

Return Address: Energeia Vineyards LLC
c/o Nathan Ziegler
31 Memory Lane
Underwood, WA 98651

Skamania County
Community Development Department
Building/Fire Marshal • Environmental Health • Planning
Skamania County Courthouse Annex
Post Office Box 1009
Stevenson, Washington 98648
Phone: 509-427-3900 Inspection Line: 509-427-3922

Administrative Decision

APPLICANT: Energeia Vineyards LLC
c/o Nathan Ziegler

PROPERTY OWNER: Energeia Vineyards LLC

FILE NO.: NSA-11-44

PROJECT: Application by Energeia LLC, to develop the property for the purpose of producing wine grapes and producing and selling wine. Recently approximately 9.5-acres have been planted and another 11-acres are proposed. In addition to planting the 11-acres of grapes, the proposed new development includes: Construct a new single-family home – home is two stories, first floor is 44’ x 44’ for office space and garage for farm equipment with a 14’ x 44’ lean-to, second floor is 30’ x 44’ living space with attached covered deck and deck. Construct a winery/tasting room – winery is two stories, first floor is 30’ x 44’ for wine production area with a 14’ x 44’ lean-to, second floor is 30’ x 44’, with only 14’ x 30’ finished for wine tasting/wine sales with a 10’ x 30’ covered deck and a 10’ x 30’ covered area. Construct a 30’ x 44’ agricultural building with a 30’ x 10’ covered entry. Install 2,482 linear feet of 8’ tall deer fence with gates.

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Plant approximately 1,200 linear feet of privacy trees. Install associated utility services for water, sewer and electric.

LOCATION: Located near the intersection of King Road with Cook Underwood Road, Underwood, Section 19 of T3N, R10E, W.M. and is identified as Skamania County Tax Lot Number 03-10-19-0-0-0307-00 and 03-10-19-0-0-0307-06.

LEGAL: See attached page 14.

ZONING: General Management Area- Large Scale Agricultural (AG-1) and Open Space (OS), the proposed development is only taking place in the Large Scale Agriculture (AG-1) zone.

DECISION: Based upon the record and the Staff Report, the application by Energeia Vineyards 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)

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- 3) All structures, except fences, including eaves, awnings and overhangs shall meet the following minimum setbacks, however specific agricultural and water resource setbacks will be controlling when larger: **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) Only one single-family home is approved on the subject property and that home shall be occupied by one or more individuals whose day-to-day activities will be principally directed to the agricultural use of the land.
- 5) The proposed ag building and winery building shall not accommodate a cooking area or kitchen, and they shall not be used as a residence at any time.
- 6) The winery and the wine sales/tasting room shall not be used for preparing or serving meals or hosting weddings, receptions, or other commercial events, unless allowed, reviewed, and approved under Section 22.12.030 of this Title. This Administrative Decision does not include a request for commercial events and none are being permitted. In the future the applicants may submit an application to be considered for Commercial Events after the winery has been established.
- 7) The winery shall be in conjunction with onsite viticulture and shall process grapes from the subject farm or from the local region (the Columbia Gorge American Viticultural Area). The winery shall be constructed and producing wine prior to the opening of the tasting room. The applicant must request an inspection of the winery operation in order for Community Development Department Staff to verify that the winery is in operation prior to operating the wine sales/tasting rooms.
- 8) Products available in the wine sales/tasting room shall be limited to those made from grapes grown on the farm or in the local region (the Columbia Gorge American Viticultural Area).
- 9) A vegetated barrier is required to be planted along the east property line near the ag building (structure #3 on site plan) and the east property line adjacent to the proposed single-family dwelling (structure #1 on site plan), as shown on the Tree Plan, prior to Final Inspection of each building.
 - a) The adjusted setbacks shall be 50' for the east property line and 150' for all other property lines with the exception of the 100' setback for the winery (structure #2) from the southern property line.

