on May 19, 2003 to show additional information. As well a landscape plan and narrative were submitted on May 8, 2003.

Conclusion: The application and site plans were determined to be complete by Planning Staff on June 28, 2001 and the amended site plan was determined to be complete on May 19, 2003.

§22.06.040- ACCEPTANCE OF APPLICATION; NOTICE OF DEVELOPMENT REVIEW; COMMENT PERIOD.

Findings: Application NSA 01-43 was accepted on June 28, 2001. Notice of Development Review was mailed September 04, 2001 to required parties.

Conclusion: Some comments were received in a timely manner during the Notice of Development Review commenting period. The following Staff Report includes findings on those comments that are applicable and that are within the jurisdiction of the Planning Department.

§22.06.090- EXISTING USES

A. EXISTING USES IN GENERAL MANAGEMENT AREAS

4. Replacement of an existing use or structure including those damaged or destroyed by disaster or an emergency event by the same type of use or structure in a different location or with a different size shall be subject to the provisions of this Title to minimize adverse effects on scenic, cultural, natural and recreation resources, except Chapter 22.08.

Finding: This application includes an addition to a public-owned resource based facility. The site will be increased from a 1.03 to 1.93 acre site. The project will be reviewed as publicly owned, resource based recreation use.

Conclusion: Therefore, in compliance with this provision, this proposal will be subject to the provisions of this Title to minimize adverse effects on scenic, cultural, natural and recreation resources, except Chapter 22.08, as set forth in the remainder of this staff report.

Finding: In 1977 the Skamania County Board of County Commissioners were concerned about the creation of lots that were not legally created. As such they passed Skamania County Ordinance No. 1977-08. That ordinance required the County Assessor to verify that every sale of land in the County was evaluated for legal status before the deed would be accepted by the County Auditor for recording. Illegally created parcels would not be approved by the assessor and therefore not recorded by the County Auditor. Such parcels would then not be assigned a tax lot number. In 1988, the County Assessor established an Office Policy with the Planning Department that requires the Planning Department's assistance in this process. Richard Lang, Skamania County Surveyor, submitted a document showing the boundary lines of the property.

Conclusion: The applicable provisions of this subsection have been satisfied.

§22.06.110- TRIBAL TREATY RIGHTS

A. GENERAL MANAGEMENT AREAS - TRIBAL NOTICE AND COMMENT PERIOD.

1. The Director shall send a notice to the four tribal governments when new uses are:
 - a. Proposed on public lands
 - b. Proposed in or adjacent to the Columbia River or its tributaries that support anadromous or resident fish.

Finding: The project area is on public lands and adjacent to Drano Lake. The four tribal governments were noticed of the project on September 25, 2001 and February 7, 2002. There were no comments received from any of the four tribal governments.

Conclusion: This provision has been met.

2. Indian tribal governments shall have 21 calendar days from the date a development review notice is mailed by the Department under this Section to

submit substantive written comments to the Director. Indian tribal governments must identify the treaty rights that exist in the project vicinity and explain how they would be affected or modified by the new use(s).

Finding: *The four Indian tribes were notified of the proposed project and no comments were received that identified any existing treaty rights associated within the project area.*

Conclusion: *This provision has been met.*

C. GENERAL MANAGEMENT AREAS - CONCLUSION OF TRIBAL TREATY PROTECTION PROCESS.

1. The Director shall decide whether the proposed uses would affect or modify any treaty or other rights of any Indian tribe.
2. The final decision shall integrate findings of fact that address any substantive comments, recommendations or concerns expressed by Indian tribal governments.

Finding: *This section has been met and no comments were received from the four Indian Tribal governments. Furthermore, The Columbia River Gorge Commission and the USFS were requested to review the proposed development in a memorandum dated July 24, 2001. Mr. Boynton stated, "The proposed project is in an existing boat launch and parking lot. Expansion will require in-water fill into Drano Lake. There is no practicable way to perform an archaeological reconnaissance at this site. There are no recorded archaeological sites within the area of potential effect for this project."*

Conclusion: *This section has been met and can be concluded.*

\$22.06.150- VARIANCES

A. GENERAL MANAGEMENT AREAS - VARIANCES.

1. When setbacks or buffers required in the Title overlap or conflict, the setbacks or buffers may be varied upon a demonstration that:

- a) A setback or buffer specified to protect one resource would cause the proposed use to fall within a setback or buffer established to protect another resource; and
- b) Variation from the specified setbacks or buffer would, on balance, best achieve the protection of the affected resources.

Finding: *The project area is located in a narrow section between Drano Lake and SR 14. The main purpose of this project is to improve safety conditions of the site and SR 14. Alternative sites have considered and this site has been determined the best alternative. The project area is within the water resource buffer and will not be setback 100 feet from SR-14. In order to achieve the 100-foot setback the fill material would have to extend further North into Drano Lake, affecting both the water and scenic resources.*

Conclusion: The parking area will not be set back 100 feet from the edge of pavement on SR 14. The alternative site analysis showed this as the best alternative. Due to the water based nature and the size of the parcel it is not possible to have the parking area setback 100 feet from the road, and a variance to this setback will be needed. The use is a water-dependent use that will provide access to Drano Lake and the Columbia River. Since no further review under this Chapter is necessary, review under this Chapter can be concluded.

Chapter 22.10 SCENIC RESOURCE PROTECTION

§22.10.020 - GENERAL MANAGEMENT AREAS - STANDARDS GOVERNING NEW DEVELOPMENTS.

A. STANDARDS GOVERNING ALL NEW DEVELOPMENTS

1. New buildings and associated roads shall be sited and designed to retain the existing topography and to reduce necessary grading to the maximum extent practicable.

Finding: The proposed development site consists of a 1.03 acre boat launch facility located adjacent to SR-14 and Drano Lake shoreline. The recreational facility project will increase the fill site to 1.93 acres located in the same area. The additional fill will be placed North and East of the existing site and relocate the boat launch to the East end of the site. The fill will be from an approved off-site source with complete geotechnical analysis for both the existing topography and the fill materials used. No existing trees will be removed from the property due to the construction. The scope of the project requires extensive fill and grading to be completed in order to provide a safer facility. The restroom will be located on a flat area and require minimal additional grading. The applicants have submitted a landscape plan to vegetate and screen the facility.

Conclusion: Due to the scope of the project there will be extensive fill material added to the project area. However, the existing topography will not be excavated or removed.

2. New buildings shall be generally consistent with the height and size of existing nearby development of a similar nature.

Finding: The only building on the site will be a 221 square foot restroom facility that will be consistent with other recreational facilities in the area.

Conclusion: The proposed building is consistent with height and size of existing nearby development of a similar nature.

3. A site plan shall be submitted in conjunction with a building permit for all new buildings, except those smaller than 60 square feet in area and less than 18 feet in height, as measured at the roof peak.

Finding: A site plan was submitted on June 28, 2001 for the recreational facility. It was updated and on May 19, 2003 to include restroom facility dimensions.

Conclusion: Compliance with this provision has been achieved.

4. A determination of compatibility with the landscape setting shall be made by the Director and shall be based upon information submitted in the site plan.

Finding: Consultation of the "Landscape Settings" map, provided by the USDA Forest Service, indicates that the subject property is located within the River Bottomland landscape setting.

Conclusion: Determination of compatibility with the landscape setting is discussed in this Chapter under subsection §22.10.020(C) below.

5. For all new production and/or development of mineral resources and expansion of existing quarries, a reclamation plan is required to restore the site to a natural appearance that blends with and emulates surrounding landforms to the maximum extent practicable.

Finding: This application does not involve new production or development of mineral resources and thus is not subject to this provision.

Conclusion: This provision is not applicable.

6. Project applicants shall be responsible for the proper maintenance and survival of any planted vegetation required under this chapter.

Finding: The applicant has indicated that a temporary irrigation system will be necessary for successful establishment. An on-site Solar Powered Irrigation system will be installed. The panels will be a brown color that will match the non-glare local color of the building.

Conclusion: As a condition of approval, the applicants will be responsible for the proper maintenance and survival of any planted vegetation as shown in the landscape plan.

B. ADDITIONAL STANDARDS GOVERNING NEW DEVELOPMENTS VISIBLE FROM KEY VIEWING AREAS.

1. Size, height, shape, color, reflectivity, landscaping, siting or other aspects of proposed developments shall be evaluated to ensure that such development is visually subordinate to its setting as seen from key viewing areas.

