

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-11-37

PROJECT: Replace the main house on subject property, including an increase in size of the dwelling from 3,168 sq. ft. to 4,289 sq. ft. The dwelling will have a 1,400 sq. ft. deck. Rebuild the existing detached garage, increasing the size of the garage from 720 sq. ft. to 960 sq. ft. Access road improvements. Construct a 110' fence along SR 14. Commercial Events. A snack bar with wine and beer available (commercial use).

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).

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**

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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) A variance has been granted, the commercial events are not required to meet the forest setback of 200' from adjacent property lines. The commercial events shall meet the minimum lot line setbacks established in Section 22.10.070(B).
- 5) The current owners of the subject parcel shall live on the parcel and shall operate and manage the use. The approval is non-transferable to future owners.

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- 6) A single commercial event shall host no more than 100 guests.
- 7) A single commercial event shall include no more than fifty (50) vehicles for guests.
- 8) All parking associated with the commercial events shall occur on site.
- 9) At least 200 square feet of parking space shall be required for each vehicle.
- 10) The applicant shall plant eight screening trees between parking area four and the BNSF Railway (outside of BNSF right-of-way). Compliance with this condition of approval shall be verified by Skamania County Community Development staff prior to the hosting of any commercial events.
- 11) A maximum number of eighteen (18) single events, up to one day in length per year may be conducted.
- 12) The owner of the subject parcel shall notify the Administrator (Community Development Department) and all owners of land within 500 feet of the perimeter of the subject parcel of each planned event. The notice shall be in writing and shall be mailed at least seven (7) calendar days before an event is conducted. Each event requires a separate specific notice to be mailed.
- 13) Tents, canopies, portable restrooms and other similar temporary structures necessary for a commercial event may be allowed, provided all such structures are erected or placed on the subject parcel no more than two (2) days before the event and removed no more than two days after the event. Alternatively, temporary structures may remain in place for up to ninety (90) days if they are fully screened from key viewing areas.
- 14) A declaration shall be signed by the landowner and recorded in the Skamania County Auditor's Office specifying that the owners, successors, heirs and assigns of the subject parcel are aware that adjacent and nearby operators are entitled to carry on accepted agriculture or forest practices on lands classified as Large-Scale Agriculture (Ag-1), Small-Scale Agriculture (Ag-2), Commercial Forest (F-1), Large Woodland (F-2) or Small Woodland (F-3). This declaration shall be recorded and a copy of the recorded declaration shall be submitted to the Community Development Department prior to the first commercial event being conducted on the property.
- 15) If any outdoor lighting is used during a commercial event, the outdoor lighting shall be hooded or shielded at a 90° angle. Hoods/shields shall be made of a non-reflective, opaque material, which does not allow light to pass through.
- 16) All amplified outdoor music shall be in compliance with Skamania County Noise Ordinance (SCC Chapter 8.22).
- 17) The hours of operation for each event shall not exceed 10 am to 11 pm.

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- 18) The Administrative Decision for commercial events shall not be valid for more than two (2) years from the date issued. Landowners must submit a new application for review after the Administrative Decision expires.
- 19) The applicant shall work with WSDOT to ensure that the fence is constructed outside of the WSDOT road right-of-way.
- 20) The applicant/ property owner is responsible for obtaining all local and state permits prior to operating the snack bar.
- 21) 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.
- 22) The applicant shall plant 40-50 plants of the proposed Oregon Grape Holly, Evergreen Huckleberry and Glossy Abelia (or native substitute) between the fence and State Highway 14 in order to provide screening from the key viewing area. At least half (1/2) of the 40-50 plants shall be native species. The plantings shall be done in a randomly staggered fashion so as to provide a natural appearance among the vegetation. The height of the initial plantings shall be at least 2 feet tall to achieve visual subordination within the next five years.
- 23) North of the main house the applicant will be required to plant a new screening tree for each of the screening trees that are removed for the building site preparation (total of five are proposed). The screening trees shall be placed between the Main House and State Route 14 in order to screen the development from the KVA.
- 24) The applicant shall plant three screening trees to the south of the house, so as to screen the house from the Columbia River and Interstate 84.
- 25) The screening trees to be planted shall be selected from the Recommended Plants for Screening from the Building in the Scenic Area Handbook, and the recommended planting size height of this document shall be followed.
- 26) 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.
- 27) The exterior of the proposed structures shall be dark earth-tone in color. The exterior includes, but is not limited to, sides, doors, garage doors, decks, gutters, roofs and trim. The following colors submitted by the applicant are consistent with this condition and are hereby approved: for the house exterior walls – Cabot Spanish Moss; trim - Falcon Brown by Benjamin Moore and roofing – Pabco Premiere Weathered Wood. The

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concreted used for the garage shall be stained dark earth tone in color. The fence shall be dark-earth tone in color. The submitted sample of BEHR Woodchip #DP532 is approved. Any proposed changes to these colors shall be submitted for review by the Community Development Department prior to construction.

- 28) The structures shall be composed of nonreflective materials or materials with low reflectivity.
- 29) The windows in the main house (specifically south facing windows) shall be bronze over Low E, with an exterior visible light reflectivity rating of less than 11%. The applicant shall submit the manufacturer's specification details indicating this rating prior to the issuance of the building permit for the main house.
- 30) 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.
- 31) The height of the main house shall not exceed 29' 6" on the north side and 24' 9" on the south side as shown on the elevation drawings submitted with the application. The detached garage shall not exceed 15 feet in height as measured from the top of footer to roof peak.
- 32) 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.
- 33) Except as is necessary for site development or safety purposes, the existing tree cover screening the development from key viewing areas shall be retained.
- 34) 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.
- 35) At least half (1/2) of any trees planted for screening purposes shall be coniferous to provide winter screening.
- 36) 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.
- 37) 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

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days from the time of calling for the inspection. Inspections should be arranged by calling the Building Division Inspection Line at 509-427-3922.

- 38) It has been recommended by the Confederated Tribes and Bands of the Yakama Nation that a professional archaeologist monitor all ground disturbances associated with this project. Skamania County Community Development recommends, but does not require, that the property owners obtain a professional archaeologist for monitoring.
- 39) 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. Construction activities may recommence when conditions in the mitigation plan have been executed.
- 40) 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.

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- 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 27th day of March, 2012, at Stevenson, Washington.


 Jessica Davenport, Planning Manager
 Planning Division

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

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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:

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

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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"

NOT 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 at 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 "Y" 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. 78360 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, and R. Lee MacDonald, an unmarried woman, as purchasers, dated August 30, 1977, recorded September 2, 1977 under Skamania County Auditor's File No. 83010 in Book 73 at page 427, 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 Leona Bouwens, as their 1/6th interest, and Pearl J. Ixion and Lincoln E. Gould, as their 1/12th interest.