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- b) Trees shall be at least six (6) feet in height when planted and reach an ultimate height of at least fifteen (15) feet.
 - c) The vegetative screening must be continuous, be completely planted during the first phase of development and maintained in good condition.
 - d) The tree types shall be consistent with the types as specified on the applicant's site plan which are hemlock, cedar or fir, and shall be planted on spacings as set out in the Recommended Plants for Screening as set out in the Building in the Scenic Area Handbook.
- 10) 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.
- 11) Project applicants shall be responsible for proper maintenance and survival of all planted vegetation required under this Administrative Decision.
- 12) The applicant's proposed 830' of trees labeled "privacy trees" on the western property line shall be required to be planted prior to final approval of each structure. These trees shall meet the recommended tree size and spacing as set out in the Recommended Plants for Screening as set out in the Building in the Scenic Area Handbook.
- 13) 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).
- 14) At least one-quarter (1/4) of any trees planted for screening shall be coniferous for winter screening.
- 15) The applicant to meet all conditions of approval enacted to achieve visual subordination prior to final inspection by the Community Development Department;
 - a) The applicant is to coordinate all inspections with the Building Division;
 - b) A final inspection approval will not be issued until compliance with all conditions of approval, including visual subordination criteria, have been verified;
 - c) The Community Development Department shall conduct at least two site visits during construction, one to verify the location of the structure as stated by the Administrative Decision and a second to be conducted after all foundation excavation has been completed including framed 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

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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>.

- 16) The exterior of the three proposed buildings 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 exterior walls and trim –Behr “Hickory Grove” and roofing –IKO “Weatherwood”. Any proposed changes to these colors shall be submitted for review by the Community Development Department prior to issuance of the building permit.

The proposed tan, “Canyon View” for the trim, is not approved.

- 17) All south-facing windows shall be low-e glass with less than 11% exterior visible light reflectivity rating. Documentation showing the windows will meet this rating must be provided before the release of the building permit.
- 18) All exterior 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.
- 19) The proposed structures shall be limited in height as set out in the submitted elevation drawings. Specifically, the single-family dwelling and winery shall be limited to 28 feet as measured to the roof peak from natural grade, as shown on the elevation drawings. The ag building shall be limited to 22.5 feet as measured to the roof peak from natural grade, as shown on the elevation drawings.
- 20) A fifty (50) foot undisturbed buffer is required on the stream that runs along the northwest corner of the subject property. No development, clearing or grading, vegetation removal or fencing may occur within 50 feet of the Ordinary High Water Mark of this creek.
- 21) 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.

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- 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.
- 22) 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 11th day of June, 2012, at Stevenson, Washington.



Mark J. Mazeski
Land Use Planner
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

