

Return Address: Washington State Parks
Maryellen Haggard
270 9th Street NE, Suite 200
East Wenatchee, WA 98802

AUG 13 2009

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 Parks, Maryellen Haggard

PROPERTY OWNER: United States of America Army Corps of Engineers

FILE NO.: NSA-09-24

PROJECT: Application to install ten stone benches (56"x16"x16") at Spring Creek Hatchery State Park for recreation purposes.

LOCATION: Spring Creek Hatchery State Park; Sections 21 & 28 of T3N, R10E, W.M. and identified as Skamania County Tax Lot Numbers: 03-10-21-4-0-1000-00 & 03-10-28-0-0-0300-00.

ZONING: General Management Area – Public Recreation (PR)

DECISION: Based upon the record and the Staff Report, the application by Washington State Parks, described above, **subject to the conditions set forth in this Decision**, is found to be consistent with SCC Title 22 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 jurisdiction of Skamania County's Building Division and the Skamania County Environmental Health Division.

Skamania County Community Development Department
P.O. Box 28-28 (25700) Appleton, WA 99107
Page 2

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 project applicants shall be responsible for the proper maintenance and survival of any planted vegetation required under this chapter. Any vegetation that dies shall be replaced in-kind within the first available growing season.
- 4) All structures, except fences, including eaves, awnings and overhangs shall meet the following setbacks: **Front yard:** 50 feet from the centerline of the street or road or 20 feet from the front property line, whichever is greater. **Side yard:** 20 feet. **Rear yard:** 20 feet. Setbacks are established from property lines, not fence lines. If any question arises regarding the location of the property lines, the applicant shall be required to hire a professional land surveyor to locate the property lines and mark them with temporary staking prior to a building permit being issued. Staking must remain during construction and all building inspections.
- 5) Only that grading which is necessary for site development (building pads, utilities, etc.) is permitted. All graded areas shall be re-seeded with native vegetation prior to final inspection by the Community Development Department.
- 6) The proposed benches shall be composed of non-reflective materials or materials with low reflectivity.
- 7) The proposed benches shall be dark earth-tone in color such as the proposed Teton Shadow Rock siding with hearth stone bench tops. Exposed concrete shall be pigmented to be dark earth-tone in color.

Shelton County Community Development Agreement
 Chapter 22.22.030-050 Community Development
 Page 3

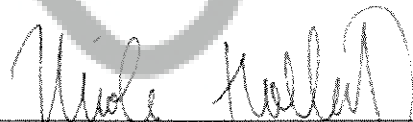
- 8) Except as is necessary for site development or safety purposes, existing tree cover screening the development from key viewing areas shall be retained.
- 9) The Community Development Department shall conduct a site visit for final inspection once all work has been completed and conditions of approval have been met. The inspection may take up to four business days from the time of calling for the inspection. Inspections should be arranged by calling Community Development at 509-427-3900.
- 10) For water resource protection measures the following conditions apply:
 - a) The proposed development shall be constructed using best management practices.
 - b) Areas disturbed during construction shall be rehabilitated to the maximum extent practicable.
 - c) The applicant shall comply with all other applicable state and federal laws.
 - d) All natural vegetation shall be retained to the greatest extent practicable, including aquatic and riparian vegetation.
 - e) 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.
 - f) Where project development occurs, the applicant shall revegetate with native vegetation in order to provide and maintain habitat diversity beneficial to the wildlife and native plants.
- 11) 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 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 22.22.050 of this Chapter.

12) 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.

Construction activities may recommence when conditions in the mitigation plan have been executed.

- 12) 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.
 - 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 22.22.050 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 22.22.050(C) of this Chapter are met and the mitigation plan is executed.

Dated and Signed this 10 day of August, 2009, at Stevenson, Washington.



Nicole Hollatz, 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.

Skamania County Hearing Examiner's Report
 The ISSUED BY ISSUED FOR REVIEW Decision
 Page 5

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 when the development action is discontinued for any reason for one continuous year or more.

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.

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 Office and must be accompanied by a \$500.00 nonrefundable-filing fee and 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.