Finding: The applicant has submitted a detailed landscape plan that includes intensive landscaping to screen the development from SR-14. The proposed dock and boat launch will be in scale with the facility and made of materials with low reflectivity. The applicant has also included information regarding the pervious parking areas. In a letter received on May 9, 2003 from Tod LeFevre, Assistant County Engineer,

he states, "We also plan the use of colored hard surfacing, i.e. concrete/asphalt blocks, to reduce visual impacts and increase overall aesthetics." Some of the listed options being evaluated are turf blocks, gravel pave, colored open-graded pavement, colored concrete, or colored rock chip-seal. A colored hard surfacing is planned on being used if feasible. As well, the proposed approach off of SR-14 has been re-designed to protect all existing conifer trees except one that will be relocated on site. The landscape plan also includes an irrigation system to ensure survivability of the landscaping in order to achieve visual subordination. The details of the landscape plan are addressed individually under Chapter 22.12.030 below.

Conclusion: The applicant is taking all practicable measures to achieve visual subordination for the proposed recreation facility. Furthermore, the use is an existing use that will be improved to provide safer access to the Columbia River and Drano Lake and be more scenically pleasing than the existing site. As a Condition of Approval, the applicant shall submit a sample to the Planning Department of the hard surfacing prior to installation for approval.

2. The extent and type of conditions applied to a proposed development to achieve visual subordination should be proportionate to its potential visual impacts as seen from key viewing areas. Factors influencing the degree of potential visual impact include:

(a) The amount of area of the building site exposed to key viewing areas,

Finding: The entire project area is visible from SR-14.

Conclusion: The entire project area is visible from SR-14.

(b) The degree of existing vegetation providing screening.

Finding: On the West end of the site there are 7-8 trees that provide screening when traveling East on SR-14. There are several trees South of the existing site and several trees on the East end of the site. The applicant has indicated that no existing vegetation will be removed from the property. One tree will be relocated to expand the entryway. Due to the steep slope up to SR-14 the trees are very wind blown above the grade of the road.

Conclusion: There is existing vegetation that will provide minimal screening to the building site. As condition of approval, except as is necessary for site development or safety purposes, existing tree cover screening the development shall be retained.

(c) The distance from the building site to the key viewing areas from which it is visible,

Finding: The project area is immediately adjacent to SR-14.

Conclusion: The project area is visible from SR-14.

(d) The number of key viewing areas from which it is visible, and

Finding: The parcel is visible from one key viewing areas, SR-14.

Conclusion: The parcel is visible from one key viewing areas, SR-14.

- (e) For linear key viewing areas such as roads, the linear distance along the key viewing areas from which the site is visible.

Finding: The proposed project is visible from SR-14 for 1.2 miles.

Conclusion: The proposed project is visible from SR-14 for 1.2 miles.

3. Determination of potential visual effects shall include consideration of the cumulative effects of proposed developments.

Finding: The current project site is a barren gravel parking lot with minimal vegetation. The parking lot has inadequate parking spaces, and therefore trucks and trailers are parked along SR-14. The new recreational facility will provide additional parking spaces reducing the cars parked along SR-14. The new recreational facility plan includes additional landscaping that will break the parking lot into smaller sections and make a more scenic parking area than the existing boat launch site.

Conclusion: Although the new facility is larger in size the cumulative effects will not be negatively impacted. The proposed project is seen from only one key viewing for 1.2 miles.

4. For new buildings and roads or for mining and associated activities proposed on lands visible from key viewing areas, the following site plan information shall be submitted in addition to that otherwise required under Chapter 22.06 of this Title:

Finding: An appropriate site plan has been submitted.

Conclusion: This provision has been met.

5. New buildings and roads shall be sited on portions of the subject property that minimize visibility from key viewing areas, unless the siting would place such development in a buffer specified for protection of water resources, sensitive plants, or sensitive wildlife sites or would conflict with provisions protecting cultural resources. In such instances, the development shall comply with this provision to the maximum extent practicable.

Finding: Due to existing topography the proposed project is sited in the only practicable location.

Conclusion: Due to existing topography the proposed project is sited in the only practicable location.

6. In siting new buildings and roads, use of existing topography and vegetation to screen such development from key viewing areas shall be given priority over other

means of achieving visual subordination, such as planting new vegetation or using artificial berms to screen the development from key viewing areas.

Finding: See Section 22.10.020(A)(1), above for use of topography and Section 22.10.020(C)(4)(a), below for retaining existing vegetation.

Conclusion: This provision has been met to the extent practicable.

7. New buildings and roads shall be designed and sited to minimize grading activities and visibility of cut banks and fill slopes from key viewing areas.

Finding: See finding for 22.10.020(A)(1), above and 22.10.020(B)(20), below.

Conclusion: This provision has been met to the extent practicable.

8. The exterior of buildings on lands seen from key viewing areas shall be composed of nonreflective materials or materials with low reflectivity, unless the structure would be fully screened from all key viewing areas by existing topographic features.

Finding: The restroom facility is only building for the proposed project. The applicant has indicated, "The exterior will be a textured concrete colored a dark non-reflective earth tone color that matches local conditions. The roof will be a simple peaked design and protected with non-reflective shingles of a similar color to the walls of the structure. The shingles will also combine a Photovoltaic Cells for the irrigation system." A PV cell shingle sample was submitted to the Planning Department. The PV shingles are glass-free and a raised textured surface with low reflectivity. The pumping and valve components for the irrigation system will be contained in the restroom facility and will not be seen from KVAs. The pervious parking area will be non-reflective as described in 22.10.020(B)(1) above.

Conclusion: A condition of approval, shall state that the exteriors of all buildings and dock shall be composed of nonreflective materials or materials of low reflectivity.

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

Finding: The applicant has indicated that there will be no exterior lighting at the facility.

Conclusion: As a condition of approval, there shall be no outdoor lighting at the facility.

- 10-11. Not applicable.

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

Finding: *The proposed restroom is the only new building on the site. The area surrounding Drano Lake contains steep canyon walls and the restroom will remain below the ridge of the canyon walls.*

Conclusion: *This provision has been met.*

13-17. Not applicable.

18. Except for water-dependent development and for water-related recreation development, development shall be set back 100 feet from the ordinary high water mark of the Columbia River below Bonneville Dam, and 100 feet from the normal pool elevation of the Columbia River above Bonneville Dam.

Finding: *The proposed recreational facility is a water-related recreation development and is allowed within 100 feet of the Columbia River normal pool elevation.*

Conclusion: *This proposed development is a water-related recreation development and is permitted within 100 feet of the normal pool elevation for the Columbia River.*

19. New buildings shall not be permitted on lands visible from key viewing areas with slopes in excess of 30 percent. In determining the slope, the average percent slope of the proposed building site shall be used.

Finding: *The only proposed building is the restroom facility which is will be located in an area where the slope will not exceed 30%.*

Conclusion: *This provision has been met.*

20. All proposed structural development involving more than 100 cubic yards of grading on sites visible from key viewing areas and with slopes between 10 and 30 percent shall include submittal of a grading plan. This plan shall be reviewed for compliance with key viewing area provisions. The grading plan shall include the following:

- a) A map of the site, prepared at a scale of one inch equals 200 feet (1:2,400) or a scale providing greater detail, with contour intervals of at least five feet, including:
 - i) Existing and proposed final grades.
 - ii) Location of all areas to be graded, with cut banks and fill slopes delineated.
 - iii) Estimated dimensions of graded areas.
- b) A narrative description of the proposed grading activity, including:
 - i) Its purpose.

- ii) An estimate of the total volume of material to be moved.
- iii) The height of all cut banks and fill slopes.
- iv) Provisions to be used for compactions, drainage, and stabilization of graded areas. Preparation of this information by a licensed engineer or engineering geologist is recommended.
- v) A description of plant materials used to revegetate exposed slopes and banks, including the species, number, size and location of plants, and a description of irrigation provisions or other measures necessary to ensure the survival of plantings.
- vi) A description of any other interim or permanent erosion control measures to be used.

Finding: The applicant submitted a fill diagram and narrative for a grading plan. The applicant also submitted a landscape plan to illustrate plant materials used for the project.

Conclusion: This provision has been met.

21. Compliance with specific approval conditions to achieve visual subordination shall occur within a period of not to exceed two years after the date of development approval.

Finding: The above provision should be stated as a condition of approval prior to a final inspection by the Building Department. The applicant should also contact Planning Department staff so staff can conduct a site visit within four business days.

Conclusion: As a condition of approval, the applicant shall comply with all conditions for visual subordination, prior to final inspection by the Building Department. The applicant shall coordinate all inspections with the Building Department. Planning Department staff should be able to conduct a final inspection site visit within four business days from the time of calling for the inspection. Final inspection will not be issued until compliance with all conditions of approval, including visual subordination criteria, has been verified.

