



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

STAFF REPORT AND RECOMMENDATION TO THE HEARING EXAMINER

PROJECT: Paradise Rock Motel

FILE NO: SHR-20-01 and CA-20-01

REQUEST: The applicant requests a Shoreline Substantial Development Permit, a Shoreline Conditional Use Permit, and a Critical Areas Variance in order to construct a ten-unit motel with associated trails and parking on the Columbia River outside Stevenson, WA.

APPLICANT:	Paradise Rock, LLC 2122 Mabee Mines Road, Washougal, WA 98671
PROPERTY OWNER:	Paradise Rock, LLC 2122 Mabee Mines Road, Washougal, WA 98671
LOCATION:	45092 State Highway 14, Stevenson, WA 98648 A parcel in the SW ¼ of Section 36, T3N, R7.5E of the W.M.
PARCEL NO.:	03-75-36-3-0-1000-00
ZONING:	Community Commercial (CC)
COMPREHENSIVE PLAN DESIGNATION:	Rural I
SHORELINE DESIGNATION:	Conservancy
PARCEL SIZE:	Approximately 10.94 acres

PROJECT DESCRIPTION:

The project area is located at the east end of the Stevenson Urban Area within the Columbia River Gorge National Scenic Area (NSA). The site is bordered on the north by the BSNF railway and, on the south by the Columbia River, on the east by the Stevenson Cemetery, and on the west by land owned by the Port of Skamania County. Upland portions of the subject property are exempt from NSA regulations, but are subject to the County's Shoreline Master Program and Critical Areas and Zoning regulations. The entire parcel size is 10.94 acres, however

approximately 1-acre of the parcel area is located above the ordinary high-water mark (OHWM) of the Columbia River. It is currently developed with an existing single-family dwelling.

The applicant proposes to develop the site with a ten-unit motel consisting of three new three-story, three-unit buildings and fourteen parking spaces. The existing dwelling would be converted into one lodging unit with a motel office. Existing trails on the property would provide access to the Columbia River waterfront on the property.

The subject property is located in the Community Commercial (CC) zone. This zone allows for a variety of residential and commercial uses. Hotels and motels are an allowable use in this zone.

The proposal is subject to both the County's Shoreline Master Program and Critical Areas Ordinance. The application was deemed complete on January 28, 2020, and is vested under the County's current Shoreline Master Program, adopted March 2007, and the County's previous Critical Areas Ordinance, adopted May 2005. The project occurs entirely within the 200 ft. area of Shoreline jurisdiction for the Columbia River. No new buildings or structures will be constructed within the 50 ft. shoreline setback. A Shoreline Substantial Development Permit and Shoreline Conditional Use Permit is required. Much of the proposal are located within the 100 ft. riparian buffer required under SCC 21A.04.020(C)(4) in the County's Critical Areas Ordinance. A critical areas variance is required.

The applicant previously received NSA approval for a dock in file no. NSA-17-04. The applicant has elected not to proceed with that dock as part of this application. Should the applicant wish to pursue this dock in the future, the proposal will be subject to review under the Shoreline Master Program and a Substantial Development Permit will be required.

ATTACHMENTS: (This report will be considered Exhibit 1)

Exhibit 2: Application Materials, including JARPA – *Complete January 28, 2020.*

Exhibit 3: Site Plan – *January 28, 2020.*

Exhibit 4: Mitigation Plan – *February 3, 2020.*

Exhibit 5: Cultural Resource Survey Report – *July 14, 2017*

Exhibit 6: SEPA Mitigated Determination of Nonsignificance – *March 15, 2017*

Exhibit 7: Notice of Public Hearing – *Published in the Skamania County Pioneer March 11 and March 18, 2020; Mailed to agencies/tribes March 18, 2020.*

Exhibit 8: Notice of Public Hearing – *Mailed to adjacent property owners – March 18, 2020.*

Exhibit 9: Revised Notice of Public Hearing – *Published in the Skamania County Pioneer April 15, 2020; Mailed to agencies/tribes April 8, 2020.*

Exhibit 10: Revised Notice of Public Hearing – *Mailed to adjacent property owners – April 15, 2020.*

Exhibit 11: Notice of Public Hearing – *Published in the Skamania County Pioneer May 6, 2020.*

Exhibit 12: Comment Letter – Lisa Nelson, Skamania County Cemetery District – *March 24 & 26, 2020.*

Exhibit 13: Comment Letter – Stephanie Jolivette, Washington Department of Archaeology and Historic Preservation – *March 30, 2020.*

Exhibit 14: Comment Letter - Christian Nauer, Archaeologist for Confederated Tribes of the Warm Springs Reservation of Oregon – *April 2, 2020.*

Exhibit 15: Comment Letter – Todd Parrish – *April 13, 2020.*

Exhibit 16: 1987 Property Survey

SEPA:

Skamania County issued a State Environmental Policy Act (SEPA) Mitigated Determination of Nonsignificance (MDNS) for the project on March 15, 2017.

NOTIFICATION:

This item was originally scheduled for consideration on the April 20, 2020 hearing agenda. The Notice of Public Hearing was sent to the Skamania County Pioneer, the County's legal paper of record, for publication on March 11, 2020 and March 18, 2020. Notice of the hearing was sent to all adjacent property owners within 300 ft. of the project area and to interested parties on March 18, 2020. Notice was also posted on the Community Development Department's webpage on that same day.

The notices were issued before Washington Governor Jay Inslee issued Proclamation 20-25 on March 23, 2020, which imposed a Stay Home, Stay Healthy order in response to the COVID-19 pandemic. Governor Inslee issued Proclamation 20-28 the following day on March 24, 2020, which prohibited agencies from conducting any in-person meetings. The applicant agreed to postpone this hearing to May 18, 2020, due to circumstances surrounding COVID-19.

A revised hearing notice indicating the new meeting date was sent by email to the agencies and tribes listed below on April 8, 2020. This notice was also published in the Skamania County Pioneer on April 15, 2020 and mailed to adjacent property owners on April 15, 2020. An additional hearing notice was published in the May 6, 2020 edition of the Skamania County Pioneer. Due to Proclamation 20-28, the meeting is scheduled for remote video conference.

The following agencies were contacted:

- Washington State Department of Ecology
- Washington State Department of Fish and Wildlife
- Washington State Department of Natural Resources
- Washington State Attorney General
- US Army Corps of Engineers
- Yakama Indian Nation
- Nez Perce Tribe
- Confederated Tribes of the Umatilla Indian Reservation
- Confederated Tribes of Warm Springs Reservation
- Cowlitz Indian Tribe
- Lower Columbia Fish Recovery Board

COMMENTS FROM THE PUBLIC AND AGENCIES:

Lisa Nelson, Skamania County Cemetery District – March 24 & 26, 2020

Ms. Nelson's comments concerned possible impacts to unknown burials outside the Stevenson Cemetery and traffic circulation along the shared access road. These comments are addressed within the report with recommended conditions of approval.

Stephanie Jolivette, WA Department of Archaeology and Historic Preservation – March 30, 2020

The County was copied on correspondence with the applicant regarding the Cemetery District's concerns. Ms. Jolivette's recommendations to the applicant are addressed in the report with recommended conditions of approval.

Christian Nauer, Confederated Tribes of the Warm Springs Reservation – April 2, 2020
Mr. Nauer requested to be notified of any efforts to protect cultural resources. This request has been addressed within the report with recommended conditions of approval.

Todd Parrish, Property Owner – April 13, 2020
Mr. Parrish's comments concerned compliance with various requirements of the Shoreline Master Program and variance criteria. This report makes findings with respect to the applicable review criteria.

COMPREHENSIVE PLAN:

The subject property is located within the Rural I land use designation. The Comprehensive plan identifies the Rural I designation as the area which is best able to support growth and where more varied and dense development should occur. Motels and hotels are a suggested use in this designation. The proposal is consistent with the Comprehensive Plan.

STAFF ANALYSIS OF APPLICABLE CODE CRITERIA:

TITLE 2 – ADMINISTRATION AND PERSONNEL
CHAPTER 2.80 – OFFICE OF HEARING EXAMINER

§ 2.80.090 - Applications.

Applications for all matters to be heard by the hearing examiner shall be presented to the community development department, to be processed according to the applicable provisions of the code. The community development director, or the community development director's designee, shall be responsible for assigning a date for the public hearing, and providing relevant public and adjacent property owner notices for each application as required. The hearing examiner may consider two or more applications relating to a single project concurrently, and the findings of fact, conclusions and decision on each application may be covered in one written decision.

Findings:

The proposed project requires a Shoreline Substantial Development Permit, Shoreline Conditional Use Permit, and a Critical Areas Variance. The applicant submitted the required applications for these permits on January 28, 2020. The Hearing Examiner may consider these applications concurrently and issue one written decision.

TITLE 20
SHORELINE MANAGEMENT

§ 20.04.050 – Substantial Development Permits

- (A) No substantial development shall be undertaken on the shorelines except those which are consistent with the Shorelines Management Act of 1971, and the County Master Program, and the regulations of this title*

- (B) No substantial development shall be undertaken on the shorelines without first obtaining a substantial development permit in accordance with this title.*

Findings:

The proposed project meets the definition of "Substantial Development" as defined in Section 20.12.010(S) of this code as the estimated cost of the project exceeds the fair market value set by the State of Washington, \$7,047 as of September 2017. The applicant indicates that the approximate fair market value of the project is \$1,000,000.

A shoreline substantial development permit is required.

§ 20.16.030 - Notice of Application

- A. Upon submittal and acceptance of a proper application for a permit, the Planning Department shall cause to be published notices of the application and public hearing for a permit at least once a week, on the same day of the week, for two consecutive weeks in a newspaper circulating and published within Skamania County.*
- B. In addition, the Planning Department shall insure that additional notice of such application is given by at least one of the following methods:*
 - 1. Mailing of the notice to the latest recorded real property owners as shown by the records of the County Assessor within at least three hundred feet of the boundary of the property upon which the development is proposed;*
 - 2. Posting of the notice in a conspicuous manner on the property upon which the project is to be constructed; or,*
 - 3. Any other manner deemed appropriate by the Planning Department to accomplish the objectives of reasonable notice to adjacent landowners and the public.*

§ 20.16.040 - Application Distribution

The application for a permit and related information shall be submitted to the Hearing Examiner by the Planning Department for a public hearing at their first regular meeting after 30 days from the date of the last publication of the application for a permit.

§ 20.16.050 - Interested Parties

Within 30 days of the last publication of the notice of application for a permit, any interested person may submit his views on the application in writing to the Hearing Examiner, or may notify the Hearing Examiner of his desire to be notified of the action taken by the Hearing Examiner.

Findings:

A Notice of Public Hearing was sent to the Skamania County Pioneer, the County's legal paper of record, for publication on March 11, 2020 and March 18, 2020, advertising a meeting date of April 20, 2020. Notice of the hearing was sent to all adjacent property owners within 300 ft. of the project area and to interested parties on March 18, 2020. Notice was also posted on the Community Development Department's webpage on that same day.

The notices were issued before Washington Governor Jay Inslee issued Proclamation 20-25 on March 23, 2020, which imposed a Stay Home, Stay Healthy order in response to the COVID-19 pandemic. Governor Inslee issued Proclamation 20-28 the following day on March 24, 2020, which prohibited agencies from conducting any in-person meetings. The applicant agreed to postpone this hearing to May 18, 2020, due to circumstances surrounding COVID-19.

A revised hearing notice indicating the new meeting date was sent by email to agencies and tribes on April 8, 2020. This revised notice was also published in the Skamania County Pioneer on April 15, 2020 and mailed to adjacent property owners on April 15, 2020. An additional hearing notice was published in the May 6, 2020 edition of the Skamania County Pioneer. Staff finds that adequate public notice was provided in accordance with this section.

§ 20.20.010 – Hearing Required

The Hearing Examiner shall hold a public hearing for all applications for permits under this title (Ord. 1980-02 '7.10).

§ 20.20.020 – Granting or Denial of a Permit

(A) At the public hearing scheduled for consideration of a permit by the Hearing Examiner, the Hearing Examiner shall, after considering all relevant information available and evidence presented, grant a substantial development permit only when the development proposed is consistent with:

- 1. The policies and procedures of the act;*
- 2. The provisions of Chapter 173-14 WAC;*
- 3. The master program.*

Findings:

A hearing before the Skamania County Hearing Examiner is set for Monday, May 18, 2019, at 5:30 PM. The County, in the Shoreline Master Program, has codified the policies and procedures of the act. Compliance with the Shoreline Master Program will assure compliance with the policies and procedures of the act. The project will be evaluated for compliance with the provisions of the Skamania County Master Program below.

§ 20.20.030 – Review Criteria for Conditional Use Permits

(A) The purpose of a conditional use permit is to allow greater flexibility in administering the use regulations of the master program in a manner consistent with the policies of RCW 90.58.020; provided, that conditional use permits should also be granted in a circumstance where denial of the permit would result in a thwarting of the policy enumerated in RCW 90.58.020. In authorizing a conditional use, special conditions may be attached to the permit by the County or the Department to prevent undesirable effects of the proposed use.

Findings:

The proposal is located within the Conservancy Environment which specifically identifies hotels and motels as conditional uses. The proposal will be reviewed for compliance with the Shoreline Master Program and conditions will be applied as necessary.

(B) Uses which are classified or set forth in the Master Program as conditional uses may be authorized provided the applicant can demonstrate all of the following:

- 1. That the proposed use will be consistent with the policies of RCW 90.58.020 and the policies of the Master Program;*

Findings:

As found in later sections of this Staff Report, as conditioned, the proposal is consistent with the policies of the Master Program.

RCW 90.58.020 states in part:

The legislature declares that the interest of all of the people shall be paramount in the management of shorelines of statewide significance. The department, in adopting guidelines for shorelines of statewide significance, and local government, in developing master programs for shorelines of statewide significance, shall give preference to uses in the following order of preference which:

- (1) Recognize and protect the statewide interest over local interest;*
- (2) Preserve the natural character of the shoreline;*
- (3) Result in long term over short term benefit;*
- (4) Protect the resources and ecology of the shoreline;*
- (5) Increase public access to publicly owned areas of the shorelines;*
- (6) Increase recreational opportunities for the public in the shoreline;*
- (7) Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.*

In the implementation of this policy the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally. To this end uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state's shoreline. Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single-family residences and their appurtenant structures, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the state, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the state and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state. Alterations of the natural condition of the shorelines and shorelands of the state shall be recognized by the department. Shorelines and shorelands of the state shall be appropriately classified and these classifications shall be revised when circumstances warrant regardless of whether the change in circumstances occurs through man-made causes or natural causes. Any areas resulting from alterations of the natural condition of the shorelines and shorelands of the state no longer meeting the definition of "shorelines of the state" shall not be subject to the provisions of chapter 90.58 RCW.

Permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.

The proposal for a motel facility is a commercial use that is water-related and will allow for tourist enjoyment of the Columbia River shoreline and provided increased accessibility to the shoreline over the prior single-family residential use. Impacts to the shoreline will be offset by mitigation plantings.

- 2. That the proposed use will not interfere with the normal public use of public shorelines;*

Findings:

The proposal will not interfere with normal public use of the shoreline. The property is privately owned. No in-water work is proposed that would impact navigation or recreation on the Columbia River.

- 3. That the proposed use of the site and design of the project will be compatible with other permitted uses within the area. (Ord. 1980-02 '7.30)*

Findings:

The subject property is located in the Conservancy shoreline environment which allows for low-density residential, campgrounds, public access areas, and other similar shoreline uses. The Urban shoreline environment is located immediately west of the site. Hotels and motels are allowed in that designation. The site is not immediately adjacent to any residential properties. It is bordered on the north and west by the BNSF Railway and property owned by the Port of Skamania County. Its immediate neighbor to the east is the Stevenson Cemetery.

The proposed motel use, while a conditional use in the Conservancy designation, is an allowable use in the subject property's Community Commercial zoning designation.

SHORELINE MASTER PROGRAM

THE MASTER PROGRAM ELEMENTS

- 1. ECONOMIC DEVELOPMENT ELEMENT
For the location and design of industries, transportation facilities, port facilities, tourist facilities, commercial and other developments that are particularly dependent on shoreland locations.*

Findings:

The proposal is commercial lodging facility intended to promote tourism to Stevenson and the Columbia River Gorge. This is a water-related use that benefits from its location on the Columbia River and will provide shoreline access to tourists.

- 2. PUBLIC ACCESS ELEMENT
For assessing the need for providing public access to shoreline areas.*

Findings:

The proposal is a privately-owned property that has historically been used for residential occupancy. While the proposal is a privately-owned lodging facility. No access for the general public access is contemplated as part of this proposal, however the site will be accessible to members of the public who stay in the facility.

- 3. CIRCULATION ELEMENT
For assessing the location and extent of existing and proposed major thoroughfares, transportation routes, terminals and other public facilities and correlating those facilities with the shoreline use elements.*

Findings:

The proposal utilizes an existing SR-14 access and railroad crossing. The road approach is located at a pullout along SR-14 which functions as a deceleration lane for eastbound traffic. Circulation will not be affected by the proposal. No in water-work is proposed. Concerns regarding potential traffic safety impacts due to the proposal were raised in public comments. Staff notified the Washington Department of Transportation of these concerns and requested comment on the proposal. As of the date of this report, comments have been received from WSDOT. BNSF Railway received notification as an adjacent property owner but did not comment on the application.

4. RECREATION ELEMENT

For the preservation and expansion of recreational opportunities through programs of acquisition, development and various means of less-than-fee acquisition.

Findings:

The proposal is not a recreational facility; however, the applicants believe the proposal will accommodate recreational tourism due to its shoreline location.

5. SHORELINE USE ELEMENT

For considering:

1. *The pattern of distribution and location requirements of land uses on shorelines and adjacent areas, including, but not limited to, housing, commerce, industry, transportation, public buildings and utilities, agriculture, education and natural resources.*
2. *The pattern of distribution and location requirements of water uses including, but not limited to, aquaculture, recreation and transportation.*

Findings:

The proposal is located on the periphery of an area of more intensive shoreline uses in the City of Stevenson. Because of the property's limited developable acreage, it would not likely support more intense shoreline uses such as recreation or transportation. The property has no immediate residential neighbors and is bordered by public facilities on all sides.

6. CONSERVATION ELEMENT

For the preservation of the natural shoreline resources, considering such characteristics as scenic vistas, parkways, estuarine areas for fish and wildlife protection, beaches and other valuable natural or aesthetic features.

Findings:

The proposal involves improvements to a compact developed site. The applicant has proposed the use of dark exterior finishes to help the facility blend into the shoreline. Impacts to the shoreline outside of the 50 ft. setback will be offset with mitigation areas within the 50 ft. setback that would replace invasive and non-native species with native plantings appropriate for the shoreline location.

7. HISTORICAL/CULTURAL ELEMENT

For protection and restoration of buildings, structures, sites and areas having historic, cultural, educational or scientific values.

Findings:

A cultural resource survey of the project area was documented in a report dated July 14, 2017, prepared by Applied Archaeological Research, Inc. Artifacts were identified in the area of the level bench in the northern part of the subject property. The survey report recommended avoidance of this area during project activities. The report also found that by avoiding this area, the project will have no effect on historic properties. The permit should be conditioned to ensure avoidance and protection of this area.

The site is also located adjacent to the Stevenson Cemetery. The Skamania County Cemetery District submitted a comment letter raising concerns about the possibility of burials being located outside the perimeter of the cemetery. While no burials were identified during the archaeological survey of the site, the permit should be conditioned to require monitoring for certain grading activities.

SHORELINE POLICY STATEMENTS FOR THE USE ACTIVITIES

2. ARCHEOLOGICAL AREAS AND HISTORIC SITES

Archeological areas, ancient villages, military forts, old settlers homes, ghost towns, and trails were often located on shorelines because of the proximity of food resources and because water provided an important means of transportation. These sites are nonrenewable resources and many are in danger of being lost through present day changes in land use and urbanization. Because of their rarity and the educational link they provide to our past these locations should be preserved.

Policy Statements:

- a. Consult with the Skamania County Historical Society to identify archeological areas and historic sites. All archeological and historic sites should be identified and noted in priority. Where possible, such sites should be permanently preserved for scientific study and public observation.*
- b. Shoreline permits, in general, should contain special provisions which require developers to notify local governments if any possible archeological data are uncovered during excavations. In areas known to contain archeological data, local governments should attach a special condition to a shoreline permit providing for a site inspection and evaluation by an archeologist to ensure that possible archeological data are properly salvaged. Such a condition might also require approval by local government before work can resume on the project following such an examination.*
- c. Development which might destroy an archeological or historic site may be delayed until the appropriate agency or organization can be given the opportunity to purchase the site or obtain the desired data. Such delays will not be prolonged if little or no interest is shown, or if the group wanting protection is dilatory.*

Findings:

A cultural resource survey of the project area was documented in a report dated July 14, 2017, prepared by Applied Archaeological Research, Inc. Artifacts were identified in the area of the level bench in the northern part of the subject property. The survey report recommended avoidance of this area during project activities. The report also found that by avoiding this area,

the project will have no effect on historic properties. This site is identified on the site plan as the "historic site" and was staked out at the time of the survey.

In order to ensure protection of this site in accordance with the survey recommendations, Staff recommends a **condition of approval** stating that no development activity, grading, equipment staging, or driving is allowed within the historic site, except as may be allowed by an approved Site Alteration and Excavation permit issued by the Washington Department of Archaeology and Historic Preservation (DAHP). Staff also recommends a **condition of approval** requiring the applicant to install temporary fencing to clearly mark the historic site boundary during construction activities. The fencing should be installed prior to any ground disturbance and should not be removed until all construction activities on the site are complete. Following construction, the applicant shall install permanent fencing or markers along the site boundary in areas adjacent to the roadway or parking areas in order to prohibit entry of vehicles onto the historic site. The applicant shall submit plans for any permanent or temporary fencing or markers to DAHP and the Community Development Department for approval prior to their installation.

The site is located adjacent to the Stevenson Cemetery. Approximately 300 ft. of the eastern property boundary is shared with the cemetery. Lisa Nelson with the Skamania County Cemetery District submitted a comment letter on March 24, 2020, raising concerns about the possible impacts from the proposed development to any possible burials located outside the perimeter of the cemetery. While there are no known burials in this area and no burials were identified during the archaeological survey of the site, it was not uncommon in the past for human remains to be buried outside the cemetery. A new three-unit motel building and parking areas are proposed near the boundary with the cemetery. Stephanie Jolivette, DAHP Local Government Archaeologist, recommended in a March 30, 2020, email to the applicant and Staff, that any ground disturbing work within 100 ft. of the cemetery boundary should be monitored by a professional archeologist. Staff recommends a **condition of approval** to this effect.

Additionally, staff recommends that as a **condition of approval**, the following procedures shall be effected in the event that cultural resources or human remains are discovered during construction activities:

- a. Halt Construction: All construction activities within 100 feet of the discovered cultural resource or human remains shall cease. The cultural resources shall remain as found; further disturbance is prohibited.
- b. Notification: The project applicant shall notify DAHP, the Community Development Department, and Native American Tribal governments within 24 hours. In the event that human remains are found, the Skamania County Sheriff's Office and Guy Tasa, DAHP shall be notified immediately.

Christian Nauer with the Confederated Tribes of the Warm Springs Reservation of Oregon provided comments on April 2, 2020, requesting notification of "forthcoming efforts to identify, evaluate, and protect historic properties and cultural resources." As a **condition of approval**, the applicant shall notify Christian Nauer, Confederated Tribes of the Warm Springs Reservation of Oregon Archaeologist, of any steps taken to identify, evaluate, and protect historic properties and cultural resources, including notification of monitoring during ground disturbing activities.

21. WILDLIFE

Hunting and fishing is a major recreational activity for residents of Skamania County. Also, a large number of nonresidents from other areas of the state and neighboring Oregonians visit the county to hunt and fish. The wildlife resource of the county also provides a source of enjoyment for those who desire to observe and photograph wildlife. Since wildlife (which include the fish in lakes and streams) constitutes a major use of the county's shorelines, the Shoreline Advisory Committee considers it necessary for the Master Program to include wildlife as a shoreline use. And, to develop policies which give consideration to the habitat requirements of wildlife in order to maintain and enhance this valuable natural resource.

Policy Statements:

- a. Identify rare and endangered wildlife species habitat along shorelines and reserve these areas for wildlife use.*
- b. Winter range is the limiting factor for wildlife populations and should be protected from intensive development that would be detrimental to wildlife.*
- c. Nesting sites for waterfowl, hawks, owls and eagle species should be protected from shoreline uses which would render the habitat unsuitable for nesting areas.*
- d. In reviewing substantial development permits, recognition should be given to the possible detrimental impact such developments may have on wildlife resources, including the fisheries resource, especially spawning areas for anadromous fish.*

Findings:

A review of WDFW Priority Habitat Inventory data indicates that the project area is located near occurrences of Northern Spotted Owl, Chinook salmon, chum salmon, Coho salmon, sockeye salmon, steelhead, and bull trout. The proposal includes no in-water work. New improvements are limited to the upland areas beyond the 50 ft. shoreline setbacks. While improvements will require the removal of existing vegetation and result in the construction of impervious surfaces including buildings, parking, and trails, mitigation plantings will compensate for these new impacts. No comments were received from WDFW concerning the project. The applicant notes that the project design was informed by recommendations from representatives with the Army Corps of Engineers, the Washington State Department of Fish and Wildlife, and the Washington State Department of Ecology.

