

112986

COPY  
ORIGINAL FILED

FEB 21 1992

Joanne McBride Clerk

SUPERIOR COURT OF WASHINGTON FOR CLARK COUNTY

MARIE COBINE,

Petitioner,

vs.

SKAMANIA COUNTY, a Municipal  
Corporation, SKAMANIA COUNTY  
BOARD OF ADJUSTMENT being TOM  
LINDE, TIM COLLINS, JUDY  
TEITZEL, ROBERT BARNES, and  
CHARLOTTE PAYNE,

Respondents.

No.

92 2 00533

BY ROBERT L. BARNES

SUMMONS

FILED FOR RECORD

SKAMANIA COUNTY, WASH.

BY *Lunderholm, Mcovich*

*Lansverk & Whitesides, Inc.*

FEB 21 5 21 AM '92

*V. Salomon*

GARY E. OLSON

TO:

SKAMANIA COUNTY, a Municipal Corporation,  
SKAMANIA COUNTY BOARD OF ADJUSTMENT being TOM  
LINDE, TIM COLLINS, JUDY TEITZEL, ROBERT BARNES  
and CHARLOTTE PAYNE:

A lawsuit has been started against you in the above-  
entitled court by MARIE COBINE. Petitioner's claim is stated in  
the written Petition, a copy of which is served upon you with  
this Summons.

In order to defend against this lawsuit, you must  
respond to the Complaint by stating your defense in writing, and  
serve a copy upon the undersigned attorneys for the Petitioner  
within twenty (20) days after the service of this Summons if  
served upon you within this state, and within sixty (60) days  
after service of this Summons if served upon you outside of  
Washington, excluding the day of service, or a default judgment  
may be entered against you without notice. A default judgment is  
one in which Petitioner is entitled to what they ask for because  
you have not responded. If you serve a notice of appearance on  
the undersigned attorney, you are entitled to notice before a  
default judgment may be entered.

You may demand that the Petitioner file this lawsuit  
with the Court. If you do so, the demand must be in writing and  
must be served upon Petitioner's attorneys. Within fourteen (14)  
days after you serve the demand, the Petitioner must file this

SUMMONS - 1


Registered  
Indexed, Dir. *1*  
Indirect  
Filed *2/28/92*  
Mailed

LAW OFFICES OF  
Lunderholm, Mcovich,  
Lansverk & Whitesides, Inc., P.S.  
Broadway at Evergreen, Suite 400  
P.O. Box 1086  
Vancouver, Washington 98666  
(206) 696-3312

1 lawsuit with the Court, or the service on you of this Summons and  
2 Complaint will be void.

3 If you wish to seek the advice of an attorney in this  
4 matter, you should do so promptly so that your written response,  
5 if any, may be served on time.

6 This Summons is issued pursuant to Rule 4 of the  
7 Superior Court Civil Rules of the State of Washington.

8   
9 LISA M. GRAHAM, WSBA #21258  
10 of Landerholm, Memovich, Lansverk  
11 & Whitesides, Inc., P.S.  
12 Attorneys for Petitioner  
13 P.O. Box 1086, 915 Broadway  
14 Vancouver, Washington 98666-1086  
15 Tel. Vanc. (206) 696-3312  
16 Tel. Portland (503) 283-3393  
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COPY  
ORIGINAL FILED

FEB 21 1992

Marlene McBride, Clerk, Clark Co.

SUPERIOR COURT OF WASHINGTON FOR CLARK COUNTY

MARIE COBINE,

No. 92 2 00533 0

Petitioner,

vs.

PETITION FOR WRIT OF CERTIORARI  
AND/OR WRIT OF MANDAMUS

SKAMANIA COUNTY, SKAMANIA  
COUNTY BOARD OF ADJUSTMENT,  
TOM LINDE, TIM COLLINS,  
JUDY TEITZEL, ROBERT  
BARNES, AND CHARLOTTE  
PAYNE,

Respondents.

Petitioner alleges as follows:

1. Petitioner is the owner of certain rural property located in Skamania County at Mile Post 10.38L Wind River Road, Stabler, Washington.

2. Petitioner submitted to the Skamania County Planning Staff, a preliminary plat application for a planned residential development (CU-91-06) of forty (40) lots located in the Residential-2 zone in Skamania County, Washington.

3. On or about October 9, 1991, the Skamania County Planning Staff issued a report recommending conditional approval of CU-91-06. A copy of the Staff Report is attached as Exhibit "A" and incorporated herein by reference.