22-26. Not applicable.

C. LANDSCAPE SETTINGS.

1. General Provisions.

- a) Landscape settings shall be as designated on the map entitled "Landscape Settings", adopted on October 15, 1991 as part of the Columbia River Gorge Commission's comprehensive management plan.

Finding: Consultation of the above mentioned map indicates that the subject parcel is in the "River Bottomlands" landscape setting.

Conclusion: Therefore, the subject proposal will be reviewed for compatibility with that landscape setting below.

- b) New development in all landscape settings shall be compatible with the general scale (height, dimensions, overall mass) of similar development in the vicinity. Expansion of existing development shall comply with this provision to the maximum extent practicable.

Finding: The immediate vicinity of the project area is undeveloped. The existing boat ramp has been consistently too small for the recreation in the area. Therefore, the new facility will be larger in scale to provide for the public need. However, the project is in scale with other boat launch and parks in the Columbia River Gorge National Scenic Area.

Conclusion: The proposed development is consistent with development of a similar nature to the maximum extent practicable.

8. River Bottomlands

- a) in portions of this setting visible from key viewing areas, the following provisions shall be employed to achieve visual subordination for new development and expansion of existing development:

- i) Except as is necessary for site development or safety purposes, existing tree cover screening the development shall be retained.

Finding: The applicant has indicated that there will be no tree removal and only one tree will be relocated on-site.

Conclusion: As condition of approval, except as is necessary for site development or safety purposes, existing tree cover screening the development shall be retained.

- ii) At least half of any trees planted for screening purposes shall be species native to the River Bottomland setting. Public recreation developments are encouraged to maximize the percentage of planted screening vegetation native to the setting. Such species include black cottonwood, big leaf maple, red alder, Oregon white ash, Douglas-fir, western red cedar and western hemlock and various native willow species.

- iii) At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.

Finding: See description of Landscape plan in Chapter 22.12.030 below.

Conclusion: See description of Landscape plan in Chapter 22.12.030 below.

- iv) The exteriors of structures shall be dark and either natural or earth-tone colors, unless specifically exempted elsewhere in this Section.

Finding: The restroom facility is only building for the proposed project. The applicant has indicated, "The exterior will be a textured concrete colored a dark non-reflective earth tone color that matches local conditions. The roof will be a simple peaked design and protected with non-reflective shingles of a similar color to the walls of the structure." As well the applicant has stated the pervious surface will be a colored surface stated in 22.10.020(B)(1) above.

Conclusion: As a Condition of Approval, the applicant shall submit color samples for the restroom facility and boat-launch dock that are dark and either natural or earth-tone in color prior to issuance of a building permit.

- c) Compatible Recreation Use. Compatible recreation uses in this setting depend on the degree of natural resource sensitivity of a particular site. In the most critically sensitive river bottomlands, very low-intensity uses that do not impair wetlands or special habitat requirements may be compatible.

In other river bottomland areas, nodes of moderate-intensity and/or high-intensity recreation uses may be compatible provided that:

- i) their designs emphasize retention and/or enhancement of native riparian communities,
- ii) structures and parking areas are visually subordinate, and
- iii) they are separate from other areas of concentrated recreation usage by stretches of natural-appearing shoreline or adjacent uplands.

Finding: The Drano Lake Boat Launch is listed as Recreational Intensity Class 4 and conceptually the project is proposed in the Management Plan for the Columbia River Gorge National Scenic Area and immediate implementation is recommended "because of the project's approved status and pressing need to expand the overused facility (III-10)." The proposed improvement project includes enhancement of riparian communities by providing shoreline plantings in the place of existing riprap. With required landscaping the project will be visually subordinate to the extent feasible. The surrounding area is undeveloped and contains the natural-appearing shoreline of Drano Lake.

Conclusion: The facility is a high-intensity recreation site and meets the applicable provisions. Also see Chapter 22.12.030 below.

§22.10.040 - SCENIC TRAVEL CORRIDORS AND TRANSPORTATION FACILITIES

A. GENERAL MANAGEMENT AREAS - STANDARDS FOR NEW DEVELOPMENTS ON SCENIC TRAVEL CORRIDORS

The following provisions apply to that portion of State Route 14 lying within the Columbia River Gorge National Scenic Area and to lands lying 1/4 mile of the edge of the pavement thereof:

1. All new buildings, alterations and additions to existing buildings, new parking lots and expansion of existing parking lots shall be set back at least 100 feet from the edge of pavement to the extent practicable, except in Rural Centers which are exempt from this subsection. Variances from this setback requirement may be made pursuant to Section 22.08.150 of this Title.

Finding: The project area is located in a narrow section between Drano Lake and SR 14. The main purpose of this project is to improve safety conditions of the site and SR 14. Alternative sites have been considered and this site has been determined the best alternative since it can take advantage of the existing boat launch.

Conclusion: The parking area will not be set back 100 feet from the edge of pavement on SR 14. The alternative site analysis showed this as the best alternative. Due to the water based nature and the size of the parcel it is not possible to have the parking area setback 100 feet from the road. See Variance requirements Chapter 22.08.150 above. Review under this Section is complete; therefore this Chapter can be concluded.

Chapter 22.12 RECREATIONAL DEVELOPMENT

§22.12.010 - APPLICABILITY OF CHAPTER MAPS.

"Recreation sites shall be protected from adjacent uses that would detract from their use and enjoyment." Management Plan for the Columbia River Gorge National Scenic Area, p. II-96.

Finding: The portion of Drano Lake where the proposed development is to occur is designated Recreation Intensity Class 4 (High Intensity). Permitted uses within this classification include "All uses permitted in Recreation Intensity Classes 1, 2, and 3." This includes according to §22.12.20 (B)(1)(g) "River access areas." The Drano Lake Improvement Project was outlined in the Management Plan for the Columbia River Gorge National Scenic Area, which states, "Additional facility development is recommended." According to the applicant, "The Drano Lake Facilities Enlargement was completed, designed, funded and permitted in 1989, but was not completed because of land issues with Northern Pacific Railway Company. Those issues have been resolved and the time is now to complete the project." The project has received a grant award from the Columbia Gorge National Scenic Area for the implementation of the improvement project.

Conclusion: The proposed use is allowable based on its recreation intensity and the proposed development should be able to increase use and enjoyment of the river and Drano Lake rather than detract from it. Review under the remaining chapters of this Title is required.

4. Recreation Intensity Class 4 (High Intensity)

- a) All uses permitted in Recreation Intensity Classes 1, 2, and 3.

Finding: All uses in the Drano Lake Improvement Project are allowed uses including river access areas (RIC 1g), boat docks, piers, and wharfs (RIC 1j), (Restroom and comfort facilities (RIC 1k), Boat Ramps, not to exceed two lanes (RIC 2e), Parking spaces for fifty vehicles (RIC 3b).

Conclusion: The Drano Lake Improvement Project is an allowed use and review under the remaining chapters of this Title are required.

§22.12.030 - GENERAL MANAGEMENT AREAS - APPROVAL AND DESIGN STANDARDS FOR RECREATION USES.

A. APPROVAL STANDARDS FOR RECREATIONS USES.

Proposed resource-based recreation projects to be located outside of Public or Commercial Recreation zones, shall be subject to review by the Director for compliance with other applicable provisions of this Title and with the following criteria:

Finding: The proposed development is a resource-based recreation use, development, or facility that is within a public recreation zone.

Conclusion: This subsection is not applicable to this project.

B. DESIGN STANDARDS FOR ALL RECREATION USES

1. Recreation facilities that are not resource-based may be included at sites providing resource-based recreation uses consistent with the provisions of this Section, as long as such facilities comprise no more than one-third of the total land area dedication to the recreation use and/or facilities.

Finding: The proposed project is located adjacent to Drano Lake and is resource-based to provide safe access to Drano Lake and the Columbia River.

Conclusion: This provision is not applicable.

2. The facility design standards are intended to apply to individual recreation facilities. A cluster or grouping of recreational developments or improvements located relatively close to one another is considered an individual recreation facility. Developments or improvements within the same Recreation Intensity class are considered as separate facilities if they are separated by at least 1/4 mile of undeveloped land, excluding trails, pathways or access roads.

Finding: There are no Recreational facilities within 1/4 mile of the Drano Lake Improvement Project.

Conclusion: This provision has been met.

3. Parking areas, access roads and campsites shall be sited and designed to fit into the existing natural contours as much as possible, both to minimize ground disturbing grading activities and to use topography to screen parking area and associated structures. Parking areas, access roads and campsites shall be sited and set back sufficiently from bluffs so that they are visually subordinate as seen from key viewing areas.