THE ENVIRONMENT REGULATIONS

CONSERVANCY ENVIRONMENT REGULATIONS

- 1. Purpose: The Conservancy Environment is intended to protect, conserve and manage existing natural resources and valuable historic and cultural areas in order to ensure a continuous flow of recreational benefits to the public and to achieve sustained resource utilization.*

Findings:

With the recommended conditions of approval, the proposal will meet the purpose of the Conservancy Environment Regulations.

2. *Uses: The primary uses permitted in the Conservancy Environment are those uses which can utilize resources on a sustained yield basis. Such uses include diffuse outdoor recreation activities, timber harvesting, agricultural uses, low density residential and other related uses.*

Shoreline Uses permitted within the Conservancy Environment:

*Low density residential
Campgrounds, public and private
Public access areas, roads and trails
Agriculture
Aquaculture uses and structures
Timber harvesting and management
Necessary bridges
Dredging
Watercraft of all kinds
Small boat ramps and basins
Boat docks for pleasure craft
Fishing and other water sports
Shoreline protection works as part of another use or for
protection of uplands
Water control devices and structures
Piling for log rafts
Parking lots for vista purposes, park and ride, and for associated parking with
permissible uses in the Conservancy Environment. (Amended 7/3/86)*

Hotels, motels, condominiums, restaurants, taverns and mining may be allowed as conditional uses only. All other uses are prohibited.

Findings:

The proposed 10-unit motel facility is a conditional use in the Conservancy environment. A conditional use permit is required.

Associated parking for permissible uses is also allowed. The applicant's site plan identifies 14 parking spaces in order to serve the 10 motel units. The development standards for the Community Commercial zone (SCC 21.48.050(E) require 1.5 spaces per lodging unit. As a **condition of approval**, the applicant shall be required to add one additional parking space or reduce the number of units accordingly. Wayfinding signage shall be installed near the entrance to the property directing guests to their units and associated parking.

The Cemetery District expressed concerns about potential conflict arising from use of the access road shared by the cemetery and applicant. Based on a 1987 survey, much of this access road is located on the applicant's property. Two proposed parking areas are located along this road, including parallel parking spaces that would apparently be dependent on use of the remainder of the cemetery's loop road in order to exit. A **condition of approval** shall require the applicant to obtain an easement from the cemetery for any required use of the cemetery property for parking or traffic circulation needs.

3. *Minimum shoreline lot sizes and dimensions: For residential lots within the Conservancy Environment.*
4. *Setback: All buildings and structures shall be setback at least 50 feet from the ordinary high water mark.*

Findings:

No new buildings or structures will be located within 50 ft. of the ordinary high-water mark. The applicant proposes three new motel buildings, parking areas, and trails that will all be located at least 50 ft. from the OHWM.

5. *Building height: There shall be a 35 foot maximum building height for all structures.*

Findings:

The applicant proposes to construct three, three-story motel buildings. A **condition of approval** shall require the proposed buildings not exceed a maximum height of 35-ft. Per SCC 21.48.050(D), building height in the Community Commercial zone is measured from average site grade.

6. *Building design: In general, buildings shall be compatible with the surrounding environment. Exterior walls of buildings, including out buildings, shall have a finished surface, preferably wood siding. Exterior walls of non-wood material shall be finished in muted tones by painting, staining or other processing.*

Findings:

The applicant has proposed three new buildings. The proposal is located in a stretch of shoreline with few other buildings. The applicant has proposed the use of wood siding in a dark color. Covered decks attached to the building will provide shadowing and reduce glare from windows. These design choices will ensure compatibility with the surrounding natural environment.

7. *Restoration: Same as for the Urban Environment except for timber harvesting, which shall comply with the Renewable Resource Regulations.*

Findings:

The Urban Environment states: *All shoreline areas, which are disturbed as a result of shoreline development, shall be landscaped, except those areas along the water line where shoreline protection works are specifically allowed by the shoreline development permit. All areas unpaved or reserved for future development shall be either entirely landscaped or screened from public view. Landscaping may consist of trees, shrubbery and grass. All landscape development should be designed particularly to enhance the building scale and form and be compatible with other nearby landscaping. New plantings shall be of such size and density that they are initially effective. The plantings shall be so maintained that they will blend into the urban area in the shortest possible time. Where development shall cause the removal of all debris, litter, dilapidated buildings and structures and old machinery, this removal and restoration shall occur on all of the parcel of property and as far into the water as abandoned piling or other debris may extend within the property ownership. The property owner shall maintain the shoreline area in a neat and orderly manner and not dispose of litter, junk or*

abandon machinery within the shoreline area. Timber harvesting shall comply with the Skamania County Shorelines Master Program Renewable Resource Regulations.

Development activities are proposed outside the 50 ft. setback from the OHWM, but largely within 100 ft. of the OHWM. Vegetation in this area includes wild rose, snowberry, holly, Himalayan blackberry, Oregon grape, grasses, shrubs and trees. The ground cover and 10 trees will need to be removed to accommodate the buildings. There is no displacement of woody vegetation in the parking areas because they are in previously disturbed areas that are void of trees and shrubs.

To compensate for these impacts, the applicant has proposed a mitigation plan to enhance areas along the shoreline and within the 50 ft. setback area. The applicant proposes to preform invasive species removal and maintenance of Himalayan Blackberry in the Mitigation Areas The applicant proposes to plant and maintain a minimum of 10 native trees with a 10' minimum spacing and native shrubs spaced approximately 5' apart.

As conditioned elsewhere in this report, the proposal satisfies the restoration requirements.

THE USE REGULATIONS

CONSTRUCTION AND OPERATIONS REGULATIONS

The following regulations cover the construction practices that must be observed for substantial developments.

1. *No construction equipment shall enter any shoreline body of water, except as authorized under the terms of a substantial development permit.*

Findings:

No in-water work is proposed. A **condition of approval** shall state that no construction equipment shall enter any body of water.

2. *Vegetation along the water shall be left in its natural condition unless the substantial development permit allows otherwise.*

Findings:

The applicant will not be doing any work within the 50 ft. shoreline setback, most impacts will occur between 50 ft. and 100 ft. of the OHWM in order to construct three motel buildings and develop associated parking and trails. These impacts will be offset by mitigation plantings along the shoreline as proposed by the applicant's mitigation plan. A **condition of approval** shall state that, except as indicated in the project plans, any disturbed vegetation should be restored and replanted to its prior natural state.

3. *During construction, care will be taken to assure that waste material and foreign matter are not allowed to enter the water.*
4. *All fuel and chemicals shall be kept, stored, handled and used in a fashion which assures that there will be no opportunity for entry of such fuel and chemicals into the water.*
5. *Protection from siltation and erosion shall be provided for on all earthworks projects.*
6. *Land being prepared for development shall have an adequate drainage system to prevent runoff from entering water bodies.*

7. *Side casting of excess road building material into streams will not be permitted.*
8. *Land clearing operations shall be done in a fashion that does not place machinery or debris within 10 feet of the high water mark and all cleared vegetation shall be burned. This regulation does not apply to timber harvest roads.*

Findings:

No construction will occur in-water, however work will occur above 50 ft. from the OHWM. A **condition of approval** shall state that all fuel and chemicals shall be kept, stored, handled and used in a fashion which assures that there will be no opportunity for entry of such fuel and chemicals into the water. Additionally, a **condition of approval** shall state that an erosion control barrier, such as silt fencing or straw wattles shall be installed at the 50 ft. shoreline setback prior to any ground disturbance and remain in place until vegetation is established to ensure that waste material and foreign matter are not allowed to enter the water.

9. *All construction debris such as fuel and oil containers and barrels and other miscellaneous litter shall be removed from the shoreline area. No equipment shall be abandoned within the shoreline area.*

Findings:

A **condition of approval** shall state that all construction debris such as fuel and oil containers and barrels and other miscellaneous litter shall be removed from the shoreline area. No equipment shall be abandoned within the shoreline area.

SCENIC VISTA AND VIEW PROTECTION REGULATIONS

These regulations are intended to protect and enhance existing or potential scenic views and vistas.

1. *No advertising signs or billboards shall be permitted within the shorelines except those signs identifying the names and business of the persons or firm occupying a particular site. Such identifying signs may be painted or mounted flush onto the exterior face of buildings and shall not rise higher than the buildings they are affixed to. Illuminated signs are permitted provided they are placed on that side of the building furthest from the water. Flashing and moving signs shall not be permitted. The size and design of all identifying signs shall be compatible with the surrounding environment. Preferable signs should be constructed of wood with routed lettering and finished in muted tones.*
2. *All electrical and telephone service shall be brought underground into the development site and to buildings.*
3. *Buildings and structures shall be no higher than 35 feet if there is the possibility that they might interfere with the views of a substantial number of upland properties.*

Findings:

No advertising signs or billboards are proposed; however it is anticipated that the applicant may wish to install signs identifying the facility and providing wayfinding within the facility. Staff recommends a **condition of approval** requiring that any signage comply with these requirements and the sign standards in SCC 21.70.110.

Staff recommends a **condition of approval** stating that all new utility installations on the subject property shall be located underground.

The three new hotel buildings have been conditioned to allow a maximum height of 35 ft. in accordance with the Conservancy environment requirements.

FLOOD PLAIN DEVELOPMENT REGULATIONS

1. *No buildings other than farm buildings may be built in a flood plain, unless the flood plain is adequately flood proofed to protect developments.*

Findings:

According to the FEMA Flood Insurance Rate Map (FIRM), the project area is not located within a flood plain.

CONDITIONAL USES

Conditional uses are those uses which either do not need a shoreline location or are considered unsuitable for siting within a particular shoreline environment. Conditional uses may be permitted to locate in shoreline area provided the following conditions will be met:

1. *The use will cause no unreasonable adverse effects on the environment of other uses within the area.*

Findings:

The proposed motel facility will occupy a compact footprint consisting of four total buildings and the minimum parking necessary to support the use. All new improvements are located outside the 50 ft. shoreline setback and impacts to existing vegetation will be offset by enhancement along the shoreline. The proposal will not adversely affect the shoreline environment or other uses in the area.

2. *The use will not interfere with the public use of public shorelines.*

Findings:

The proposal is a privately-owned property that has historically been used for residential occupancy. While the proposal is a privately-owned lodging facility. No access for the general public access is contemplated as part of this proposal, however the site will be accessible to members of the public who stay in the facility. It will not interfere with the public use of public shorelines. No in-water work is proposed that would affect public navigation or recreation on the Columbia River.

3. *The design of the proposed use will be compatible with the environment in which it will be located.*

Findings:

The proposed motel is designed to use wood siding, dark colors and a profile with recessed covered decks to provide shadowing and reduce window glare. Native shrubs and trees will also be planted and maintained between the proposed structures and the shoreline. The project is designed to be compatible with the surrounding shoreline environment.

4. *The proposed use will not be contrary to the Goals, Policy Statements or general intent of the shoreline environments of this Master Program.*

Findings:

The proposal has been reviewed in this report for consistency with the Shoreline Master Program, and as conditioned will not be contrary to its Goals, Policy Statements or general intent.

TITLE 21A
CRITICAL AREAS

21A.03.010. ADMINISTRATION - CRITICAL AREA DEVELOPMENT PERMITS REQUIRED

- A. *No building, structure or land shall be used, and no building, structure or road shall be hereafter erected, altered or enlarged, including those proposed by state or federal agencies, in any designated critical area governed by this Title, except as allowed by this Title.*
- B. *The issuance of a critical areas permit under this Title shall be in addition to, and not a substitute for, any other development permit, review or authorization required by Skamania County. Issuance of a critical areas permit under this Title shall not be interpreted as an approval of any other permit or authorization required for a development or use.*

Finding:

The applicant has applied for a critical areas variance for the construction of three new motel buildings and associated parking and trails on the Columbia River. Most of the proposal occurs within the 100 ft. critical areas setback from the OHWM of the Columbia River. In addition to a critical areas variance, the proposal requires a Shoreline Substantial Development Permit and Shoreline Conditional Use Permit.

21A.03.030 APPLICATION REQUIREMENTS

- A. *Two types of applications are established under this Title:*
- 1. Applications for variances to the buffers established under CHAPTER 21A.04 governing watershed protection areas; and*
 - 2. Applications for development reviews under CHAPTER 21A.05 (Fish and Wildlife Habitat Areas) and CHAPTER 21A.06 (Geologically Hazardous Areas).*
- B. *Applications for both variances and development reviews under this Title shall be made on forms provided by the Department. An application shall be accompanied by the required application fee, if any, together with the following:*
- 1. The applicant's name, address and telephone number;*
 - 2. The land owner's name, address and telephone number, if different from the applicant's;*
 - 3. The section, quarter section, township and range in which the proposed use or development would be located;*
 - 4. The tax lot number(s) of the of parcel(s) on which the development or use would occur;*
 - 5. The size (number of acres) of the parcel(s) involved;*
 - 6. A description of the current land use(s) of the parcel(s) involved;*

7. *A written description of the proposed use or development;*
8. *A map of the project area, prepared at a scale of 1-inch equals 200 feet, or one providing greater detail, shall include the following elements:*
 - a. *boundaries, dimensions and size of the subject parcel;*
 - b. *existing and proposed structures;*
 - c. *existing and proposed services, including wells or other water supplies, sewage disposal systems, power and telephone poles and lines;*
 - d. *groupings and species of trees or other vegetation on the parcel;*
 - e. *location and species of vegetation that would be removed;*
 - f. *proposed excavation and fill;*
 - g. *existing and proposed drainage facilities and/or natural drainage channels;*
 - h. *topography and significant terrain features or landforms;*
 - i. *the location and width of existing and proposed roads, driveways and trails;*
 - j. *slopes on the site; and*
 - k. *streams, creeks, rivers, lakes, ponds, or wetlands located within 300 feet of any proposed use or development.*
9. *Any additional information which the applicant feels will assist in evaluating the proposal;*
10. *The signature of the applicant and property owner; and*
11. *The signature of any renters, lessees or caretakers living on the property, authorizing the Director or the Director's designees reasonable access to the site to evaluate the application.*

Finding:

A complete application was submitted on January 28, 2020.

21A.03.040 REVIEW PROCESS.

A. Applications For Development Reviews And Variances.

1. General Provisions

- a. *Upon submittal of an application for a critical areas variance or development review under this Title, the Department shall have ten working days within which to determine if the application is complete.*
- b. *If an application is incomplete, Department staff shall notify the applicant, in writing, of all deficiencies in the application.*
- c. *Upon submittal of a complete application, the Director shall make every effort to complete the project evaluation within twenty working days, unless the review and approval procedures of another applicable development permit necessitates a longer evaluation period.*
- d. *Development reviews conducted under this Title shall be coordinated with other reviews administered by either the Department of Planning and Community Development or the Building Code Enforcement Section of the Skamania County Public Works Department.*
- e. *In almost every instance, the evaluation will include a site investigation of the property by Department staff.*

Finding:

A complete application was submitted on January 28, 2020. The applicant also applied for a Shoreline Substantial Development Permit and Shoreline Conditional Use Permit. Project review could not be completed within twenty working days due to the need for a public hearing and circumstances surrounding the COVID-19 pandemic.

2. *Notice of Variance or Development Review Applications.*
 - a. *If public notice and comment is required under other County requirements affecting the proposed development or use, then notice of a critical areas variance or review shall be combined with notice of the other development review.*
 - b. *If no public notice and comment period is required under other County laws affecting the proposed development or use, then the Director shall issue notice of a proposed development review or variance to all persons owning property within 300 feet of the parcel(s) on which the development or use would occur and any other interested persons.*
 - c. *The notice shall provide the following information:*
 - i. *The name of the applicant.*
 - ii. *The location of the subject property as set out in the application.*
 - iii. *A brief description of the proposed action.*
 - iv. *The deadline for filing comments on the proposed action.*
 - d. *The notice shall state that the application and supporting documents are available for inspection at Department offices during regular business hours.*
 - e. *If a hearing is held before the Hearing Examiner, then notice shall be published in a newspaper of general circulation in the County at least ten calendar days prior to the date of hearing.*
 - f. *Persons receiving notice of an application under this Title shall be given fourteen (14) calendar days from the date upon which the notice of a variance or development review application is mailed to them by the Department within which to comment upon the proposed action.*

Finding:

A Notice of Public Hearing was sent to the Skamania County Pioneer, the County's legal paper of record, for publication on March 11, 2020 and March 18, 2020, advertising a meeting date of April 20, 2020. Notice of the hearing was sent to all adjacent property owners within 300 ft. of the project area and to interested parties on March 18, 2020. Notice was also posted on the Community Development Department's webpage on that same day.

Following postponement of the hearing to May 18, 2020, a revised hearing notice was sent by email to agencies and tribes on April 8, 2020. This revised notice was also published in the Skamania County Pioneer on April 15, 2020 and mailed to adjacent property owners on April 15, 2020. An additional hearing notice was published in the May 6, 2020 edition of the Skamania County Pioneer.

21A.03.050 APPEALS.

D. Appeals From Decisions Of The Hearing Examiner.

A signed written Final Order of the Hearing Examiner shall be final and conclusive, unless within the timeframe provided in RCW 36.70C, the applicant or any adverse party makes application to a court of competent jurisdiction for judicial review of the land use decision.

Finding:

The Hearing Examiner's Decision is appealable within the guidelines of RCW 36.70C.

21A.04.010 WATERSHED PROTECTION AREAS - GENERAL PROVISIONS.

A. Relationship To Shorelines Management Master Plan And Shorelines Management Act Permits Ordinance.

In the event of any conflict between this Title and regulations contained in the Shorelines Ordinance, those regulations which provide greater protection of Critical Areas shall apply.

Proposed new development on residential properties located adjacent to any Watershed Protection Area shall be setback according to the provisions contained herein, unless it can be demonstrated that within 300 feet up and down stream of the subject property, the average setback of existing structures is less. If less, new structures may be setback from the water body the same distance as the average distance that the existing structures are setback from the ordinary high-water mark.

Finding:

The proposal is located on the Columbia River, a shoreline and Class I river with a required Critical Areas buffer of 100 ft. A shoreline setback of 50 ft. also applies to this proposal. The application is being reviewed for consistency with both the Skamania County Shoreline Ordinance and Critical Areas Ordinance.

21A.04.030

C. Streams, Creeks and Rivers.

- 1. Definition of Regulated Streams, Creeks and Rivers. Rivers, streams and creeks that are naturally occurring bodies of periodic or continuously flowing water contained within a channel (an open conduit either naturally or artificially created); except artificially created irrigation, return flow or stockwatering channels.*

Finding:

The Columbia River satisfies this definition.

- 2. Allowed Uses in Streams, Creeks and Rivers and their Buffers. The following uses are allowed within streams, creeks and rivers and their buffer areas, without review by the department:*
 - a. Fish and wildlife management;*
 - b. Research;*
 - c. Boating;*
 - d. Fishing;*
 - e. Hunting;*
 - f. Swimming;*
 - g. Repair, maintenance and operation of existing serviceable structures, trails, roads and utility facilities;*

- h. Structures under one hundred twenty square feet in area which are not subject to building permit requirements;*
- i. Existing structures already located within watershed protection area buffers that expand one hundred percent or less of the original footprint;*
- j. All other new uses and developments within streams, creeks and rivers and their buffer areas will require a variance under subsection (C)(3) below.*

Finding:

The proposal involves the construction of three new motel buildings and associated parking and trails. An existing single-family dwelling and some existing trails are located within the 100 ft. buffer. The existing single-family dwelling will be converted into a single lodging unit and office, but will not be expanded.

Those portions of the proposal that are new and within 100 ft. are subject to further review and require a critical areas variance.

3. Variances.

- a. The buffer widths established in subsection (C)(4) below, may be varied by not more than fifty percent for residential uses by the director administratively, under Section 21A.03.040.*
- b. Variances to buffer widths in excess of fifty percent for residential uses and all variances for commercial or industrial uses may be granted by the hearing examiner, after public hearing thereon, as set out in Section 21.16.060(B) of the Skamania County Code.*

Finding:

The required buffer is 100 ft. Several proposed improvements are located within the 100 ft. buffer. Three proposed motel buildings are located 72 ft., 68 ft., and 59 ft. from the OHWM. At their closest points, parking areas are located 59 ft. and 52 ft. from the OHWM. New trails are located as close as 55 ft. from the OHWM. While these variance requests are under 50%, because this is not a residential use, a variance may only be granted by the hearing examiner after a public hearing.

- c. In addition to the criteria set out in Section 21.16.060(B) of the Skamania County Code, any applicant for a variance under this chapter must further show:
 - i. That no practicable alternative exists to locating the proposed development within a pond, lake or buffer area; and**

Finding: The subject parcel is 10.94 acres in size, however most of the parcel was flooded by the Bonneville Pool, leaving approximately 1.3 acres of upland property. According to the application, only 9,050 sq. ft. of this upland area is located outside the 100 ft. critical areas buffer. Earlier project plans contemplated by the applicant concentrated the development with this area, however discovery of cultural resources in this location precluded the use of much of this area for development. Approximately 6000 sq. ft. of that area has been recommended for avoidance by the surveying archaeologist in order to avoid disturbance of cultural resources. This leaves only .07 acres or 3,050 sq. ft. available for development.

There are no practicable alternative locations to locating the development within the 100 ft. buffer. Uses have been located as far away from the OHWM as possible without impacting the historic site. Requirements of the Zoning Code and Shoreline Master Program limit building heights to 35 ft. and prevent the applicant from constructing taller buildings on a smaller footprint.

- ii. That on-site mitigation measures agreed to by the applicant are adequate to avoid significant degradation of the pond or lake.*

Finding: The project site is located primarily in the area between 50 ft. and 100 ft. from the OHWM. The ground cover in this area consists of wild rose, snowberry, holly, Himalayan blackberry, Oregon grape, grasses and shrubs. The ground cover and ten trees will need to be removed to accommodate the buildings. Ground cover within the Critical Areas buffer that will be displaced is 2,200 sq. ft. for the structures and 1200 sq. ft. of grass area that will be graveled for the trails. There is no displacement of woody vegetation required in the parking areas because they are in previously disturbed areas that are void of trees and shrubs. Direct effects of this project include loss of riparian habitat due to removal of woody shrubs and ten trees for construction of the motel structures.

The applicant has submitted a mitigation plan in order to compensate for project impacts by enhancing the riparian buffer on site. Two mitigation sites adjacent to the OHWM are proposed. The smaller area is 350 sq. ft. and the larger area is 3,300 sq. ft. for a total of 3650 sq. ft. of mitigation area. They were selected because of the need for riparian restoration in these areas and the proximity to the project site would simplify monitoring and maintenance of the areas. The applicant proposes to preform invasive species removal and maintenance of Himalayan Blackberry in the mitigation areas and planting with native species. The applicant proposes to plant and maintain a minimum of ten native trees with a 10 ft. minimum spacing and native shrubs spaced approximately 5 ft. apart. Soil will be brought in as needed to ensure plant survival.

A **condition of approval** shall state that the applicant shall comply with the proposed "Mitigation Plan for Paradise Rock Motel".

4. Buffer Widths.

- a. Classes I, II, III, and IV streams, creeks and rivers are described in Appendix C.*
- b. Except as specifically allowed under subsection (C)(3) above, undisturbed buffers shall be preserved around all regulated streams, creeks and rivers.*
- c. The required width of undisturbed buffer areas shall depend upon the class of water represented by the stream, creek or river protected, the type or scale of use or development proposed by an applicant and the vegetative community adjacent to the water body.*
 - i. For Class I streams, creeks and river, the standard buffer zone width shall be one hundred feet.*
 - ii. For Class II streams, creeks and rivers, the standard buffer zone width shall be one hundred feet.*
 - iii. For Class III streams, creeks and rivers, the standard buffer zone width shall be one hundred feet.*
 - iv. For Class IV streams, creeks and rivers, the standard buffer zone width shall be fifty feet.*

- v. *For Class V streams, creeks and rivers, the standard buffer zone width shall be twenty-five feet. (Ord. 2007-02 (part): Ord. 1996-03 (part))*

Finding: The Columbia River is a shoreline and Class I river with a standard buffer width of 100 ft. The proposal occurs largely within this 100 ft. buffer and the applicant has requested a variance.

