



Return Address: Hawkins Cellars
PO Box 104
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: Thane Hawkins, for Hawkins Cellars

FILE NO.: NSA-21-30

DESCRIPTION: Construct agricultural building with winery, tasting room, and associated site improvements. The project also includes retaining walls, a well, two storage tanks, parking areas, and an upgraded septic system. Remove portion of barn over 50 years of age. Decommission existing tasting room in residence.

LOCATION: 10401 Cook Underwood Rd, Underwood, WA and identified as Skamania County Parcel #03-10-20-0-0-1000-00.

LEGAL: See attached page 7.

ZONING: GMA – Residential 5 (R-5)

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. 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.
4. 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 allowed, reviewed, and approved with a new National Scenic Area Land Use application in accordance with SCC 22.12.030 and all applicable provisions of Title 22.
5. The agricultural building and tasting room shall not be used to establish additional dwelling units or guest quarters and shall not be used for overnight accommodations, unless reviewed and approved in a subsequent administrative decision in accordance with all applicable provisions of Title 22.
6. The wine sales/tasting room shall be accessory to an existing on-site winery.
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 existing tasting room in the basement of the residence shall be decommissioned within 30 days of the new agricultural winery building tasting room receiving final approval. Community Development staff shall inspect the existing tasting room in the basement of the residence to verify it has been decommissioned and removed from the dwelling at least 30 days after final approval is issued.
9. No outside storage associated with the wine sales/tasting room shall be allowed.

10. No retail sales, other than retail sales of wine, may occur on the premises.
11. The winery and wine sales/tasting room shall comply with the requirements of SCC Chapter 8.22, Noise Regulations.
12. The wine sales/tasting room shall not open before 10 AM or close after 6 PM on any day of the week. Public visits, tastings, wine sales or events associated with the winery or wine sales/tasting room shall not occur outside of the 10 AM to 6 PM allowed hours of operation.
13. Community Development Department staff shall perform an inspection of the winery and wine sales/tasting room 12 months after opening and thereafter as deemed necessary to ensure that the development complies with all conditions of approval.
14. All winery and wine sales/tasting room parking shall be onsite. The applicants shall place a temporary sign directing customers to onsite overflow parking areas when the winery parking lot is at capacity or expected to be at capacity. This sign shall be consistent with SCC 22.10.040(10).
15. Parking areas not associated with residential use shall be screened from Key Viewing Areas. Required parking area screening trees shall be planted as depicted on the approved site plan.
16. A continuous line of trees shall be established along the west property line to the southwest parcel corner to serve as an agricultural buffer. All agricultural buffer trees shall be at least six (6) feet high when planted and reach an ultimate height of at least fifteen (15) feet. All required agricultural buffer trees shall be maintained in good condition so that the buffer tree line remains continuous.
17. At least two new trees are required southwest of the agricultural building to bolster the existing tree buffer from adjacent properties to better restrict pedestrian access between the subject property and adjacent neighbors.
18. A continuous line of cedar trees, spaced no more than 15 feet on center, shall be planted south of the parking area south of the agricultural building. At least two cedar trees each are required south of the parking areas along each side of the driveway.
19. All existing tree cover screening the development from key viewing areas shall be retained except as is necessary for site development or safety purposes. Dead, dying, and removed trees shall be replaced in kind.
20. All trees removed for site development shall be replaced in a 1:1 ratio south of the agricultural building within 40 feet of the south property line.
21. Areas where screening trees are required are depicted on the approved site plan. All newly planted trees shall be at least five feet tall when planted and 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.

22. All required screening trees and vegetation shall be selected from the Scenic Resources Implementation Handbook Recommended Plants List. At least half (1/2) of trees planted for screening purposes shall be species native to the setting or commonly found in the area and at least half (1/2) of the trees shall be coniferous to provide winter screening.
23. 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.
24. Only that grading which is necessary for site development (building pads, utilities, etc.) is permitted. Grading activities shall be limited to the maximum extent practicable. All graded areas left bare shall be re-seeded with native plantings or grasses promptly and prior to final inspection by the Community Development Department.
25. Dust suppression and erosion control measures shall be implemented during construction and grading activities.
26. Project applicants shall be responsible for the proper maintenance and survival of any required planted vegetation.
27. 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.
28. The Community Development Department shall 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.
29. The exterior of the proposed structures shall be dark earth-tones 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: Roofing: Corten genuine weathering steel – appears dark brown. Siding: Corten genuine weathering steel – appears dark brown. Siding: Corten genuine weathering steel or Cedar stained Cabot – Cordovan Brown – appears dark brown. All doors including roll-up doors shall be finished in an equivalent dark brown color. All exposed vertical concrete shall be stained an equivalent dark brown color. Retaining Walls: Basalt Boulders. These are the only colors approved for use. Any proposed changes to these colors shall be submitted to the Community Development department for review and approval prior to their application.

30. The exterior of buildings on lands seen from key viewing areas shall be composed of nonreflective materials or materials with low reflectivity. The proposed list of Corten genuine weathering steel roofing, Corten genuine weathering steel siding and natural cedar siding are consistent with this condition and hereby approved. Any proposed changes to the approved materials list shall be submitted to the Community Development department for review and approval prior to their installation.
31. All south facing windows shall consist of tinted or specialty glass with a visible light reflectivity rating less than 11%.
32. 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.
33. An Inadvertent Discovery Plan embodying the provisions of SCC 22.22.060 (Condition #34) and SCC 22.22.070 (Condition #35) shall be prepared and posted in a conspicuous place at the development site and shall remain posted until all project activities are concluded.
34. 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.
35. 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 31st day of March, 2022, at Stevenson, Washington.

Mike Beck

Mike Beck, AICP
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

Parcel 03-10-20-0-0-1000-00

Legal Description:

A parcel of land within the Southeast Quarter of the Southwest Quarter of Section 20 and the Northeast Quarter of the Northwest Quarter of Section 29, all in Township 3 North, Range 10 East of the Willamette Meridian, situated in the County of Skamania, State of Washington, described as: Lot 1, M. Grove Short Plat #1 recorded June 3, 1982, in Book 3 of Short Plats, Page 30, Auditor File No. 94174, except Tax Lot 1002 described as follows:

Beginning at the Northwest corner of Lot 2 of Martin Grove Short Plat #1 as shown on the plat thereof recorded in Book 3 of Short Plats at Page 30, records of said county; thence South 89°49'56" East 225 feet along the North line of said Lot 2, extended Easterly; thence along a line parallel with the West edge of said Lot 2, South 00°18'59" West 140 feet to the North edge of Cook-Underwood Road; thence Westerly along said road 225 feet, more or less, to a point lying South 00°18'59" West of the Northwest corner of said Lot 2; thence along the West edge of said Lot 2 North 00°18'59" East 140 feet, more or less, to the Point of Beginning.