Finding: *The parking area will extend off of the existing boat launch along the Shore of Drano Lake. The land will extend East and North of the existing site. The parking area is visible for 1.2 miles along SR-14 and is screened topographically from other KVAs. With required extensive landscaping and innovative designs the parking area will be visually subordinate to extent feasible based on existing topography.*

Conclusion: *The parking area is visible for 1.2 miles along SR-14 and is sited along the shoreline of Drano Lake to use the existing boat launch and topography to the extent feasible.*

4. Existing vegetation, particularly mature trees shall be maintained to the maximum extent practicable, and used to screen parking areas and campsites from key viewing areas and satisfy requirements for perimeter and interior landscaped buffers.

Finding: *The existing vegetation will not be removed and will provide partial screening from SR-14. The applicant has indicated that one tree shall be replanted in another location to provide screening.*

Conclusion: *As condition of approval, except as is necessary for site development or safety purposes, existing tree cover screening the development shall be retained.*

5. Parking areas providing over 50 spaces shall be divided into discrete "islands" separated by unpaved, landscaped buffers.

Finding: *The parking area will provide only 50 parking spaces. However, the landscape plan does include discrete "islands" to break up the parking lot as seen from SR-14.*

Conclusion: *This provision has been met.*

6. Lineal frontage of parking areas and campsite loops on scenic travel corridors shall be minimized.

Finding: *Due to the topography and location of SR-14 and Drano Lake it is not practicable to enlarge the parking lot without increasing the lineal frontage of the parking area along SR-14. The Southern Drive Aisle will be located approximately 67.5 feet from SR-14 and approximately 20 feet lower than SR-14. The boat launch facility extends approximately 1,050 feet along SR-14. The entry point is approximately 105 feet in width, which is necessary for safe access to SR-14 for cars and trailers.*

Conclusion: *The boat launch facility will extend for approximately 1,050 feet along SR-14. The Drive Aisle is located 67.5 feet off of SR-14 with the parking spots setback over 100 feet from SR-14. The final grade of the parking area is approximately 20 feet lower than SR-14.*

7. *Ingress and egress point shall be consolidated to the maximum extent practicable consistent with provisions of adequate emergency access pursuant to applicable fire and safety purposes.*

Finding: *There is only one ingress/egress point to the facility.*

Conclusion: *This provision has been met.*

8. *Signage shall be limited to that necessary to provide relevant recreation or facility information, interpretive information, vehicular and pedestrian direction and for safety purposes.*

Finding: *The applicant has not indicated the type and location of any signs at the facility.*

Conclusion: *As a condition of approval, signage shall be limited to that necessary to provide relevant recreation or facility information, interpretive information, vehicular and pedestrian direction and for safety purposes.*

9. *Exterior lighting shall be shielded, designed and sited in a manner that prevents such lighting from projecting offsite or being highly visible from key viewing areas.*

Finding: *The applicant has indicated that there will no lights at the facility.*

Conclusion: *This provision is not applicable.*

10. *Innovative designs and materials that reduce visual impacts (such as "turf blocks" instead of conventional asphalt paving) shall be encouraged through incentives such as additional allowable parking spaces and reduced required minimum interior or perimeter landscaped buffers. If potential visual impacts have been substantially reduced by use of such designs and materials, then the County may allow either a) reductions up to 50 percent of required minimum interior or perimeter landscape buffers or b) up to ten percent additional parking spaces.*

Finding: *The applicant has submitted a landscape plan and narrative to describe the "innovative designs." The design includes vegetative islands, colored pervious pavement or turf blocks, and extensive plantings to break up the parking lot. A letter received from Tod LeFevre documents the design team's innovative approach to the Drano Lake Project. Mr. LeFevre states design elements that include a re-designed approach to "minimize disruption to the existing vegetation", which will retain all existing conifer trees except one that will be relocated. All surface water run-off will be engineered and infiltrated on site and include a "bioswale" to "catch all surface runoff from the highway and then*

directed to an engineered infiltration area." The pervious parking area will be non-reflective as described in 22.10.020(B)(1) above. Also, a solar powered irrigation system is designed to ensure landscaping establishment.

Conclusion: The design team consisting of Skamania County Engineering and Recreation Departments, KPFF Engineers, GreenWorks, P.C. and GRI have demonstrated that innovative designs and materials will reduce visual impacts of the project.

11. A majority of trees, shrubs, and other plants in landscaped areas shall be species native or naturalized to the landscape setting in which they occur.

Finding: All plantings including coniferous and deciduous trees, shoreline, upland, aquatic, and groundcover planting are native to the setting.

Conclusion: This provision has been met.

12. All structures shall be designed so that height, exterior colors, reflectivity, mass and siting enable them to blend with and not noticeably contrast their setting.

Finding: The Drano Lake Boat Launch facility currently consists of a barren gravel parking lot with Porto potties, and minimal landscaping. The Drano Lake Improvement Project has been designed to contrast less with the setting than the existing site.

Conclusion: The Drano Lake Improvement Project has been designed to contrast less with the setting than the existing site.

13. Landscape buffers around the permitted of parking areas accommodating more than ten vehicles shall be provided. Minimum required widths are five feet for 20 vehicles or fewer, 20 feet for 50 vehicles or fewer vehicles, 30 feet for 100 or fewer vehicles and 40 feet for 250 or fewer vehicles.

Finding: In a Memorandum From Dave Elkin, GreenWorks, P.C., he states "A 20-foot wide landscape buffer will be provided around the west, north, and east sides of the project, on the fill slope and/or existing grade. On the south side to the project, the requirement will have to be reduced along the south side of the project due to the proximity of the parking entry road to the highway slope. We propose a 10' wide buffer planting between the edge of the highway slope and parking drive aisle." Additionally there is another 10 foot landscaped buffer between the drive aisle and the parking area to break up the continuous pervious pavement. Due to the "innovative designs" mentioned above a 10 foot reduction shall be allowed considering the proximity to the existing steep rock fill slope. This will ensure plant survivability as well. In a letter from Rick Keniston, P.E., Engineering Services Manager for Washington State Department of Transportation, received on August 8th, 2002, he states concerns WDOT has with screening that would be planted on the rock fill slope of SR-14 right-of-way. The concerns expressed included sight distance as cars with trailers enter and exit the facility, plant establishment and survivability, and public safety.

Conclusion: The 20 foot buffer will be met or exceeded on the North, East, and West sides of the facility. The Southern border will contain a 10-foot buffer then a drive aisle with another 10-foot buffer before the parking area. Due to "innovative ideas" expressed in provision #10 above the 10 foot buffer is compatible with this section. This provision has been met.

14. Interior landscaped buffers breaking up continuous areas of parking shall be provided for any parking areas with over 50 spaces. The minimum width of interior landscaped buffers separating each sub area of 50 spaces or less shall be 20 feet.

Finding: The parking area only contains 50 parking spaces. However there are interior landscape buffers that separate the drive aisle from the parking area and a vegetative island that separates the entryway.

Conclusion: This provision is not applicable since there are only 50 parking spaces at the facility. A condition of Approval shall state the parking area shall not exceed 50 parking spaces.

15. Within required perimeter and interior landscaped buffer areas, a minimum of one tree of at least six feet in height shall be planted for every ten lineal feet as averaged for the entire perimeter width. A minimum of 25 percent of planted species in perimeter buffers shall be coniferous to provide screening during the winter. Project applicants are encouraged to place such trees in random groupings approximating natural conditions. In addition to the required trees, landscaping shall include appropriate shrubs, groundcover and other plant materials.

Finding: The trees proposed to be planted are 7'-8' in height and at least fifty percent of the trees are coniferous to provide screening during the winter. The landscaping plan also includes shrubs, groundcover, upland, and aquatic plantings. The trees are concentrated along the West and East ends of the project area in order to provide screening as traveling West and East along SR-14 and meet highway safety standards.

Conclusion: This provision has been met.

16. Minimum required perimeter landscaped buffer widths for parking areas or campgrounds may be reduced by as much as 50 percent if existing vegetation stands and/or existing topography are used such that the development is not visible from any key viewing area.

Finding: The site does not provide existing topography or vegetation that would make the project not visible from key viewing areas.

Conclusion: The site does not provide existing topography or vegetation that would make the project not visible from key viewing areas.

17. Grading or soil compaction within the "drip line" of existing mature trees shall be avoided to the maximum extent practicable, to reduce risk of root damage and associated tree mortality.

Finding: The applicant has stated that there will be one tree replanted due to the construction of the entryway. According to the site plan there will be minimal grading around existing vegetation.