TITLE 21 **ZONING**

21.16.070 HEARING EXAMINER - DUTIES AND RESPONSIBILITIES

The Hearing Examiner shall hear and decide:

B. Application for variances from the terms of this title, with the exception of minimum lot size/density; provided, that any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated, and that the following circumstances are found to apply;

- 1) Because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance is found to deprive subject property of rights and privileges enjoyed by other properties in the vicinity and under identical zone classification and/or special purpose district;*

Finding:

The subject parcel is 10.94 acres in size, however most of the parcel was flooded by the Bonneville Pool, leaving approximately 1.3 acres of upland property. According to the application, only 9,050 sq. ft. of this upland area is located outside the 100 ft. critical areas buffer. Earlier project plans contemplated by the applicant concentrated the development with this area, however discovery of cultural resources in this location precluded the use of much of this area for development. Approximately 6000 sq. ft. of that area has been recommended for avoidance by the surveying archaeologist in order to avoid disturbance of cultural resources. This leaves only .07 acres or 3,050 sq. ft. available for development.

There are no practicable alternative locations to locating the development within the 100 ft. buffer. Uses have been located as far away from the OHWM as possible without impacting the historic site. Adjacent properties in the same zone including the Stevenson Cemetery and residential properties to the east all include improvements or structures within the 100 ft. critical areas setback. The proposed motel development is an allowable use in the Community Commercial zone and is allowable as a conditional use in the Conservancy shoreline designation.

- 2) That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone classification and/or special purpose district in which subject property is situated;*

Finding:

The proposal is consistent with the property's Comprehensive Plan Designation and Zoning which allows for the proposed motel use. Conditions proposed with this application will ensure protection of nearby cultural resources and proposed mitigation will offset critical area impacts.

CONCLUSIONS:

With the recommended conditions of approval, the proposal meets the criteria for granting a Shoreline Substantial Development Permit, Shoreline Conditional Use Permit, and Critical Areas Variance.

RECOMMENDATION:

Staff recommends that the request for a Shoreline Substantial Development Permit, Shoreline Conditional Use Permit, and Shoreline Variance be approved with the following conditions:

1. No development activity, grading, equipment staging, or driving is allowed within the historic site, except as may be allowed by an approved Site Alteration and Excavation permit issued by the Washington Department of Archaeology and Historic Preservation (DAHP).
2. The applicant shall install temporary fencing to clearly mark the historic site boundary during construction activities. The fencing should be installed prior to any ground disturbance and shall not be removed until all construction activities on the site are complete. Following construction, the applicant shall install permanent fencing or markers along the site boundary in areas adjacent to the roadway or parking areas in order to prohibit entry of vehicles onto the historic site. The applicant shall submit plans for any permanent or temporary fencing or markers to DAHP and the Community Development Department for approval prior to their installation.
3. All ground disturbing work within 100 ft. of the cemetery boundary should be monitored by a professional archeologist.
4. The following procedures shall be effected in the event that cultural resources or human remains are discovered during construction activities:
 - a. Halt Construction: All construction activities within 100 feet of the discovered cultural resource or human remains shall cease. The cultural resources shall remain as found; further disturbance is prohibited.
 - b. Notification: The project applicant shall notify DAHP, the Community Development Department, and Native American Tribal governments within 24 hours. In the event that human remains are found, the Skamania County Sheriff's Office and Guy Tasa, DAHP shall be notified immediately.
5. The applicant shall notify Christian Nauer, Confederated Tribes of the Warm Springs Reservation of Oregon Archaeologist, of any steps taken to identify, evaluate, and protect historic properties and cultural resources, including notification of monitoring during ground disturbing activities.

6. The applicant shall be required to add one additional parking space or reduce the number of units accordingly. Wayfinding signage shall be installed near the entrance to the property directing guests to their units and associated parking.
7. The applicant shall obtain an easement from the cemetery for any required use of the cemetery property for parking or traffic circulation needs.
8. The proposed buildings not exceed a maximum height of 35-ft.
9. No construction equipment shall enter any body of water.
10. Except as indicated in the project plans, any disturbed vegetation should be restored and replanted to its prior natural state.
11. All fuel and chemicals shall be kept, stored, handled and used in a fashion which assures that there will be no opportunity for entry of such fuel and chemicals into the water.
12. An erosion control barrier, such as silt fencing or straw wattles shall be installed at the 50 ft. shoreline setback prior to any ground disturbance and remain in place until vegetation is established to ensure that waste material and foreign matter are not allowed to enter the water.
13. All construction debris such as fuel and oil containers and barrels and other miscellaneous litter shall be removed from the shoreline area. No equipment shall be abandoned within the shoreline area.
14. All signage shall comply with the Shoreline Master Program Scenic Vista and View Protection Regulations and the sign standards in SCC 21.70.110.
15. All new utility installations on the subject property shall be located underground.
16. The applicant shall comply with the proposed "Mitigation Plan for Paradise Rock Motel".



Alan Peters, AICP
Assistant Planning Director

May 11, 2020

Date

Please Note: The action by the Hearing Examiner shall be final and conclusive, unless within the timeframe provided in RCW 36.70C, the applicant or adverse party makes application to a court of competent jurisdiction for judicial review of this land use decision.



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

CRITICAL AREA VARIANCE / SHORELINE VARIANCE
SHORELINE SUBSTANTIAL DEVELOPMENT
SHORELINE CONDITIONAL USE
INTAKE CHECKLIST

(This form must be completed and submitted with all requested documents for the application to be considered complete. Review will not begin on the project until all of the requirements below are submitted)

STAFF APPLICANT

Complete Application. Please check the box below for the type of permit you are requesting. Please note the associated *non-refundable* fee, payable to Skamania County Treasurer, which must accompany the complete application. **Fees are subject to change by resolution of the County Commissioners.**

- Critical Areas Water Resource Buffer Variance
 - Administrative (<50% buffer reduction) - \$625 *non-refundable* fee
 - Hearing Examiner (>50% buffer reduction) - \$950 *non-refundable* fee
- Shorelines Water Resource Buffer Variance
 - Shorelines Variance - \$1050 *non-refundable* fee
 - Shorelines Substantial Development Permit - \$1050 *non-refundable* fee
 - Shorelines Conditional Use Permit - \$1050 *non-refundable* fee

 SEPA and *non-refundable* \$400 fee.

 Critical Areas Variance Supplemental Questions. Answers must be attached in response to the criteria for approval explaining how your proposal meets those criteria.

 Certification that the applicant/owner has read and understands the Hearing Examiner process.

Reviewed by _____ Complete: Yes No Date: _____

CA-20-01
SHR-20-01



2009



US Army Corps
of Engineers
Seattle District

WASHINGTON STATE

Joint Aquatic Resources Permit Application (JARPA) Form [\[help\]](#)

AGENCY USE ONLY

Date received: _____

Agency reference #: _____

Tax Parcel #(s): _____

USE BLACK OR BLUE INK TO ENTER ANSWERS IN WHITE SPACES BELOW.

Part 1–Project Identification

1. Project Name (A unique name for your project that you create. Examples: Smith's Dock or Seabrook Lane Development) [\[help\]](#)

Paradise Rock Motel

Part 2–Applicant

The person or organization responsible for the project. [\[help\]](#)

2a. Name (Last, First, Middle) and Organization (if applicable)

PARADISE ROCK, LLC

2b. Mailing Address (Street or PO Box)

2122 MABEE MINES ROAD

2c. City, State, Zip

Washougal, WA 98671

2d. Phone (1)

(360 837-1231

2e. Phone (2)

()

2f. Fax

()

2g. E-mail

dmbusschau@yahoo.com

Part 3–Authorized Agent or Contact

Person authorized to represent the applicant about the project. (Note: Authorized agent(s) must sign 11b. of this application.) [\[help\]](#)

3a. Name (Last, First, Middle) and Organization (if applicable)

Loranger, Jack

3b. Mailing Address (Street or PO Box)

162 Krogstad Rd

3c. City, State, Zip

Washougal, WA 98671

3d. Phone (1)

(360) 837-3760

3e. Phone (2)

(503) 908-5408

3f. Fax

()

3g. E-mail

jack@shorelinepermits.com

Part 4–Property Owner(s) [\[help\]](#)

Contact information for people or organizations owning the property(ies) where the project will occur. [\[help\]](#)

- Same as applicant. (Skip to Part 5.)
- Repair or maintenance activities on existing rights-of-way or easements. (Skip to Part 5.)
- There are multiple property owners. Complete the section below and use [JARPA Attachment A](#) for each additional property owner.

4a. Name (Last, First, Middle) and Organization (if applicable)			
4b. Mailing Address (Street or PO Box)			
4c. City, State, Zip			
4d. Phone (1)	4e. Phone (2)	4f. Fax	4g. E-mail
()	()	()	

Part 5–Project Location(s)

Identifying information about the property or properties where the project will occur. [\[help\]](#)

- There are multiple properties or project locations (e.g., linear projects). Complete the section below and use [JARPA Attachment B](#) for each additional property.

5a. Street Address (Cannot be a PO Box. If there is no address, provide other location information in 5n.) [help]			
45092 State Hwy 14			
5b. City, State, Zip (If the project is not in a city or town, provide the name of the nearest city or town.) [help]			
Stevenson, WA 98648			
5c. County [help]			
Skamania			
5d. Provide the section, township, and range for the project location. [help]			
¼ Section	Section	Township	Range
SW 1/4	36	3N	7 1/2 E.W.M.
5e. Provide the latitude and longitude of the project location. [help]			
<ul style="list-style-type: none"> • Example: 47.03922 N lat. / -122.89142 W long 			
45.6991N lat. / -121.8685W long. (NAD 83)			
5f. List the tax parcel number(s) for the project location. [help]			
<ul style="list-style-type: none"> • The local county assessor's office can provide this information. 			
03-75-36-3-0-1000-00			

5g. Indicate the type of ownership of the property. (Check all that apply.) [\[help\]](#)

- State Owned Aquatic Land
 Tribal
 Private
 Other publicly owned (federal, state, county, city, special districts like schools, ports, etc.)

5h. Contact information for all adjoining property owners, lessees, etc. (If you need more space, use [JARPA Attachment C.](#)) [\[help\]](#)

Name	Mailing Address	Tax Parcel # (if known)
PORT OF SKAMANIA COUNTY	P O BOX 1099 STEVENSON, WA 98648	03753630090000
SKAMANIA COUNTY	PO BOX 790 STEVENSON, WA 98648	03753630110000 03753640200000
UNITED STATES OF AMERICA CORPS OF ENGINEERS	P O BOX 2946 PORTLAND OR 97208-2946	03753630109000
SKAMANIA COUNTY CEMETERY DISTRICT #1	P O BOX 357 CARSON WA 98610	03753640190000

5i. Is any part of the project area within a 100-year flood plain? [\[help\]](#)

- Yes
 No
 Don't know

5j. Briefly describe the vegetation and habitat conditions on the property. [\[help\]](#)

Mature firs, oak, alder, maple, wild rose, snowberry, holly, himalayan blackberry, Oregon grape, grasses and shrubs.

5k. Describe how the property is currently used. [\[help\]](#)

There is an existing single family dwelling on the property.

5l. Describe how the adjacent properties are currently used. [\[help\]](#)

Adjacent property to the East is a cemetery. North is the railroad easement. West and South is the Columbia river.

5m. Describe the structures (above and below ground) on the property, including their purpose(s). [\[help\]](#)

864 s/f 1 bedroom, one bath single family dwelling wood construction in fair condition.

5n. Provide driving directions from the closest highway to the project location, and attach a map. [\[help\]](#)

Heading East on State Hwy14, Go through the City of Stevenson, about 1/2 mile Kuskie St. is on the North side of the Hwy, look for the wide spot and railroad crossing on the South side. Cross the railroad tracks. The property is directly in front of you before you get to the cemetery.

Part 6–Project Description

6a. Summarize the overall project. You can provide more detail in 6d. [\[help\]](#)

To construct a 10 unit motel and associated trails and parking

6b. Indicate the project category. (Check all that apply.) [\[help\]](#)

- Commercial
 Residential
 Institutional
 Transportation
 Recreational
 Maintenance
 Environmental Enhancement

6c. Indicate the major elements of your project. (Check all that apply.) [\[help\]](#)

- | | | | |
|---|---|--|--|
| <input type="checkbox"/> Aquaculture | <input type="checkbox"/> Culvert | <input type="checkbox"/> Float | <input type="checkbox"/> Road |
| <input type="checkbox"/> Bank Stabilization | <input type="checkbox"/> Dam / Weir | <input type="checkbox"/> Geotechnical Survey | <input type="checkbox"/> Scientific Measurement Device |
| <input type="checkbox"/> Boat House | <input type="checkbox"/> Dike / Levee / Jetty | <input type="checkbox"/> Land Clearing | <input type="checkbox"/> Stairs |
| <input type="checkbox"/> Boat Launch | <input type="checkbox"/> Ditch | <input type="checkbox"/> Marina / Moorage | <input type="checkbox"/> Stormwater facility |
| <input type="checkbox"/> Boat Lift | <input type="checkbox"/> Dock / Pier | <input type="checkbox"/> Mining | <input type="checkbox"/> Swimming Pool |
| <input type="checkbox"/> Bridge | <input type="checkbox"/> Dredging | <input type="checkbox"/> Outfall Structure | <input type="checkbox"/> Utility Line |
| <input type="checkbox"/> Bulkhead | <input type="checkbox"/> Fence | <input type="checkbox"/> Piling | |
| <input type="checkbox"/> Buoy | <input type="checkbox"/> Ferry Terminal | <input type="checkbox"/> Retaining Wall (upland) | |
| <input type="checkbox"/> Channel Modification | <input type="checkbox"/> Fishway | | |

Other: Motel - Trails - Parking

6d. Describe how you plan to construct each project element checked in 6c. Include specific construction methods and equipment to be used. [\[help\]](#)

- Identify where each element will occur in relation to the nearest waterbody.
- Indicate which activities are within the 100-year flood plain.

Three 3-story wood frame structures on concrete foundations will be constructed >50' and <100' from the Columbia River

Construct approximately 300' of 4' wide gravel surfaced trails >50' and <100' from the Columbia River

Construct approximately 5400 s/f of graveled parking area >50' and <100' from the Columbia River

6e. What are the start and end dates for project construction? (month/year) [\[help\]](#)

- If the project will be constructed in phases or stages, use [JARPA Attachment D](#) to list the start and end dates of each phase or stage.

Start date: Spring 2020

End date: Spring 2025

See JARPA Attachment D

6f. Describe the purpose of the work and why you want or need to perform it. [\[help\]](#)

Motel construction is to provide lodging for travelers in the gorge.

Trails are to provide pedestrian access to the motels

Parking is for the motel guests.

6g. Fair market value of the project, including materials, labor, machine rentals, etc. [\[help\]](#)

\$1,000,000.00

6h. Will any portion of the project receive federal funding? [\[help\]](#)

- **If yes**, list each agency providing funds.

Yes No Don't know

Part 7–Wetlands: Impacts and Mitigation

- Check here if there are wetlands or wetland buffers on or adjacent to the project area.
(If there are none, skip to Part 8.)

7a. Describe how the project has been designed to avoid and minimize adverse impacts to wetlands. [\[help\]](#)

Not applicable

7b. Will the project impact wetlands? [\[help\]](#)

Yes No Don't know

7c. Will the project impact wetland buffers? [\[help\]](#)

Yes No Don't know

7d. Has a wetland delineation report been prepared? [\[help\]](#)

- If yes, submit the report, including data sheets, with the JARPA package.

Yes No

7e. Have the wetlands been rated using the Western Washington or Eastern Washington Wetland Rating System? [\[help\]](#)

- If yes, submit the wetland rating forms and figures with the JARPA package.

Yes No Don't know

7f. Have you prepared a mitigation plan to compensate for any adverse impacts to wetlands? [\[help\]](#)

- If yes, submit the plan with the JARPA package.

Yes No Not applicable

7g. Use the table below to list the type and rating of each wetland that will be impacted; the extent and duration of the impact; and the type and amount of compensatory mitigation proposed. If you are submitting a compensatory mitigation plan with a similar table, you may simply state (below) where we can find this information in the mitigation plan. [\[help\]](#)

Activity causing impact (fill, drain, excavate, flood, etc.)	Wetland type and rating category ¹	Impact area (sq. ft. or acres)	Duration of impact ²	Proposed mitigation type ³	Wetland mitigation area (sq. ft. or acres)

¹ Ecology wetland category based on current Western Washington or Eastern Washington Wetland Rating System. Provide the wetland rating forms with the JARPA package.

² Indicate the time (in months or years, as appropriate) the wetland will be measurably impacted by the activity. Enter "permanent" if applicable.

³ Creation (C), Re-establishment/Rehabilitation (R), Enhancement (E), Preservation (P), Mitigation Bank/In-lieu fee (B)

Page number(s) for similar information in the mitigation plan, if available: _____

7h. For all filling activities identified in 7g., describe the source and nature of the fill material, the amount in cubic yards that will be used, and how and where it will be placed into the wetland. [\[help\]](#)

7i. For all excavating activities identified in 7g., describe the excavation method, type and amount of material in cubic yards you will remove, and where the material will be disposed. [\[help\]](#)

7j. Summarize what the compensatory mitigation plan is meant to accomplish, and describe how a watershed approach was used to design the plan. [\[help\]](#)

Part 8–Waterbodies (other than wetlands): Impacts and Mitigation

In Part 8, “waterbodies” refers to non-wetland waterbodies. (See Part 7 for information related to wetlands.) [\[help\]](#)

Check here if there are waterbodies on or adjacent to the project area. (If there are none, skip to Part 9.)

8a. Describe how the project is designed to avoid and minimize adverse impacts to the aquatic environment. [\[help\]](#)

Not applicable

The project was designed to be as far away from the aquatic environment allowed by the constraints on the property. Mitigation is proposed to enhance the buffer between the proposed project and the OHWM.

8b. Will your project impact a waterbody or the area around a waterbody? [\[help\]](#)

Yes No

8c. Summarize impact(s) to each waterbody in the table below. [\[help\]](#)

Activity causing impact (clear, dredge, fill, pile drive, etc.)	Waterbody name	Impact location ¹	Duration of impact ²	Amount of material to be placed in or removed from waterbody	Area (sq. ft. or linear ft.) of waterbody directly affected
None					

¹ Indicate whether the impact will occur in or adjacent to the waterbody. If adjacent, provide the distance between the impact and the waterbody and indicate whether the impact will occur within the 100-year flood plain.

² Indicate the time (in months or years, as appropriate) the waterbody will be measurably impacted by the work. Enter “permanent” if applicable.

8d. Have you prepared a mitigation plan to compensate for the project’s adverse impacts to non-wetland waterbodies? [\[help\]](#)

- If yes, submit the plan with the JARPA package.

Yes No Not applicable

8e. Summarize what the compensatory mitigation plan is meant to accomplish. Describe how a watershed approach was used to design the plan.

If you already completed 7j., you do not need to restate your answer here. [\[help\]](#)

The mitigation goal is to compensate for project impacts to habitat near the impact site by enhancing the riparian buffer.

The City of Stevenson Shoreline Inventory and Characterization Report was reviewed for this area 4.1.6 Degraded Areas & Restoration Opportunities Degraded conditions in this reach include: "Character and coverage of riparian vegetation." The proposed mitigation supports this opportunity.

8f. For all activities identified in 8c., describe the source and nature of the fill material, amount (in cubic yards) you will use, and how and where it will be placed into the waterbody. [\[help\]](#)

N/A

8g. For all excavating or dredging activities identified in 8c., describe the method for excavating or dredging, type and amount of material you will remove, and where the material will be disposed. [\[help\]](#)

N/A

Part 9—Additional Information

Any additional information you can provide helps the reviewer(s) understand your project.

9a. If you have already worked with any government agencies on this project, list them below. [\[help\]](#)

Agency Name	Contact Name	Phone	Most Recent Date of Contact
USACOE	Evan G. Carnes	((206) 316-3049	10/16/2019
WDFW	Kolb, Samuel S	SamuelKolb@dfw.wa.gov	4/25/2017
Ecology	Rebecca Rothwell	(360)407-7273	10/27/2017

9b. Are any of the wetlands or waterbodies identified in Part 7 or Part 8 on the Washington Department of Ecology's 303(d) List? [\[help\]](#)

- If **yes**, list the parameter(s) below.
- If you don't know, use Washington Department of Ecology's Water Quality Assessment tools at: <http://www.ecy.wa.gov/programs/wq/303d/>.

Yes No

9c. What U.S. Geological Survey Hydrological Unit Code (HUC) is the project in? [\[help\]](#)

Go to <http://cfpub.epa.gov/surf/locate/index.cfm> to help identify the HUC.

17080001 - Lower Columbia-Sandy Watershed

Temperature Dioxin 4,4'-DDE Chlordane Polychlorinated Biphenyls (PCBs) pH
1,3-Dichlorobenzene 1,4-Dichlorobenzene 2,4,6-Trichlorophenol 2,4-Dichlorophenol 2,4-Dinitrotoluene
1,2-Dichlorobenzene 1,2-Diphenylhydrazine Anthracene Beta-BHC Bis(2-chloroisopropyl)ether
Endosulfan Sulfate Fluoranthene Fluorene Hexachlorocyclohexane (Lindane) Heptachlor Hexachlorobenzene
Hexachlorobutadiene Hexachloroethane Nitrobenzene Phenol Pyrene

<p>9d. What Water Resource Inventory Area Number (WRIA #) is the project in? [help]</p> <ul style="list-style-type: none"> Go to http://www.ecy.wa.gov/services/gis/maps/wria/wria.htm to find the WRIA #.
<p>29 - Wind-White Salmon</p>
<p>9e. Will the in-water construction work comply with the State of Washington water quality standards for turbidity? [help]</p> <ul style="list-style-type: none"> Go to http://www.ecy.wa.gov/programs/wq/swqs/criteria.html for the standards.
<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not applicable</p>
<p>9f. If the project is within the jurisdiction of the Shoreline Management Act, what is the local shoreline environment designation? [help]</p> <ul style="list-style-type: none"> If you don't know, contact the local planning department. For more information, go to: http://www.ecy.wa.gov/programs/sea/sma/laws_rules/173-26/211_designations.html.
<p><input type="checkbox"/> Rural <input type="checkbox"/> Urban <input type="checkbox"/> Natural <input type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Conservancy <input type="checkbox"/> Other _____</p>
<p>9g. What is the Washington Department of Natural Resources Water Type? [help]</p> <ul style="list-style-type: none"> Go to http://www.dnr.wa.gov/BusinessPermits/Topics/ForestPracticesApplications/Pages/fp_watertyping.aspx for the Forest Practices Water Typing System.
<p><input type="checkbox"/> Shorelines <input checked="" type="checkbox"/> Fish <input type="checkbox"/> Non-Fish perennial <input type="checkbox"/> Non-Fish seasonal</p>
<p>9h. Will this project be designed to meet the Washington Department of Ecology's most current stormwater manual? [help]</p> <ul style="list-style-type: none"> If no, provide the name of the manual your project is designed to meet.
<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Name of manual:</p>
<p>9i. If you know what the property was used for in the past, describe below. [help]</p>
<p>Single family residence/cabin</p>
<p>9j. Has a cultural resource (archaeological) survey been performed on the project area? [help]</p> <ul style="list-style-type: none"> If yes, attach it to your JARPA package.
<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>9k. Name each species listed under the federal Endangered Species Act that occurs in the vicinity of the project area or might be affected by the proposed work. [help]</p>
<p>LCR Chinook salmon, UCR spring-run Chinook salmon, SR spring/summer run Chinook salmon, SR fall-run Chinook salmon, CR chum salmon, LCR coho salmon, SR sockeye salmon, LCR steelhead, MCR steelhead, UCR steelhead, SRB steelhead, Bull Trout</p>
<p>9l. Name each species or habitat on the Washington Department of Fish and Wildlife's Priority Habitats and Species List that might be affected by the proposed work. [help]</p>
<p>Northern Spotted Owl</p>

Part 10—Identify the Permits You Are Applying For

Use the resources and checklist below to identify the permits you are applying for.

- Online Project Questionnaire at <http://apps.ecy.wa.gov/opas/>.
- Governor’s Office of Regulatory Assistance at (800) 917-0043 or help@ora.wa.gov.