PETITION FOR WRIT OF CERTIORARI  
AND/OR WRIT OF MANDAMUS - 1

LAW OFFICES OF  
Landerholm, Menovich,  
Linsvick & Whitesides, Inc., P.S.  
Broadway at Evergreen, Suite 400  
P.O. Box 1088  
Vancouver, Washington 98666  
(206) 896-3312

1           4. On or about December 5, 1991, the Skamania County  
2 Board of Adjustment (Board) heard the Petitioner's proposal.  
3 This hearing was continued to February 6, 1992 so that additional  
4 issues could be addressed by the Petitioner. A copy of the  
5 minutes of the hearing is attached hereto as Exhibit "B" and  
6 incorporated herein by reference.

7           5. On or about February 6, 1992, the Board reconvened  
8 and again heard the Petitioner's proposal. The Board voted to  
9 deny the Petitioner's application for a planned residential  
10 development. A copy of the minutes of the hearing and the Order  
11 to Deny application CU-91-06 (Wind River Village) is attached as  
12 Exhibit "C" and incorporated herein by reference.

13           6. The Board of Adjustment of Skamania County  
14 committed legal and factual errors in denying the application CU-  
15 91-06 (Wind River Village). The legal and factual errors which  
16 were committed by the Board include, but are not limited to, the  
17 following:

18           a. The Board failed to issue Findings of Fact and  
19 Conclusions of Law as mandated by RCW 36.70.900.

20           b. The Board erred in concluding that the Wind River  
21 Village planned residential development did not meet  
the standards of the Skamania County Zoning Code,  
Shoreline Master Program and Comprehensive Plan.

22           c. The Board erred in concluding that the proposed  
23 conditional use was not "in the best interest of the  
public, health, safety and welfare".

24           d. The Board's decision to deny the Wind River  
25 Village planned residential development, which meets  
all development criteria of the Skamania County Code  
26 and complies with all other applicable code provisions  
and laws, is based on community displeasure and not on

1 the standards required by the Skamania County Code or  
2 Washington law and is clearly erroneous, arbitrary and  
capricious and otherwise not in accordance with law.

3 **FIRST CLAIM FOR RELIEF**

4 (Application for Writ of Review [Certiorari])

5 7. The allegations of paragraphs 1-6 are hereby  
6 restated and incorporated by reference herein.

7 8. Petitioner, MARIE COBINE, pursuant to RCW  
8 36.70.890 and 7.16 et. seq., petitions the above captioned Court  
9 for a Writ of Certiorari directed to Skamania County, Washington,  
10 and the Board of Adjustment of Skamania County, Washington,  
11 requiring said County and Board of Adjustment to certify to this  
12 Court at a specified time and place a full transcript of the  
13 record and proceedings heard in said cause for review herein, and  
14 that thereupon the Court review the same as to a claim by  
15 Petitioner that the proceedings taken by Skamania County and its  
16 Board of Adjustment are void for being in violation of statute,  
17 clearly erroneous, arbitrary and capricious, and otherwise  
18 contrary to law.

19 **SECOND CLAIM FOR RELIEF**

20 (Application for Writ of Mandamus)


21 9. The allegation of paragraphs 1-8 are incorporated  
22 herein by reference as though fully set forth.

23 10. Petitioner, MARIE COBINE, petitions the above  
24 captioned Court for a Writ of Mandamus directed to Skamania  
25 County, Washington, requiring said County and the Board of  
26 Adjustment to approve the preliminary plat application entitled

1 CU-91-06 (Wind River Village), in accordance with the  
2 recommendation of the Skamania County Planning Staff, including  
3 conditions specified by such Staff.

4 Wherefore, Petitioner prays that relief be granted in  
5 accordance with the requests stated above.

6 DATED this 20th day of February, 1992.

7  
8   
9 LISA M. GRAHAM, WSBA #21258  
10 Of Landerholm, Memovich, Lansverk  
11 & Whitesides, Inc., P.S.  
12 Attorneys for Petitioner  
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STAFF REPORT

Proposal: Wind River Village

Proponent: Marie Cobine  
North Bonneville, WA 98639

Agent: Richard Howsley  
Landerholm Law Offices  
P.O. Box 1986  
Vancouver, WA 98666

Surveyor: Olson Land Surveyors  
Vancouver, WA

Location of Proposal: M.P. 10.38L Wind River Highway, approximately 1 1/2 miles north of Stabler on Wind River Highway, lying between the highway and Wind River.