Conclusion: As a condition of approval, grading or soil compaction within the "drip line" of the existing mature trees shall be avoided to the maximum extent practicable, to reduce risk of root damage and associated tree mortality.

18. All parking areas and campsites shall be set back from State Road 14, State Road 141 and the Columbia River by at least 100 feet. Required perimeter landscaped buffers may be included when calculating such setbacks.

Finding: The actual parking spaces are set back over 100 feet from SR-14 however the drive aisle is located closer than 100 feet and will require a variance.

Conclusion: The drive aisle for the parking area will require a variance. See 22.12.030(C) below.

19. Project applicants shall use measures and equipment necessary for the proper maintenance and survival of all vegetation used to meet landscaped standards and shall be responsible for such maintenance and survival.

Finding: The applicant has indicated that there will be an on-site solar powered irrigation system that will be contained in the restroom facility. The maintenance will also include the removal of non-native invasive species. The applicant has also indicated that the landscape contractor will provide maintenance/warranty period for one year to ensure successful plant establishment.

Conclusion: The applicant has included maintenance and performance plans for on-site landscaping. As a condition of approval, the applicant is responsible for the survival and maintenance of landscaping. Any dead or dying vegetation should be replaced in-kind or with species native to the setting.

20. All parking areas shall be set back from property boundaries by at least 50 feet. All campsites and associated facilities shall be set back from property boundaries by at least 100 feet.

Finding: The actual parking spaces are set back over 50 feet from the property line. SR-14 however the drive aisle is located closer than 50 feet and will require a variance.

Conclusion: The drive aisle for the parking area will require a variance. See 22.12.030(C) Below.

21. All proposed projects that are larger than those allowed in Recreation Intensity Classes 1 through 3 and are on lands classified Recreation Intensity Class 4 (except for proposals predominantly devoted to boat access) shall comply with Section 22.12.030(A)(8), above.

Finding: This project is a resource-based project in Recreation Intensity Class 4 that is predominantly devoted to boat access.

Conclusion: This provision is not applicable.

C. VARIANCES.

1. Variances may be granted to the setback and buffer requirements contained in this Section upon a finding that all of the following conditions exist:

Finding: A variance is required under Chapter 22.12.030(B)(18)(20).

Conclusion: Review under this section shall continue.

- a) The proposed project is a public-use, resource-based recreation facility providing or supporting either recreational access to the Columbia River and its tributaries, or recreational opportunities associated with State Road 14.

Finding: The proposed project is a public-use, resource-based recreation facility providing recreational access to the Columbia River and recreational opportunities associated with State Route 14.

Conclusion: This provision has been met.

- b) All reasonable measures to redesign the proposed project to comply with required setbacks and buffers have been explored and application of those setbacks and buffers would prohibit a viable recreation use of the site as proposed.

Finding: Due to the water-based nature of the project, existing topography, and location of State Route 14 the setbacks would prohibit viable recreation use as proposed. Skamania County Department of Community Events and Recreation formed a Draino Lake Project Advisory Committee with a formal public process to evaluate alternative locations. It was determined expansion of the existing site was the best location.

Conclusion: This provision has been met.

- c) Resource impacts have been mitigated to less than adverse levels through design provisions and mitigation measures.

Finding: The applicant has submitted a detailed landscape plan that will mitigate scenic impacts to the project. As well the project has received a Washington Department

of Fish and Wildlife Hydraulic Project Approval, State of Washington Department of Ecology Shoreline Variance, Skamania County Substantial Development and Variance (Shoreline), A State Environmental Protection Act Mitigated Determination of Non-Significance, Letters of Concurrence (US Fish and Wildlife Service, National Oceanic and Atmospheric Administration, US Department of Agriculture), and is pending a United States Corps of Engineers Section 404. These State and Federal agencies have issued required mitigation measures and conservation measures included in the Biological Assessment of the project. The applicant has completed design provisions and mitigation measures to reduce the resource impacts.

Conclusion: This provision has been met. Conditions of the attached approvals shall be considered conditions of approval for this decision and attached to the Administrative Decision.

d) The variance is the minimum necessary to accommodate the use.

Finding: Due to existing topography and the locations of Drano Lake and SR-14 the variance is the minimum necessary to accommodate a recreational facility.

Conclusion: This provision has been met. Furthermore, all requirements under this subsection have been met to show that a variance is required for the proposed project.

Review under this Chapter is complete, therefore this chapter can be concluded.

Chapter 22.14 WATER RESOURCE PROTECTION

§22.14.010 - MAPS AND INVENTORIES

In making a preliminary determination of whether a wetland exists on the proposed site of a proposed use or development regulated under this Chapter, the Department shall consult the following:

"National Wetlands Inventory", United States Department of Interior, Fish & Wildlife Service, 1988.

Finding: Consultation of the above-mentioned map indicates that the subject property is within 1000 feet of water resources.

Conclusion: A memo on September 20, 2001 from Eric Holman (WDFW), stated that he had reviewed the application and there are potential effects to aquatic life in Drano Lake, Little White Salmon River, and the Columbia River. These activities have come under review of Skamania County Shorelines Permit process, and review by both state and federal agencies. This proposed project is located immediately next to Drano Lake and will be located within the water resource buffer area of Drano Lake. Therefore, the proposed developments subject to all applicable provisions of this Chapter.

§22.14.020 - GENERAL MANAGEMENT AREAS - DEVELOPMENT REGULATIONS

B. REVIEW USES IN ALL WATER RESOURCE ZONES

2. Other uses may be allowed in a water resource zone, subject to review by the Director for compliance with all other applicable provisions of this Title if:
- a) The proposed use is water-dependent, or is not water-dependent but has no practicable alternative.

Finding: *The proposed use is water-dependent and provides access to Drano lake and the Columbia River.*

Conclusion: *This provision has been met.*

- b) The proposed use is in the public interest. The following factors shall be considered when determining if a proposed use is in the public interest:

- i) The extent of public need for the proposed use;
- ii) The extent and permanence of beneficial or detrimental effects that the proposed use may have on the public and private uses for which the property is suited;
- iii) The functions and size of the water resource that will be affected;
- iv) The economic value of the proposed use to the general area; and
- v) The ecological value of the water resource and probable effect on the public health and safety, fish plants, and wildlife.

Finding: *The project facilitates public access to shorelines by creating an increased variety of recreational activities on the shoreline area. The existing facilities provide public boating recreational opportunities along this shoreline area. These recreational facilities are currently limited to a gravel parking lot and a boat launch primarily used by anglers. However, the existing facilities are not sufficient to accommodate the angler volume. The proposed project will provide for additional parking capacity. It also provides shoreline vegetation where none currently exists. Skamania County and the WDFW, both public agencies, currently own this boat launching facility. It is available for public use and will remain so with this proposal. (The JD White Company, Inc. Substantial Shoreline Development Permit Narrative for the Drano Lake Recreation Facility Improvement Project, June 2001, Page 18.)*

"The facilities will be of benefit to the social and natural environments of the Mid Columbia area. The improved facilities will allow the resource users safer access to the site and to have a comfortable place to congregate. The beach area provides a more relaxing atmosphere than barren gravel. By providing the comfortable facilities, social activities on the site are encouraged. As previously explained, the proposal will decrease environmental impacts and provide improved species habitat." (The JD White Company, Inc. Substantial Shoreline Development Permit Narrative for the Drano Lake Recreation Facility Improvement Project, June 2001, Page 9.) Note: The redesign plan has eliminated the beach in order to provide shoreline plantings.

Conclusion: The proposed use is in the Public Interest and has gone through a formal public process with the Drano Lake Improvement Advisory Committee.

- c) Groundwater and surface-water quality will not be degraded by the proposed use.

Finding: The applicant has indicated that "All surface water runoff will be engineered and infiltrated on-site." As well the slope from SR-14 will be stabilized by reducing its grade and a "bioswale" will be added to catch all surface runoff from the highway. The existing site contains no storm or ground water treatment. The pervious pavement and pervious landscaped areas will allow water to infiltrate better than existing conditions.

Conclusion: Groundwater and surface water will not be degraded by the project.

- d) Those portions of a proposed use that are not water-dependent or have a practicable alternative will be located outside the water resource zones.

Finding: The boat launch facility is designed for water-based recreation access and all portions of the project are within the water-resource zone due to the location of SR-14 and Drano Lake. There is no practicable alternative for the facility to be located outside of the water-resource zone.

Conclusion: The facility is water-dependent to provide access to Drano Lake and the Columbia River.

- e) The proposed use complies with all applicable provisions of this Title and other laws.

