

Return Address: Scott Lonsway  
The Resort at Skamania Coves  
9760 SW Freeman Drive  
Wilsonville, OR 97070

**Skamania County**  
**Community Development Department**  
Building/Fire Marshal • Environmental Health • Planning  
Skamania County Courthouse Annex  
Post Office Box 790  
Stevenson, Washington 98648  
Phone: 509-427-3900 Inspections: 509-427-3922 Fax: 866-266-1534

**Administrative Decision**

**APPLICANT:** Scott Lonsway  
**PROPERTY OWNER:** The Resort at Skamania Coves, LLC  
**FILE NO.:** NSA-09-61  
**PROJECT:** Single-lane boat ramp with a 6 ft wide boarding dock which can be moved to the secondary boat ramp, a secondary gravel boat ramp to accommodate change of wind direction, three seasonal swim floats each less than 120 sq. ft. in size, six mooring buoys, vault restroom/ changing area 12' x 12' x 10' in height, an elevated pedestrian bridge for railroad crossing, and resulting mitigation projects. Sailing and kayak clinics for guests staying at the Resort at Skamania Coves, and 1-2 boat races per year.  
**LOCATION:** 45932 State Highway 14, Stevenson, Section 31 of T3N, R8E, W.M. and is identified as Skamania County Tax Lot Number 03-08-31-0-0-1200-00.  
**LEGAL:** See attached page 10.  
**ZONING:** General Management Area – Commercial Recreation (CR).

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**DECISION:** Based upon the record and the Staff Report, the application Scott Lonsway for The Resort at Skamania Coves, LLC, 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 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.
- 4) The support structures of the signs shall be unobtrusive and have low visual impact. Lettering colors with sufficient contrast to provide clear message communication shall be allowed. Signs shall be colored to blend with their setting to the maximum extent practicable. Backs of all signs shall be unobtrusive, nonreflective and blend in with the

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setting. Spotlighting of signs may be allowed where needed for night visibility. Backlighting is not permitted for signs.

- 5) A variance to the 100-foot buffer to the Columbia River shall be granted in order to allow for the project as proposed, except as indicated in condition number six below.
- 6) The restroom/ changing alcove shall be a minimum of 80-feet from the Ordinary High Water Mark.
- 7) The applicant/owner shall educate their guests/river access users of the right for tribal members to retain access to usual and accustomed fishing places along their property in order to ensure the safety and security of all parties and equipment by placing education signs near the boat ramp and in their informational kiosk, and shall continue to provide a "safe haven" for local tribal members in time of inclement weather or emergencies.
- 8) The applicant shall submit a copy of BNSF's approval prior to Skamania County issuing the Building Permit for the pedestrian bridge. Additionally, if the approval from BNSF alters the design of the bridge the applicant will be required to apply for a National Scenic Area Letter Amendment, and if the NSA approval were to expire prior to the applicant receiving BNSF approval a new National Scenic Area Land Use Application and approval will be required for that portion of the project.
- 9) 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.
- 10) In the instance that the trees removed for building site preparation provide screening for the project as seen from the Columbia River, they shall be replaced in a location that will screen the development from the Columbia River.
- 11) Landscaping shall be installed as soon as practicable, and prior to project completion. Applicants and successors in interest for the subject parcel are responsible for the proper maintenance and survival of planted vegetation, and replacement of such vegetation that does not survive.
- 12) All exterior components that are visible above the water line shall be dark earth-tone in color. Any proposed changes to the colors that were proposed in the application shall be submitted for review by the Community Development Department prior to construction.
- 13) The applicant may submit a sample of the dark pressure treated wood to the Community Development Department for approval prior to construction. If this material does not meet the dark earth tone color requirement the materials shall be stained dark earth tone in color, using Behr "Wood Chip".

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- 14) The wood portions of the pedestrian bridge be stained a dark earth tone color. Steel portions of the bridge shall be dark earth tone in color. The rusting of the bridge, which will render it visually subordinate, shall occur prior to final approval.
- 15) The restroom/ changing alcove shall be stained Cabot's Spanish Moss dark grey basalt rock, and architectural composition roofing in Weathered Wood (dark brown).
- 16) The proposed project shall be composed of non reflective materials or materials with low reflectivity. Steel portions of the project that are above the waterline shall be either non-galvanized, powder coated, or Corten, so as to minimize the reflectivity of the structure.
- 17) The rusting of the bridge, which will render it visually subordinate, shall occur prior to final inspection approval.
- 18) All exterior lighting shall be hooded and shielded at a 90-degree angle. Hoods/ shields shall be made of nonreflective, opaque material, which does not allow light to pass through.
- 19) The existing tree cover shall be retained as much as possible, except as is necessary for site development, safety purposes or as part of forest management practices, and the proposed conservation measures.
- 20) Except as is necessary for site development or safety purposes, the existing tree cover screening the development from key viewing areas shall be retained.
- 21) At least half (1/2) of any trees planted for screening purposes shall be species native to the setting or commonly found in the area.
- 22) At least half (1/2) of any trees planted for screening purposes shall be coniferous for winter screening.
- 23) The Project Design Criteria proposed in the Biological Assessment shall be followed.
- 24) The applicant shall pursue and obtain all required permits through Skamania County, state and federally agencies prior to commencing the project.
- 25) The applicant shall follow the in-water work timing restriction as established by WDFW.
- 26) All natural vegetation shall be retained to the greatest extent practicable, including aquatic and riparian vegetation.
- 27) Temporary and permanent control measure 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.