Scope of Proposal: Forty lot Planned Residential Development (PRD) located on 84 acres with a 23 acre common area. Only four lots are two acres or more in size. Development will be served by a developed water system and individual septic systems. The subdivision roads will be a combination of public and private.

Local Authority For Review: Skamania County does not have a PRD Ordinance. The applicable sections of the Subdivision Ordinance will be used as a guide in reviewing this development.

A Planned Residential Development is defined in the Zoning Ordinance as a "Development which is preplanned in its entirety with the subdivision and zoning controls applied to the project as a whole rather than to individual lots. Densities are calculated for the entire development, usually permitting a trade-off between clustering of housing and open space held in common by lot owners".

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EXHIBIT A

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**Present Land Use  
Designation:**

This parcel is zoned Residential-2. PRD's are a Conditional Use in this zone. Criteria for determining conditions to be imposed on conditional uses shall be based on the health, safety and general welfare of the public, any environmental standards in force in Skamania County and any other provisions set forth in the Zoning Ordinance (Skamania County Code 21.16.060).

The Comprehensive Plan designation is Rural II.

The Wind River is a Conservancy shoreline environment.

See attached zoning, comprehensive plan, shoreline regulations, and Shoreline Residential Developments & Wildlife Policies.

**Current Use  
of Property:**

This property was logged approximately 8-10 years ago and had been proposed as a two acre - 40 lot subdivision. Preliminary plat approval expired approximately three years ago and this property has lain idle since. The roadway proposed to be public was partially developed during the previous preliminary plat approval. The pond area in the Common Area adjacent to Lot 20 was mined for rock for this roadway.

**Existing Land Use of  
Surrounding Area:**

Property to the northwest is a four lot short plat. Lots range from two to nine acres in size. Property to the southwest is the El Descanso Al Rio subdivision, platted in 1934 as a recreational development. The majority of these lots are 50 feet in width average and about 300 feet in depth. Property to the southeast is a four lot short plat. Lots range from two to four acres in size. Properties to the north across the Wind River Highway are owned by Longview Fibre and Birkenfeld Trust, and are currently used for timber growing and harvest. Along the Leete county road are rural residential tracts. The adjoining parcel to the east was once a part of the subject property,

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EXHIBIT

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Recommended  
Findings of Fact:

1. This property is zoned Residential-2 and is designated a Rural 2 land use area under the Comprehensive Plan;
2. That Planned Residential Developments are a Conditional Use in a Residential-2 zone;
3. Planned Residential Developments are encouraged within shoreline areas over conventional subdivision designations under the Residential Development Policies of the county Shoreline Management Master Program; and
4. Wind River Village development is consistent with the Rural 2 land use area standards, the Shoreline Management Master Program, Residential Development & Wildlife Policy and Conservancy shoreline environment.

Recommended  
Conditions:

Approval of preliminary plat with the following conditions:

1. Final Plat shall meet standards for development within the 100-year flood plain as outlined in the Department of Public Works letter dated April 25, 1991;
2. Proponent shall meet fire protection requirements as outlined in Fire District No. 1 letter dated March 7, 1991;
3. Water and septic shall meet requirements of Southwest Washington Health District letter dated May 16, 1991. Any lot which may require an alternative septic system shall have a notation on the Final Plat to that effect;
4. Proponent shall develop a valid enforceable maintenance agreement between all lot owners, which shall include future owners, whereby the costs of maintenance and care of the water system and private road(s) shall be provided for in an equitable manner.

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EXHIBIT A

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5. The Common Area shall remain an open and undeveloped parcel which may not be developed for future dwelling lots.

The Common Area may be used for passive recreation such as (i.e.) hiking, viewing and fishing. Passive recreation development may include trails, picnic tables, fire rings and a covered picnic structure of not more than 400 square feet. Such development shall be consistent with the county Shoreline Management Master Program.

A statement to this effect regarding the above two paragraphs shall be placed on the final plat.

6. Final Plat shall meet all requirements of Skamania County Code, Title 17 Subdivisions.

A. The Board of Adjustment shall be the preliminary and final plat Board of review for all chapters and sections of Title 17. All chapters and sections which refer to the Planning Commission, Board or Clerk of the Board shall be deemed for the purposes of the Wind River Village Planned Residential Development to be the Skamania County Board of Adjustment.