Finding: This project is being reviewed under all applicable sections of this Title. The proposed use has been issued a Washington Department of Ecology Water Quality Certification, Washington Department of Fish and Wildlife Hydraulic Project Approval, Skamania County Shoreline Development and Variance Permit (Approved by Ecology), and is pending a Section 404 wetland fill permit from the U.S. Army Corps of Engineers.

Conclusion: This provision has been met.

3. In addition to the information required in all site plans, site plans for proposed uses in streams, ponds, lakes and their buffer zones shall include: a site plan map prepared at a scale of 1 inch equals 100 feet (1"=100'), or a scale providing greater detail; the exact boundary of the ordinary high watermark or normal pool elevation and the prescribed buffer zone; and a description of actions that would alter or destroy the stream, pond, lake or riparian area.

Finding: A complete site plan was submitted to the Planning Department.

Conclusion: This provision has been met.

D. APPROVAL CRITERIA FOR REVIEW USES IN STREAMS, PONDS, LAKES,
AND RIPARIAN AREAS

Uses may be permitted in streams, ponds, lakes, and riparian areas, subject to review by the Director for compliance with all applicable provisions of this Title, if:

1. Measures have been applied to ensure that the proposed results in minimum feasible impacts to water quality, natural drainage and fish and wildlife habitat of the affected stream, pond, lake and/or buffer zone, including but not limited to the following mitigation measures:

- a) Construction shall occur during periods when fish and wildlife are least sensitive to disturbance, as determined and specified by the Washington Department of Wildlife and Fisheries, after evaluation of the applicant's specific proposal.

Finding: WDFW issued a Hydraulic Project Approval (HPA) that sets timing limitations on the work to enlarge the footprint of the facility, demolish the existing boat ramp, establish the new ramp and establish the breakwater.

Conclusion: This provision has been met. Conditions of the approved approvals shall be considered conditions of approval for this decision and attached to the Administrative decision.

- b) All natural vegetation shall be retained to the greatest extent practicable, including aquatic and riparian vegetation.

Finding: The applicant has indicated that there will be no trees removed from the project area and only one tree will be relocated on site. Minimal shoreline vegetation exists at the current site.

Conclusion: This provision has been met.

- c) Nonstructural controls and natural processes shall be used to the greatest extent practicable.

Finding: Due to the scale of the project there will be necessary filling and compaction needed to stabilize the parking area and bank slope from SR-14. There is also a sheet pile break wall as wind-break for the boat launch.

Conclusion: When feasible nonstructural controls and natural processes shall be used to the greatest extent practicable.

- d) Bridges, roads, pipeline and utility corridors and other water crossings shall be minimized and should serve multiple purposes and properties.

Finding: There are no proposed water crossings.

Conclusion: This provision is not applicable.

- e) Stream channels should not be placed in culverts unless absolutely necessary for property access. Bridges are preferred for water crossings to reduce distribution to streams, ponds, lakes, and their banks. When culverts are necessary, oversized culverts with open bottoms that maintain the channel's width and grade should be used.

Finding: *There are no proposed water crossings or culverts.*

Conclusion: *This provision does not apply.*

- f) Temporary and permanent control measures shall be applied to minimize erosion and sedimentation when riparian areas are disturbed, including slope netting, berms and ditches, tree protection, sediment barriers, infiltration systems and culverts.

Finding: *Riparian areas will be disturbed by the proposed project. HPA permit issued by WDFW addresses revegetation and erosion control measures. There is aquatic and shoreline plantings included in the landscape plan to minimize long-term erosion and sedimentation.*

Conclusion: *This provision has been met.*

- 2. Unavoidable impacts to aquatic and riparian areas will be offset through rehabilitation and enhancement efforts which shall achieve no net loss of water quality, natural drainage and fish and wildlife habitat to the affected stream, pond, lake and/or buffer zone.

If a project area has been disturbed in the past, it shall be rehabilitated to its natural condition to the maximum extent practicable. If the project area cannot be completely rehabilitated, enhancement shall also be required. Rehabilitation and enhancement shall be accomplished according to a rehabilitation and/or enhancement plan which shall be subject to the following guidelines:

- a) Natural hydrologic conditions shall be replicated, including current patterns, circulation, velocity, volume and normal water fluctuation.
- b) Natural stream channel and shoreline dimensions shall be replicated, including depth, width, length, cross-sectional profile and gradient.
- c) The bed of the affected aquatic area shall be rehabilitated with identical or similar materials.
- d) Riparian areas shall be rehabilitated to their original configuration, including slope and contour.
- e) Fish and wildlife habitat features shall be replicated, including pool-riffle ratios, substrata and structures, including large woody debris and boulders.
- f) Stream channels and banks, shorelines and riparian areas shall be replanted with native plant species that replicate the original vegetation community.
- g) Rehabilitation and enhancement efforts shall be completed no later than 90 days after the aquatic area or buffer zone has been altered or destroyed, or as soon thereafter as is practicable.

- h) Within three years after an aquatic area or buffer zone is rehabilitated or enhanced, at least 75 percent of the replacement vegetation must survive. The project applicant shall monitor the replacement vegetation and take corrective measures to meet subsections a-f above.

Finding: The HPA issued by WDFW and Water Quality Certification issued by Washington Department of Ecology contain adequate provisions regarding rehabilitation to meet this provision. As well, a Section 404 wetland fill permit is pending from the U.S. Army Corps of Engineers. The applicant will enhance the existing shoreline with the proposed aquatic and shoreline planting.

Conclusion: This provision has been met. Conditions of the attached approvals shall be considered conditions of approval for this decision and attached to the Administrative Decision.

22.14.040 - DELINEATING WATER RESOURCE BOUNDARIES AND BUFFER ZONES.

A. NATURAL CONDITION.

Except as otherwise specified, water resource buffers shall be retained in their natural condition. Where buffer disturbance occurs during project development, revegetation with native vegetation shall be required and shall provide and maintain habitat diversity beneficial to the fish, wildlife and native plants.

Finding: The proposed project will cause disturbances to the buffer area of Drano Lake. The applicant proposes to plant native vegetation in the disturbed areas.

Conclusion: As a condition of approval, disturbed areas shall be revegetated with native vegetation and dead and dying vegetation should be replanted with like or in kind species.

B. DELINEATING WATER RESOURCE BOUNDARIES.

2. **STREAMS, PONDS AND LAKES:** The exact location of a stream, pond or lake boundary shall generally be measured landward from the ordinary high water mark on a horizontal scale that is perpendicular to the ordinary high water mark. On the main stem of the Columbia River above Bonneville Dam, buffer zones shall be measured landward from the normal pool elevation of the Columbia River.

Finding: The location of the Drano Lake and the ordinary high water line are marked on a site plan dated May 30, 2001.

Conclusion: This provision has been met.

C. STANDARD WETLAND, LAKE AND POND BUFFER WIDTHS

Buffers shall be required for all regulated activities adjacent to regulated wetlands, lakes and ponds. All buffers shall be measured from the wetland, lake or pond boundary as established pursuant to

Subsection B hereof. In General Management Areas, the width of wetland, lake and pond buffers shall be based on the dominant vegetation community that exists in a buffer zone.

1. The dominant vegetation community in a buffer zone is the vegetation community that covers the most surface area of that portion of the buffer zone that lies between the proposed activity and the affected wetland, lake or pond. Vegetation communities are classified as forest, shrub or herbaceous.
4. A herbaceous vegetation community is characterized by the presence of herbs, including grass and grasslike plants, forbs, ferns, and nonwoody vines.

Finding: *The Drano Lake recreation area currently consists of unpaved rock and a gravel pull-off that contains no minimal vegetation. Vegetation is limited to grasses and forbs along SR 14 and within the existing recreation site on the southern shoreline.*

Conclusion: *The site would be considered a herbaceous vegetation community.*

5. Buffer zones shall be measured outward from a wetlands, lake or pond boundary on a horizontal scale that is perpendicular to the wetland, lake or pond boundary. The following buffer zone widths shall be required:

GMA:	FOREST COMMUNITIES	75 FEET
	SHRUB COMMUNITIES:	100 FEET
	HERBACEOUS COMMUNITIES:	150 FEET

Finding: *The proposed project will be within this 150 foot buffer zone.*

Conclusion: *In The Biological Assessment compiled by JC White Company, Inc. there was an alternative analysis done for site designs and locations. As well other alternatives were analyzed in the development process for this project. This is the only practicable alternative and it is a water-based project. The project will need to be within the buffer zone. With required conditions and provisions the project will improve aesthetics and native vegetation communities along the southern shoreline of Drano Lake.*

22.14.050 - WATER RESOURCE COMPENSATION, ENHANCEMENT, REHABILITATION AND MITIGATION PLANS

B. GENERAL MANAGEMENT AREAS - REHABILITATION AND ENHANCEMENT PLANS FOR STREAMS, PONDS, LAKES AND RIPARIAN AREAS.

Rehabilitation and enhancement plans shall be prepared when a project applicant is required to rehabilitate or enhance a stream, pond, lake and/or buffer zone and shall be subject to the following guidelines:

1. Rehabilitation and enhancement plans are the responsibility of the project applicant. Plans shall be prepared by qualified professionals, such as fish or wildlife biologists.