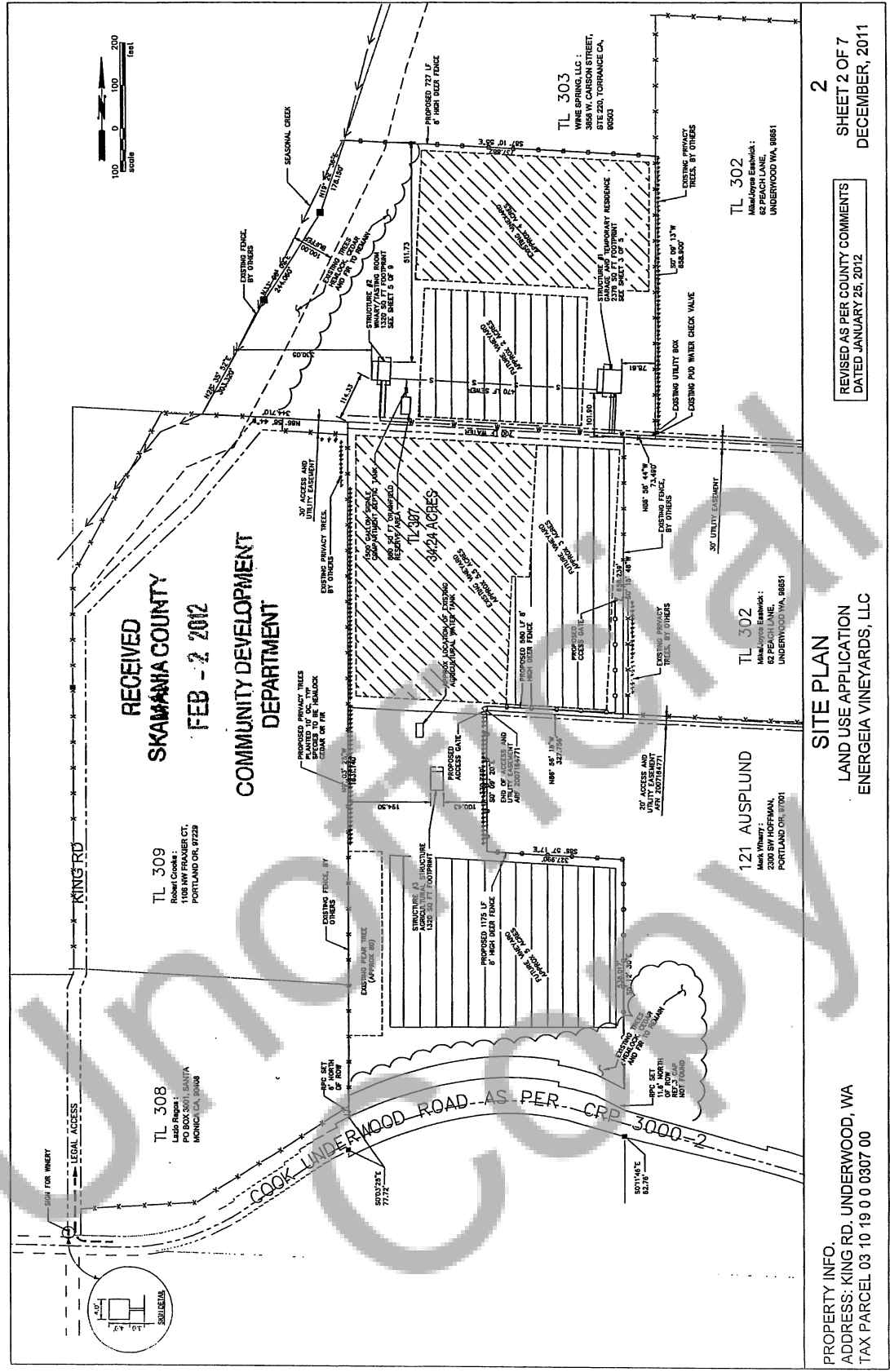
On November 30, 1998 the Columbia River Gorge Commission overturned a Skamania County Director's Decision 18 months after the 20 day appeal period had expired. You are hereby warned that you are proceeding at your own risk and Skamania County will not be liable for any damages you incur in reliance upon 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
Nez Perce Tribe
Cowlitz Tribe
Confederated Tribes of the Warm Springs (electronic)
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)