10a. Compliance with the State Environmental Policy Act (SEPA). (Check all that apply.) [help]
<ul style="list-style-type: none"> • For more information about SEPA, go to www.ecy.wa.gov/programs/sea/sepa/e-review.html.
<input checked="" type="checkbox"/> A copy of the SEPA determination or letter of exemption is included with this application.
<input type="checkbox"/> A SEPA determination is pending with _____ (lead agency). The expected decision date is _____.
<input type="checkbox"/> I am applying for a Fish Habitat Enhancement Exemption. (Check the box below in 10b.) <ul style="list-style-type: none"> • Submit the Fish Habitat Enhancement Project form with this application. The form can be found at: http://www.epermitting.wa.gov/site/alias_resourcenter/jarpa_jarpa_form/9984/jarpa_form.aspx.
<input type="checkbox"/> This project is exempt (choose type of exemption below). <ul style="list-style-type: none"> <input type="checkbox"/> Categorical Exemption. Under what section of the SEPA administrative code (WAC) is it exempt? _____ <input type="checkbox"/> Other: _____
<input type="checkbox"/> SEPA is pre-empted by federal law. [help]
10b. Indicate the permits you are applying for. (Check all that apply.) [help]
LOCAL GOVERNMENT
Local Government Shoreline permits: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Substantial Development <input checked="" type="checkbox"/> Conditional Use <input type="checkbox"/> Variance <input type="checkbox"/> Shoreline Exemption Type (explain): _____
Other city/county permits: <ul style="list-style-type: none"> <input type="checkbox"/> Floodplain Development Permit <input checked="" type="checkbox"/> Critical Areas Ordinance
STATE GOVERNMENT
Washington Department of Fish and Wildlife: <ul style="list-style-type: none"> <input type="checkbox"/> Hydraulic Project Approval (HPA) <input type="checkbox"/> Fish Habitat Enhancement Exemption
Washington Department of Ecology: <ul style="list-style-type: none"> <input type="checkbox"/> Section 401 Water Quality Certification
Washington Department of Natural Resources: <ul style="list-style-type: none"> <input type="checkbox"/> Aquatic Resources Use Authorization
FEDERAL GOVERNMENT
United States Department of the Army permits (U.S. Army Corps of Engineers): <ul style="list-style-type: none"> <input type="checkbox"/> Section 404 (discharges into waters of the U.S.) <input type="checkbox"/> Section 10 (work in navigable waters)
United States Coast Guard permits: <ul style="list-style-type: none"> <input type="checkbox"/> General Bridge Act Permit <input type="checkbox"/> Private Aids to Navigation (for non-bridge projects)

Mailing Addresses and Contact Information
<p>Mailing location for Shoreline permits Send to: Appropriate city or county planning, building, or community development department.</p> <ul style="list-style-type: none"> For city and county contact information, go to: http://www.ora.wa.gov/today.asp

<p>Mailing location for Hydraulic Project Approvals Send to: Department of Fish and Wildlife</p> <ul style="list-style-type: none"> If you are NOT requesting emergency or expedited processing, please submit applications to the Headquarters office in Olympia. If you are requesting emergency or expedited processing, please submit applications to the appropriate Regional office.

Headquarters: Receives all applications when emergency or expedited processing is NOT being requested	Washington State Department of Fish and Wildlife Habitat Program 600 Capitol Way North Olympia, Washington 98501-1091	Tel (360) 902-2534 TDD (360) 902-2207 Fax (360) 902-2946
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<p>Regions: Receives all applications for emergency or expedited processing</p>

Region 1 (Pend Oreille, Ferry, Stevens, Spokane, Lincoln, Whitman, Columbia, Garfield, Asotin, and Walla Walla Counties)	Washington State Department of Fish and Wildlife 2315 North Discovery Place Spokane, WA 99216	Tel (509) 892-1001 Fax (509) 921-2440
Region 2 (Okanogan, Douglas, Grant, Adams, and Chelan Counties)	Washington State Department of Fish and Wildlife 1550 Alder Street NW Ephrata, WA 98823-9699	Tel (509) 754-4624 Fax (509) 754-5257
Region 3 (Franklin, Kittitas, Yakima, and Benton Counties)	Washington State Department of Fish and Wildlife 1701 South 24th Avenue Yakima, WA 98902-5720	Tel (509) 575-2740 Fax (509) 575-2474
Region 4 (Whatcom, Skagit, Snohomish, King, Island, and San Juan Counties)	Washington State Department of Fish and Wildlife 16018 Mill Creek Boulevard Mill Creek, WA 98012-1296	Tel (425) 775-1311 Fax (425) 338-1066
Region 5 (Lewis, Wahkiakum, Cowlitz, Skamania, Clark, and Klickitat Counties)	Washington State Department of Fish and Wildlife 2108 Grand Blvd. Vancouver, WA 98661-4624	Tel (360) 906 -6700 Fax (360) 906-6776
Region 6 (Pacific, Pierce, Thurston, Grays Harbor, Mason, Jefferson, Clallam, and Kitsap Counties)	Washington State Department of Fish and Wildlife 48 Devonshire Road Montesano, WA 98563-9618	Tel (360) 249-4628 Fax (360) 664-0689

Mailing location for 401 Water Quality Certification Send to: Department of Ecology regional office– Federal Permit Unit ▪ For a map of Ecology Regional Offices, go to: www.ecy.wa.gov/org.html		
Headquarters	<u>Mailing Address</u> P.O. Box 47600 Olympia, WA 98504-7600 <u>Physical Address</u> 300 Desmond Drive Lacey, WA 98504	Tel (360) 407-6000
Central Region	15 West Yakima Avenue, Suite 200 Yakima, WA 98902-3401	Tel (509) 575-2490 Fax (509) 575-2809
Eastern Region	4601 North Monroe, Suite 202 Spokane, WA 99205-1295	Tel (509) 329-3400 Fax (509) 329-3529
Northwest Region	3190 - 160th Avenue S.E. Bellevue, WA 98008-5452	Tel (425) 649-7000 Fax (425) 649-7098
Southwest Region	<u>Mailing Address:</u> P.O. Box 47775 Olympia, WA 98504-7775 <u>Physical Address:</u> 300 Desmond Drive Lacey, WA 98504	Tel (360) 407-6300 Fax (360) 407-6305

Mailing location for Aquatic Resources Use Authorizations Send to: Department of Natural Resources regional office ▪ For a map of DNR regional offices, go to: http://www.dnr.wa.gov/ContactDNR/Pages/Home.aspx	
Headquarters	Tel (360) 902-1100
Northwest Region	Tel (360) 856-3800
Pacific Cascade Region	Tel (360) 577-2025
South Puget Sound Region	Tel (360) 825-1631
Northeast Region	Tel (509) 684-7474
Southeast Region	Tel (509) 925-8510
Olympic Region	Tel (360) 374-6131

Mailing location for Department of the Army Permits Send to: US Army Corps of Engineers		
US Army Corps of Engineers	Seattle District Regulatory Branch P.O. Box 3755 Seattle, WA 98124-3755	Tel (206) 764-3495 Fax (206) 764-6602

Mailing location for General Bridge Act Permits and Private Aids to Navigation (for non-bridge projects) Send to: United States Coast Guard		
Section 9 Bridge Permit	Commander 13th Coast Guard District (OAN) 915 Second Avenue, Room 3510 Seattle, WA 98174-1067 Attn: Bridge Administrator	Tel (206) 220-7282 Fax (206) 220-7265
Private Aids to Navigation	Commander 13th Coast Guard District (OAN) 915 Second Avenue, Room 3510 Seattle, WA 98174-1067 Attn: PATON Manager	Tel (206) 220-7285 Fax (206) 220-7265

Part 11—Authorizing Signatures

Signatures required before submitting the JARPA package.

11a. Applicant Signature (required) [\[help\]](#)

I certify that to the best of my knowledge and belief, the information provided in this application is true, complete, and accurate. I also certify that I have the authority to carry out the proposed activities, and I agree to start work only after I have received all necessary permits.

I hereby authorize the agent named in Part 3 of this application to act on my behalf in matters related to this application. JB (initial)

By initialing here, I state that I have the authority to grant access to the property. I also give my consent to the permitting agencies entering the property where the project is located to inspect the project site or any work related to the project. JB (initial)

Megan Burke
Applicant

1-28-20
Date

11b. Authorized Agent Signature [\[help\]](#)

I certify that to the best of my knowledge and belief, the information provided in this application is true, complete, and accurate. I also certify that I have the authority to carry out the proposed activities and I agree to start work only after all necessary permits have been issued.

[Signature]
Authorized Agent

1/27/2020
Date

11c. Property Owner Signature (if not applicant) [\[help\]](#)

I consent to the permitting agencies entering the property where the project is located to inspect the project site or any work. These inspections shall occur at reasonable times and, if practical, with prior notice to the landowner.

Megan Paoche
Property Owner

1-28-20
Date

18 U.S.C §1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious, or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than 5 years or both.

If you require this document in another format, contact The Governor's Office of Regulatory Assistance (ORA). People with hearing loss can call 711 for Washington Relay Service. People with a speech disability can call (877) 833-6341. ORA publication number: ENV-019-09

**SKAMANIA COUNTY
OFFICE OF THE HEARING EXAMINER
RULES OF PROCEDURE FOR OPEN RECORD HEARINGS ON
LAND USE PERMIT APPLICATIONS AND APPEALS**

1. APPLICABILITY

- 1.1 These procedures shall apply to open record hearings on land use permit applications and appeals of administrative decisions that come before the Hearing Examiner.

2. DEFINITIONS

- 2.1 "Administrative decision" means a decision issued by the Director of the Skamania County Community Development Department or his or her designee, or a threshold determination issued by the Responsible Official under the State Environmental Policy Act (SEPA).

"Appellant" means a person, organization, or other similar group who files a complete and timely appeal of an administrative decision or other appealable action.

"Applicant" means a person who is the owner of the subject property or the authorized representative of the owner of the subject property who has applied for a land use permit.

"Burden of proof" means the responsibility of a party to present sufficient, credible evidence to support his or her position.

"Comprehensive Plan" means the Comprehensive Plan that has been adopted by the Skamania County.

"Board" means the Skamania County Board of County Commissioners.

"County" means Skamania County, Washington.

"Ex parte communication" means written or oral communication to the Hearing Examiner about a matter pending before the Hearing Examiner that is not included in the public record and/or is made outside of a public hearing.

"Hearing" means the open record public proceeding at which testimony and exhibits of evidence are presented to the Hearing Examiner on a given land use permit application or appeal.

"Hearing Examiner" or "Examiner" means the Hearing Examiner of Skamania County.

"Interested Party" means any individual, partnership, corporation, association, or public or private organization of any character that may be affected by proceedings before the Hearing Examiner. Any party in a contested case is an interested party.

"Motion" means a written request made to the Hearing Examiner for an order or other ruling.

"Notice of Decision" means the written document that communicates a decision on an action before the Hearing Examiner.

"Party of record" or "Party" means:

- a. Any person who testifies at a hearing,
- b. An Appellant,
- b. The Applicant or his/her agents,
- c. Persons submitting written testimony about a matter prior to the close of the record, and
- d. Skamania County.

"Community Development Department" means the Skamania County Community Development Department.

"Record" means the oral testimony and written exhibits admitted at the hearing. The audio recording of the proceeding shall be included as part of the record.

"Staff" means the staff member of the Community Development Department assigned to present a case before the Hearing Examiner.

"Subject property" means the real property that is subject of the land use permit application or appeal.

"SCC" means Skamania County Code.

3. JURISDICTION

- 3.1 The Hearing Examiner's jurisdiction is limited to those issues where ordinance or other appropriate authority grants the Hearing Examiner the authority to make a decision or issue an order pursuant to SCC 2.80.060 or other sections of the SCC.
- 3.2 Timely filing of an appeal is required for the Examiner to acquire jurisdiction over any appeal.
- 3.3 Any party may challenge the Examiner's ability to hear an appeal/matter on jurisdictional grounds, or the Examiner may independently raise the jurisdictional issue. If the Examiner determines that he/she does not have jurisdiction, the appeal/matter will be dismissed.

4. EX PARTE COMMUNICATION

- 4.1
 - a. No person, nor agent, employee, or representative of any person, who is an interested party in an application currently pending before the Examiner shall communicate ex parte, directly or indirectly, with the Hearing Examiner concerning the merits of any pending application/appeal or any factually related application/appeal. Communications on purely procedural matters such as scheduling and logistics are permitted on an ex parte basis; however, all allowed ex parte procedural communications should be directed to the Hearing Examiner in care of the Community Development Department.
 - b. The Examiner shall not communicate ex parte directly or indirectly with any person, agent, employee, or representative of any person who is an interested party in an application currently pending before the Examiner concerning the merits of the pending application or any factually related application, unless he/ she provides notice and opportunity for all parties to participate.
 - c. If a prohibited ex parte communication is made to or by the Examiner, such communication shall be publicly disclosed at hearing. The Examiner shall exercise proper discretion as to whether to disqualify him/herself as Examiner for that particular hearing.

5. NATURE OF PROCEEDINGS

5.1 Expeditious Proceedings

It is the policy of the Hearing Examiner that, to the extent practicable and consistent with the requirements of law, public hearings shall be conducted expeditiously. In the conduct of such proceedings, the Hearing Examiner, County staff, and all parties, agents, and witnesses shall make every effort at each stage of a proceeding to avoid delay.

5.2 Record of Hearing

- a. Hearings shall be audio recorded and such recordings shall be a part of the official case record.
- b. The County shall make copies of the audio recording of a particular hearing and the written materials within the official case record available to individuals who request them. The requester shall pay the reasonable cost of copying.

5.3 Computation of Time

Unless otherwise provided in the SCC or state law, the computation of any period of time prescribed or allowed by these rules shall begin with the first day following the day on which the act or event initiating such period of time shall have occurred. When the last day of the period so computed is a Saturday, Sunday, or holiday, the period shall run until the end of the next business day.

6. RIGHTS AND RESPONSIBILITIES OF PARTIES

6.1 Rights of County

County staff shall have the right to present evidence, testimony, objections, motions, arguments, recommendations, and all other rights essential to a fair hearing.

6.2 Rights of Applicant and Appellant

Every Applicant and Appellant shall have the right to adequate notice, cross-examination, presentation of evidence, objection, motions, argument, and all other rights essential to a fair hearing. The Applicant shall have the right of timely access to the County's staff report.

6.3 Rights of Interested Parties

Every interested party shall have the right to present evidence and testimony at hearings on permit applications. The right of interested parties to cross-examine, object, submit motions and arguments shall be at the discretion of the Hearing Examiner. The Hearing Examiner may impose reasonable limitations on the nature and length of witnesses' testimony.

6.4 Responsibilities of County Staff

County Staff shall provide notice of the hearing consistent with County Code, provide a staff report consistent with the provisions of Rule 8.5 and SCC 2.80.110, present materials at the hearing, and provide the Hearing Examiner with documentation relevant to the case. In addition, County staff shall be responsible for audio recording the proceedings and maintaining possession of the official record in each matter.

6.5 Responsibilities of Applicant

The Applicant or his/her representative shall familiarize him/herself with the criteria for review prior to the hearing; provide the Hearing Examiner with any material that supports his/her case; and be prepared to present his/her case and answer questions from the Hearing Examiner, County staff, and the public.

6.6 Responsibilities of Appellant

Appellants have the same responsibilities as Applicants, and in addition shall be required to provide a specific and comprehensible written statement of the issues on appeal prior to the hearing.

6.7 Responsibilities of All Parties

Parties, witnesses, and observers shall conduct themselves with civility and deal courteously with all persons involved in the proceedings. Failure to do so will result in removal from the hearing.

6.8 Time Limits on Witness Testimony

Where the Hearing Examiner finds that testimony would be repetitious or irrelevant to the matters before him or her, the Examiner may impose reasonable limitations on the nature and length of witnesses' testimony. Cross-examination is permitted as necessary for a full disclosure of the facts, but the Hearing Examiner shall control the amount and style of cross-examination.

7. PRESIDING OFFICIALS

7.1 Presiding Officials

- a. The Hearing Examiner shall preside over all hearings.
- b. The Hearing Examiner shall have the authority and duties granted to him/her in state statutes, the SCC, and other County ordinances. Included in the duties of the Hearing Examiner are the following: to conduct fair and impartial hearings;

to take all necessary action to avoid delay in the disposition of proceedings; and to maintain order. He/she shall have all powers necessary to that end, including the following:

1. to administer oaths and affirmations;
 2. to rule upon offers of proof and receive evidence;
 3. to regulate the course of the Hearing and the conduct of the parties and their agents;
 4. to question any party presenting testimony at the hearing;
 5. to hold conferences for settlement, simplification of the issues, or any other proper purpose;
 6. to require briefs on legal issues;
 7. to consider and rule upon all procedural and other motions appropriate to the proceedings; and,
 8. to make and file recommendations or decisions, consistent with County Code.
- c. Interference. In the performance of his/her adjudicative functions, the Hearing Examiner shall not be subject to the supervision or direction of any elected official, officer, employee or agent of any County department.

8. CONDUCT OF OPEN RECORD HEARINGS ON PERMITS AND APPEALS

8.1 Notice Requirements of Hearing and Filings

- a. All notice and time requirements and methods of notification shall be consistent with the SCC.
- b. Affidavit of Notice. An affidavit attesting to the notice given of a public hearing (including dates and places of publication and mailing list) should be part of each official case record.

8.2 Oath or Affirmation

All testimony before the Hearing Examiner shall be given under oath or affirmation to tell the truth.

8.3 Order of Presentation at the Permit Application Hearing

A permit application hearing generally includes, but is not limited to, the following elements: a brief introductory statement of the hearing process by the Hearing Examiner; a presentation by County staff, including a summary of the proposal, identification of applicable SCC criteria and development standards, and staff's recommendation; a presentation by the Applicant; public testimony; opportunity for cross-examination and rebuttal; and opportunity for questions by the Hearing Examiner. The Hearing Examiner has discretion to set the order of presentation in any given case.

8.4 Content of the Record of a Permit Application Hearing

The record of a permit application hearing conducted by the Hearing Examiner shall include, at a minimum, the following materials:

- a. The application for permit;
- b. Appropriate departmental staff reports;
- c. All evidence received, including oral testimony given at the hearing, all exhibits and other materials admitted as evidence;
- d. A statement of all matters officially noticed;
- e. A recommendation by Community Development Department Staff as to the outcome;
- f. Audio recordings of the proceedings; and
- g. An environmental determination made pursuant to the State Environmental Policy Act of 1971 (SEPA), as applicable.

8.5 Content and Form of Staff Reports on Permit Applications

The staff report shall be distributed to the Hearing Examiner and to the Applicant, and made available for public review at least ten days prior to the scheduled hearing. The staff report shall include the following, as appropriate:

- a. Name and address of the Applicant and his/her property interest in the property that is the subject of the hearing;

- b. A brief summary of the requested action and the citation of the ordinance controlling the request;
- c. The following descriptive information about the subject property:
 - (1) The address and legal description of the subject property,
 - (2) A statement of the zoning and Comprehensive Plan designations applicable to the subject property,
 - (3) A description of existing development on the subject property,
 - (4) A description of surrounding land uses,
 - (5) Any scientific, environmental, or engineering information germane to the case, and
 - (6) A description of critical areas identified or suspected to exist on site;
- d. An analysis of the project's consistency with the criteria for approval. In making the analysis, staff shall refer to applicable ordinances as often as possible.
- e. A summary of the reports or recommendations of any other agencies consulted;
- f. Appropriate maps of the subject property;
- g. The environmental review process under the State Environmental Policy Act; and
- h. Staff's conclusions and recommendations, including recommended conditions of approval.

8.6 Order of Presentation at an Appeal Hearing

Open record appeal hearings generally include, but are not limited to, the following elements: a brief introductory statement of the hearing process by the Hearing Examiner; a brief background of the decision appealed by departmental staff; a detailed presentation of the appeal (including presentation of witnesses, if any) by the Appellant; a response to the appeal (including presentation of witnesses, if any) by the County; a response to the appeal (including presentation of witnesses, if any) by the Applicant, if different from the Appellant; cross-examination of parties and witnesses; opportunity for rebuttal; and, opportunity for questions by the Hearing Examiner. Unless otherwise provided in the SCC, only witnesses called by the parties to an appeal are permitted to testify at an appeal hearing. The Hearing Examiner has discretion to set the order of presentation in any given case.

8.7 Continuances of Hearing

- a) Hearing Examiner. If the Hearing Examiner determines that more information is necessary in order to make a decision, or he/she is unable to hear all of the evidence on the matter during the scheduled open record hearing, the hearing may be continued to a specified date and time.
- b) At the Request of a Party. Any party of record may request continuance of a hearing. However, the hearing may not be continued over the objection of a party unless good cause is shown. The Hearing Examiner shall have discretion to grant or deny the request for continuance.

8.8 Evidence

- a) Burden of Proof. In each proceeding on a permit application, the Applicant shall have the burden of proof to show compliance with applicable laws and regulations of Washington State and the Skamania County. In each proceeding on an appeal, the Appellant shall have the burden of proof.

- b. Admissibility. Relevant evidence, including hearsay, shall be admitted if:
 - (1) it possesses probative value such as would be commonly accepted by reasonably prudent persons in the conduct of their affairs, and
 - (2) in the opinion of the Hearing Examiner, it is the best evidence reasonably obtainable, having due regard for its necessity, availability and trustworthiness.
- c. Hearing Examiner Discretion. The Hearing Examiner shall have discretion to admit or deny evidence offered at the hearing. Objections to evidence will be noted for the record. In ruling on the admissibility of evidence, the Examiner shall give consideration to, but shall not be bound to follow, the rules of evidence governing civil proceedings before the superior courts in the state of Washington. All parties will be allowed opportunity to make a record of evidence admitted or denied during the course of the hearing. This record shall include offers of proof.
- d. Copies. Documentary evidence may be received in the form of copies if the original is not readily available. Upon request, parties shall be given an opportunity to compare the copy with the original. Parties bringing documentary evidence to hearings are advised to bring at least three extra copies, one for the Hearing Examiner to use as a "working copy", one for Community Development Department Staff and the other for the opposing party.
- e. Judicial notice. The Hearing Examiner may take judicial notice of judicially cognizable facts; applicable federal, state, and county laws; and general, technical, or scientific facts within his or her specialized knowledge. The Hearing Examiner shall not take notice of disputed adjudicative facts.
- f. Record held open for submission of relevant evidence. The Hearing Examiner may request documents to be filed after the close of public testimony. In such cases, only those documents specifically requested by the Hearing Examiner on the record during the public hearing may be admitted.

8.9 Presence of Legal Counsel at Public Hearings

Although representation by legal counsel is not required at the hearing, all parties participating in the hearing may be represented by legal counsel of their choice.

9. **ADDITIONAL RULES FOR APPEALS**

9.1 Pre-hearing Conference

- a. The Hearing Examiner may, on his/her own order or at the request of a party, hold a conference prior to the hearing to consider:
 - (1) Identification, clarification, and simplification of the issues;
 - (2) Disclosure of witnesses to be called and exhibits to be presented;
 - (3) Motions; and
 - (4) Other matters deemed by the Hearing Examiner appropriate for the orderly and expeditious disposition of the proceedings.
- b. Pre-hearing conferences may be held telephonically.

- c. The Community Development Department shall give timely notice to all parties of any pre-hearing conference order by the Hearing Examiner. Notice may be written or oral.
- d. All parties shall participate in any pre-hearing conference unless they waive the right to be present or represented, and are granted permission by the Hearing Examiner not to attend.
- d. Following the pre-hearing conference, the Hearing Examiner may issue an order reciting the actions taken or ruling on motions made at the conference.
- e. Pre-hearing orders may not be appealed until the Hearing Examiner issues an appeal decision.

9.2 Timeliness

To be considered timely filed, an appeal must be received no later than close of business on the last day of the appeal period. All appeals received after this time shall be considered untimely and shall be dismissed by the Hearing Examiner.

9.3 Fee

Any filing fee as required by Skamania County Code shall accompany an appeal.

9.4 Contents

An appeal must be in writing, identify the decision being appealed, and contain a concise statement of the basis for appeal and the relief requested.

9.5 Briefs

Briefs or other memoranda of law, limited to the specific issues set forth in the Appellant's statement of appeal, may be submitted by the parties in support of or in response to an appeal. Each party is permitted one primary brief not exceeding 50 double-spaced pages in length, and one reply brief not exceeding 25 pages in length. The Hearing Examiner may, at his/her discretion, waive or modify these page limits at the request of either of the parties in order to accommodate complex legal and factual issues.

9.6 Motions

Motions and responses to motions are not to exceed 20 double-spaced pages in length without prior approval of the Hearing Examiner.

9.7 Party Representative

Where an appeal is filed by several individuals or a group, the party shall designate one individual to be its representative, who shall be made known to the Hearing Examiner. Notice or other communication to the party representative is considered notice to the party.

9.8 Withdrawal of Appeal

- a. An appeal may be withdrawn only by the Appellant. Where the appeal is filed by several persons or a group, withdrawal shall be made by the person designated as the party representative.
- b. The Hearing Examiner may dismiss an appeal by an order of default where the Appellant, without requesting a continuance, fails to appear at a scheduled and properly noticed hearing.

10. DECISIONS

10.1 Written Decisions

The Hearing Examiner shall issue a written report of findings, conclusions, and decision within the time allowed by SCC 2.80.130. The findings, conclusions, and decision shall

indicate how the decision carries out the policies and regulations of the Comprehensive Plan, the County Code, and other relevant laws and plans.