B. Except, the minimum lot size requirements of Section 17.36.030, however, the lot depth ratio shall not exceed a ratio of four to one (four being the depth).

Agencies  
Notified:

The following agencies and departments were sent a copy of the preliminary plat and SEPA Environmental Checklist:

Skamania County Engineer, Southwest Washington Health District, Public Utilities District, Fire District #1, Skamania County Sheriff, Stevenson-Carson School District, Dept. of Wildlife, Dept. of Fisheries, U.S. Forest Service - Wind River District, Carson National Fish Hatchery and Stabler Community Council.

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Reports from Contacted Agencies  
and County Departments:

Wind River Village Checklist (Ska. Co. Planning  
Department/Ska. Co. Engineer)  
Letter of 4/25/91 from Ska. Co. Dept. of Public Works  
Letter of 3/7/91 from Fire District No. 1  
Letter of 3/26/91 from Dept. of Wildlife  
Letter of 5/16/91 from SW Washington Health District

Attachments:

Zoning Classification Standards  
Comprehensive Land Use Area Standards  
Shoreline Management Master Program Goals, Overall and  
Statewide Significance  
Conservancy Environment Regulations  
Residential Development Policy Statements  
Wildlife Policy Statements  
Director's Recommended Motion  
Environmental Checklist and Determination of  
Nonsignificance  
Preliminary Plat Map

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SKAMANIA COUNTY BOARD OF ADJUSTMENT  
MOTION FOR APPROVAL  
CONDITIONAL USE APPLICATION  
NO. CU-91-06  
DECEMBER 5, 1991

The Skamania County Board of Adjustment having held a public hearing on this Conditional Use Application for the Wind River Village Planned Residential Development located at M.P. 10.38L Wind River Road, Stabler, Washington, I, \_\_\_\_\_, do hereby move that the Skamania County Board of Adjustment make the following Findings of Fact and Conclusion:

FINDINGS OF FACT

1. This property is zoned Residential-2 and is designated a Rural 2 land use area under the Comprehensive Plan;
2. That Planned Residential Developments are a Conditional Use in a Residential-2 zone;
3. Planned Residential Developments are encouraged within shoreline areas over conventional subdivision designations under the Residential Development Policies of the county Shoreline Management Master Program; and
4. Wind River Village development is consistent with the Rural 2 land use area standards, the Shoreline Management Master Program, Residential Development & Wildlife Policy and Conservancy shoreline environment.

CONCLUSION

That based on the above Findings of Facts, I further move that the Board of Adjustment do issue a Conditional Use Permit and preliminary plat approval for the Wind River Village Planned Residential Development, Skamania County Tax Lot No. 4-7-26-B-1100, with the following conditions:

1. Final Plat shall meet standards for development within the 100-year flood plain as outlined in the Department of Public Works letter dated April 25, 1991;
2. Proponent shall meet fire protection requirements as outlined in Fire District No. 1 letter dated March 7, 1991;  
*one.*
3. Water and septic shall meet requirements of Southwest Washington Health District letter dated May 16, 1991. Any lot which may require an alternative septic system shall have a notation on the Final Plat to that effect;
4. Obtain Hydraulic Project Approval for culvert crossing of Whiskey Creek;

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5. Proponent shall develop a valid enforceable maintenance agreement between all lot owners, which shall include future owners, whereby the costs of maintenance and care of the water system and private road(s) shall be provided for in an equitable manner.
6. The Common Area shall remain an open and undeveloped parcel which may not be developed for future dwelling lots.

The Common Area may be used for passive recreation such as (i.e.) hiking, viewing and fishing. Passive recreation development may include trails, picnic tables, fire rings and a covered picnic structure of not more than 400 square feet. Such development shall be consistent with the county Shoreline Management Master Program.

A statement to this effect regarding the above two paragraphs shall be placed on the final plat.

7. Final Plat shall meet all requirements of Skamania County Code, Title 17 Subdivisions.
  - A. The Board of Adjustment shall be the preliminary and final plat Board of review for all chapters and sections of Title 17. All chapters and sections which refer to the Planning Commission, Board or Clerk of the Board shall be deemed for the purposes of the Wind River Village Planned Residential Development to be the Skamania County Board of Adjustment.
  - B. Except, the minimum lot size requirements of Section 17.36.030, however, the lot depth ratio shall not exceed a ratio of four to one (four being the depth).