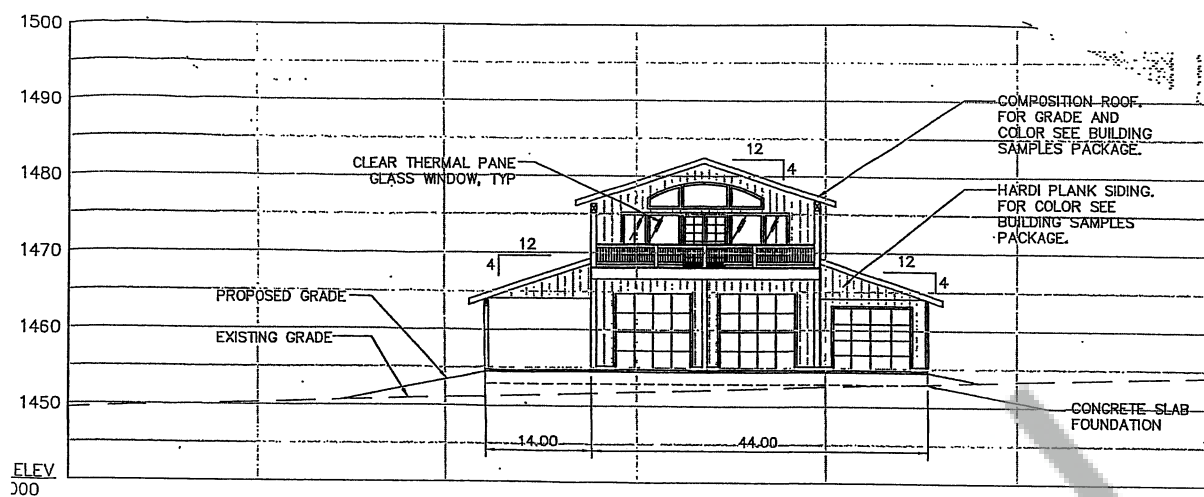
RECEIVED
SKAMAHIA COUNTY
FEB - 2 2012
COMMUNITY DEVELOPMENT
DEPARTMENT

PROPERTY INFO.
ADDRESS: KING RD, UNDERWOOD, WA
TAX PARCEL 03 10 19 0 0307 00

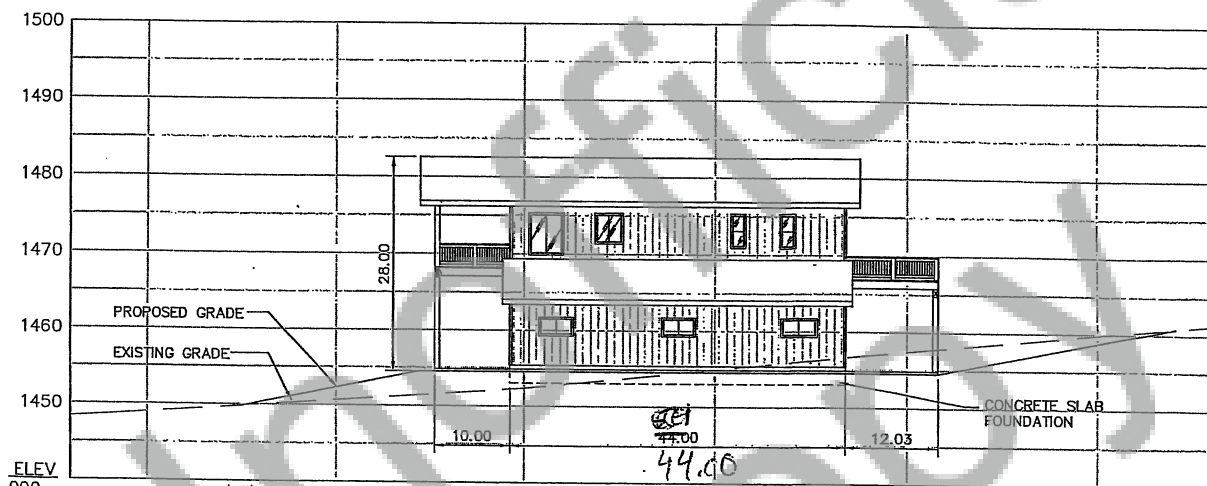
2
SHEET 2 OF 7
DECEMBER, 2011

REVISED AS PER COUNTY COMMENTS
DATED JANUARY 26, 2012

SITE PLAN
LAND USE APPLICATION
ENERGEIA VINEYARDS, LLC



A ELEVATION
SCALE: 1"=10'



B ELEVATION
SCALE: 1"=10'

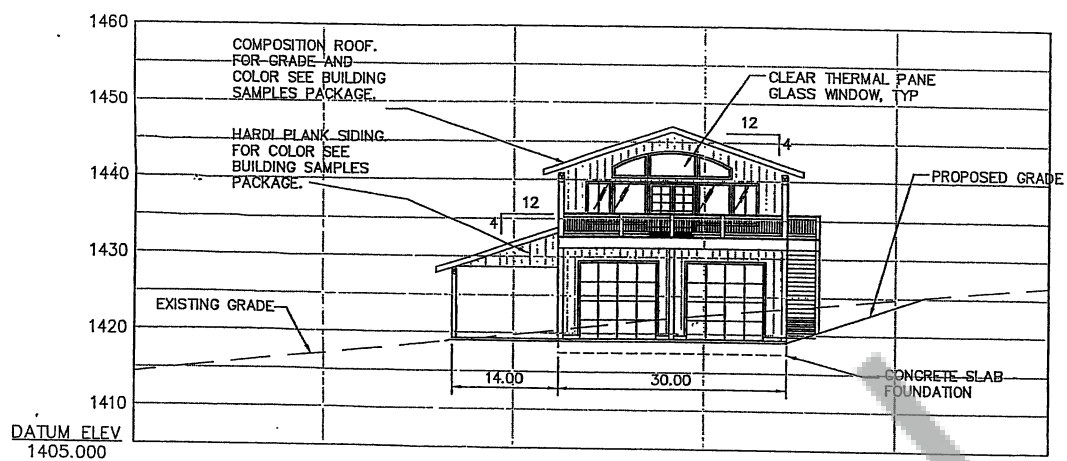
* CUT= 317 Cu. Yd.
* FILL= 281 Cu. Yd.