10.2 Content of Decision

At a minimum, each decision shall include the following:

- a. The nature and background of the proceeding.
- b. Findings. The findings shall be a statement of the facts that are the basis of the conclusions and decision of the Examiner, and shall be based exclusively on the evidence entered into the record and any matters officially noticed. The source of each finding shall be identified.
- c. Conclusions. Whenever practical, the conclusions shall reference specific provisions of the law, and shall include the reasons and precedents relied upon to make the conclusions.
- d. A decision or order. The decision shall be based upon a consideration of the whole record and supported by reliable, probative and substantial evidence. All decisions may include conditions of approval.
- e. Statement of appeal process for that particular decision.

10.3 Procedure for Reopening Hearing

At any time prior to filing the final decision, the Hearing Examiner may reopen the proceeding to receive further evidence. All parties of record shall be given notice of the consideration of such evidence and granted an opportunity to review such evidence and file rebuttal arguments.

11. APPEALS OF HEARING EXAMINER DECISIONS

The decision of the Hearing Examiner shall be final and conclusive unless an appeal is timely filed with the appropriate decision making body (superior court, per RCW 36.70C; the Shorelines Hearings Board, per RCW 90.58; or the Columbia River Gorge Commission). Only a party of record may file an appeal of the Hearing Examiner's decision. Additional information can be found in SCC 2.80.140 and the applicable statutes.

12. CONFLICTS

These rules of procedure are adopted to supplement the requirements set forth in the SCC. Any conflicts between these rules and the provisions of the SCC shall be decided in favor of the SCC.

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Skamania County Land Use Hearing Examiner Process

The following information explains the fundamental role of the Land Use Hearing Examiner and the process by which the Examiner renders land use decisions. *This is not a complete description of the rules and laws governing the hearing process, but rather an overview to prepare applicants, appellants, and members of the public for participation in public proceedings.* The land use hearing process is described in more detail in Chapter 2.80 of the Skamania County Code (SCC) and in the Land Use Hearing Examiner Rules of Procedure. Copies of the relevant ordinances and rules are available through the Skamania County Community Development Department.

The Hearing Examiner system assures fairness and due process protection for all persons involved in the land use hearing process. It is the Examiner's responsibility to render land use decisions in an efficient manner. County ordinances authorize the Hearing Examiner to conduct hearings on certain land use permit applications and appeals of administrative decisions. The specific applications and appeals under the Hearing Examiner's jurisdiction are listed in SCC 2.80.060.

Overview of the Process

Hearings before the Hearing Examiner are usually "open record hearings." The purpose of the open record hearing is to allow parties to present evidence as to whether the application or appeal under review satisfies the County's criteria for approval and other applicable state and local laws. The evidence submitted at the hearing, which may consist of oral testimony or written documents, is known as the "record" of the hearing. Because the Hearing Examiner's decision - and a court's decision on appeal of a Hearing Examiner's decision - is based on the record, **it is important that parties present all relevant information and arguments at the open record hearing.** When the hearing is concluded, the record is "closed" and no new evidence may be submitted.

Occasionally, the Hearing Examiner may leave the record open for submission of specific information that was not provided prior to or at the hearing. This can happen when the Examiner has questions the parties need time to answer or when interested parties at the hearing bring up relevant issue not addressed to the Examiner's satisfaction. If the Hearing Examiner determines the information is necessary for making a decision on the matter, the record will be "held open" for the specific information. When this occurs, the Hearing Examiner will be admitted. Typically, both the specific information requested and the deadline are spelled out in a Post-Hearing Order for Submission of Additional Evidence. The Order will usually state when the record will close. Generally, no new evidence may be submitted after the close of record, even on appeal.

Hearings on permit applications typically proceed in the following order:

- Introductory comments by the Hearing Examiner;
- Presentation by County staff, including staff's analysis of the application and recommendation;
- Presentation by the applicant;
- Public testimony, which may include questions for County staff or the applicant; and
- County and applicant responses to the issues and questions that have been raised.

Hearings on appeals typically proceed in the following order:

- Introductory comments by the Hearing Examiner;
- Presentation by the appellant, and any witnesses the appellant calls;
- Presentation by the County, and any witnesses the County calls;
- Presentation by the applicant, if different from the appellant, and any witnesses the applicant calls;
- Rebuttal testimony and/or concluding remarks by the parties.

Each hearing is audio recorded in order to establish a verbatim record of the testimony and procedures. All testimony is given under oath, and each person who testifies must identify him or herself for the record. The Hearing Examiner may establish time limits for testimony.

At the conclusion of the hearing, the Hearing Examiner closes the record and sets the due date for rendering his or her decision. No decision is issued at the hearing itself. The Hearing Examiner takes the case under advisement and prepares a written decision including findings of fact and conclusions of law.

The Hearing Examiner's final decision is mailed to parties of record (i.e., individuals who submit written or oral testimony, the applicant or appellant, and the County) and to other individuals who request a copy.

How to Participate Effectively

- Limit testimony and/or written documentation to the specific case at hand. Testimony about desired changes in the code is not relevant and will not be considered. Land use applications are required to be decided according to the rules in effect at the time of application. Changes to the code are more properly addressed to the Board of County Commissioners.
- Focus on facts that have some tendency to show that the project does or does not satisfy the County's criteria for approval or other applicable laws. The most persuasive testimony or written documentation is that which is based on the speaker's or writer's first-hand observations and, for technical issues, is within the speaker's or writer's area of expertise.
- To the extent possible, review the project documents and the relevant codes prior to the hearing.
- Be courteous and respectful to each participant.
- Direct your comments to the Hearing Examiner and not to members of the audience.

Due Process Considerations

- Land use hearings before the Hearing Examiner are quasi-judicial proceedings, which means that certain due process protections apply. Not only must quasi-judicial proceedings be fair; they must appear to be fair. Accordingly, the Hearing Examiner may not participate in any matter in which he or she has financial or personal interest. Any person who has grounds to believe the Hearing Examiner may be influenced by a consideration outside the public record should promptly bring that concern to the attention of the Hearing Examiner prior to or at the hearing.
- If written testimony is submitted, it must be received prior to or at the public hearing for it to be considered by the Hearing Examiner. Written testimony should be addressed to the Hearing Examiner in care of the Community Development Department; should contain the writer's name and mailing address (the mailing address is needed to ensure the writer receives notice of the decision); should reference the application file number;

and should be legible. Comments should contain the specific reasons why the application should be approved, denied, or conditioned.

- The Hearing Examiner may not be contacted directly about specific applications. To ensure that the Hearing Examiner will remain free from bias or prejudice in the decision-making process, any contact with the Examiner must be through testimony or written statements submitted at the hearing, or through material submitted to Community Development Department staff for transmittal to the Hearing Examiner. Material submitted in an inappropriate manner will not be considered part of the record.

Appeals from Hearing Examiner Decisions

- Section 2.80.140 of the Skamania County Code contains information on appealing a Hearing Examiner's decision. To be considered, appeals must be filed by one of the parties of record with the appropriate decision-making body (Superior Court, Shorelines Hearings Board, or Columbia River Gorge Commission) within the time limits specified in the applicable statutes.

**Substantial Development Permit,
Conditional Use Permit and Critical Areas Variance
Answers to Supplemental Questions and Narrative
Prepared for Paradise Rock, LLC Motel**

Prepared by: Jack Loranger 360-837-3760, jack@shorelinepermits.com
1/26/2020

Introduction:

As an authorized agent for Paradise Rock, LLC, Jack Loranger is submitting an application for a Substantial Development Permit for A 10 unit motel. The project is within Skamania County's Shoreline Management jurisdiction.

Designations and Permit Requirements:

The property is in the Urban area and exempt from NSA regulations. The property is designated "Conservancy Environment" in SKAMANIA COUNTY SHORELINE MANAGEMENT MASTER PROGRAM. The motel may be allowed as a conditional use and requires a conditional use permit. The underlying Zone is Community Commercial where motels are an allowable use. The project will require a Critical Areas Variance for a less than 50% reduction of the Critical Areas buffer.

Site Description:

The project site is located at 45092 State Hwy 14 Stevenson WA 98648 , tax lot parcel # 03-75-36-3-0-1000-00, SW 1/4Sec. 36T3NR7 1/2E.W.M., 45.6991N lat. / -121.8685W long. (NAD 83). The Bonneville Pool lies to the south and the west of the site with the rail road tracks to the north and the Stevenson Cemetery to the east. The property has an existing 24'x36' two story single family dwelling on it. Most of the shoreline has been built up with medium to large boulders and large rip rap, being created with the construction of the Bonneville Dam. Existing trails leading to two small cobblestone coves offer some shoreline access.

The subject property is irregularly-shaped and is located on a blunt point of land that extends southward into the Bonneville Pool. When the Bonneville Dam was constructed the impounded waters changed the configuration of the river shoreline. In the project area vicinity, the waters partly drowned a section of valley wall located between Nelson Creek, to the east, and Kanaka Creek, to the west, and in doing so formed the point of land. The point encompasses about one acre of land and is part of an 11 acre property, 10 acres of which are below water. It is about 510 feet (ft) at its widest point, measured northwest and southeast, and 160 ft long measured north and south.

Topographically, the property is at the foot of a long escarpment that descends from Stevenson Ridge in the Southern Washington Cascades. It features a prominent bench in its northernmost part. It rises from a low point of 80 ft above mean sea level (amsl) along the Bonneville Pool to 110 ft amsl on the bench.

The property wraps around an easement owned by the ACOE that contains a water gauge station. On land, the easement is 50 ft wide and 100 ft long.

Cultural Resource Survey:

Applied Archaeological Research, Inc. performed a Cultural Resource Survey on the subject property. A Historical Site was located on the upper portion of the property and recorded as site 45SA650. The Historical Site covers most of the area on the property that is more than 100' beyond OHWM. This is where the original proposed motel structures were to be placed. It is recommended that the site be avoided during project activities. The project has been re-designed to avoid the site.

Project Description:

This project consists of several integral elements. These elements are described below.

Existing Single Family Dwelling - There is an existing two story wood frame structure with weathered wood siding and a dark composition roof. The structure is 24'x36'x25' high with a 12'x24' elevated exterior deck and a 8'x14' exterior deck serving the entry. This structure will remain and be used as the motel office and one motel unit.

Existing Trails – There are approximately 850 l/f , average 4' wide, of existing trails leading to different recreational and vista areas on the property. The applicants propose to enhance the trails that are greater than 50' from the shoreline by surfacing them with crushed gravel. The trails that are adjacent to environmentally sensitive areas will have signage to keep pedestrian traffic off of the native plants.

Existing Road - there is an existing gravel road along the east edge of the property that is also used by the Cemetery. Some of the proposed parking areas will be accessed from this road.

Proposed Motel - A ten unit motel is proposed. The motel construction will consist of three, three story, structures exterior stairways, including covered exterior decks. The largest structure will have a footprint of approximately 800 s/f plus an exterior stairway. The structures will be wood frame on concrete foundations with dark color wood siding and composition roofing.

Proposed Parking – Fourteen parking spaces, including an ADA compliant space, are proposed to serve the motel. Initially the parking surface, approximately 5400 s/f, will be compacted crushed gravel. The applicants may desire to resurface it with asphalt or concrete in the future.

Conditional Use Criteria: (for Lodging in Shorelines Conservancy Environment)

"1. Be either compatible with other uses in the surrounding area or is no more incompatible than are other outright permitted uses in the applicable zoning district;"

The proposed motel is an outright permitted use in the Community Commercial zone and allowed under conditional use in the Shoreline Conservancy Environment. The project is in an isolated area where the only other use is the adjacent Cemetery.

"2. Not materially endanger the health, safety and welfare of the surrounding community to an extent greater than that associated with other permitted uses in the applicable zoning district;"

The proposed motel will not materially endanger health, safety or welfare of the surrounding community to an extent greater than that associated with other permitted uses in the Community Commercial zoning district.

"3. Not cause the pedestrian and vehicular traffic associated with the use to conflict with existing and anticipated traffic in the neighborhood to an extent greater than that associated with other permitted uses in the applicable zoning district"

Onsite parking and pedestrian trails are included in the project. The proposed motel pedestrian and vehicular traffic will not cause a conflict with existing and anticipated traffic in the neighborhood to a

greater extent than that associated with other permitted uses in the Community Commercial zoning district.

"4. Be supported by adequate service facilities and would not adversely affect public services to the surrounding area;"

The project site has existing power and phone to it. Water will be provided by an onsite well. Septic will have onsite septic tank/tanks with offsite drain fields. Drain fields will be located on the property north of Hwy 14 that is owned by the applicants. Underground directional boring will be used to install the wastewater pipes. The proposed motel will not adversely affect public services to the surrounding area.

"5. Not hinder or discourage the development of permitted uses on neighboring properties in the applicable zoning district as a result of the location, size or height of the buildings, structures, walls, or required fences or screening vegetation to a greater extent than other permitted uses in the applicable zoning district;"

The only neighboring property is the Cemetery to the east. It is not likely that any future development of permitted uses will occur on the property.

"6. Not be in conflict with the goals and policies expressed in the current version of the County's comprehensive plan."

Skamania County's Comprehensive Plan:

"Land Use Element Goals and Policies

Goal LU.1: *To integrate long-range considerations (comprehensive planning) into the determinations of short-term action (individual development applications).*

Goal LU.2: *To provide for orderly future physical development of Skamania County.*

Goal LU.3: *To coordinate public and private interests in land development.*

Goal LU.4: *To promote interagency cooperation and effective planning and scheduling of improvements and activities so as to avoid conflicts, duplication and waste.*

Goal LU.5: *To promote improvements which make our communities more livable, healthy, safe and efficient.*

Goal LU.6: *To provide opportunities for citizen participation in the government decision process and in planning activities regarding land development."*

The Land Use Element goals and policies provide an orderly framework for directing future land use in the county. The county's zoning ordinances are in place to achieve these goals. The proposed motel is an allowable use in the Community Commercial zoning district and is not in conflict with these goals.

"Environmental Element Goals and Policies

Goal E.1: *To ensure the proper management of the natural environment to protect critical areas and conserve land, air, water, and energy resources.*

Goal E.2: *To enhance water quality; protect environmentally sensitive areas including wetlands, streams, rivers, lakes, riparian areas, and aquifer recharge areas; and manage floodplains.*

Goal E.3: *To minimize the loss of life and property from landslides, seismic, volcanic, or other naturally occurring events, and minimize or eliminate land use impacts on geologically hazardous areas.*

Goal E.4: *To consider the requirements of the human population while protecting fish and wildlife habitats, including salmonid habitat, by preserving, restoring, and enhancing critical areas; and linking habitat for wildlife and native ecosystems.*

Goal E.5: *Plan and coordinate land uses, public access, and natural resource protection along shorelines of the State in accordance with the State Shoreline Management Act and the Skamania County Vision."*

The proposed project is designed to minimize any adverse affects on the environment. The USACOE, DFW, and Department of Ecology have made site visits and their recommendations used in the design of the proposed project. The proposed motel is not in conflict with the Environmental Goals and Policies.

"Transportation Element Goals and Policies

Goal T.1: *Transportation – Encourage an efficient multi-modal transportation network that is based on regional priorities and coordinated with county and city comprehensive plans.*

Goal T.2: *Continue the priority of increasing safety of the Skamania County rural 2-lane road system. The majority of the Public Works Department's future efforts will be to reduce the accident rate with Skamania County.*

Goal T.3: *Public Facilities and Services – Ensure that those public facilities and services necessary to support development should be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards."*

No new roads are proposed for the project. The development will be served by the existing Cemetery road that is on the subject property and is adequate for serving the motel and the Cemetery. Cemetery traffic will continue to be allowed on the portion of roadway that is located on the subject property. The proposed motel is not in conflict with the Transportation Element Goals and Policies.

"Archaeology and Historic Preservation Element Goals and Policies

Goal AHP.1: *Identify and encourage the preservation of lands, sites, and structures that have historical or archaeological significance.*

Goal AHP.2: *Increase recognition of historic, archaeological, and cultural resources.*

Goal AHP.3: *Protect historic, archaeological and cultural resources through a comprehensive planning approach."*

A Cultural Resource Survey identified a Historical Site on the subject property. The project was redesigned to avoid this site. The proposed motel is not in conflict with Archaeology and Historic Preservation Element Goals and Policies.

Shoreline Management Master Program
Conditions for approval of Conditional Use:

"1. The use will cause no unreasonable adverse effects on the environment of other uses within the area."

The proposed motel is designed as three stories to reduce the footprint to as small as possible and still remain under the 35' height restriction. Native plants that exist in the construction area will be transplanted to other areas of the property. Trails will be maintained to keep pedestrian traffic off of the native plantings and historic areas. The proposed project was designed so it will not cause unreasonable adverse effects on the environment or other uses in the area.

"2. The use will not interfere with the public use of public shorelines."

There are no public shorelines in the vicinity of the proposed project. The proposed project will not interfere with public use of public shorelines.

"3. The design of the proposed use will be compatible with the environment in which it will be located."

The proposed motel is designed to use wood siding, dark colors and a profile with recessed covered decks to provide shadowing and reduce window glare. Native shrubs and trees will be maintained between the structures and the shoreline. The proposed project was designed to be compatible with the surrounding environment.

"4. The proposed use will not be contrary to the Goals, Policy Statements or general intent of the shoreline environments of this Master Program."

"MASTER PROGRAM GOALS FOR SHORELINES OF STATE-WIDE SIGNIFICANCE"

Consistency with the following goals ensure consistency with the stated policies in RCW 90.58.020

"- Consider state-wide interest over local."

The proposed motel does not favor local interests over state-wide interests.

"- Preserve natural shoreline character."

The shorelines in the project area were created with the flooding of the Bonneville Pool area. This proposal does not alter the existing shoreline.

"- Consider long-term benefits (20-30 Years) over short term (5 years)."

The proposed motel will be designed, constructed and maintained to be an economical benefit for 20 years or more.

"- Protect shoreline ecology and resources."

The proposed project has been designed to protect and enhance shoreline ecology and resources. Signage will be used on trails to keep guests off the native plants.

"- Provide public access to publicly owned areas along shorelines. "

The proposed project will not effect public access to publicly owned areas and is not contrary to this goal.

"- Provide public recreation opportunity along shorelines."

The proposed motel will provide new recreation opportunity along the shorelines for its guests.

"- Protect public right of navigation."

The proposed motel will not interfere with navigation.

"- Recognize and protect private property rights consistent with public interest."

The proposed project is not contrary to this goal

"- Preserve and protect fragile natural resources and culturally significant features."

The proposed project is designed to preserve, protect and enhance natural resources. Approximately 6200 s/f is designated a Historical Site and will be avoided with the proposed development.

"- Establish criteria for orderly residential growth."

The proposed project is not contrary to this goal.

"- Promote reasonable and appropriate use of the shorelines which will promote and enhance public interest."

The proposed motel is a reasonable and appropriate use of the area in which it is sited.

"- Maintain a high quality of environment along shorelines."

Regular property maintenance associated with the proposed motel will create and maintain a high quality of environment along the shorelines.

"- Protect shorelines against adverse effects to public health, land, vegetation, wildlife, water and aquatic life."

The proposed project follows requirements and recommendations set forth by the USACOE, DFW and the Department of Ecology for protection of these elements and is not contrary to this goal.

"THE MASTER PROGRAM ELEMENTS

1. ECONOMIC DEVELOPMENT ELEMENT

For the location and design of industries, transportation facilities, port facilities, tourist facilities, commercial and other developments that are particularly dependent on shoreland locations.

Goal Statement:

ENCOURAGE ECONOMIC DEVELOPMENT ALONG SHORELINES THAT WILL ENHANCE THE QUALITY OF LIFE FOR THE RESIDENTS OF SKAMANIA COUNTY WITH MINIMUM DISTURBANCE OF THE ENVIRONMENT."

The proposed motel will bring tourism dollars to the Stevenson area. The proposed motel has been designed with three stories to reduce the footprint and have a minimum disturbance of the environment.

"Policy Statements:

- a. Proposals for industrial, commercial, or service development must demonstrate that upland areas are not feasible for the use intended."*

The upland area was the original location for the proposed motel structures. The Cultural Resource Survey, that the applicants had performed on the property, discovered a Historical Site in that location and recommended it be avoided. The archaeologists recommended the current proposed structure locations as alternatives.

"b. Proposed structures must be situated so as not to decrease the quality of human or natural environments, or place an unreasonable demand upon facilities of adjacent areas."

The proposed structures are situated so they will blend into the natural surroundings. The Historical Site has several large trees that will provide some screening between HWY14 and the motel structures. They will also provide a natural background from the shoreline side. No unreasonable demand will be made upon facilities of the adjacent areas.

"c. It should be demonstrated that such proposed uses and facilities will be of benefit to the economic, social or natural environment of the Mid-Columbia area."

The proposed motel will bring tourism dollars to benefit the economic environment. Maintaining a native riparian area along the shoreline will benefit the natural environment.

"d. The basic use proposed should contain considerations for compatible uses adjacent to the site."

The only other use adjacent to the project site is the Cemetery to the east. The proposed development has been sited as far as possible from the Cemetery with parking and access road between.

"2. PUBLIC ACCESS ELEMENT

For assessing the need for providing public access to shoreline areas.

Goal Statement:

ASSURE SAFE, CONVENIENT AND DIVERSIFIED ACCESS FOR THE PUBLIC TO PUBLIC SHORELINES OF SKAMANIA COUNTY."

The proposed project is on private property with private shorelines that will be shared with guests of the proposed motel. There are no public shorelines in the vicinity.

"Policy Statements:

a. To retain existing public access and develop additional access where such intrusions will not endanger life or property nor interfere with the rights inherent with private property. Access to shorelines should also include foot trails and public right of ingress-egress."

Proposed enhancement of existing trails and signage has been designed to keep pedestrian traffic off the native plantings and riparian areas while providing safe shoreline access.

"b. Access to shorelines should not have an adverse effect on unique or fragile natural features."

The access to the shorelines will be limited to the onsite trails does not have adverse effects on unique or

fragile natural features.

"c. To encourage uses which have public access as a planned feature."

Access will be limited to include to the motel guests.

"d. To discourage those uses which curtail or reduce existing free movement of the public unless such restriction is in the interest of public health, safety or necessary to the use proposed."

The proposed project will not curtail or reduce existing free movement of the public.

"3. CIRCULATION ELEMENT"

Not Applicable. No circulation development proposed.

"4. RECREATION ELEMENT"

For the preservation and expansion of recreational opportunities through programs of acquisition, development and various means of less-than-fee acquisition.

Goal Statement:

ASSURE DIVERSE, CONVENIENT, AND ADEQUATE RECREATIONAL OPPORTUNITIES ALONG THE SHORELINES OF SKAMANIA COUNTY FOR THE LOCAL RESIDENTS AND A REASONABLE NUMBER OF TRANSIENT USERS."

The proposed motel will support this goal by offering transient users a place to stay while they the area's recreational shoreline opportunities.

"Policy Statements:

a. Recreational uses should be of a safe and healthy nature and meet standards that will preserve the integrity of the environment."

The proposed project has been designed with safety and health in mind and in cooperation with the Department of Ecology and designed to preserve the integrity of the environment.

"b. Private recreational developments should be encouraged in conjunction with public uses."

This proposed project is lodging and not a recreational use.

"c. Provide sufficient shoreline recreational opportunities for local citizens so that the at-home recreational needs are met and not allow an over-emphasis on tourism to render the county unpleasant for local residents."

The proposal is for 10 units or less and should not be a significant enough increase in tourism to render the county unpleasant for the local residents.

"d. Areas for recreational use should be compatible with other uses on the shorelines."

No areas for recreational use are proposed.

"e. Encourage state and local government to acquire additional shoreline property for public recreation. And, to encourage development by the private sector on public lands on a lease basis for use by the public."

Not applicable.

"5. SHORELINE USE ELEMENT

For considering:

1. *The pattern of distribution and location requirements of land uses on shorelines and adjacent areas, including, but not limited to, housing, commerce, industry, transportation, public buildings and utilities, agriculture, education and natural resources.*
2. *The pattern of distribution and location requirements of water uses including, but not limited to, aquaculture, recreation and transportation.*

Goal Statement:

ASSURE APPROPRIATE DEVELOPMENT IN SUITABLE LOCATIONS WITHOUT DIMINISHING THE QUALITY OF ENVIRONMENT ALONG THE SHORELINES OF SKAMANIA COUNTY."

The County has zoned the property Community Commercial with the proposed lodging being an allowable use. The proposed project has been appropriately located so it will not diminish the quality of the environment along the shoreline.

"Policy Statements:

- a. *To promote the best possible relation of land and water uses, and assure a minimum of conflict between these uses."*

The proposed motel will not conflict with water uses.

- "b. Assure that individual uses are placed on appropriate sites."*

The proposed lodging has been placed to avoid the Historic Site and also as far from the shoreline as feasible.

- "c. Discourage improper uses of land and water."*

No improper uses of the land or water are proposed.

