



Return Address: Scott Gulstine
4207 Post Canyon Road
Hood River, OR
97031

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: Scott Gulstine

FILE NO.: NSA-19-38

DESCRIPTION: Construct 2,800 sq. ft. agricultural building for winery and tasting room on a parcel with an existing vineyard. Project activities include grading, new landscaping, winery sign, utilities and septic installation, sedimentation pond, parking area with gravel driveway and retaining wall.

LOCATION: Kramer Road, Underwood, and identified as Skamania County parcel no. 03-10-21-2-0-0100-00.

LEGAL: The East half of the Northeast quarter of the Northwest quarter of Section 21, Township 3 North, Range 10 East of the Willamette Meridian in the county of Skamania, Washington: Except the following described portion thereof: Beginning at a point on the West right-of-way line of the county road known and designated as the Kramer Road, said point being 44°40' East a distance of 936.1 feet from a railroad iron marking the Southwest corner of the East Half of the Northeast quarter of the Northwest Quarter of said Section 21; thence South 89°38' West 300 feet; thence North 340 feet; thence North 89°38' East 300 feet to the West right-of-way line of said Kramer Road; thence South along said West line 340 feet to the point of beginning.

ZONING: GMA – Large Scale Agriculture (Ag-1) 60

DECISION: Based upon the record and the Staff Report, the applicant's proposal, described above, is found to be consistent with SCC Title 22 and is hereby **APPROVED** subject to the conditions set forth below.

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 development shall be consistent with the approved site plan on file with Skamania County Community Development, unless modified by the following conditions of approval. If modified, the site plan shall be consistent with the conditions of approval.
3. The following are the minimum required setbacks for all structures except fences: **FRONT YARD:** fifty (50) feet from the centerline of the street or road or twenty (20) feet from the front property line, whichever is greater; **SIDE YARD:** twenty (20) feet, and **REAR YARD:** twenty (20) feet. A variance to the minimum front lot line setback has been granted pursuant to SCC 22.06.040(C) to allow construction of a retaining wall with parking, sedimentation pond and sign as shown on the approved site plan.
4. A thirty (30) foot variance to the 50-foot front yard setback for structures required by SCC 22.10.070(B)(1) is granted to allow construction of the sedimentation pond and parking area with retaining wall no closer than twenty (20) feet from the centerline of Kramer Road as shown on the approved site plan. A variance is granted to allow construction of a winery sign as shown on the approved site plan.
5. This administrative decision does not include approval for commercial events. The winery and wine sales/tasting room shall not be used for preparing or serving meals or hosting weddings, receptions, or other commercial events, unless applied for with a new National Scenic Area land use application after a lawful winery has been established on the subject property and allowed, reviewed, and approved in accordance with SCC 22.12.030.

6. The winery sign shall be all wood construction and be dark brown in color with slate grey lettering. The sign, sign back and support structure shall be dark brown. Any proposed changes to these colors shall be submitted to the Community Development department for review and approval prior to application.
7. Wine processed on the subject property shall predominately use grapes grown on the subject property or on vineyards located within the Columbia River Gorge National Scenic Area counties.
8. The wine sales/tasting room shall be accessory to an on-site winery. The wine sales/tasting room shall not be established or operated until after the on-site winery is established.
9. A continuous line of trees at least 175 feet in length shall be planted along the east property line as shown on the approved site plan to serve as screening from the adjoining agricultural operation on the parcel to the east. Trees shall be at least six (6) feet high when planted and reach an ultimate height of at least fifteen (15) feet. The vegetation screen shall be planted along the east property line, and be continuous. The vegetative screening must completely be planted during the first phase of development and maintained in good condition so the line of screening vegetation remains continuous.
10. Only that grading which is necessary for site development (building pads, utilities, etc.) is permitted. Graded areas left bare shall be revegetated with native plantings or grasses promptly and prior to final approval.
11. A clear and grade application is required, and shall be submitted with the building permit application and approved before building permits can be issued for this project.
12. 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.
13. The Community Development Department will conduct at least two site visits during construction, one siting inspection to verify the staked location of the structures prior to any ground disturbance taking place; 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 Community Development inspection line at 509-427-3922 or by emailing permitcenter@co.skamania.wa.us.
14. All plantings shown on the submitted landscape plan are required. In addition to the proposed landscape plantings and required agricultural buffer trees, at least four new trees and four new tall shrubby trees are required south to southeast on the winery building in the areas shown on the approved site plan. Trees planted south of the building as shown on the landscaping plan may serve as required screening trees if consistent with condition #17.

15. New vegetation shall be sized to provide sufficient screening to make the development visually subordinate within five years or less from the commencement of construction. All required vegetation shall be selected from the recommended plants list found in the Scenic Resources Implementation Handbook.
16. 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.
17. Screening trees and vegetation shall be selected from the Scenic Resources Implementation Handbook Recommended Plants List. At least one-half of trees planted for screening purposes shall be species native to the setting or commonly found in the area and at least one-half of the trees shall be coniferous to provide winter screening. The size of required plantings shall be no smaller than the sizes indicated on the Scenic Resources Implementation Handbook Recommended Plants List.
18. The existing tree cover screening the development from key viewing areas shall be retained except as is necessary for site development or safety purposes.
19. The exterior of the proposed structures shall be dark earth-tones in color. The exterior includes, but is not limited to, sides, doors, porches, decks, gutters, roofs and trim. The following colors submitted by the applicant are consistent with this condition and are hereby approved. Siding and trim: Benjamin Moore -Twilight Zone (appears dark grey). Roofing: Owens Corning – Slatestone Grey (appears dark grey). Retaining Wall: Sherwin Williams – Autumn Brown (appears dark brown). Any proposed changes to these colors shall be submitted to the Community Development department for review and approval prior to application.
20. The exterior of buildings on lands seen from key viewing areas shall be composed of nonreflective materials or materials with low reflectivity. Painted metal is not allowed. The use of natural wood siding and trim with composite asphalt shingles satisfies this requirement. The concrete retaining wall shall be textured on its east and south faces. All glass on the east and south elevations shall exhibit reflectivity of 11 percent or less. Any proposed changes in construction materials shall be submitted to the Community Development Department for review and approval prior to their use.
21. All exterior lighting shall be hooded or shielded at a 90° angle. Hoods/shields should be made of a non-reflective, opaque material, which does not allow light to pass through.
22. An Inadvertent Discovery Plan embodying the provisions of SCC 22.22.060 (Condition #23) and SCC 22.22.070 (Condition #24) shall be prepared and posted in a conspicuous place at the development site and shall remain posted until all project activities are concluded.
23. 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.
24. 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 24th day of June, 2020, at Stevenson, Washington.

Mike Beck

Mike Beck, planner

NOTE:

Any new development not included in the approved site plan on file with the Skamania County Community Development department 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 1009, Stevenson, WA 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.

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 Reservation
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
State of Washington Department of Commerce – Paul Johnson
Department of Fish and Wildlife