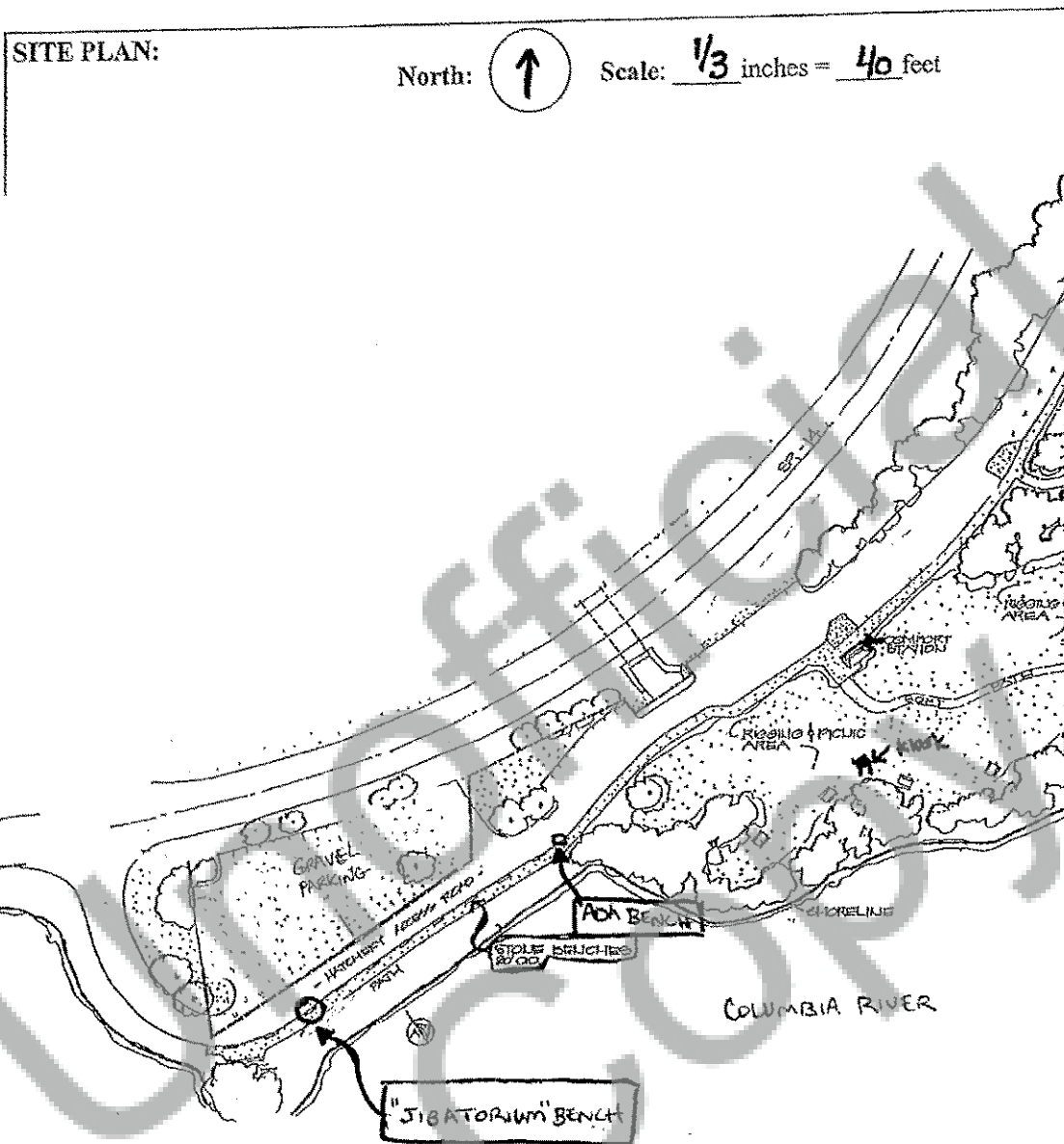
A copy of the Decision was sent to the following:

Skamania County Council, Resolution Number
CSC 157, 7th 24 2010, 2010-2011
Page 6

