

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

**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:** Washington State Department of Transportation

**PROPERTY OWNER:** Washington State Department of Transportation, Dale Grams, Linda Powell, Washington State Parks and Recreation Commission

**FILE NO.:** NSA-11-33

**PROJECT:** A proposed safety project to realign SR 14 between mileposts 22.60 and 23.70, and realigning the intersection of SR 14 and Marble Road so the two roads will intersect at a ninety degree angle.

WSDOT will obtain additional right-of-way from property owners Grams and Powell.

The project will impact the Oregon White Oak habitat, and have 0.15 acres of permanent wetland impacts. Oak restoration, preservation, establishment, and enhancement are proposed as mitigation. WSDOT proposes replacement of wetland acreage and function through off site mitigation.

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**LOCATION:** SR 14 MP 22.60 to 23.70, and the SR 14 & Marble Rd. Intersection, Washougal; Section 17 & 19 of T1N, R5 E, W.M., In the Special Management Area, zoned Agriculture (A), and Forest (F).

12 Marble Rd., Washougal; Section 17 of T1N, R5E, W.M., and identified as Skamania County Tax Lot #01-05-17-0-0-1400-00, owned by Dale Grams. This parcel is in the Special Management Area, zoned Agriculture (A), and has a Federal Conservation Easement.

241 Marble Rd., Washougal; Section 19 of T1N, R5E, W.M., and identified as Skamania County Tax Lot #01-05-19-0-0-0300-00, owned by Linda Powell. This parcel is in the General Management Area, zoned Large-Scale Agriculture (Ag-1) through the Section 8(o) process, and has a Federal Conservation Easement.

Beacon Rock State Park, Skamania; Section 35 of T2N, R6E, E.M., and identified as Skamania County Tax Lot #02-06-35-0-0-0201-00. In the General Management Area, zoned Open Space (OS) and Water (W).

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

**ZONING:** General Management Area- Large-Scale Agriculture (Ag-1), Open Space (OS), and Water (W).

Special Management Area – Agriculture (A), and Forest (F).

**DECISION:** Based upon the record and the Staff Report, the application Washington State Department of Transportation, 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:**

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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) A variance shall be granted in order to allow WSDOT to conduct work within the water resources/ water resource buffers/ plant and habitat buffers as proposed in this application.
- 4) 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 following all applicable regulations prior to the storage of materials within the National Scenic Area.
- 5) It has been determined that the surplus right-of-way (segment of SR 14 to be abandoned and reverted to oak woodland) is not a standalone legal lot of record.
- 6) The project applicant shall be responsible for the proper maintenance and survival of any planted vegetation required.
- 7) Monitoring and plant establishment (vegetation management, weed control, replanting) shall occur for at least 10 years until NSA screening requirements have been met, as proposed by the applicant.
- 8) 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 amount of screening shall be consistent with the WSDOT Mitigation Plan and Visual Quality Assessment Technical memorandum.
- 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.

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- 11) All structures, including but not limited to, guardrail, the visible portions of culverts, and all other exposed portions of structures shall be composed of non reflective materials or material with low reflectivity.
- 12) The exterior of all exposed portions of structures, such as the guardrail, culverts, culvert extensions, etc., shall be dark earth tone in color. The applicant shall use the proposed Corten/weathering steel guardrail. 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.
- 13) Except as is necessary for site development or safety purposes, the existing tree cover screening the development from key viewing areas shall be retained.
- 14) At the project location 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. Such species include fruit trees, Douglas Fir, Lombardy Poplar, Oregon White Oak, Big Leaf Maple, and black locust (primarily in the eastern gorge).
- 15) At least one-quarter (1/4) of any trees planted for screening shall be coniferous for winter screening.
- 16) At the Homestead Lake Mitigation Site at least half (1/2) of any trees planted for screening purposes shall be species native to the River bottomland setting. Public recreation developments are encouraged to maximize the percentage of planted screening vegetation native to this setting. Such species include black cottonwood, big leaf maple, red alder, Oregon white ash, Douglas fir, western red cedar and western hemlock (western gorge) and various native willow species.
- 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 that are disturbed during construction of the proposed use will be rehabilitated to the maximum extent practicable.
- 20) Wetland restoration, creation and enhancement projects shall use native vegetation.
- 21) The wetland creation and enhancement efforts shall be completed before a wetland is altered or destroyed. If it is not practicable to complete all restoration, creation and enhancement efforts before the wetland is altered or destroyed, these efforts shall be completed before the new use is occupied or used.