Finding: The applicant prepared a Biological Assessment of the area including a shallow water habitat mitigation plan, monitoring plan, and conservation measures. This plan has been approved by WDFW.

Conditions: This provision has been met. A condition of approval, shall state that all conservation measures included in Table 3 of Biological Assessment Drano Lake Recreation facilities Project prepared by The JD White Company.

2. All plans shall include an assessment of the physical characteristics and natural functions of the affected stream, pond, lake and/or buffer zone. The assessment shall include hydrology, flora and fauna.

Finding: The applicant prepared a Biological Assessment of the area including shallow water habitat mitigation plan, monitoring plan, and conservation measures. This plan has been approved by WDFW.

Conclusion: This provision has been met.

3. Plan view and cross-sectional, scaled drawings, topographic survey data, including elevations at contour intervals of at least two feet, slope percentages, and final grade elevations, and other technical information shall be provided in sufficient detail to explain and illustrate each of the following:

- (a) Soil and substrate conditions, grading and excavation, and erosion and sediment control needed to successfully rehabilitate and enhance the stream, pond, lake and buffer zone.
- (b) Planting plans that specify native plant species, quantities, size, and spacing or density; source of plant materials or seeds; timing, season, water and nutrient requirements for planting; and, where appropriate, measures to protect plants from predation.
- (c) Water-quality parameters, construction techniques, management measures, and design specifications needed to maintain hydrologic conditions and water quality.

Finding: The grading, site, and landscape plan with attached narratives provide sufficient detail to address rehabilitation and enhancement of the existing shoreline.

Conclusion: This provision has been met.

4. A three-year monitoring, maintenance and replacement program shall be included in all rehabilitation and enhancement plans. At a minimum, a project applicant shall prepare an annual report that documents milestones, successes, problems and contingency actions. Photographic monitoring shall be used to monitor all rehabilitation and enhancement efforts.

Finding: Department of Ecology issued a Water Quality Certification with monitoring conditions for ten years; these reports must be submitted to WADOE within 60 days of the monitoring events. WDFW requires monitoring through 06/30/2013.

Conclusion: This provision has been met. Conditions of the attached approvals shall be considered conditions of approval for this decision and attached to the Administrative Decision.

5. A project applicant shall demonstrate sufficient fiscal, administrative, and technical competence to successfully execute and monitor a rehabilitation and enhancement plan.

Finding: The applicant has indicated that the landscape contractor will be responsible for survival and maintenance for the initial year of landscaping. As well the applicant is installing an irrigation system to ensure survival.

Conclusion: This provision has been met.

22.14.060 VARIANCES

A. GENERAL MANAGEMENT AREAS -- VARIANCES

1. The provisions of this Section governing setbacks and buffers may be varied upon a demonstration that both of the following conditions exist:
 - a) A setback or buffer specified in this Title to protect one resource would cause the proposed use to fall within a setback or buffer specified in the plan to protect another resource.
 - b) Variation from the specified setbacks or buffer would, on balance, best achieve the protection of the affected resources.

Findings: The required setback of 150 feet for herbaceous communities will require a variance. The project area is an existing use that will be expanded in order to provide better public facilities. Alternative location would cause additional areas to be negatively impacted and still require the use to be within the 150-foot setback.

Conclusions: With required mitigation measures, the proposed project will enhance the affected resources. Review under this Chapter can be concluded.

Chapter 22.16 WILDLIFE AND PLANT HABITAT

22.16.010 - GENERAL MANAGEMENT AREAS -- USES, STANDARDS AND DEVELOPMENT REVIEW FOR SENSITIVE WILDLIFE AREAS AND SITES

B. REVIEW USES.

Except uses allowed without review by the Director under Subsection A, above, proposed uses may be allowed within 1,000 feet of a sensitive wildlife area or site, subject to review by the Director for compliance with other applicable provisions of this Title and the following:

i. Site Plans and Field Surveys.

- a) In addition to the information otherwise required for site plans, site plans for uses within 1,000 feet of a sensitive wildlife area or site shall include a map prepared at a scale of one inch equals 100 feet (1:1,200) or a scale providing greater detail.
- b) A field survey to identify sensitive wildlife areas or sites shall be required for
 - ii) Recreation facilities that contain parking areas for more than 10 cars, overnight camping facilities, boat ramps, or visitor information and environmental education facilities;

Field surveys shall cover all areas affected by the proposed use or recreation facility. They shall be conducted by a professional wildlife biologist hired by the project applicant. All sensitive wildlife areas and sites discovered in a project area shall be described and shown on the site plan map.

Findings:

This project is a recreational facility that will require a field survey of sensitive wildlife, sensitive plants, and wildlife management plan. A Biological Assessment was prepared in June 2001 by JD White Company, Inc. This BA addressed life history, habitat, current status, and presence in project area of the following species: Northern Spotted Owl, Steelhead, Chinook Salmon, Columbia River Chin Salmon and Bull Trout, Sockeye Salmon, Coho Salmon and Cutthroat Trout. This BA included a field survey and detailed Benthic Invertebrate Survey.

Conclusion:

The applicant has prepared a biological assessment for the proposed project area. This BA includes conservation measures that have been reviewed by state and federal agencies. These conservation measures shall be included as a condition of approval.

2. Review by Department of Wildlife.

- a) Site plans and field surveys for uses proposed within 1,000 feet of a sensitive wildlife area or site shall be submitted by the Department to the Washington Department of Fisheries and Wildlife (WDFW) and shall be reviewed by WDFW to determine if the proposed use would adversely affect a sensitive wildlife area or site.

Findings:

The BA was submitted to WDFW on October 10, 2001. Eric Holman, WDFW, responded on October 19, 2001 and stated that WDFW concurs with the BA.

Conclusion:

This provision has been met.

d) Review by the Director under this Section may terminate if, after consultation with the WDFW and/or review pursuant to Subsection c), above, the Director determines that:

- i) The sensitive wildlife area or site is not active; or
- ii) The proposed use would not compromise the integrity of the wildlife area or site or occur during the time of the year when wildlife species are sensitive to disturbance.

e) If the Director, after consultation with WDFW and/or review pursuant to subsection d), above, determines that the proposed use would have only minor effects on the wildlife area or site that could be eliminated by simply modifying the site plan or regulating the timing of new uses, a letter shall be sent to the project applicant that describes the effects and recommends measures needed to eliminate them.

If the project applicant accepts the recommendations of the Director, the local government will incorporate them into its development review order and the wildlife protection process may conclude.

Finding:

WDFW has provisioned their approval on allowable in water work periods and monitoring in order to reduced wildlife effects. These comments have been submitted to the applicant.

Conclusion:

As stated previously, the in-water work periods as determined by WDFW should be stated as a Condition of Approval.

3.

Wildlife Management Plans

If the Director, after consultation with WDFW and/or after review under Subsection 2(d), above, determines that a proposed use is likely to adversely affect a sensitive wildlife area or site, then a wildlife management plan shall be required. The primary purpose of the plan is to document the special characteristics of a project site and the habitat requirements of affected wildlife species. The information in the plan shall provide a basis for the applicant to redesign the proposed use in a manner that protects sensitive wildlife areas and sites, maximizes his or her development options, and mitigates temporary impacts to the wildlife area, site and/or buffer zone.

Wildlife management plans shall meet the following criteria:

- a) Wildlife management plans shall be prepared by professional wildlife biologist hired by the project applicant.
- b) All relevant background information shall be documented and considered, including biology of the affected species, published protection and management guidelines, physical characteristics of the subject parcel, past

and present use of the subject parcel, and useful life of the wildlife area or site.