- "d. Reserve land and water areas of specific natures for uses which require particular type of lands and waters."*

Not applicable.

"6. CONSERVATION ELEMENT

For the preservation of the natural shoreline resources, considering such characteristics as scenic vistas, parkways, estuarine areas for fish and wildlife protection, beaches and other valuable natural or aesthetic features.

Goal Statement:

ASSURE PRESERVATION OF UNIQUE, FRAGILE AND SCENIC ELEMENTS, AND OF NONRENEWABLE NATURAL RESOURCES; ASSURE CONTINUED UTILIZATION OF THE RENEWABLE RESOURCES."

The proposed project does not threaten unique fragile and scenic elements or nonrenewable natural resources.

"Policy Statements:

- a. Assure that resource management procedures are performed in accordance with the best interest of the citizens and with minimal adverse effect upon the environment and ecosystem of the particular area."*

The proposed project was designed with input from state and federal agencies to have a minimal adverse affect upon the environment and ecosystem of the area.

"b. Preserve scenic and aesthetic qualities of the shorelines."

The project has been designed with glass areas inset and dark tone roofs and siding to blend with the aesthetic qualities of the shoreline.

"c. Protect wildlife habitat within shoreline areas and preserve habitats of rare and endangered wildlife species."

Habitat maintenance including removal of invasive species, and signage on trails will promotes this policy.

"d. Restore damaged features and ecosystems to a higher quality than may currently exist."

If any features and ecosystems are inadvertently damaged during construction they will be restored to a higher quality than what currently exists.

"7. HISTORICAL/CULTURAL ELEMENT

For protection and restoration of buildings, structures, sites and areas having historic, cultural, educational or scientific values.

Goal Statement:

PROTECT, PRESERVE AND RESTORE SITES AND AREAS HAVING HISTORICAL, CULTURAL, EDUCATIONAL AND SCIENTIFIC VALUES."

A Historical Site was identified through a Cultural Resource Survey and the area will be avoided during the proposed development. The avoidance of this site caused the proposed motel to be located within the shoreline buffer area.

"Policy Statements:

- a. Such sites should be made available to the general public; however, access to sites may be by foot trail, boat or other means of less convenience than paved roads."*

The Historical Site will be avoided, but will have pedestrian trails along the west and south sides.

"b. Suspected significant sites and newly discovered sites should remain free of other intrusions until their value for retention is determined and alternatives are explored."

The proposed Historical Site has not been determined significant, however, it will be left undisturbed by the proposed development.

"c. The existence of a determined significant site need not preclude all other uses of an area but rather these uses should be compatible with that of the site area having historical or cultural values."

Not applicable. Existence of a significant site has not been determined.

Critical Areas Variance Criteria:

1) Please explain how the granting of your variance request shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated.

Approximately 775' to the east of the project site is Snug Harbor, which is also within the Community Commercial Zone and has structures that encroach on the critical areas buffers. Adjacent to Snug Harbor to the east is Wind Mountain Springs, which is also within the Community Commercial Zone and has structures that encroach on the critical areas buffers. Granting a variance will not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated.

2) Please explain how the following circumstances are found to apply to your variance request:
a. Because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance is found to deprive subject property or rights and privileges enjoyed by other properties in the vicinity and under identical zone classification and/or special purpose district;

The subject parcel is 10.94 acres. Most of the parcel, 9.64 acres, was flooded when the Bonneville Dam was constructed and the Boneville Pool was created. This left only 1.3 acres of upland property. The upland portion has only .2 acres (9050 s/f) that is outside the critical areas. Most of the area (6000 s/f) that is outside the critical areas buffer has been designated as a Historical Site and must be avoided. This leaves only .07 acres (3050 s/f) available for development. The strict application of the zoning ordinance would deprive subject property of rights and privileges enjoyed by other properties in the vicinity and under identical zone classification.

b. That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone classification and/or special purpose district in which subject property is situated.

The subject property is located in an isolated area. The only other use in the vicinity is the Cemetery located to the east of the project. The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone classification and/or special purpose district in which subject property is situated.

3) Please explain how your variance request meets the following criteria:
a. that no practicable alternative exists to locating the proposed development within a water resource buffer area; and

The only area on the property that is outside the critical areas buffer has been designated a Historical Site and the applicants are required to avoid the site during construction. There is no practicable alternative to locating the structures within the buffer.

b. that on-site mitigation measures agreed to (or proposed) by the applicant are adequate to avoid significant degradation of the water resource.

The applicants will transplant native plants that are displaced by the construction and maintain signage along trails to avoid destruction of native plants. Construction activities are located far enough away from the shoreline to avoid significant degradation of the Bonneville Pool.

Mitigation Plan for Paradise Rock Motel

CA20-01 SHR20-01

Prepared by: Jack Loranger , 360-837-3760 jack@shorelinepermits.com 2/3/2020
For applicant: Paradise Rock, LLC - Dean and Megan Busschau

PROPOSED DEVELOPMENT PROJECT

Project Description:

This project consists of several integral elements. These elements are described below.

Existing Single Family Dwelling - There is an existing two story wood frame structure with weathered wood siding and a dark composition roof. The structure is 24'x36'x25' high with a 12'x24' elevated exterior deck and a 8'x14' exterior deck serving the entry. This structure will remain and be used as the motel office and one motel unit.

Existing Trails – There are approximately 850 l/f , average 4' wide, of existing trails leading to different recreational and vista areas on the property. The applicants propose to enhance the trails that are greater than 50' from the shoreline by surfacing them with crushed gravel. The trails that are adjacent to environmentally sensitive areas will have signage to keep pedestrian traffic off of the native plants.

Existing Road - there is an existing gravel road along the east edge of the property. Some of the proposed parking areas will be accessed from this road.

Proposed Motel - A ten unit motel is proposed. The motel construction will consist of three, three story, structures exterior stairways, including covered exterior decks. The largest structure will have a footprint of approximately 800 s/f plus an exterior stairway. The structures will be wood frame on concrete foundations with dark color wood siding and composition roofing. The existing single family dwelling will be the 10th motel unit and office.

Proposed Parking – Fourteen parking spaces, including an ADA compliant space, are proposed to serve the motel. Initially the parking surface, approximately 5400 s/f, will be compacted crushed gravel. The applicants may desire to resurface it with asphalt or concrete in the future.

PROJECT LOCATION AND SETTING

The project is located just east of Stevenson City Limits on the south side of State Hwy14, adjacent to the Stevenson Cemetery, Skamania County, Washington in SW ¼ Section 36 of Township 3 North, Range 7 1/2 East of the Willamette Meridian. The property is at approximate River Mile (RM) 151 of the Columbia River. It is also within the 17080001 Hydraulic Unit Code and in Water Resources Inventory Area 28 (Lower Columbia-Sandy watershed). In the WRIA #29 Wind-White Salmon Watershed. The project site is located in freshwater within the Bonneville Pool. Project plans are attached to this plan.

The project site is located adjacent to the cemetery to the east, the railroad to the north, and the Columbia River to the south and west.

There are no wetlands or other critical areas located on site other than the Columbia River. The City of Stevenson Shoreline Master Program First Draft Shoreline Inventory and Characterization Report classifies the area as Columbia River Reach 1. It is located in Skamania County, east of the City's downtown waterfront. It includes approximately 5,555 linear feet of Columbia River shoreline and 256 acres of shoreline jurisdiction area, 315 including wetlands and the Columbia River to the state line.

The reach starts at the eastern urban growth boundary line and ends downstream at the eastern city limits of the riverfront. This reach includes five residential properties, the Stevenson Cemetery, the BNSF tracks, SR 14, and Port of Skamania properties, including Pebble Beach Park. This reach is a shoreline of statewide significance. Restoration opportunities within Columbia River Reach 1 are limited by the location of the BNSF tracks parallel to the Columbia River as well as the presence of dams on the Columbia River that have altered natural ecosystem processes.

Existing Conditions:

Terrestrial Habitat

The project site is located on the north bank of the Columbia River. The terrestrial habitat associated with this project consists of hilly area with moderate to steep slopes populated with mature firs, oak, alder, maple, wild rose, snowberry, holly, himalayan blackberry, Oregon grape, grasses and shrubs. The southeast shoreline has steep slopes down to a cobblestone beach. The southwest shoreline has been built up with large boulders and rip rap.

Adjacent properties include the cemetery with mowed lawns and landscaping to the east, railroad to the north, and the Columbia River to the south and west. The Columbia River is used for dependent recreational activities such as windsurfing, kiteboarding, kayaking, swimming, boating and fishing in the general vicinity. The river in this area is in Zone 6 of the tribal fishing area.

PROJECT SITE

The project site is further than 50' from the OHWM and mostly within 100' of the OHWM. The ground cover in this area consists of wild rose, snowberry, holly, himalayan blackberry, Oregon grape, grasses and shrubs. The ground cover and 10 trees will need to be removed to accommodate the buildings. Ground cover within the Critical Areas buffer that will be displaced is 2200 s/f for the structures and 1200 s/f of grass area that will be graveled for the trails. For a total of 3400 s/f. There is no displacement of woody vegetation in the parking areas because they are in previously disturbed areas that are void of trees and shrubs.

DIRECT EFFECTS

Direct effects of this project include loss of riparian habitat due to removal of woody shrubs and 10 trees for construction of the motel structures.

MITIGATION SITE

The mitigation sites are located onsite (see attached plan). The smaller area is 350 s/f and the larger area is 3300 s/f for a total of 3650 s/f of mitigation area. They were selected because of the need for riparian restoration in these areas and the proximity to the project site would simplify monitoring and maintenance of the areas. The applicant proposes to preform invasive species removal and maintenance of Himalayan Blackberry in the Mitigation Areas. The applicant proposes to plant and maintain a minimum of 10 native trees with a 10' minimum spacing and native shrubs spaced approximately 5' apart. Top soil will be brought in as needed. The mitigation is proposed to compensate for impacts through enhancing the riparian habitat in the project area.

MITIGATION GOAL

The mitigation goal is to compensate for project impacts to habitat and species near the impact site by enhancing the riparian buffer.

PLANTING PLAN

SELECTED TREES

Douglas Fir, Bitter Cherry, Oregon White Oak,

SELECTED SHRUBS

Beaked Hazelnut, Western Serviceberry, Cascara, Oceanspray, Black Twinberry, Mock Orange, Red Flowering Current, Nootka Rose, Red Elderberry, Thimbleberry, Salmonberry

MITIGATION DESIGN

The proposed mitigation plan is designed to restore the riparian buffer and enhance aquatic habitat by providing a food source for rearing salmonids.

IMPLEMENTATION

The riparian plantings will consist of a variety of trees and shrubs chosen for their ability to grow in woodland environments as well as shoreline environments. The selected trees will be planted approximately 10 feet apart from each other. Selected shrubs planted on 5 foot centers to populate the rest of the area. The applicant also proposes to remove *Rubus armeniacus*, (Himalayan blackberry) from the Mitigation Areas by hand cutting and root removal.

MITIGATION GOAL, OBJECTIVES, AND PERFORMANCE STANDARDS

The mitigation goal is to compensate for project impacts to riparian habitat and species near the impact site by creating a healthier riparian buffer.

Objective 1: Provide tree and shrub plantings to enhance the riparian buffer

Performance Standard 1a. Install 10 selected trees, a minimum of 10 feet on center and selected shrubs 5 feet on center in an area approximately 3650 square feet.

Objective 2: Remove the invasive species, *Rubus armeniacus*, (Himalayan blackberry), from the Mitigation Areas

*Performance Standard 2a: Remove *Rubus armeniacus*, (Himalayan blackberry) from the Mitigation Areas”.*

Objective 3: Maintain the mitigation areas.

Performance Standard 3a: Ongoing monthly inspections to ensure the survival of the plantings ”.

This performance standard will be an ongoing monthly tasks of monitoring invasive species, removing recurring Himalayan blackberry, monitoring of the plantings and providing irrigation to those that require it. Any plantings that do not survive will be replaced with a comparable selected tree or shrub of a species that is thriving in the mitigation area.

MAINTENANCE PLAN

This project requires routine maintenance consisting of replacement of failed plantings in the Mitigation Areas and removal of *Rubus armeniacus* from the Mitigation Areas.

Performance Standards

- Individual plants that die must be replaced with native shrubs and trees taken from the Selected Plants list in this plan or the Suggested native plant species for mitigation projects in western Washington (attached)

Exhibit 4. Page 4.

- Maintenance of the shoreline mitigation planting area includes removal and replacement of dead or dying plants, and removal of invasive and/or noxious weeds. Maintenance does not include trimming or mowing of the mitigation plants. The mitigation plants shall be allowed to develop naturally, so that they grow large enough to overhang the water.

○

CONTINGENCY PLAN

If any of the plantings areas fail to survive they will be immediately replaced a comparable planting of a species that is performing well.

Funding for corrective actions will be the responsibility of the Paradise Rock, LLC.

IMPLEMENTATION SCHEDULE

The mitigation planting and invasive species removal will be completed within 1 year of the motel construction.

Suggested native plant species for mitigation projects in western Washington

Below is a list of approved plant species for western Washington. The applicant may propose other species and spacing, which the Corps must approve before work starts. *Plants that prefer shade when young are marked with an asterisk*. Updates to this list may be found on the Corps website:

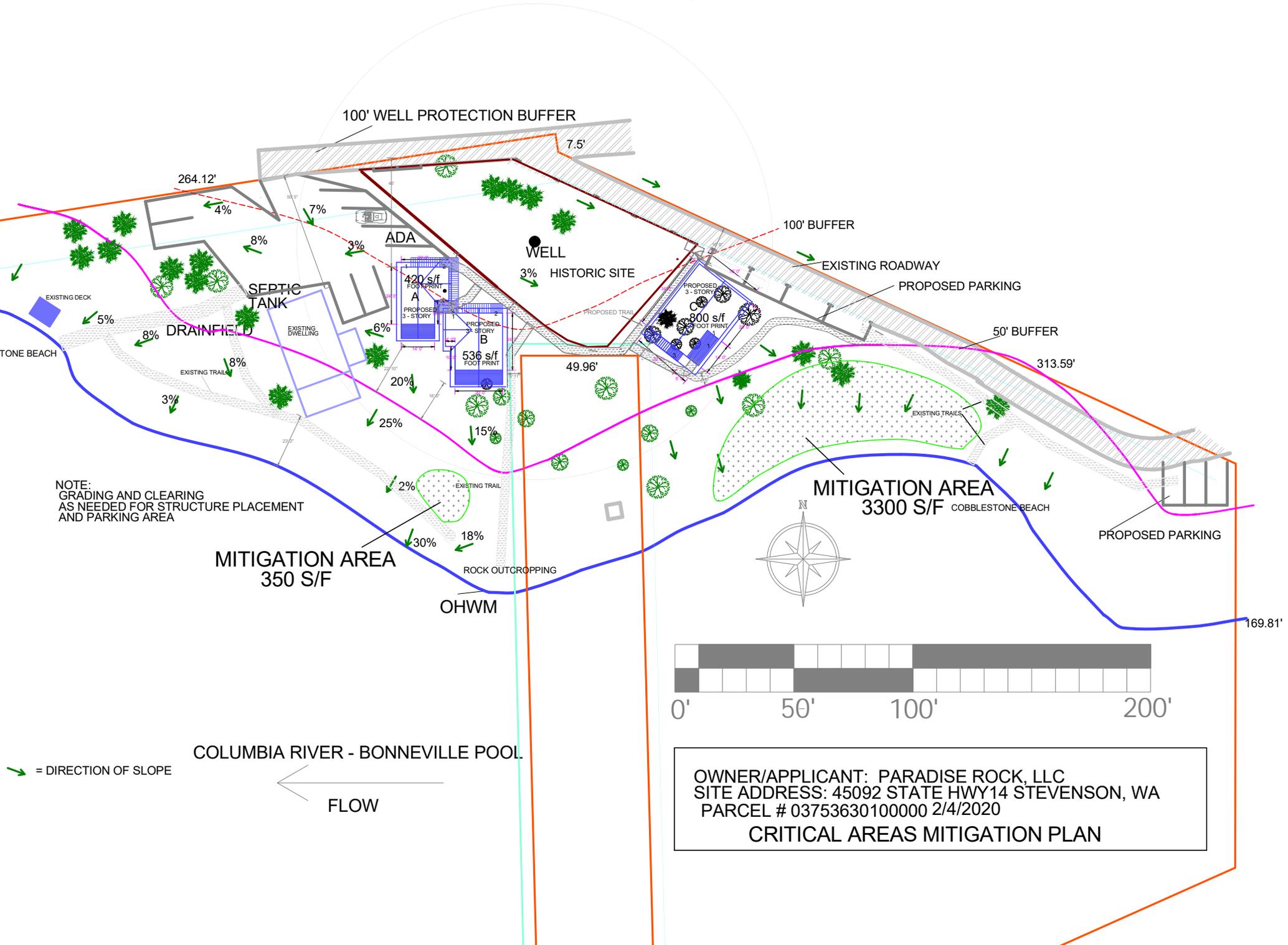
<http://www.nws.usace.army.mil/Missions/Civil-Works/Regulatory/Forms/>

Common Name	Scientific Name
Willows: plant 5 to 10 feet on center	
Hooker willow	<i>Salix hookeriana</i>
Pacific willow	<i>Salix lasiandra</i>
Scouler willow	<i>Salix scouleriana</i>
Sitka willow	<i>Salix sitchensis</i>
Evergreen Trees: plant 10 feet on center	
grand fir	<i>Abies grandis</i>
Sitka spruce	<i>Picea sitchensis</i>
shore pine	<i>Pinus contorta v. contorta</i>
Douglas-fir	<i>Pseudotsuga menzeisii</i>
western red cedar*	<i>Thuja plicata</i>
western hemlock*	<i>Tsuga heterophylla</i>
Deciduous Trees: plant 10 feet on center	
big-leaf maple	<i>Acer macrophyllum</i>
red alder	<i>Alnus rubra</i>
paper birch	<i>Betula papyrifera</i>
Pacific dogwood	<i>Cornus nuttallii</i>
Oregon ash	<i>Fraxinus latifolia</i>
black cottonwood	<i>Populus trichocarpa v. trichocarpa</i>
bitter cherry	<i>Prunus emarginata</i>
Oregon white (Garry) oak	<i>Quercus garrayana</i>
Shrubs: plant 5 feet on center	
vine maple*	<i>Acer circinatum</i>
Western serviceberry	<i>Amelanchier alnifolia</i>
red osier dogwood	<i>Cornus sericea (stolonifera)</i>
beaked hazelnut	<i>Corylus cornuta</i>
black hawthorn	<i>Crataegus douglasii</i>
casara	<i>Frangula (Rhamnus) purshiana</i>
oceanspray	<i>Holodiscus discolor</i>
black twinberry	<i>Lonicera involucrata</i>
Western crabapple	<i>Malus (Pyrus) fusca</i>
sweet gale	<i>Myrica gale</i>
Indian plum (osoberry)	<i>Oemleria cerasiformis</i>
mock orange	<i>Philadelphus lewisii</i>
Pacific ninebark	<i>Physocarpus capitatus</i>
stink currant	<i>Ribes bracteosum</i>
straggly currant	<i>Ribes divaricatum</i>

Exhibit 4. Page 6.

prickly currant	<i>Ribes lacustre</i>
red flowering currant	<i>Ribes sanguineum</i>
Nootka rose	<i>Rosa nutkana</i>
swamp (peafruit, clustered) rose	<i>Rosa pisocarpa</i>
thimbleberry	<i>Rubus parviflorus</i>
salmonberry	<i>Rubus spectabilis</i>
red elderberry	<i>Sambucus racemosa</i>
hardhack	<i>Spiraea douglasii</i>

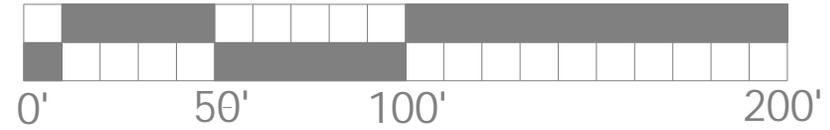
* = prefers shade when young



NOTE: GRADING AND CLEARING AS NEEDED FOR STRUCTURE PLACEMENT AND PARKING AREA

COLUMBIA RIVER - BONNEVILLE POOL

FLOW



OWNER/APPLICANT: PARADISE ROCK, LLC
 SITE ADDRESS: 45092 STATE HWY14 STEVENSON, WA
 PARCEL # 0375363010000 2/4/2020
CRITICAL AREAS MITIGATION PLAN

→ = DIRECTION OF SLOPE



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

NOTICE OF INTENT "MITIGATED" DETERMINATION OF NON-SIGNIFICANCE

DESCRIPTION OF PROPOSAL:	Develop a motel with up to 10 units consisting of an existing single-family and up to three additional buildings. Construct a dock on the Columbia River for water-dependent recreation.
PROPONENT:	Paradise Rock, LLC 2122 Mabee Mines Road Washougal, WA 98671
FILE NO.	SEP-17-02
ZONING:	Community Commercial (CC) and National Scenic Area, GMA – Water
LOCATION OF PROPOSAL:	45092 State Highway 14, Stevenson; Section 36 of T3N, R75E, W.M. and identified as Skamania County Tax Lot #03-75-36-3-0-1000-00.

Skamania County is the lead agency.

This is a "Mitigated" DNS issued under WAC 197-11-350(1) which allows the lead agency to consider mitigation measures. The mitigation measures set out by the Community Development Department are consistent with the environmental checklist, dated and submitted by the applicant on March 1, 2017, a copy of which is attached. The applicant shall implement the following mitigation measures.

1. Erosion control measures must be in place prior to any clearing, grading, in-water work, or construction. These control measures must be effective to prevent stormwater runoff from carrying soil and other pollutants into surface water or storm drains that lead to waters of the state. Sand, silt, clay particles, and soil will damage aquatic habitat and are considered to be pollutants by Washington State.
2. A Stormwater National Pollutant Discharge Elimination System (NPDES) permit is required by Washington State Department of Ecology for any construction activity which disturbs one acre or more and which may result in a discharge of stormwater to surface waters of the state, which includes storm drains, ditches, wetlands, creeks, rivers, lakes and marine waters. The permit requires construction site operators to install and maintain erosion and sediment control measures to prevent soil, nutrients, chemicals and other harmful pollutants from being washed by stormwater runoff into local water bodies. The permit application, called a Notice of Intent, can be obtained by calling Washington State Department of Ecology's Storm-water Request Line at 360-407-6858. The application form is also available online from Ecology's website at <http://www.ecy.wa.gov/programs/wq/stormwater/construction/#Application>

3. Re-vegetation of all undeveloped disturbed areas is necessary to reduce wind and water erosion, and the propagation of weeds. All undeveloped disturbed areas shall be reseeded and landscaped with native trees and plants.
4. The proposed dock is partially located within the Columbia River Gorge National Scenic Area. The dock must be reviewed for consistency with the County's National Scenic Area Ordinance prior to commencement of construction of the dock.
5. The proposal is located on the Columbia River, a shoreline subject to the Shoreline Master Program. Prior to any ground disturbance the proposal must be reviewed for consistency with the County's Shoreline Master Program.
6. The proposal is located in a Critical Area and is subject to the County's Critical Area Ordinance. Prior to any ground disturbance the proposal must be reviewed for consistency with the County's Critical Area Ordinance.
7. The applicant shall contact all appropriate state and federal agencies regarding in water work permits and submit documentation to the Community Development Department that indicates permits were obtained or not required prior to commencing any ground disturbance and/or in-water work.
8. The applicant shall be compliant with all applicable laws pertaining to archeological resources and human remains (RCW 27.23, 27.44, and WAC 25-48, and RCW 68.50 respectively).
9. Cultural Resources: 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 Planning Department within 24 hours of the discovery. If the cultural resources are prehistoric or otherwise associated with Native Americans, the project applicant shall also notify the Native American tribal governments within 24 hours.

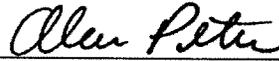
The lead agency for this proposal has determined that with the above mitigation measures it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This M-DNS is issued under 197-11-340(2); the lead agency will not act on this proposal for 14 days from the publication date below. All comments must be submitted to the Community Development Department within 14 days from the publication date listed below, by 5:30 p.m. This M-DNS may be withdrawn, modified, reconsidered or replaced with a Determination of

Significance (DS) if the responsible official determines that mitigation or significant adverse impacts are likely.

The issuance of this determination of non-significance does not constitute project approval. The application must comply with all applicable requirements of Skamania County Code prior to receiving any permits.

Publication date: March 15, 2017



Alan Peters
Assistant Planning Director

APPEALS

There shall be no administrative appeals of environmental threshold determinations. Failure to comment on this Notice of Intent shall be determined to deny a party standing to appeal the final determination with the underlying government action to a court of competent jurisdiction.

