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## Skamania County Community Development Department

Skamania County Courthouse Annex  
Post Office Box 790  
Stevenson, Washington 98648  
509 427-3900 FAX 509 427-3907

### Administrative Decision

**APPLICANT:** Washington State Department of Transportation (WSDOT)

**PROPERTY OWNER:** WSDOT Right-of-Way

**FILE NO.:** NSA-09-25

**PROJECT:** To address an unstable slope along State Route 14 which has resulted in rock falls. The project will include rock scaling (manual and mechanical), rock blasting, and the installation of rock bolts and pinned wire mesh in order to prevent future rock fall onto the highway.

**LOCATION:** WSDOT right-of way located between State Route 14 mileposts 53.80 to 54.10, Section 32 of T3N, R9E, W.M. *A complete legal description may be found on page 7.*

**LEGAL:** WSDOT Right-of-Way Property Tax Parcel No. 03083100140000

**ZONING:** Special Management Area-Open Space (OS).

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

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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 jurisdiction of Skamania County's Building Division and the Skamania County Environmental Health Division.

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 Code 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 §22.06.120(C)(2).

- 1) As per SCC §22.06.120(C)(2), this Administrative Decision SHALL BE RECORDED by the applicant in the County deed records prior to commencement of the approved project.
- 2) All developments shall be consistent with the enclosed site plan, unless modified by the following conditions of approval. If modified, the site plan shall be consistent with the conditions of approval. (See attached)
- 3) The Community Development Department will conduct at least two site visit for Final Inspection. Each inspection may take up to four business days from the time of calling for the inspection. Inspections should be arranged by calling the Community Development Department at 509-427-3900. The applicant shall meet all conditions of approval enacted to achieve not visually evident prior to final inspection by the Community Development Department. A final inspection approval will not be issued until compliance with all conditions of approval; including "not visually evident" criteria have been verified.
- 3) The applicant shall use native plant species for new plantings associated with this project when feasible. In instances that this is not feasible the applicant shall use plants that have native-appearing characteristics.
- 4) Temporary roads shall be promptly closed and revegetated.
- 5) The applicant should select the treatment (painting or powder coating) of the pinned wire mesh system and exposed hardware that will result in a product that is the least reflective feasible.

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- 6) The scale and texture of the rock after scaling, blasting, etc. shall appear in a natural condition so as to not be visually evident from key viewing areas.
- 7) Exposed hardware, such as but not limited to, rock bolts, plates, etc. shall be dark earth tone in color or treated with Permeon in order to blend with the surrounding rock features.
- 8) The applicants shall retain the existing vegetation screening the project from key viewing areas when feasible.
- 9) The applicant shall follow the planting procedures described in the Visual Quality Assessment Technical Memorandum submitted by the applicant and dated January 2009, in order to ensure that the rock fall project not be visually evident.
- 10) The applicant shall meet all conditions of approval enacted to achieve visual subordination prior to final inspection by the Community Development Department. The applicant is to coordinate all inspections with the Building Division. A final inspection approval will not be issued until compliance with all conditions of approval; including visual subordination criteria have been verified.
- 11) Right-of-way vegetation shall be managed to minimize visual impacts of clearing and other vegetation removal as seen from key viewing areas. Roadside vegetation management (vista clearing, planting, etc.) should enhance views from the highway.
- 12) All rock blasting and scaling operations be conducted after July 15, regardless of whether nesting peregrine falcons are identified within 1/4 mile of the project.
- 13) WSDOT shall replace the larger oak impacted on the project in clumps, providing 20+ clumps throughout the areas where feasible. Installing five (or more, if possible) 1-gallon potted oaks per clump would give us a minimum of 100 new stems. WSDOT shall clump the OWO planted for restoration/mitigation at 5-7 per hole, and they will be clumped across plantable portions of our impact area to maintain forest openings for the post-disturbance re-establishment of herbaceous plant communities as requested by Mr. Labbe in his email. Size of installed material will be 1-gallon containers to maximize root development and survival. All material shall be installed late October/early November during the planting season immediately following construction."
- 14) Within one (1) year of project completion, eighty percent (80%) of the project area with surface disturbances shall be established with effective native ground cover species or other soil-stabilizing methods to prevent soil erosion until the area has eighty percent (80%) vegetative cover.
- 15) The following procedures shall be effected when cultural resources are discovered during construction activities:

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- 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 Administrator and the Gorge Commission within twenty-four (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 twenty-four (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 the DAHP. (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 provisions in Section 22.22.030 of this Chapter. Based upon the survey and evaluation report and any written comments, the Administrator shall make a final decision on whether the resources are significant. Construction activities may recommence if the cultural resources are not significant.
  - d) **Mitigation Plan.** Mitigation plans shall be prepared according to the information, consultation and report provisions contained in Section 22.30.050 of this Chapter. Construction activities may recommence when conditions in the mitigation plan have been executed.
- 16) The following procedures shall be effected when human remains are discovered during a cultural resource survey or during construction. Human remains means articulated or disarticulated human skeletal remains, bones or teeth, with or without attendant burial artifacts.
- a) **Halt of Activities.** All survey, excavation and construction activities shall cease.
  - b) **Notification.** Local law enforcement officials, the Administrator, the Gorge Commission, and the Indian tribal governments shall be contacted immediately.
  - c) **Inspection.** The county coroner, or appropriate official, shall inspect the remains at the project site and determine if they are prehistoric/ historic or modern. Representatives of the Indian tribal governments shall be contacted immediately and have an opportunity to monitor the inspection.
  - d) **Jurisdiction.** If the remains are modern, the appropriate law enforcement official shall assume jurisdiction and the cultural resource protection process may conclude.

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- e) Treatment. The procedures set out in RCW 27.44 and 68.05 shall generally be implemented if the remains are prehistoric/ historic. If human remains will be reinterred or preserved in their original position, a mitigation plan shall be prepared in accordance with the consultation and report requirements set out in Section 22.30.050 of this Chapter. The mitigation plan shall accommodate the cultural and religious concerns of Native Americans. The cultural resource protection process may conclude when conditions set forth in Section 22.30.030(D) of this Chapter are met and the mitigation plan is executed.

Dated and Signed this 15<sup>th</sup> day of September, 2009, at Stevenson, Washington.

  
 Jessica Davenport, Associate Planner  
 Skamania County Community Development Department

#### NOTES

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

#### EXPIRATION

As per SCC §22.06.150(A), this Administrative Decision approving a proposed development action shall become void in two years if the development is not commenced within that period, or once development has commenced the development action is discontinued for any reason for one continuous year or more.

If the development does not include a structure the permit shall expire two years after the date the land use approval was granted unless the use or development was established according to all specifications and conditions of approval in the approval. For land divisions, "established" means the final deed or plat has been recorded with the county auditor.

If the development includes a **structure** the permit shall expire when construction has not commenced within two (2) years of the date the land use approval was granted; or once the structure has been started and if the structure has not been completed within two (2) years of the date of commencement of construction the permit shall expire. Completion of the structure for this purpose means the completion of the exterior surface(s) of the structure; and compliance with all conditions of approval in the land use approval, including, but not limited to, painting of the exterior of the structure.



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## APPEALS

**The Director reserves the right to provide additional comment and findings of fact regarding this decision, if appealed.**

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 Hearing Examiner, P.O. Box 790, Stevenson, WA 98648. Notice of Appeal forms and mailing lists are available at the Community Development Department and must be accompanied by a \$500.00 nonrefundable-filing fee and a Certificate of Mailing.

## 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 Division

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

Persons submitting written comments in a timely manner

Yakama Indian Nation

Confederated Tribes of the Umatilla Indian Reservation

Confederated Tribes of the Warm Springs

Nez Perce Tribe

Cowlitz Tribe

Department of Archaeology and Historic Preservation

Columbia River Gorge Commission

U.S. Forest Service - NSA Office

Board of County Commissioners

State of Washington Department of Community Trade and Economic Development – Carrie Calleja

Department of Fish and Wildlife

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**The project property's complete legal description is as follows:**

All that portion of Government Lot 2, Section 32, Township 3 North, Range 9 East of the Willamette Meridian, Skamania County, Washington lying North of the Seattle, Portland and Spokane Railway Company's right of way, between the West line of said Lot 2 and a line at right angles to the tangent, or radial to the center line of State Route 14, as shown on sheet 3 and 4 of 4 sheets, of the Dog Mountain Vic. right of way plan, approved August 13, 2009, at Highway Engineers Station (HES) 219+00, lying Southerly of a line 150.00 feet Northerly of and parallel to the center line of said SR 14.

All that portion of said Government Lot 2 lying North of the Railway Company's right of way between a line at right angles to the tangent, or radial to the center line of said SR 14 at HES 219+00 and a line at right angles to the center line of said SR 14 at HES 227+50.76 lying Southerly of a line 205.00 feet Northerly of and parallel to the center line of said SR 14.

All that portion of said Government Lot 2 lying North of said Railway Company's right of way between a line at right angles to, or radial to the center line of said SR 14 at HES 227+50.76 and the East line of said Government Lot 2, lying Southerly of a line 180.00 feet Northerly of and parallel to the center line of said SR 14.