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- 28) Natural hydrologic conditions shall be replicated, including current patterns, circulation, velocity, volume and normal water function.
- 29) Natural stream channel and shoreline dimensions shall be replicated, including depth, width, length, cross-sectional profile and gradient.
- 30) The bed of the affected aquatic area shall be rehabilitated with identical or similar materials.
- 31) All Conservation Measures included in the Biological Assessment shall be implemented.
- 32) Riparian areas shall be rehabilitated to their original configuration, including slope and contour.
- 33) Fish and wildlife habitat features shall be replicated, including pool-riffle ratios, substrata and structures, including large woody debris and boulders.
- 34) Stream channels and banks, shorelines and riparian areas shall be replanted with native plant species that replicate the original vegetation community.
- 35) Rehabilitation and enhancement efforts shall be completed no later than ninety (90) days after aquatic area or buffer zone has been altered or destroyed, or as soon thereafter as is practicable.
- 36) Within three (3) years after the buffer zone is rehabilitated/ enhance, at least seventy-five (75%) of the replacement vegetation must survive. The applicant shall monitor the replacement vegetation take corrective measures when needed.
- 37) A three (3) 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.
- 38) Prior to issuance of a building permit the applicant/owner shall sign and record in the Skamania County Auditor's Office a declaration specifying that the applicant or owner is aware that surrounding landowners, agents and operators are entitled to carry on accepted forest or farm practices on resource lands.
- 39) The pedestrian bridge shall be designed to fit into the natural contours as much as possible, both to minimize ground-disturbing activities and to provide screening.
- 40) Existing vegetation, particularly mature trees shall be maintained to the maximum extent practicable and used to screen parking areas from key viewing areas.

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- 41) Signage shall be limited to that necessary to provide relevant recreation or facility information, interpretive information, vehicular and pedestrian direction and for safety purposes.
- 42) 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.
- 43) 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.
- 44) 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.
- 45) The Community Development Department will conduct at least two site visits during construction, one to verify the location of the structures as stated by the Administrative Decision and a second to be conducted after all foundation excavation has been completed including framing footers, but prior to pouring the foundation. A site visit for Final Inspection shall also be conducted. 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 Division Inspection Line at 509-427-3922.
- 46) 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

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

47) 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 9<sup>th</sup> day of February, 2012, at Stevenson, Washington.

Jessica Davenport  
Jessica Davenport, Planning Manager  
Planning Division

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**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.

**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.

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**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 (electronic)

Nez Perce Tribe

Cowlitz Tribe

Department of Archaeology and Historic Preservation

Columbia River Gorge Commission (electronic)

U.S. Forest Service - NSA Office (electronic)

Board of County Commissioners (electronic)

State of Washington Department of Commerce – Paul Johnson (electronic)

Department of Fish and Wildlife (electronic)

*unofficial  
copy*

## Exhibit "A"

## NOTICE FOR

These portions of Government Lots 2, 3 and 4 in Section 31, Township 1 North, Range 8 East of the Willamette Meridian, Skamania County, Washington lying southerly of State Highway No. 14 as the same is now constructed and established EXCEPTING a strip of land 100 feet in width conveyed to the Portland and Seattle Railway Company by deed dated February 2, 1906, and recorded at page 450 of Book #1 of Deeds, records of Skamania County, Washington; AND EXCEPT the easterly 75 feet of Government Lot 4 of said Section 31, lying southerly of State Highway No. 14 and northerly of the right of way of the Spokane, Portland and Seattle Railway Company;

SUBJECT TO a flowage easement to overflow the said real property up to the 94 foot contour line, including its terms, covenants and provisions as disclosed by instrument recorded in book "Y" at page 548 in favor of the United States of America;

AND SUBJECT TO an easement to construct, reconstruct, maintain, repair, operate and patrol a bank protection project, including its terms, covenants and provisions as disclosed by instrument recorded October 12, 1962 under Skamania County Auditor's File No. 60601 in Book 50 at page 398 in favor of the United States of America;

AND SUBJECT TO an easement for underground electric transmission and distribution line system with facilities for telephone or television purposes, including its terms, covenants and provisions as disclosed by instrument recorded October 2, 1970 under Skamania County Auditor's File No. 72661 in Book 62 at page 188 in favor of Public Utility District No. 1 of Skamania County;

AND SUBJECT TO an easement granting the perpetual right, power, privilege and easement permanently to overflow, flood and submerge a portion of said premises, including its terms, covenants and provisions as disclosed by instrument recorded December 20, 1974 under Skamania County Auditor's File No. 78560 in Book 68 at page 19 in favor of the United States of America;

AND SUBJECT TO a Real Estate Contract, including its terms, covenants, conditions and provisions, by and between Helen A. Brooks, a widow, as seller, and N.L. Hill, an unmarried woman, as purchaser, dated August 30, 1977, recorded September 2, 1977 under Skamania County Auditor's File No. 84010 in Book 73 at page 127, hereinafter referred to as "First Contract". The Seller's interest in said contract is now held of record by Joyce Churchman, Herman Schuh, Yolo St. John, Francis Schuh and Leonie Bouwens, as their 1/6th interest, and Pearl J. Ipton and Lincoln E. Gould, as their 1/12th interest.

OAK RELEASE



