MAR 01 2017

COMMUNITY DEVELOPMENT
DEPARTMENT**SEPA ENVIRONMENTAL CHECKLIST**

June 2015

Purpose of checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for Lead Agencies:

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals: [\[help\]](#)

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

A. Background [\[help\]](#)

1. Name of proposed project, if applicable: [\[help\]](#)
Paradise Rock Dock
2. Name of applicant: [\[help\]](#)
PARADISE ROCK, LLC
3. Address and phone number of applicant and contact person: [\[help\]](#)
Applicant: 360-837-1231 Contact: Jack Loranger 360-837-3760
4. Date checklist prepared: [\[help\]](#)
1/1/2017

5. Agency requesting checklist: [\[help\]](#)

Skamania County Planning Department

6. Proposed timing or schedule (including phasing, if applicable): [\[help\]](#)

Start date: June 2017 Complete by June 2022

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. [\[help\]](#)

Yes - A motel with a maximum of 10 units is planned for the upland area. The dock is intended to facilitate water dependent recreational activities.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. [\[help\]](#)

Biological Evaluation

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. [\[help\]](#)

No

10. List any government approvals or permits that will be needed for your proposal, if known.

[\[help\]](#) Shorelines Substantial Development Permit, HPA, DNR approval, Section 10 Critical Area Variance, Building Permit National Scenic Area Land Use Application

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.) [\[help\]](#)

To construct a 7'x6' concrete bulkhead to support a 100' x 5' freespan gangway terminating on an 8' x 8' floating landing attached to a 100' x 8' floating dock and To construct three 2-story structures with 3 motel units in each.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist. [\[help\]](#)

45092 State Hwy 14 Stevenson, WA 45.6991N lat. / -121.8685W long. (NAD 83) Heading East on State Hwy14, Go through the City of Stevenson, about 1/2 mile Kuskie St. is on the North side of the Hwy, look for the wide spot and railroad crossing on the South side. Cross the railroad tracks.

The property is directly in front of you before you get to the cemetery.

B. ENVIRONMENTAL ELEMENTS [\[help\]](#)

1. **Earth [\[help\]](#)**

a. General description of the site: [\[help\]](#)

(circle one): Flat, rolling, **hilly**, steep slopes, mountainous, other _____

b. What is the steepest slope on the site (approximate percent slope)? [\[help\]](#)

55%

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils. [\[help\]](#)

Rocks sand, gravel, shallow top soil.

- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. [\[help\]](#)
No
- e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill. [\[help\]](#)
Top soil to be brought in as needed to help encourage new plant growth. Less than 100c/y
Approximately 300 yards excavation for building crawl spaces. Approximately 4000 s/f of area affected.
- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. [\[help\]](#) No
- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? [\[help\]](#) 11.6% of area above the water line
- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: [\[help\]](#)
None

2. Air [\[help\]](#)

- a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known. [\[help\]](#)

Exhaust emissions from the barge and pile driver and diesel emissions from the machinery used for building excavation and back-fill.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. [\[help\]](#) No

- c. Proposed measures to reduce or control emissions or other impacts to air, if any: [\[help\]](#)
None

3. Water [\[help\]](#)

- a. Surface Water:

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. [\[help\]](#)
Yes - Columbia River

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. [\[help\]](#)
7'x6' Concrete bulkhead will be located approximately 16' landward of OHWM of the Columbia River. The aluminum gangway will span over the Columbia River. The pilings will be driven into the river bed. The aluminum frame landing and dock will float on the Columbia River. Three 2-story wood frame structures approximately 30' x 44' with 3 motel units in each. (see Paradise Rock Dock SEPA Structure Placement Plan)
- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. [\[help\]](#)
None

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. [\[help\]](#)
No

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.
[\[help\]](#) Unknown

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. [\[help\]](#)
No

b. Ground Water:

1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. [\[help\]](#)

Approximately 1000gals of water per day will be drawn, for drinking and domestic use, from on-site well when motel is at full occupancy.

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. [\[help\]](#)

Due to limited land area on-site, septic discharge is planned off-site approximately 300 feet north of project site.

c. Water runoff (including stormwater):

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. [\[help\]](#)

None

2) Could waste materials enter ground or surface waters? If so, generally describe. [\[help\]](#)

No

3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe. [\[help\]](#) No

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any: [\[help\]](#) None

4. **Plants** [\[help\]](#)

a. Check the types of vegetation found on the site: [\[help\]](#)

- deciduous tree: alder, maple, aspen, other
- evergreen tree: fir, cedar, pine, other
- shrubs
- grass
- pasture
- crop or grain
- Orchards, vineyards or other permanent crops.
- wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- water plants: water lily, eelgrass, milfoil, other
- other types of vegetation
Blackberry, wild rose, snow berry

b. What kind and amount of vegetation will be removed or altered? [\[help\]](#)

Selective blackberry removal
Removal of brush and small trees in proposed building area approximately 5000 s/f.

c. List threatened and endangered species known to be on or near the site. [\[help\]](#)

None

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: [\[help\]](#)

Planting of native trees and shrubs associated with mitigation plan.

e. List all noxious weeds and invasive species known to be on or near the site. [\[help\]](#)

blackberry, evergreen Rubus laciniatus
blackberry, Himalayan Rubus armeniacus

5. **Animals** [\[help\]](#)

a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site. [\[help\]](#)

Examples include:

birds: hawk, heron, eagle, songbirds, other:
mammals: deer, bear, elk, beaver, other:
fish: bass, salmon, trout, herring, shellfish, other _____

b. List any threatened and endangered species known to be on or near the site. [\[help\]](#)

Northern Spotted Owl habitat, LCR Chinook salmon, UCR spring-run Chinook salmon, SR spring/summer run Chinook salmon, SR fall-run Chinook salmon, CR chum salmon, LCR coho salmon, SR sockeye salmon, LCR steelhead, MCR steelhead, UCR steelhead, SRB steelhead, Bull Trout

c. Is the site part of a migration route? If so, explain. [\[help\]](#)

Unknown

d. Proposed measures to preserve or enhance wildlife, if any: [\[help\]](#)

None

- e. List any invasive animal species known to be on or near the site. [\[help\]](#)

None

6. Energy and Natural Resources [\[help\]](#)

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc. [\[help\]](#)

electric for heating.

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. [\[help\]](#)

No

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any: [\[help\]](#)

None

7. Environmental Health [\[help\]](#)

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe. [\[help\]](#)

None

- 1) Describe any known or possible contamination at the site from present or past uses.

[\[help\]](#) None

- 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity. [\[help\]](#)

None

- 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project. [\[help\]](#)

None

- 4) Describe special emergency services that might be required. [\[help\]](#)

None

- 5) Proposed measures to reduce or control environmental health hazards, if any: [\[help\]](#)

None

- b. Noise [\[help\]](#)

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? [\[help\]](#)

Train

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site. [\[help\]](#)

Vehicle and vessel related noises

3) Proposed measures to reduce or control noise impacts, if any: [\[help\]](#)

None

8. Land and Shoreline Use [\[help\]](#)

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe. [\[help\]](#) No

Site currently has a small single family dwelling that will be converted to a detached motel unit. Property to the East is a cemetery, North is Rail Road, West and South is water.

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use? [\[help\]](#)

No

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how: [\[help\]](#)

No

c. Describe any structures on the site. [\[help\]](#)

One 24'x36' wood frame house with block foundation and basement. 12'x24' exterior wood deck and 9'x14' exterior wood deck. 8'x10' exterior wood deck

d. Will any structures be demolished? If so, what? [\[help\]](#)

None

e. What is the current zoning classification of the site? [\[help\]](#)

CC - Community Commercial and GMA - Water

f. What is the current comprehensive plan designation of the site? [\[help\]](#)

Rural I and GMA - Water

g. If applicable, what is the current shoreline master program designation of the site? [\[help\]](#)

Conservancy

h. Has any part of the site been classified as a critical area by the city or county? If so, specify. [\[help\]](#)

Yes, Critical Area Buffer - 100' landward from OHWM.

i. Approximately how many people would reside or work in the completed project? [\[help\]](#)

A maximum of 10 motel units are planned for the property.
It would vary depending on occupancy of the units. Maximum 22

j. Approximately how many people would the completed project displace? [\[help\]](#)

None

k. Proposed measures to avoid or reduce displacement impacts, if any: [\[help\]](#)

None

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: [\[help\]](#)

None

m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any: [\[help\]](#)

None

9. Housing [\[help\]](#)

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. [\[help\]](#)

10 or less motel rental units

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. [\[help\]](#)

None

c. Proposed measures to reduce or control housing impacts, if any: [\[help\]](#)

None

10. Aesthetics [\[help\]](#)

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? [\[help\]](#)

35' maximum wood frame structures

b. What views in the immediate vicinity would be altered or obstructed? [\[help\]](#)

None

b. Proposed measures to reduce or control aesthetic impacts, if any: [\[help\]](#)

11. Light and Glare [\[help\]](#)

a. What type of light or glare will the proposal produce? What time of day would it mainly occur? [\[help\]](#)

None

b. Could light or glare from the finished project be a safety hazard or interfere with views? [\[help\]](#)

No

- c. What existing off-site sources of light or glare may affect your proposal? [\[help\]](#)

None

- d. Proposed measures to reduce or control light and glare impacts, if any: [\[help\]](#)

None

12. Recreation [\[help\]](#)

- a. What designated and informal recreational opportunities are in the immediate vicinity? [\[help\]](#)

Water related and water dependent recreational activities. i.e. boating, fishing , water skiing, wind surfing etc..

- b. Would the proposed project displace any existing recreational uses? If so, describe. [\[help\]](#)

No

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: [\[help\]](#)

The proposed dock is to provide more opportunity for water dependent recreational activities.

13. Historic and cultural preservation [\[help\]](#)

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers located on or near the site? If so, specifically describe. [\[help\]](#)

No

- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. [\[help\]](#)

No

- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc. [\[help\]](#)

The Skamania County Historical Society was contacted and they preformed a record search for the parcel and nothing was found. A Cultural Assessment will be prepared for the project.

- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required. [\[help\]](#)

None

14. Transportation [\[help\]](#)

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any. [\[help\]](#)

Hwy 14 serves the site. There is a large turn out area on the south side of Hwy14 and a RR crossing to a private drive that serves the parcel and the adjacent cemetary.

- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop? [\[help\]](#)
1 mile
- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate? [\[help\]](#)
18 or fewer additional
- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private). [\[help\]](#)
No
- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. [\[help\]](#)
Adjacent to Rail Road and River
- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates? [\[help\]](#)
Approximately 24 trips a day. Estimated 10 or less motel units with 2 trips a day each.
- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe. [\[help\]](#)
No
- h. Proposed measures to reduce or control transportation impacts, if any: [\[help\]](#)
None

15. **Public Services** [\[help\]](#)

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe. [\[help\]](#)
Fire protection for additional motel units
- b. Proposed measures to reduce or control direct impacts on public services, if any. [\[help\]](#)
None

16. **Utilities** [\[help\]](#)

- a. Circle utilities currently available at the site: [\[help\]](#)
electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system,
other _____
- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed. [\[help\]](#)
Enlarge septic system for additional motel units

C. Signature [\[help\]](#)

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: _____
Name of signee Jack Loranger
Position and Agency/Organization Agent for Paradise Rock, LLC
Date Submitted: 3/1/2017

D. supplemental sheet for nonproject actions [\[help\]](#)

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

Proposed measures to avoid or reduce such increases are:

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

3. How would the proposal be likely to deplete energy or natural resources?

Proposed measures to protect or conserve energy and natural resources are:

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

Proposed measures to protect such resources or to avoid or reduce impacts are:

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

Proposed measures to avoid or reduce shoreline and land use impacts are:

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

Proposed measures to reduce or respond to such demand(s) are:

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.



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

NOTICE OF PUBLIC HEARING BEFORE THE SKAMANIA COUNTY HEARING EXAMINER

The Skamania County Hearing Examiner will hold a public hearing on Monday, April 20, 2020, at 5:30 PM, at the Skamania County Courthouse Annex Basement Meeting Room, at 170 NW Vancouver Ave, Stevenson WA, to consider the following applications received by the Skamania County Community Development Department:

FILE NUMBER:	SHR-20-01 (Shoreline Substantial Development Permit/Conditional Use Permit) CA-20-01 (Critical Areas Variance)
APPLICANT:	Paradise Rock, LLC 2122 Mabee Mines Road, Washougal, WA 98671
DESCRIPTION OF PROPOSAL:	The applicant requests a Shoreline Substantial Development Permit, a Shoreline Conditional Use Permit, and a Critical Areas Variance in order to construct a ten-unit motel with associated trails and parking on the Columbia River outside Stevenson, WA.
LOCATION:	45092 State Highway 14, Stevenson, WA 98648 A parcel in the SW ¼ of Section 36, T3N, R7.5E of the W.M.
PARCEL NO.:	03-75-36-3-0-1000-00

FILE NUMBER:	SHR-20-02 (Shoreline Substantial Development Permit) CA-20-02 (Critical Areas Variance)
APPLICANT:	PacifiCorp c/o Brett Horton, 825 NE Multnomah Street, Suite 1800, Portland, OR
DESCRIPTION OF PROPOSAL:	The applicant requests a Shoreline Substantial Development Permit and Critical Areas Variance in order to construct several improvements to the Swift Forest Camp related to the Americans with Disabilities Act (ADA). The applicant will install new pathways, a new dock access ramp, a new ADA play structure, and several ADA picnic tables.
LOCATION:	A parcel of land located in the NE ¼ of Section 34, T7N, R6E of the W.M. on the northeast side of the Swift Reservoir, south of USFS 90 Road.
PARCEL NO.:	07-06-34-0-0-0100-00

Comments will be accepted in writing, at or before the hearing, or orally at the hearing. If you bring written testimony or other documents to present at the hearing, the Hearing Examiner requests submission of at least three (3) copies for the record (one copy for the Hearing Examiner and two copies for the staff). Please send comments to the Community Development Department at P.O. Box 790 Stevenson, Washington 98648. Comments must address the review criteria and any comments received are a matter of public record.

The application and supporting documents are available for review at the Department office at the above address between 7:30 a.m. and 5:30 p.m., Monday through Thursday, except holidays. Copies of all application and supporting documents are available for purchase at \$0.15 per page at the Community Development Department at the above address between 7:30 a.m. and 5:30 p.m., Monday through Thursday, except holidays. Requests for copies must be paid for prior to release of the documents.

The Courthouse Annex is accessible for persons with disabilities. Please let us know if you will need any special accommodations in order to attend this meeting by calling 509-427-3900.

Publication Dates:
March 11, 2020
March 18, 2020


Alan Peters, AICP
Assistant Planning Director

PUBLIC NOTICE

Skamania County Community Development
Building/Fire Marshal · Environmental Health · Planning
170 NW Vancouver Avenue · PO Box 1009 Stevenson WA 98648
PH: 509-427-3900 · Inspection Line: 509-427-3922



NOTICE OF PUBLIC HEARING Shoreline Substantial Development Permit, Conditional Use Permit, and Critical Areas Variance

Hearing Date: Monday, April 20, 2020, at 5:30 PM
Hearing Location: Skamania County Courthouse Annex Basement Meeting Room, at 170 NW Vancouver Ave, Stevenson WA
Paradise Rock, LLC, 2122 Mabee Mines Road, Washougal, WA 98671
Applicant: Paradise Rock, LLC, 2122 Mabee Mines Road, Washougal, WA 98671
File No.: SHR-20-01, CA-20-01
Location: 45092 State Highway 14, Stevenson, WA 98648
A parcel in the SW ¼ of Section 36, T3N, R7.5E of the W.M.

Parcel No.: 03-75-36-3-0-1000-00
Description: The applicant requests a Shoreline Substantial Development Permit, a Shoreline Conditional Use Permit, and a Critical Areas Variance in order to construct a ten-unit motel with associated trails and parking on the Columbia River outside Stevenson, WA.

Comments will be accepted in writing for 30 days from the date of this notice, or orally at the hearing. Please send comments to the above address or to permitcenter@co.skamania.wa.us. **Please note that you do not need to attend this hearing in person to provide comment on the application. Written comments are preferred. Please do not attend this hearing if you are feeling ill. Visit www.skamaniacounty.org for meeting updates in the case of cancellation due to COVID-19.**

Additional information regarding this application is available at:
www.skamaniacounty.org/publicnotices

NOTICE DATE: March 18, 2020

PUBLIC NOTICE

Skamania County Community Development
Building/Fire Marshal · Environmental Health · Planning
170 NW Vancouver Avenue · PO Box 1009 Stevenson WA 98648
PH: 509-427-3900 · Inspection Line: 509-427-3922



NOTICE OF PUBLIC HEARING Shoreline Substantial Development Permit, Conditional Use Permit, and Critical Areas Variance

Hearing Date: Monday, April 20, 2020, at 5:30 PM
Hearing Location: Skamania County Courthouse Annex Basement Meeting Room, at 170 NW Vancouver Ave, Stevenson WA
Paradise Rock, LLC, 2122 Mabee Mines Road, Washougal, WA 98671
Applicant: Paradise Rock, LLC, 2122 Mabee Mines Road, Washougal, WA 98671
File No.: SHR-20-01, CA-20-01
Location: 45092 State Highway 14, Stevenson, WA 98648
A parcel in the SW ¼ of Section 36, T3N, R7.5E of the W.M.

Parcel No.: 03-75-36-3-0-1000-00
Description: The applicant requests a Shoreline Substantial Development Permit, a Shoreline Conditional Use Permit, and a Critical Areas Variance in order to construct a ten-unit motel with associated trails and parking on the Columbia River outside Stevenson, WA.

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NOTICE DATE: March 18, 2020

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NOTICE OF PUBLIC HEARING Shoreline Substantial Development Permit, Conditional Use Permit, and Critical Areas Variance

Hearing Date: Monday, April 20, 2020, at 5:30 PM
Hearing Location: Skamania County Courthouse Annex Basement Meeting Room, at 170 NW Vancouver Ave, Stevenson WA
Paradise Rock, LLC, 2122 Mabee Mines Road, Washougal, WA 98671
Applicant: Paradise Rock, LLC, 2122 Mabee Mines Road, Washougal, WA 98671
File No.: SHR-20-01, CA-20-01
Location: 45092 State Highway 14, Stevenson, WA 98648
A parcel in the SW ¼ of Section 36, T3N, R7.5E of the W.M.

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Description: The applicant requests a Shoreline Substantial Development Permit, a Shoreline Conditional Use Permit, and a Critical Areas Variance in order to construct a ten-unit motel with associated trails and parking on the Columbia River outside Stevenson, WA.

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Additional information regarding this application is available at:
www.skamaniacounty.org/publicnotices

NOTICE DATE: March 18, 2020

Exhibit 8. P

PUBLIC NOTICE

Skamania County Community Development
Building/Fire Marshal · Environmental Health · Planning
170 NW Vancouver Avenue · PO Box 1009 Stevenson WA 98648
PH: 509-427-3900 · Inspection Line: 509-427-3922



NOTICE OF PUBLIC HEARING Shoreline Substantial Development Permit, Conditional Use Permit, and Critical Areas Variance

Hearing Date: Monday, April 20, 2020, at 5:30 PM
Hearing Location: Skamania County Courthouse Annex Basement Meeting Room, at 170 NW Vancouver Ave, Stevenson WA
Paradise Rock, LLC, 2122 Mabee Mines Road, Washougal, WA 98671
Applicant: Paradise Rock, LLC, 2122 Mabee Mines Road, Washougal, WA 98671
File No.: SHR-20-01, CA-20-01
Location: 45092 State Highway 14, Stevenson, WA 98648
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Additional information regarding this application is available at:
www.skamaniacounty.org/publicnotices

NOTICE DATE: March 18, 2020



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

REVISED NOTICE OF PUBLIC HEARING BEFORE THE SKAMANIA COUNTY HEARING EXAMINER

The Skamania County Hearing Examiner will hold a public hearing on Monday, April 20, 2020, at 5:30 PM. Due to current circumstances related to COVID-19 and Governor Inslee's "Stay Home, Stay Safe" Order, this meeting will be held by remote video conference. No in-person meeting will be held. See additional details on the following page regarding meeting participation.

The following application will be considered:

FILE NUMBER:	SHR-20-02 (Shoreline Substantial Development Permit) CA-20-02 (Critical Areas Variance)
APPLICANT:	PacifiCorp c/o Brett Horton, 825 NE Multnomah Street, Suite 1800, Portland, OR
DESCRIPTION OF PROPOSAL:	The applicant requests a Shoreline Substantial Development Permit and Critical Areas Variance in order to construct several improvements to the Swift Forest Camp related to the Americans with Disabilities Act (ADA). The applicant will install new pathways, a new dock access ramp, a new ADA play structure, and several ADA picnic tables.
LOCATION:	A parcel of land located in the NE ¼ of Section 34, T7N, R6E of the W.M. on the northeast side of the Swift Reservoir, south of USFS 90 Road.
PARCEL NO.:	07-06-34-0-0-0100-00

The following application has been postponed until the May 18, 2020 hearing, which will begin at 5:30 PM. This meeting is also tentatively scheduled for remote video conference:

FILE NUMBER:	SHR-20-01 (Shoreline Substantial Development Permit/Conditional Use Permit) CA-20-01 (Critical Areas Variance)
APPLICANT:	Paradise Rock, LLC 2122 Mabee Mines Road, Washougal, WA 98671
DESCRIPTION OF PROPOSAL:	The applicant requests a Shoreline Substantial Development Permit, a Shoreline Conditional Use Permit, and a Critical Areas Variance in order to construct a ten-unit motel with associated trails and parking on the Columbia River outside Stevenson, WA.
LOCATION:	45092 State Highway 14, Stevenson, WA 98648 A parcel in the SW ¼ of Section 36, T3N, R7.5E of the W.M.
PARCEL NO.:	03-75-36-3-0-1000-00

The meeting will be held using Zoom. All are welcome to participate in this remote hearing. If you are interested in participating, please notify Alan Peters at apeters@co.skamania.wa.us so you can be sent instructions for attending the meeting. Pre-registration is requested, but a meeting link will also be shared at <https://www.skamaniacounty.org/departments-offices/community-development/planning-division/hearing-examiner> on the day of the meeting.

It is strongly suggested that you submit any comments by email prior to the hearing. Oral comments will also be accepted during the hearing. Please send comments to the Community Development Department at permitcenter@co.skamania.wa.us or P.O. Box 790 Stevenson, Washington 98648. Comments must address the review criteria and any comments received are a matter of public record.



Alan Peters, AICP
Assistant Planning Director



Skamania County Community Development
 Building/Fire Marshal · Environmental Health · Planning
 170 NW Vancouver Avenue · PO Box 1009 Stevenson WA 98648
 PH: 509-427-3900 · Inspection Line: 509-427-3922

PUBLIC NOTICE

REVISED - NOTICE OF PUBLIC HEARING Shoreline Substantial Development Permit, Conditional Use Permit, and Critical Areas Variance

Hearing Date: **Monday, May 18, 2020, at 5:30 PM**
Hearing Location: This meeting will tentatively be held via remote video conference, or if in person at the Skamania County Courthouse Annex Basement Meeting Room, at 170 NW Vancouver Ave, Stevenson WA. See below for more information.
 Paradise Rock, LLC, 2122 Mabee Mines Road, Washougal, WA 98671
Applicant: SHR-20-01, CA-20-01
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Description: The applicant requests a Shoreline Substantial Development Permit, a Shoreline Conditional Use Permit, and a Critical Areas Variance in order to construct a ten-unit motel with associated trails and parking on the Columbia River outside Stevenson, WA.

Additional information regarding this application is available at: www.skamaniacounty.org/publicnotices/. Comments will be accepted in writing for 30 days from the date of this notice, or orally at the hearing. Please send comments to the above address or to permitcenter@co.skamania.wa.us.

Due to current circumstances related to the COVID-19 pandemic and Washington's "Stay Home, Stay Healthy" order, this hearing has been postponed until May 18, 2020. The hearing may be held via remote video conference, in accordance with direction from the State of Washington. Visit www.skamaniacounty.org or Alan Peters at apeters@co.skamania.wa.us for meeting updates and instructions on how to participate.



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PUBLIC NOTICE

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Hearing Date: **Monday, May 18, 2020, at 5:30 PM**
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Applicant: SHR-20-01, CA-20-01
File No.: 45092 State Highway 14, Stevenson, WA 98648
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Parcel No.: 03-75-36-3-0-1000-00
Description: The applicant requests a Shoreline Substantial Development Permit, a Shoreline Conditional Use Permit, and a Critical Areas Variance in order to construct a ten-unit motel with associated trails and parking on the Columbia River outside Stevenson, WA.

Additional information regarding this application is available at: www.skamaniacounty.org/publicnotices/. Comments will be accepted in writing for 30 days from the date of this notice, or orally at the hearing. Please send comments to the above address or to permitcenter@co.skamania.wa.us.

