

Return Address: WSDOT, SW Region
Attn: Barbara Aberle, Environmental Manager
P.O. Box 1709
Vancouver, WA 98668-1709

Skamania County Community Development Department

Skamania County Courthouse Annex
Post Office Box 790
Stevenson, Washington 98648
PHONE 509 427-3900 FAX 866-266-1534

Administrative Decision

APPLICANT: Washington State Department of Transportation

PROPERTY OWNER: Washington State Department of Transportation, Schmid Family Limited Partnership, Virgil and Brenda Dowell, Patrick and Mary Ann Boyle

FILE NO.: NSA-09-60

PROJECT: Cape Horn Bridge to Cape Horn Road Vicinity SR 14 Road Realignment Project. A safety project involving SR 14 and new WSDOT right-of-way in order to reduce vehicular accidents by realigning a substandard curve section. The application involves two pedestrian crossing facilities (box culvert tunnels). Best Management Practices have been proposed for stormwater treatment, including an offsite mitigation plan which is proposed at the St. Cloud Creek site, which is owned and has been reviewed by the USFS.

LOCATION: State Route 14, Milepost 25.50 to 26.50, W.M. WSDOT Road Right-of-Way, and Tax Parcel Nos. 01-05-10-0-0-0201-00 (Boyle), 01-05-10-0-0-0208-00 (Dowell), 01-05-10-0-0-1400-00 (Schmid Family), and 01-05-09-0-0-0700-00 (Schmid Family), Sections 9 and 10 of T1N, R5E, W.M., Washougal.

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The western tunnel location is approximately State Route 14 Milepost 24.65 in Section 16, of T1N, R5E W.M. , and the eastern tunnel location is approximately State Route 14 Milepost 26.38 in Section 10 of T1N, R5E, W.M., Washougal.

LEGAL: WSDOT existing and new road right-of-way.

ZONING: General Management Area- Residential (R-10) and Small Woodland (F-3) and Special Management Area – Forest (F).

DECISION: Based upon the record and the Staff Report, the application 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**.

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) All disturbed areas shall be reseeded and/ or replanted with native vegetation including seed, grasses, trees and shrubs in order to restore the areas to pre-project character and function, as conditions allow for the establishment and survival of planted materials. The

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amount of screening shall be consistent with that which was proposed by the applicant in the proposed project description/application.

- 4) The project applicant shall be responsible for the property maintenance and survival of any planted vegetation required. Monitoring and plant establishment (vegetation management, weed control, replanting) shall occur for at least 5 years until NSA screening requirements have been met.
- 5) Vegetation shall be planted shall be sized to provide sufficient screening for the project to become visually subordinate within five (5) years from the commencement of construction.
- 6) A variance shall be granted in order to allow WSDOT to conduct work within the water resource/ water resource buffer as proposed in this application and as condition by Skamania County.
- 7) If the excess materials associated with this project will be disposed of within the National Scenic Area that either the contractor or WSDOT shall be responsible for obtaining all necessary permits and approvals, and follow all applicable regulations prior to the storage of materials within the National Scenic Area.
- 8) The screening vegetation for the Dowell's property shall be consistent with the planting plan submitted by WSDOT March 24, 2010. Dead and dying plantings must be replaced in kind, and no brush cutting or removal of the new vegetation that would violate the visual subordination criteria of the Dowell's property (tax parcel no. 01-05-10-0-0-0208-00) be allowed. It shall be the responsibility of WSDOT to ensure that the vegetation is planted. WSDOT shall be responsible for maintaining that portion that is within their right-of-way, and it shall be the responsibility of the Dowell's to maintain that portion which is on their property. No limbing or topping of screening trees shall be allowed.
- 9) Newly exposed rock surfaces shall be treated with a weathering agent in order to reduce visibility / reflectivity and to blend the exposed rock with adjacent rock features.
- 10) All new guardrail to be installed shall be Corten/weathering steel rail.
- 11) All structures, including but not limited to, the metal rail for the tunnels, the streetlights, and all exposed portions of structures shall be composed of non reflective materials or material with low reflectivity.
- 12) All exterior lighting shall be sited, limited in intensity, shielded and hooded in a manner that prevents lights from being highly visible from key viewing areas and from noticeably contrasting with the surrounding landscape setting, except for road lighting necessary for safety purposes. The streetlights shall not be highly visible from key viewing areas other than the portions of SR 14 in which they are intended to illuminate.