Motion seconded by \_\_\_\_\_ Motion carried.

	Aye	Nay
Charlotte Payne	_____	_____
Tim Collins	_____	_____
Robert Barnes	_____	_____
Judy Teitzel	_____	_____
Tom Linde	_____	_____

# SUBDIVISION CHECKLIST

WIND RIVER VILLAGE

Subdivision

	County Engineer	Planning Dept
1) Proposed subdivision name	<u>S</u>	<u>S</u>
2) Name, address & telephone number of subdivider	<u>S</u>	<u>S</u>
3) Name, address & telephone number of land surveyor preparing preliminary plat	<u>S</u>	<u>S</u>
4) Boundary lines	<u>S</u>	<u>S</u>
Bearings & line lengths if determined by survey	<u>NA</u>	<u>NA</u>
Approximate line length if not determined by survey	<u>S</u>	<u>S</u>
5) Boundaries of all blocks & lots	<u>S</u>	<u>S</u>
Numbers for each lot & block	<u>S</u>	<u>S</u>
Length of lot & block lines	<u>S</u>	<u>S</u>
6) Lot size in acreage or square feet	<u>S</u>	<u>S</u>
Total amount of lots & acreage	<u>S</u>	<u>S</u>
7) Location, names & width of all existing roads & easements within & adjacent to proposed subdivision	<u>S</u>	<u>S</u>
8) Location of all buildings; wells; septic systems; water courses; bodies of water; high & low water marks; overhead & underground utilities; railroad lines; municipal boundaries; section lines; township lines; existing surveyed property corners; significant topographic features	<u>U</u>	<u>U</u> No outcrop. <u>U</u> easement rd.
9) Layout of proposed roads	<u>S</u>	<u>S</u>
Layout of land proposed to be dedicated or reserved for recreational or other uses	<u>S</u>	<u>S</u>

(S) - Satisfactory (U) - Unsatisfactory (NA) - Not Applicable

EXHIBIT

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	County Engineer	Planning Dept
10) Proposed water distribution systems	<u>U</u>	<u>?</u>
Proposed sewage treatment plant & collection system	<u>U</u>	<u>?</u>
Electric & other utility lines	<u>U</u>	<u>?</u>
11) Contour lines sufficient to show drainage pattern referenced to:		
U.S. Coast & Geodetic Survey datum	<u>NA</u>	<u>?</u>
County datum	<u>NA</u>	<u>?</u>
Other datum acceptable to Co. Engineer	<u>S</u>	<u>S</u>
12) Sketch of vicinity	<u>S</u>	<u>S</u>
Section corners	<u>S</u>	<u>S</u>
Section boundaries	<u>S</u>	<u>S</u>
Location of proposed plat	<u>S</u>	<u>S</u>
13) Map scale to engineering scale	<u>S</u>	<u>S</u>
14) North arrow indication	<u>S</u>	<u>S</u>

COMMENTS: 10) PLEASE SHOW OR EXPLAIN  
WHERE WATER/SEWAGE/UTILITIES WILL BE  
8) HIGH WATER MARKS MUST BE ESTABLISHED  
to show potential FLOOD 2076  
(SEE ATTACHED LETTER)

COUNTY ENGINEER

Date: \_\_\_\_\_ Signature: D. A. B Title: \_\_\_\_\_

PLANNING DEPARTMENT

Date: 5/21/91 Signature: G. P. Lee Title: Plan. Dir.

(S) - Satisfactory (U) - Unsatisfactory (NA) - Not Applicable

EXHIBIT A

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OFFICE OF  
SKAMANIA COUNTY  
DEPARTMENT OF PUBLIC WORKS

P.O. BOX 790  
STEVENSON, WASHINGTON 98648  
PHONE (509) 427-5141

April 25, 1991

Robert P. Lee  
Planning Department  
Skamania County, Washington

Ref: Wind River Village Subdivision

Mr. Lee:

As part of the preliminary plat review, the Department of Public Works checks to see if any plats are within or adjacent to flood plains.

We find that the proposed Wind River Village Subdivision has a portion of the plat within the 100-year flood plain (reference FIRM map of August 5, 1986 - Community Panel No. 530160 0350 B).

The Prosecuting Attorney has given this office guidance as to how to handle this matter.