Skamania County Building Division

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

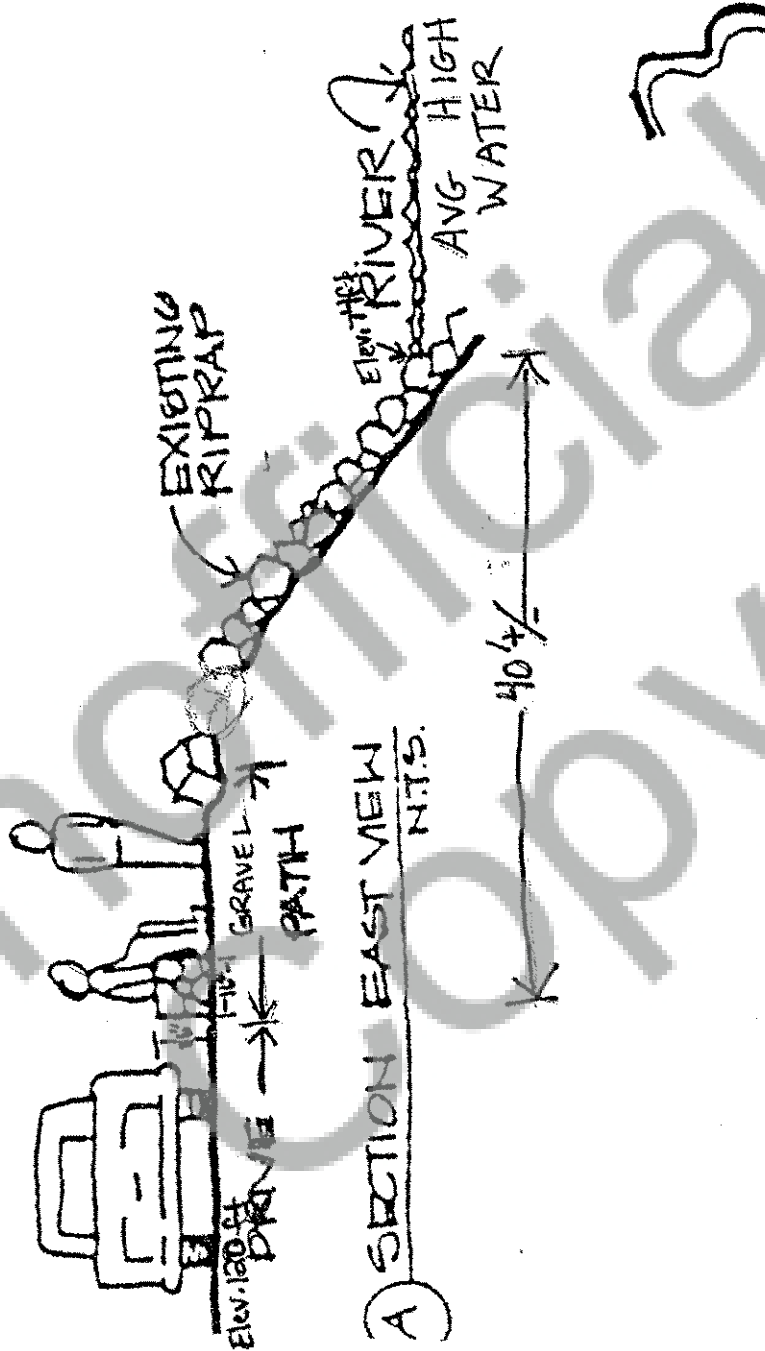
Persons submitting written comments in a timely manner
Yakama Indian Nation
Confederated Tribes of the Umatilla Indian Reservation
Confederated Tribes of the Warm Springs
Nez Perce Tribe
Cowlitz Tribe
Department of Archaeology and Historic Preservation
Columbia River Gorge Commission
U.S. Forest Service - NSA Office
Board of County Commissioners
State of WA Department of Community Trade and Economic Development (electronic)
Department of Fish and Wildlife (Anne Friesz)



Bodies of water or watercourses on property: yes ___ no X
 I will be removing on-site plants, trees, or other vegetation: yes ___ no X
-If yes to either please indicate location of vegetation removal or watercourses.
 I will be moving more than 100 cubic yards of soil: yes ___ no X
 Additional pages must have 1" margins **Site plan must be completed in ink.**

NOTICE: This is a proposed site plan, it may be revised as required to be in compliance with the Columbia River Gorge National Scenic Area.

ELEVATION DRAWINGS:



Additional pages must have 1" margin.

Elevation drawings must be in ink.