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- 13) The exterior of all exposed portions of structures, such as the guardrail, railing, streetlights, etc., shall be dark earth tone in color. The applicant shall use the proposed CorTen steel guardrail, dark brown painted streetlights, and black railing for the tunnels. If the applicant chooses to use alternate colors, color samples shall be submitted to the Community Development Department for approval prior to installation of these structures.
- 14) Except as necessary for construction of access roads, building pads, leach fields, etc., the existing tree cover screening the development from key viewing areas shall be retained.
- 15) At least half (1/2) of any trees planted for screening purposes shall be species native to the setting. Such species include Douglas fir, grand fir, western red cedar, western hemlock, big leaf maple, vine maple, red alder, ponderosa pine, Oregon white oak and various native willows (for riparian areas).
- 16) At least half (1/2) of any trees planted for screening purposes shall be coniferous to provide winter screening.
- 17) The applicant/contractor shall use Best Management Practices during the construction of the project.
- 18) WSDOT shall obtain all necessary permits in relation to the work that is within water and/or within buffers to water resources, including but not limited to permits from Washington State Department of Ecology and Washington Department of Fish and Wildlife.
- 19) Areas disturbed within water and/or within buffers to water resources shall be rehabilitated with native vegetation to the maximum extent practicable.
- 20) All in-stream work shall be conducted during the in-water work window, from WDFW, between June 30 and September 15.
- 21) All natural vegetation shall be retained to the greatest extent practicable, including aquatic and riparian vegetation.
- 22) Nonstructural controls and natural processes shall be used during in water work to the greatest extent practicable.
- 23) WSDOT/ Contractor shall follow the Temporary Erosion and Sediment Control (TESC) Plan as proposed.
- 24) The restoration/ rehabilitation efforts shall occur within 90 days after the aquatic area or buffer zone has been altered or destroyed, or as soon thereafter as is practicable.
- 25) The applicant shall monitor, maintain and replace the revegetated and restored areas within the riparian areas that will be restored after the replacement/extension of the

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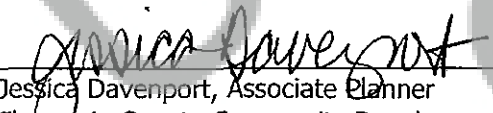
existing culverts for three (3) years. At a minimum, a project applicant shall prepare an annual report that documents milestones, successes, problems and contingency actions. Photographic monitoring shall be used to monitor all rehabilitation and enhancement efforts. The annual report shall be submitted to the Skamania County Community Development Department.

- 26) 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 Community Development Department. A final inspection approval will not be issued until compliance with all conditions of approval; including visual subordination criteria have been verified.
- 27) The Community Development Department shall conduct at least two site visits during construction. One site visit shall be conducted to verify the locations of the structures (pedestrian tunnels), and a second to be conducted as a Final inspection to ensure compliance with all conditions of approval. 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.
- 29) 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 and 22.30.030 of Title 22. 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 Sections 22.22.050 and 22.30.050 of Title 22. Construction activities may recommence when conditions in the mitigation plan have been executed.

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- 30) 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 and 22.30.050 of Title 22. The mitigation plan shall accommodate the cultural and religious concerns of Native Americans.

Dated and Signed this 29th day of MARCH, 2010, 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

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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 and must be accompanied by a \$1,300.00 nonrefundable-filing fee and a Certificate of Mailing.

The final determination of the Environmental Threshold Determination related to this underlying government action can be appealed to a court of competent jurisdiction, along with the underlying government action, only by the parties with standing to the Environmental Threshold Determination. If the underlying government action was exempt from SEPA review, this section does not apply.

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:

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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 (electronic)
State of Washington Department of Commerce – Carrie Calleja (electronic)
Department of Fish and Wildlife