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- 22) Within five (5) years after a wetland is restored, created or enhanced, at least seventy-five percent (75%) of the replacement vegetation must survive. The project applicant shall monitor the hydrology and vegetation of the replacement wetland and shall take corrective measures to ensure that it conforms to the approved wetlands compensation plan (Final Natural Resource Mitigation Plan dated March 2012).
- 23) Where buffer disturbance occurs during project development, revegetation with native vegetation shall be required and shall provide and maintain habitat diversity beneficial to the fish, wildlife and native plants.
- 24) The applicant shall monitor, maintain and replace the revegetated and restored areas within the wetland areas that will be created, enhanced and restored for the project for a minimum of five (5) 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.
- 25) WSDOT shall consult with WDFW staff prior to any groundbreaking activity at the Homestead Lake mitigation site so that WDFW may help avoid impacts to turtles at the site.
- 26) The applicant shall plant the oak establishment and restoration areas at a target density matching the proposal included in the Visual Quality Assessment Technical Memorandum. These areas shall be planted with native woody understory species at a density of 4,000 stems per acre. Oregon White Oak shall be installed at a density of 200 trees per acre through the understory mix using larger caliper (3/4-inch caliper, 5-foot height) stock.
- 27) The applicant shall coordinate a guided walk-through of the Oregon White oak woodland impacted area with WDFW prior to groundbreaking activity. WSDOT shall coordinate the site visit with George Fomes, WDFW Biologist, Priority Habitats and Species Program (360) 906-6731.
- 28) WSDOT shall prepare and implement a ten (10) year monitoring of the rehabilitated, created, and enhanced Oregon White oak woodland areas. At a minimum, the project applicant shall prepare an annual report and shall track the status of the wildlife area or site and the success of rehabilitation and/ or enhancement actions. At the end of ten (10) years, rehabilitation and enhancement efforts may conclude if they are successful. In instances where rehabilitation and enhancement efforts have failed, the monitoring process shall be extended until the applicant satisfies the rehabilitation and enhancement provisions.
- 29) Within the abandoned SR 14 reversion area use of plant species native to the landscape setting shall be encouraged. Where non-native plants are used, they shall have native-appearing characteristics.



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- 30) Screening vegetation to 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.
- 31) WSDOT shall follow the Temporary Erosion and Sediment Control (TESC) measures as outlined in the project narrative.
- 32) Within 1 year of project completion, 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.
- 33) WSDOT shall submit a progress report every three years that documents milestones, success, problems, and contingency actions. Photographic monitoring stations shall be established including, Crown Point, Portland Women's Forum, and two locations showing west and east bound views on SR 14 (locations to be chosen after completion of the project).
- 34) WSDOT shall prepare and submit a final monitoring report upon the 10 year anniversary of project completion.
- 35) 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 through 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.
- 36) A site visit for Final Inspection shall be conducted by the Community Development Department. Inspections 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 or through the permit center public portal at <https://co-skamania-wa.smartgovcommunity.com/portal/Public/Welcome>.
- 37) 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

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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.
- 38) 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.