The developer should have the surveyor determine the "official high water mark" and show that information on the plat. Once that is done, the developer has two options:

- (1) The developer must have the following cautioning printed in a conspicuous place on the plat:

**CAUTION**

THE LOTS WITHIN THIS SHORT PLAT MAY BE  
WITHIN THE 100 YEAR FLOOD PLAIN AND MAY  
NOT BE SUITABLE FOR CONSTRUCTION OR BUILD-  
ING, OR MAY BE SUBJECT TO ADDITIONAL  
SURVEYING OR OTHER SUBSTANTIAL CONDITIONS,  
AND ALL DEEDS TO LOTS HEREIN SHALL REFERENCE  
THIS RESTRICTION.

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"100% Recycled Paper"

Page 1 of 2

- (2) The plat must show the flood plain (zone "A" from the Flood Insurance Rate Maps) with the following cautioning printed in a conspicuous place on the plat.

CAUTION

ZONE "A" HAS BEEN ESTABLISHED BY \_\_\_\_\_, A  
LAND SURVEYOR, THROUGH THE BEST AVAILABLE  
DATA PROVIDED FROM THE EXISTING FIRM MAP.  
SKAMANIA COUNTY DOES NOT GUARANTEE THE  
ACCURACY OF SAID MAPS.

In closing, it should be noted that the Building Department requires identification of the flood plain when a building permit is applied for in a flood plain area. Development in a flood plain can be impacted substantially with regards to additional construction requirements.

Please call this office should we need to clarify any issue.

Sincerely,

Curtis A. Skaar, P.E., L.S.  
County Engineer

By: \_\_\_\_\_

Robert H. Talent  
Staff Assistant

dk

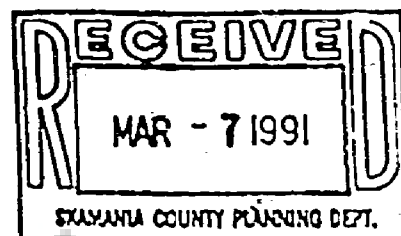
RECEIVED

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"100% Recycled Paper"

To: Skamania Count, Planning Department  
From: Skamania County Fire Dist. # 1  
RE: Wind River Village Subdivision  
Date: March 7, 1991



We would like to be involved in the water system planning to this development. Our first option is to have two (2) fire hydrants placed, one at the Northwest corner of lot # 23 and the second at the Northeast corner of lot # 34. All lots would be covered for firefighting and water needs. If the proposed system will not adequately handle these requirements, we will require an all-season access to a stand pipe (dry system), that is piped from Wind River with two (2) 2 1/2" suction ports on a stand pipe. If the second of these options is chosen, lots will not be considered under the protection of a fire hydrant system as set forth by insurance standards.

We highly recommend option # 1 as it provides all property owners with an increased insurance rating that will lower their fire insurance costs.

The installation cost shall be the responsibility of the developer and not Skamania County Fire District # 1. After approval of hydrant purchase and installation, Skamania County Fire Dist. # 1 will maintain said hydrants if requested by the developer.

Sincerely,

A handwritten signature in cursive script, appearing to read "Larry Douglass", written over a horizontal line.

Larry Douglass, Chief

Skamania County Fire Dist. # 1

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CURT SWITCH  
Director



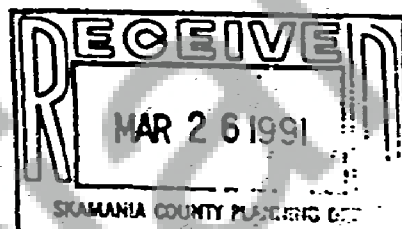
STATE OF WASHINGTON  
DEPARTMENT OF WILDLIFE

5405 N.E. Hazel Dell Ave., Vancouver, WA 98663

Tel. (206) 696-6211

March 26, 1991

Robert P. Lee, Director  
Skamania County Planning  
Courthouse Annex, Room P-11  
Vancouver Avenue  
P.O. Box 790  
Stevenson, WA 98648



Subject: Wind River Estates

Dear Bob:

Thank you for reviewing this proposal and visiting the site with us. The area features a mixed conifer-deciduous upland and a primarily deciduous flood plain next to Wind River, and provides habitat for blacktail deer and other wild birds and mammals common to the northwest. Wind River is frequently used by wintering populations of bald eagles, a federal threatened species, which uses trees along the river for perch sites.