Due to current circumstances related to the COVID-19 pandemic and Washington's "Stay Home, Stay Healthy" order, this hearing has been postponed until May 18, 2020. The hearing may be held via remote video conference, in accordance with direction from the State of Washington. Visit www.skamaniacounty.org or Alan Peters at apeters@co.skamania.wa.us for meeting updates and instructions on how to participate.



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Applicant: SHR-20-01, CA-20-01
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Additional information regarding this application is available at: www.skamaniacounty.org/publicnotices/. Comments will be accepted in writing for 30 days from the date of this notice, or orally at the hearing. Please send comments to the above address or to permitcenter@co.skamania.wa.us.

Due to current circumstances related to the COVID-19 pandemic and Washington's "Stay Home, Stay Healthy" order, this hearing has been postponed until May 18, 2020. The hearing may be held via remote video conference, in accordance with direction from the State of Washington. Visit www.skamaniacounty.org or Alan Peters at apeters@co.skamania.wa.us for meeting updates and instructions on how to participate.



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

NOTICE OF PUBLIC HEARING BEFORE THE SKAMANIA COUNTY HEARING EXAMINER

The Skamania County Hearing Examiner will hold a public hearing on Monday, May 18, 2020, at 5:30 PM, to consider the following applications received by the Community Development Department:

FILE NUMBER:	SHR-20-01 (Shoreline Substantial Development Permit/Conditional Use Permit) CA-20-01 (Critical Areas Variance)
APPLICANT:	Paradise Rock, LLC 2122 Mabee Mines Road, Washougal, WA 98671
DESCRIPTION OF PROPOSAL:	The applicant requests a Shoreline Substantial Development Permit, a Shoreline Conditional Use Permit, and a Critical Areas Variance in order to construct a ten-unit motel with associated trails and parking on the Columbia River outside Stevenson, WA.
LOCATION:	45092 State Highway 14, Stevenson, WA 98648 A parcel in the SW ¼ of Section 36, T3N, R7.5E of the W.M.
PARCEL NO.:	03-75-36-3-0-1000-00

FILE NUMBER:	VAR-20-04 (Variance)
APPLICANT:	Ed and Diane Swick, 251 Lakeside Drive, White Salmon, Washington
DESCRIPTION OF PROPOSAL:	Applicant is requesting a variance to reduce the rear yard setback from 20 feet to 5 feet in order to place a 864 square foot equipment storage shed/art studio.
LOCATION:	251 Lakeside Drive, White Salmon
PARCEL NO.:	03-10-03-0-0-0206-00

Due to current circumstances related to the COVID-19 pandemic and Washington's "Stay Home, Stay Healthy" order, this meeting will tentatively be held via remote video conference, or if in person at the Skamania County Courthouse Annex Basement Meeting Room, at 170 NW Vancouver Ave, Stevenson WA.

Please visit www.skamaniacounty.org/hearingexaminer for updates on the meeting venue and instructions on how to participate, or email Alan Peters at apeters@co.skamania.wa.us to be notified of any updates.

Comments will be accepted in writing, at or before the hearing, or orally at the hearing. If you bring written testimony or other documents to present at the hearing, the Hearing Examiner requests submission of at least three (3) copies for the record (one copy for the Hearing Examiner and two copies for the staff). Due to COVID-19, written comments are preferred and should be sent to permitcenter@co.skamania.wa.us. Comments may also be sent to the Community Development Department at P.O. Box 790 Stevenson, Washington 98648. Comments must address the review criteria and any comments received are a matter of public record.

Please visit www.skamaniacounty.org/publicnotices to view application materials for these proposals.

A handwritten signature in black ink that reads "Alan Peters". The signature is written in a cursive, flowing style.

Alan Peters, AICP
Assistant Planning Director

Alan Peters

From: Cemetery <skacocemetery@embarqmail.com>
Sent: Thursday, March 26, 2020 2:01 PM
To: 'Jack'; Alan Peters; stephanie.jolivette@dahp.wa.gov
Cc: 'Megan Busschau'
Subject: RE: FW: Stevenson Cemetery concern

Follow Up Flag: Follow up
Flag Status: Completed

WARNING: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Jack, Alan, Stephanie and Megan,

Jack, thank you for the picture and clarifying information.

The area of concern in regards to human remains is the proposed parking near the lowest gate on the SE portion of the project site as there are human remains along both property lines beyond the existing cemetery road, historically referenced as the potters field. The Cemetery District has no concerns regarding human remains on the proposed parking in the foreground of your provided picture. There is however a boundary discrepancy regarding the project site property line along the cemetery road, the 1987 survey is on file in the Cemetery Office. Concern regarding the existing road is that it remains to be accessed as it historically has during construction and in the future. This may impact guest access to your site as the cemetery road could be lined with a funeral procession temporarily blocking both proposed parking areas. Due to burials East of the cemetery road, altering its location would not be feasible.

If further clarification is needed, feel free to contact our office. Our office has been instructed to work remotely so there may be some delays in response time.

Sincerely,

Lisa Nelson
Office Manager
Skamania County Cemetery District
skacocemetery@embarqmail.com

From: Jack <jack@shorelinepermits.com>
Sent: Thursday, March 26, 2020 11:30 AM
To: Alan Peters <apeters@co.skamania.wa.us>; skacocemetery@embarqmail.com; stephanie.jolivette@dahp.wa.gov
Cc: Megan Busschau <dmbusschau@yahoo.com>
Subject: Re: FW: Stevenson Cemetery concern

Hi Alan, Stephanie and Lisa,

The east boundary of the project site has been surveyed and is, for the most part, at the east edge of Cemetery Road. On the west edge of Cemetery road there is an adjacent area ,approximately the width of the road, running most of the length of the road, that was previously graded and graveled at the same grade as the road. This is the area designated for proposed parking. I have attached a photo of the area. it is the area just to the left of the fence. We do not foresee any grading, just dressing it up with fresh gravel. We will be instructing all contractors not to encroach on the Cemetery property.

I hope this addresses your concerns.
Jack Loranger, Agent for Paradise Rock LLC

On 3/25/2020 7:41 AM, Alan Peters wrote:

Hi Jack,
Wanted to share some comments we've received from the Cemetery District regarding your application.

Alan

From: Cemetery <skacocemetery@embarqmail.com>
Sent: Tuesday, March 24, 2020 5:29 PM
To: 'Jolivette, Stephanie (DAHP)' <stephanie.jolivette@dahp.wa.gov>
Cc: Alan Peters <apeters@co.skamania.wa.us>
Subject: RE: Stevenson Cemetery concern

WARNING: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Stephanie and Alan,
Stephanie, thanks for clarifying. No work is currently being done in or affecting the cemetery. In order to establish the proposed parking area it is very likely the cemetery boundary will be crossed in an area where there are additional unmarked burials within the cemetery boundary. The Cemetery District has had a similar incident at another cemetery (crossing cemetery boundary for ease of neighboring construction) and would like to be proactive to prevent damage/disrespect to historic unmarked burials.

Thanks,

Lisa Nelson
Office Manager
Skamania County Cemetery District
509-427-4114
skacocemetery@embarqmail.com

From: Andrew Lembrick <lembrick@co.skamania.wa.us>
Sent: Tuesday, March 24, 2020 4:38 PM
To: Jolivette, Stephanie (DAHP) <stephanie.jolivette@dahp.wa.gov>; SC Cemetery District [external] <skacocemetery@embarqmail.com>
Cc: Alan Peters <apeters@co.skamania.wa.us>
Subject: RE: Stevenson Cemetery concern

Hi Stephanie and Lisa,

Please copy Alan Peters on any correspondence regarding this project. I am not as involved in the project as he is. Thanks.

Andrew P. Lembrick, L.G. | Land Use Planner
lembrick@co.skamania.wa.us

Skamania County Community Development

170 NW Vancouver Avenue
P.O. Box 1009
Stevenson, WA 98648

(509) 427-3900

www.skamaniacounty.org (<http://www.skamaniacounty.org/>)

From: Jolivette, Stephanie (DAHP) <stephanie.jolivette@dahp.wa.gov>
Sent: Tuesday, March 24, 2020 4:21 PM
To: SC Cemetery District [external] <skacocemetery@embarqmail.com>
Cc: Andrew Lembrick <lembrick@co.skamania.wa.us>
Subject: RE: Stevenson Cemetery concern

WARNING: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Lisa,

Thank you for contacting the DAHP about this project. I was able to find a DAHP project (2017-06-04541) assigned to this construction. The US Army Corps is the lead agency on this project. They required an archaeological survey on the property and are avoiding any archaeology found. They are also having archaeologists monitor near any potential archaeology areas in the project area.

I will, however, check in with the USACE and verify that the potential for human remains is being specifically considered. I also forwarded your concerns to Dr. Guy Tasa, our state physical anthropologist, who has actually visited this cemetery – so I will see what his concern level is.

Is any work occurring within the current cemetery boundary? Including utilities or drainage for the hotel project? Or just immediately adjacent? I understand that you are concerned about remains outside the current boundary, but I just wanted to verify.

Stay healthy!
Best,
Stephanie



Stephanie Jolivette | Local Government Archaeologist
360.586.3088 | stephanie.jolivette@dahp.wa.gov

Department of Archaeology & Historic Preservation | www.dahp.wa.gov
1110 Capitol Way S, Suite 30 | Olympia WA 98501
PO Box 48343 | Olympia WA 98504-8343

***NOTE: As of March 16, 2020 the DAHP has been ordered to work remotely. All staff continue to work, but there may be some delays in response time. Please be patient as we adjust to the new reality. ***

From: Cemetery <skacocemetery@embarqmail.com>
Sent: Tuesday, March 24, 2020 2:10 PM
To: Jolivette, Stephanie (DAHP) <stephanie.jolivette@dahp.wa.gov>
Cc: 'Andrew Lembrick' <lembrick@co.skamania.wa.us>
Subject: Stevenson Cemetery concern

Hi Stephanie & Andrew,
Skamania County Cemetery District received the attached public notice regarding a neighboring property to the Stevenson Cemetery. Our staff have been told by previous employees that there are historical burials in the attached proposed parking areas as shown on the final page of the application: <https://www.skamaniacounty.org/home/showdocument?id=2311>. The application indicates the cultural (archaeological) resources were accounted for but being compliant with human remains isn't referenced. Our staff have discussed this concern with the property owners over the last few years. We are inclined to bring it to your attention as well. If we can be of further assistance feel free to contact our office.

Sincerely,

Lisa Nelson
Office Manager
Skamania County Cemetery District
802 Metzger Rd/ PO Box 357
Carson WA 98610
509-427-4114
skacocemetery@embarqmail.com



Alan Peters

From: Jolivette, Stephanie (DAHP) <stephanie.jolivette@dahp.wa.gov>
Sent: Monday, March 30, 2020 1:00 PM
To: Jack; Alan Peters; SC Cemetery District [external]
Cc: Megan Busschau
Subject: RE: FW: Stevenson Cemetery concern

WARNING: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello All, It looks like this got stuck in my outbox last week when we were having server issues. If a copy of this email originally got through to you please ignore. If there have been subsequent discussions making some of this out of date please let me know.

Still working on the teleworking. Original message starts here:

Hello Jack,

I was a bit confused by the photo. Is the proposed area for the parking lot the forest in the picture? It does not look like it has been graded, other than a few feet to put in the fence. Are the trees going to be cut down, stumps grubbed, etc... or am I reading this wrong?

Also, I have reviewed the original archaeological survey report that was undertaken by the Army Corps. At the time of the survey the parking areas had not been proposed and thus only a single shovel probe was excavated to the north of the proposed parking area. The parking area itself had a surface survey, where no obvious burial depressions were seen, however that does not mean there are no burials there. If you could clarify a little more about the work proposed along the road and parking areas it would be helpful. If any grading, scraping, digging is proposed I have concerns. If they are literally just dumping gravel on top of the ground surface with absolutely no other modifications I may have a different recommendation.

In general, anytime a project is working immediately adjacent to a historic cemetery we have concerns about burials outside the fenceline. It was very common for people to be buried outside the cemetery. Either because they could not afford the burial costs (burying outside was free), or they were not allowed to bury inside due to being an ethnic minority, someone who committed suicide, or an infant that had not yet been baptized (for religious cemeteries). Burials outside of cemeteries also sometimes did not follow the six foot rule, and can be buried much shallower. Unfortunately, it means these areas are always fraught with danger for new construction.

It looks like the survey report finished with the recommendation to avoid the archaeological site 45SA650 located within the project area. The boundaries of this site are somewhat unclear. My feeling is that additional work is needed to determine the extent of the site so that it can be avoided. Any work within the site boundaries will require a DAHP Site Alteration & Excavation Permit prior to ground disturbing activities. This involves driving over the site with heavy equipment, staging materials on the site, or more direct impacts such as digging for utilities. If the site boundaries are not better defined then archaeological monitoring within the site buffer area will be recommended at a minimum.

To account for the cemetery issues, I would recommend any ground disturbing work within 30 meters (100 feet) of the cemetery boundary should be monitored by a professional archaeologist. Shovel probe excavations are often not a very efficient way to locate burials, as it is possible to put every hole between the burials and find nothing. Monitoring of initial surface scraping is fairly efficient as the outline of a burial vault is usual immediately evident to a trained archaeologist when the top duff is removed.

I was planning to provide an official letter during the SEPA review period, but it looks like the DAHP was not specifically consulted. Any SEPA needing review can be sent to SEPA@dahp.wa.gov

I know the roll out of this project has been complicated, as it was originally being overseen by the Army Corps. My contacts at the Corps tell me that the applicant has withdrawn their dock permit and thus the archaeological review no longer falls under Section 106 federal review, but reverts back to SEPA and state level archaeology review. It has taken me two days of emails to sort that out, so I understand it may be confusing to everyone else as well. I am happy to help.

Let me know if you need additional information at the time. And please do clarify the photo and the plans for modification for the parking areas.

Best,
Stephanie



Stephanie Jolivette | Local Government Archaeologist
360.586.3088 | stephanie.jolivette@dahp.wa.gov

Department of Archaeology & Historic Preservation | www.dahp.wa.gov
1110 Capitol Way S, Suite 30 | Olympia WA 98501
PO Box 48343 | Olympia WA 98504-8343

***NOTE: As of March 16, 2020 the DAHP has been ordered to work remotely. All staff continue to work, but there may be some delays in response time. Please be patient as we adjust to the new reality. ***

From: Jack <jack@shorelinepermits.com>
Sent: Thursday, March 26, 2020 11:30 AM
To: Alan Peters <apeters@co.skamania.wa.us>; skacocemetery@embarqmail.com; Jolivette, Stephanie (DAHP) <stephanie.jolivette@dahp.wa.gov>
Cc: Megan Busschau <dmbusschau@yahoo.com>
Subject: Re: FW: Stevenson Cemetery concern

Hi Alan, Stephanie and Lisa,

The east boundary of the project site has been surveyed and is, for the most part, at the east edge of Cemetery Road. On the west edge of Cemetery road there is an adjacent area, approximately the width of the road, running most of the length of the road, that was previously graded and graveled at the same grade as the road. This is the area designated for proposed parking. I have attached a photo of the area. it is the area just to the left of the fence. We do not foresee any grading, just dressing it up with fresh gravel. We will be instructing all contractors not to encroach on the Cemetery property.

I hope this addresses your concerns.
Jack Loranger, Agent for Paradise Rock LLC

On 3/25/2020 7:41 AM, Alan Peters wrote:

Hi Jack,
Wanted to share some comments we've received from the Cemetery District regarding your application.

Alan

From: Cemetery <skacocemetery@embarqmail.com>
Sent: Tuesday, March 24, 2020 5:29 PM
To: 'Jolivette, Stephanie (DAHP)' <stephanie.jolivette@dahp.wa.gov>
Cc: Alan Peters <apeters@co.skamania.wa.us>
Subject: RE: Stevenson Cemetery concern

WARNING: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Stephanie and Alan,
Stephanie, thanks for clarifying. No work is currently being done in or affecting the cemetery. In order to establish the proposed parking area it is very likely the cemetery boundary will be crossed in an area where there are additional unmarked burials within the cemetery boundary. The Cemetery District has had a similar incident at another cemetery (crossing cemetery boundary for ease of neighboring construction) and would like to be proactive to prevent damage/disrespect to historic unmarked burials.

Thanks,

Lisa Nelson
Office Manager
Skamania County Cemetery District
509-427-4114
skacocemetery@embarqmail.com

From: Andrew Lembrick <lembrick@co.skamania.wa.us>
Sent: Tuesday, March 24, 2020 4:38 PM
To: Jolivette, Stephanie (DAHP) <stephanie.jolivette@dahp.wa.gov>; SC Cemetery District [external] <skacocemetery@embarqmail.com>
Cc: Alan Peters <apeters@co.skamania.wa.us>
Subject: RE: Stevenson Cemetery concern

Hi Stephanie and Lisa,

Please copy Alan Peters on any correspondence regarding this project. I am not as involved in the project as he is. Thanks.

Andrew P. Lembrick, L.G. | Land Use Planner
lembrick@co.skamania.wa.us

Skamania County Community Development
170 NW Vancouver Avenue
P.O. Box 1009
Stevenson, WA 98648

(509) 427-3900

www.skamaniacounty.org (<http://www.skamaniacounty.org/>)

From: Jolivette, Stephanie (DAHP) <stephanie.jolivette@dahp.wa.gov>
Sent: Tuesday, March 24, 2020 4:21 PM
To: SC Cemetery District [external] <skacocemetery@embarqmail.com>
Cc: Andrew Lembrick <lembrick@co.skamania.wa.us>
Subject: RE: Stevenson Cemetery concern

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Hello Lisa,

Thank you for contacting the DAHP about this project. I was able to find a DAHP project (2017-06-04541) assigned to this construction. The US Army Corps is the lead agency on this project. They required an archaeological survey on the property and are avoiding any archaeology found. They are also having archaeologists monitor near any potential archaeology areas in the project area.

I will, however, check in with the USACE and verify that the potential for human remains is being specifically considered. I also forwarded your concerns to Dr. Guy Tasa, our state physical anthropologist, who has actually visited this cemetery – so I will see what his concern level is.

Is any work occurring within the current cemetery boundary? Including utilities or drainage for the hotel project? Or just immediately adjacent? I understand that you are concerned about remains outside the current boundary, but I just wanted to verify.

Stay healthy!
Best,
Stephanie



Stephanie Jolivette | Local Government Archaeologist
360.586.3088 | stephanie.jolivette@dahp.wa.gov

Department of Archaeology & Historic Preservation | www.dahp.wa.gov
1110 Capitol Way S, Suite 30 | Olympia WA 98501
PO Box 48343 | Olympia WA 98504-8343

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From: Cemetery <skacocemetery@embarqmail.com>
Sent: Tuesday, March 24, 2020 2:10 PM
To: Jolivette, Stephanie (DAHP) <stephanie.jolivette@dahp.wa.gov>
Cc: 'Andrew Lembrick' <lembrick@co.skamania.wa.us>
Subject: Stevenson Cemetery concern

Exhibit 13. Page 5.

Hi Stephanie & Andrew,
Skamania County Cemetery District received the attached public notice regarding a neighboring property to the Stevenson Cemetery. Our staff have been told by previous employees that there are historical burials in the attached proposed parking areas as shown on the final page of the application: <https://www.skamaniacounty.org/home/showdocument?id=2311>. The application indicates the cultural (archaeological) resources were accounted for but being compliant with human remains isn't referenced. Our staff have discussed this concern with the property owners over the last few years. We are inclined to bring it to your attention as well. If we can be of further assistance feel free to contact our office.

Sincerely,

Lisa Nelson
Office Manager
Skamania County Cemetery District
802 Metzger Rd/ PO Box 357
Carson WA 98610
509-427-4114
skacocemetery@embarqmail.com



Alan Peters

From: Christian Nauer <christian.nauer@ctwsbnr.org>
Sent: Thursday, April 2, 2020 2:47 PM
To: Alan Peters
Cc: Robert Brunoe
Subject: Re: SHR-20-01/CA-20-01
Attachments: PastedGraphic-1.pdf

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Hi Alan,

Thank you very much for the opportunity to provide comment on the SHR-20-01/CA-20-01 Project.

General Comment:

As the technical reviewer for NHPA Section 106 and other cultural resource issues for the Confederated Tribes of the Warm Springs Reservation of Oregon (CTWSRO), the CTWSRO Tribal Historic Preservation Office (THPO) has concerns with the potential effects to historic properties or cultural resources within the Project Area of Potential Effects (APE). The Project APE is within the areas of concern for the CTWSRO.

Project-specific Comment(s):

Please keep this office in the loop on forthcoming efforts to identify, evaluate, and protect historic properties and cultural resources.

Thank you for your efforts to protect cultural resources.

Best Regards, and Stay Safe,

Christian

Christian Nauer, MS
Archaeologist
Confederated Tribes of the Warm Springs Reservation of Oregon
Branch of Natural Resources

christian.nauer@ctwsbnr.org

Office 541.553.2026

Cell 541.420.2758

Standard Disclaimers:

*The Confederated Tribes of the Warm Springs Reservation of Oregon have reserved treaty rights in Ceded Lands, as well as Usual and Accustomed and Aboriginal Areas, as set forth through the Treaty with the Middle Tribes of Oregon, June 25, 1855.

Exhibit 14. Page 2.

*Please know that review by the Tribal Historic Preservation Office does not constitute Government-to-Government consultation. Please ensure that appropriate Government-to-Government consultation is made with the Confederated Tribes of the Warm Springs Tribal Council.

*The opinions expressed by this author do not necessarily represent those of the Confederated Tribes of the Warm Springs Reservation of Oregon. Information, contents, and attachments in this email are Private and Confidential.

On Mar 18, 2020, at 11:50 AM, Alan Peters <apeters@co.skamania.wa.us> wrote:

See attached notice of public hearing for SHR-20-01 and CA-20-01, a request for a Shoreline Substantial Development Permit, a Shoreline Conditional Use Permit, and a Critical Areas Variance in order to construct a ten-unit motel with associated trails and parking on the Columbia River outside Stevenson, WA.

Alan Peters, AICP | Assistant Planning Director
SKAMANIA COUNTY COMMUNITY DEVELOPMENT
170 NW Vancouver Ave | PO Box 1009 | Stevenson, WA 98648
apeters@co.skamania.wa.us | 509.427.3906

<SHR-20-01_HearingNotice.pdf><SHR-20-01_ApplicationMaterials_1.pdf>

Alan Peters

From: Todd B Parrish <toddp@northwestern.edu>
Sent: Monday, April 13, 2020 6:09 AM
To: Permitcenter
Subject: comments regarding SHR-20-01, CA-20-01

Follow Up Flag: Follow up
Flag Status: Flagged

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Here are my comments and concerns regarding this project.

Concerns for project SHR-20-01, CA-20-01

Conditional use concerns (pg. 18 of packet) #2 & #3.

These limit the safety and traffic associated with the use. This development will increase the level traffic significantly to the small train crossing as well as entrance to Hwy 14 when the speed limit is 55 mph. With patrons, deliveries, and employee traffic there will be a huge increase in traffic and high risk of accidents that wouldn't have existed. This seems like it affects the safety and traffic conditions even though the application indicates it will not.

Conditional use #4 (pg 19)

Offsite septic drain fields. The application states that the septic drain field will be across Hwy 14 but it is not explicitly stated where. This area still drains into the river. It does not seem that adding that much of a load to the wetlands around this site is appropriate. Furthermore, the septic tank shows a drainfield within the 50' buffer of the river's edge.

Environmental Element Goals and Policies (pg 19)

Goal E.2 seems in violation by increasing the septic drainage by a factor of 10 right on the river's edge. Furthermore, it is unclear what the mitigation zones are made of or designed to mitigate – construction or daily impact.

Transportation Goals (pg 20)

Goal #2 – priority of increased safety is not addressed by increasing the traffic at the train crossing and increasing the exit/entrance traffic at the small side road.

Circulation element (pg 24)

There is no circulation development proposed. This is a mistake since this will alter the amount of traffic that will be utilizing a small side road off a major highway. A proper traffic study including interaction with the train crossing should be required.

Conservation Element (pg 25)

The modification of the site will have 10-14 parking spaces at the river's edge. The runoff from this will go directly into the river based on the slope shown in the drawings. As stated these are fragile elements that should not be assaulted with runoff and septic tank drainfields.

Critical area variance.

regarding #2: Because the bulk of the land is in the critical zone and only 0.07 acres are usable for development does not justify the variance. The property is unable to support the proposed development. Granting the variance will increase the risk of traffic injury and damage to the environment due to the project. Paradise rock is asking that they be able to parlay their 0.07 usable land to build on the whole site. This request is well beyond a typical variation which might ask for a setback reduction or something of the like.

Todd Parrish, Ph.D.
Department of Radiology **312.926.2494 [off]**
Northwestern University **312.926.5991 [fax]**
737 Michigan Ave 16th Flr **312.695.2568 [pag]**
Chicago, IL 60611
www.neuroimaging.northwestern.edu