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Dated and Signed this 9<sup>th</sup> day of April, 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 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



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98648. Notice of Appeal forms and mailing lists are available at the Community Development Department and must be accompanied by a \$2,450.00 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

Confederated Tribes of the Warm Springs

Nez Perce Tribe

Cowlitz Tribe

Department of Archaeology and Historic Preservation

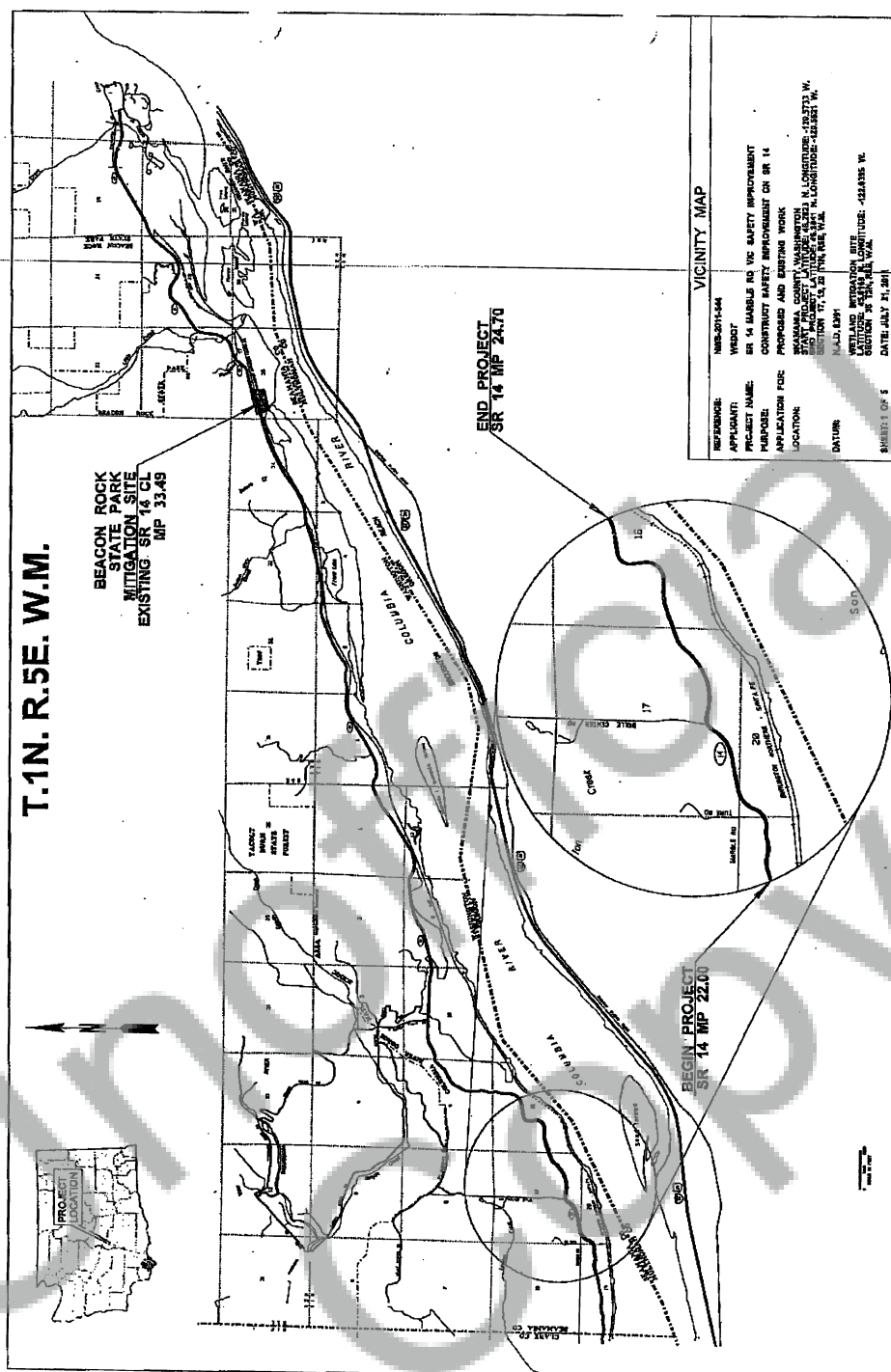
Columbia River Gorge Commission

U.S. Forest Service – NSA Office

Board of County Commissioners (electronic)

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

Department of Fish and Wildlife





SHEET 2 OF 5

SR 14 / MARBLE RD PROJECT LIMITS

SEPA



SEPA

AERIAL VIEW - SR 14 / MARBLE ROAD

**SHEET 3 OF 5**

