NOTES:

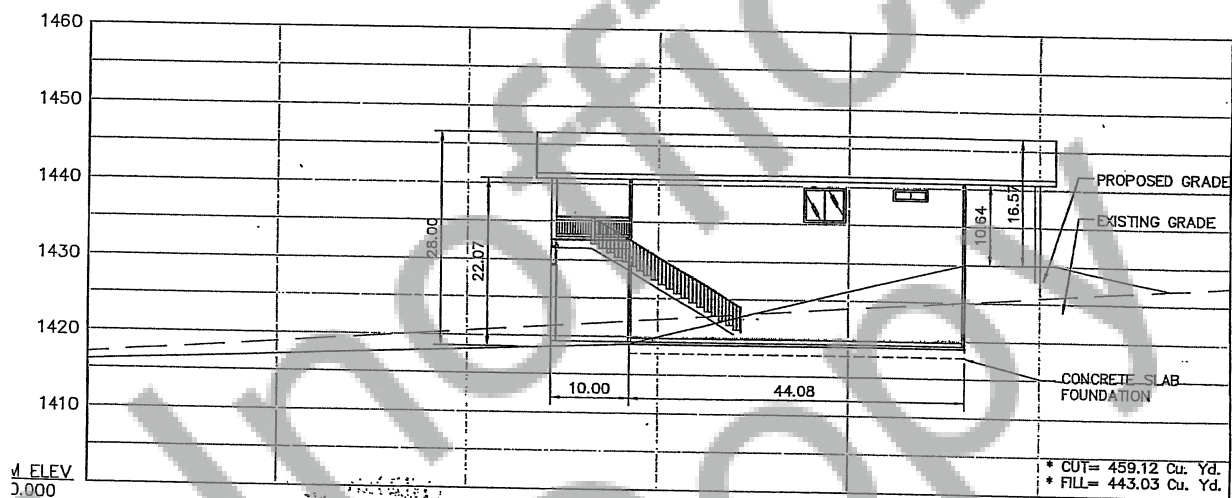
1. CONTOURS SHOWN ARE FROM GOOGLE EARTH AND SHOULD BE CONSIDERED APPROXIMATE.
2. ALL EARTH MOVED DURING CONSTRUCTION WILL BE USED AS BACK FILL. NO FOREIGN SOIL WILL BE USED, AND NO SOIL WILL BE REMOVED FROM PROJECT SITE.

AGE GRADING AND ELEVATIONS
APPLICATION
INEYARDS, LLC

4
SHEET 4 OF 7
DECEMBER, 2011



A ELEVATION
SCALE: 1"=10'



B ELEVATION
SCALE: 1"=10'

NOTES:

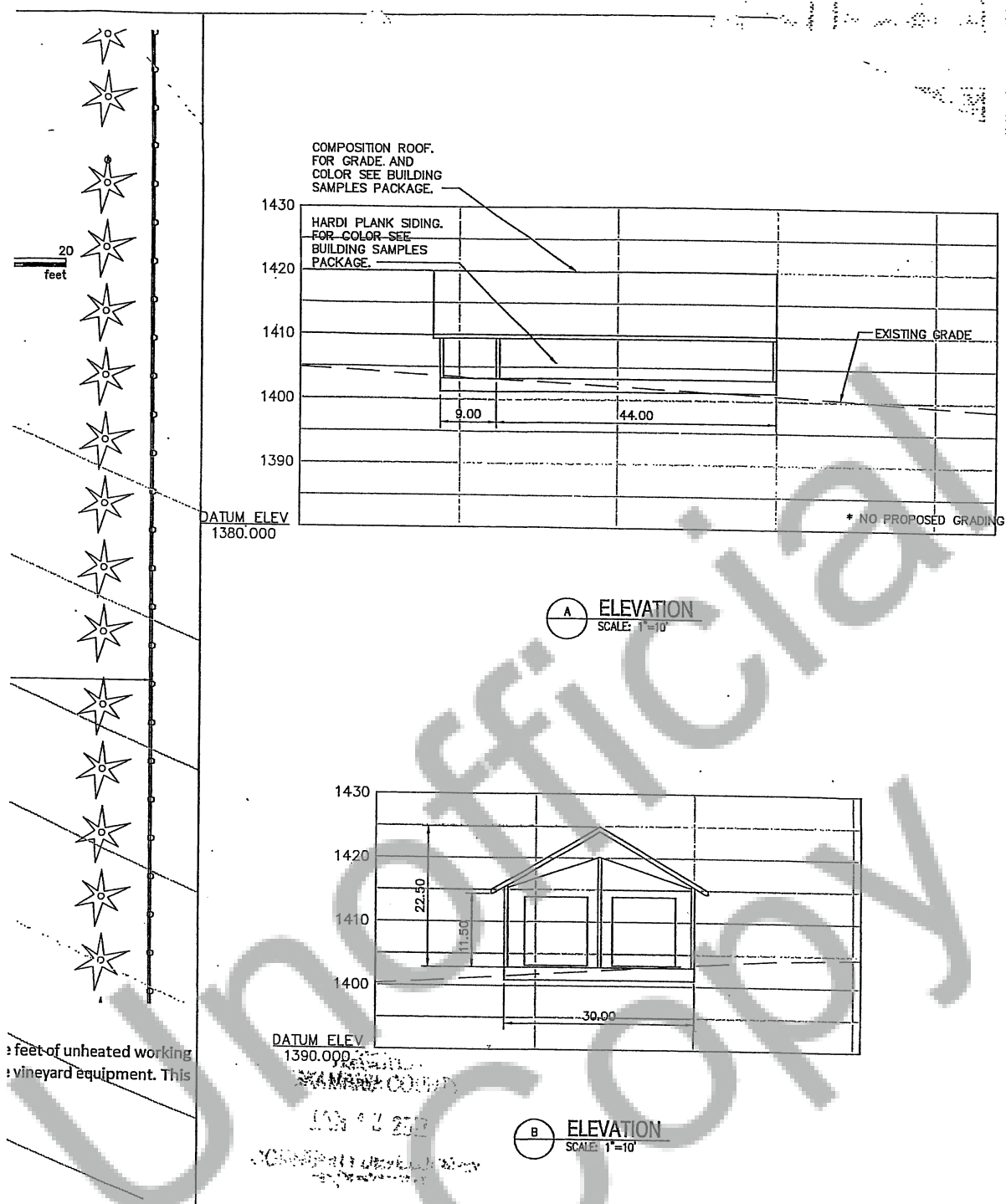
1. CONTOURS SHOWN ARE FROM GOOGLE EARTH AND SHOULD BE CONSIDERED APPROXIMATE.
2. ALL EARTH MOVED DURING CONSTRUCTION WILL BE USED AS BACK FILL. NO FOREIGN SOIL WILL BE USED, AND NO SOIL WILL BE REMOVED FROM PROJECT SITE.

3 AND ELEVATIONS

APPLICATION
INEYARDS, LLC

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SHEET 6 OF 7
DECEMBER, 2011



CATION PLAN AND ELEVATIONS
APPLICATION
INEYARDS, LLC

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SHEET 7 OF 7
DECEMBER, 2011

Exhibit A

A parcel located in Section 19, Township 3 North, Range 10 East of the Willamette Meridian, Skamania County, Washington, more specifically described as:

Lots 2, 7, 10, 14 and 15, SEELEY SUBDIVISION, recorded in Book "A" of plats, page 32, records of Skamania County, Washington and that portion of Lot 9 of said SEELEY SUBDIVISION South of the centerline of the Cook Underwood Road.

EXCEPT the Northeast quarter of Lot 7.

That portion of the South half of Government Lot 2 of Section 19 East of a tract of land conveyed to Broughton Lumber Company by deed dated July 16, 1952, and recorded July 24, 1952, at page 342 of Book 35 of Deeds, under Auditor's File No. 44316, records of Skamania County, Washington;

The West half of the West half of the Southwest quarter of the Southeast quarter of the Northwest quarter of Section 19, Skamania County, Washington.

EXCEPT County Roads.

Unofficial
Copy