- c) The core habitat of the sensitive wildlife species shall be delineated. It shall encompass the sensitive wildlife area or site and the attributes or key components that are essential to maintain the long-term use and integrity of the wildlife area or site.
- d) A wildlife buffer zone shall be employed. It shall be wide enough to ensure that the core habitat is not adversely affected by new uses, or natural forces, such as fire and wind. Buffer zones shall be delineated on the site plan map and shall reflect the physical characteristics of the project site and the biology of the affected species.
- e) The size, scope, configuration or density of new uses within the core habitat and the wildlife buffer zone shall be regulated to protect sensitive wildlife species. The timing and duration of all uses shall also be regulated to ensure that they do not occur during the time of the year when wildlife species are sensitive to disturbance. The following guidelines shall apply:
 - i) New uses shall generally be prohibited within the core habitat. Exceptions may include uses that have temporary and negligible effects, such as the installation of minor underground utilities or the maintenance of existing structures. Low intensity, non-destructive uses may be conditionally authorized in the core habitat.
 - ii) Intensive uses shall be generally prohibited in wildlife buffer zones. Such uses may be conditionally authorized when a wildlife area or site is inhabited seasonally, provided they will have only temporary effects on the wildlife buffer zone and rehabilitation and/or enhancement will be completed before a particular species returns.

Rehabilitation and enhancement actions shall be documented in the wildlife management plan and shall include a map and text.

Rehabilitation and enhancement actions shall be required when new uses are authorized within wildlife buffer zones. When a buffer zone has been altered or degraded in the past, it shall be rehabilitated to its natural condition to the maximum extent practicable. When complete rehabilitation is not possible, such as when new structures permanently displace wildlife habitat, enhancement shall also be required. Enhancement shall achieve no net loss of the integrity of the wildlife area or site.

The project applicant shall prepare and implement a 3-year monitoring plan when the affected wildlife area or site is occupied by a species that is listed as endangered or threatened pursuant to federal or state wildlife lists.

At a minimum, the project applicant shall prepare an annual report and shall track the status of the wildlife area or site and the success of rehabilitation and/or enhancement actions.

At the end of three years, rehabilitation and enhancement efforts may conclude if they are successful. In instances where rehabilitation and enhancement efforts have failed, the monitoring process shall be extended until the applicant satisfies the rehabilitation and enhancement guidelines.

Wildlife management plans shall be submitted by the Department to the WDFW. WDFW shall have 20 days from the date that a management plan is mailed by the Department within which to submit written comments to the Director.

Findings:

A Biological Assessment was prepared in June 2001 by JD White Company, Inc. This BA addressed life history, habitat, current status, and presence in project area of the following species: Northern Spotted Owl, Steelhead, Chinook Salmon, Columbia River Chum Salmon and Bull Trout, Sockeye Salmon, Coho Salmon and Cutthroat Trout. This BA included a field survey and detailed Benthic Invertebrate Survey. In correspondence from WDFW a buffer zone around sensitive wildlife was not established.

Conclusion:

The applicant has prepared a biological assessment for the proposed project area that meets the requirements of the Wildlife Management Plan.

22.16.020 GENERAL MANAGEMENT AREAS - USES, STANDARDS AND REVIEWS FOR SITES WITH SENSITIVE PLANT SPECIES

B. REVIEW USES.

Except uses allowed without review by the Director under Subsection A, above, proposed uses may be allowed within 1,000 feet of a sensitive plant, subject to other applicable provisions of this Title and the following standards:

1. Site Plans and Field Surveys.

- a) In addition to the information otherwise required in site plans, site plans for uses within 1,000 feet of a sensitive plant shall include a map prepared at a scale of one inch equals 100 feet (1:1,200) or a scale providing greater detail.
- b) A field survey to identify sensitive wildlife areas or sites shall be required for:
 - ii) Recreation facilities that contain parking areas for more than 10 cars, overnight camping facilities, boat ramps, and visitor information and environmental education facilities;

Finding:

Based on the Sensitive Plants maps provided by the U.S. Forest Service, there are

no sensitive plants within the 1000 feet of the subject property. A plant and animal field survey was completed as part of a Biological Assessment prepared in June 2001 by JD White Company, Inc.

Conclusion: There are no known sensitive plants in the project area. However, Sandy Swoop-Moody, Washington Natural Heritage Program, received a copy of the BA field survey and application. No further review under this chapter is necessary, therefore this chapter can be concluded.

Chapter 22.18 CULTURAL RESOURCE PROTECTION

§22.18.010- GENERAL PROVISIONS.

C. Cultural Resources and Human Remains Discovered During Construction

1. General Management Areas - Cultural Resources Discovered During Construction.

The following procedures shall be effected when cultural resources are discovered during construction activities. All survey and evaluation reports and mitigation plans shall be submitted to the Department and the SHPO. Indian tribal governments also shall receive a copy of all reports and plans if the cultural resources are prehistoric or otherwise associated with Native Americans.

- (a) **Halt of Construction.** All construction activities within 100 feet of the discovered cultural resource shall cease. The cultural resources shall remain as found, further disturbance is prohibited.
- (b) **Notification.** The project applicant shall notify the Department and the Gorge Commission within 24 hours of the discovery. If the cultural resources are prehistoric or otherwise associated with Native Americans, the project applicant shall also notify the Indian tribal governments within 24 hours.
- (c) **Survey and Evaluations.** The Gorge Commission shall survey the cultural resources after obtaining written permission from the landowner and appropriate permits from SHPO. (See Revised Code of Washington 27.53.) It shall gather enough information to evaluate the significance of the cultural resources. The survey and evaluation shall be documented in a report that generally follows the guidelines in the Section 11.18.020 of this Chapter.

Finding: Conditions of approval should be placed upon the project that include the above provisions and require compliance with subsection C in its entirety.

Conclusion: With the above-mentioned condition, this provision will be satisfied. Review under this Section can be concluded.

§22.18.020 - GENERAL MANAGEMENT AREA -- RECONNAISSANCE AND HISTORIC SURVEYS.

C. RECONNAISSANCE SURVEYS AND REPORTS FOR LARGE-SCALE USES.

2. Reconnaissance Surveys.

Finding: The Columbia River Gorge Commission and the USFS were requested to review the proposed development in a memorandum dated July 24, 2001. Michael Boynton, Heritage Program Manager for the USFS, responded on January 29, 2001 stating a Cultural Resource Reconnaissance Survey and Historic Survey are Not Required.

Conclusion: This provision has been satisfied.

D. HISTORIC SURVEY AND REPORTS.

3. Historic surveys shall be required for all proposed uses that would alter the exterior architectural appearance of buildings and structures that are 50 years old or older, or would compromise features of the surrounding area that are important in defining the historic or architectural character of buildings or structures that are 50 years old or older.

Finding: The Columbia River Gorge Commission and the USFS were requested to review the proposed development in a memorandum dated July 24, 2001. Michael Boynton, Heritage Program Manager for the USFS, responded on January 29, 2002 stating a Cultural Resource Reconnaissance Survey and Historic Survey are Not Required. In a letter received on January 31, 2002 Robert Whittam, State Archaeologist for Washington State Office of Archaeology and Community Development stated "We concur with your determination that no resources included or eligible for inclusion in the National Register of Historic Places have been recorded in the identified project impact area."

Conclusion: This provision has been satisfied.

E. NOTICE OF SURVEY RESULTS.

1. The Director shall submit a copy of all cultural resource survey reports to SHPO and to the Indian tribal governments. Survey reports may include measures to avoid potentially affected resources, such as a map that shows a reasonable buffer zone.
2. SHPO and the Indian tribal governments shall have 30 calendar days from the date a survey report is mailed to submit written comments to the Director.
3. The Director shall record and address all written comments in its development review order.

Finding: A Cultural Resources Survey and Historic Resources Survey Recommendation by Michael Boynton, Heritage Program Manager, USDA Forest Service (Columbia Gorge National Scenic Area), was received by this office on February 1, 2002, 2002. The four Indian tribal governments and SHPO were mailed a copy of the Cultural Resources Survey and Historic Resource Survey Recommendation on February 7, 2002 providing them 30 days therein.

Conclusion: This provision has been satisfied.

F. CONCLUSION OF CULTURAL RESOURCE PROTECTION PROCESS

The Director shall make a final decision on whether the proposed use would be consistent with the provisions of this Chapter. If the final decision contradicts the comments submitted by the SHPO, the Director shall justify how he reached an opposing conclusion.

The cultural resource protection process may conclude when the Director makes a final, written determination that one of the following conditions exists:

2. A reconnaissance survey demonstrates that cultural resources do not exist in the project area and no substantial concerns were raised in written comments submitted by interested parties within the comment period of the application.

Finding: The U.S. Forest Service - NSA Office reviewed the subject application. The Forest Service Heritage Resource Inventory Report, Archaeological Reconnaissance Survey and Historic Survey Recommendation for NSA-01-43 received by the Department on February 1, 2002 states that a cultural resource and historic survey are not required.

Conclusion: This provision has been met.

No further review is necessary under this Chapter is needed, this Chapter can be concluded with no further review.