During the course of our visit, it appeared that topographic limitations would keep most of the buildable areas at least 200 feet back from the ordinary high water mark of the Wind River, which is a Category II Wetland under the Department of Ecology Model Wetlands Protection Ordinance (Sept., 1990). We recommend that a 200 foot vegetative buffer be required between all buildings and Wind River, in accordance with this draft ordinance. We also recommend 100 foot buffers along each side of the Type 3 tributary, and 50 foot buffers along the smaller tributaries, in order to protect sensitive riparian wildlife habitat.

We note with concern that individual septic systems are proposed for this development. Such systems have a high failure rate over time, because studies have shown that as few as 3 percent of these systems are properly maintained on a regular basis. Failed septic systems can seriously degrade water quality in the Wind River, an important salmon and steelhead stream. We thus request that any approval include a covenant requiring that these systems be inspected every 5 years and serviced as needed. We further recommend that all septic systems and drain fields be kept at least 200 feet away from all year round streams, and at least 100 feet away from intermittent streams, to protect water quality in the event of a system failure.

The proposed 16 acre common area seems rather small in view of the sensitive nature of the Wind River corridor. It is our understanding that such common areas usually comprise at least 25

EXHIBIT

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Robert P. Lee  
March 28, 1991  
Page 2

percent of the area, which in this case would be at least 21 acres. We recommend that the common area be expanded to encompass more of the riparian zone along the river and the Type 3 tributary.

Thank you for the opportunity to review and comment on this proposal.

Sincerely,



Carl Dugger  
Area Habitat Biologist

c: Ken Mohoric  
David Mudd  
Tara Zimmernan

F: SEPA/Skananish

EXHIBIT

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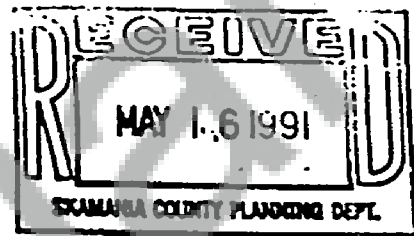
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*Southwest Washington Health District*

SERVING CLATSOP, KILLICKITAT AND SKAMANIA COUNTIES

May 14, 1991



Olson Engineering  
Drew S. Roslund  
1111 Broadway  
Vancouver, WA 98600

RE: Wind River Village

Dear Mr. Roslund:

Our office has done a preliminary soils evaluation for the above mentioned property.

Test holes 1 through 7-1 are mapped as Stabler loam. Slight limitation moderate permeability.

Holes 1 and 2 were east of access road.

Test holes 8 thru 22 are mapped Pillery fine sandy loam. Severe limitations due to potential flooding with moderate permeability. Hole 21 had water at 50".

This department recommends approval in GENERAL ONLY. Lots with the Pillery fine loam would be required to have alternative systems, without winter evaluations. Prior to final plat approval a DOH approved water system will be required and each lot must have a valid site evaluation.

If you have any questions please contact us.

Sincerely,

*Martin Auseth*

Martin Auseth, R.S.  
Environmental Health Specialist

cc Bob Lee-Planning Department

ADDRESS REPLY TO APPROPRIATE OFFICE:

ADMINISTRATIVE OFFICE  
VANCOUVER/CLATSOP COUNTY HEALTH CENTER  
P.O. BOX 1870 - 7100 FIRST VANCOUVER WAY  
Vancouver, WA 98668  
(206) 675-5715

WHITE SALMON/CLATSOP COUNTY HEALTH CENTER  
1700 N.W. 10TH ST. - P.O. BOX 154  
White Salmon, WA 98677  
(509) 335-1544

CLATSOP/KILLICKITAT COUNTY HEALTH CENTER  
210 WEST MAIN STREET  
Gold Beach, WA 98370  
(509) 773-4509

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ZONING CODE - TITLE 21

CHAPTER 21.32 - RESIDENTIAL 2 ZONE CLASSIFICATION (R-2)

Sections:

- 21.32.010 Purpose - Intent.
- 21.32.021 Permitted uses.
- 21.32.031 Conditional uses.
- 21.32.040 Temporary uses permitted.
- 21.32.050 Minimum development standards.

21.32.010 PURPOSE AND INTENT

To provide a transition zone of medium density residential development which will maintain a rural character of the areas in the Rural I and Rural II Land Use Areas of the County Comprehensive Plan A. (Ord. 1985-05 S6.2.10).

21.32.021 PERMITTED USES

- A. Single-family dwellings
- B. Commercial and domestic agriculture
- C. Forestry
- D. Public facilities and utilities
- E. Professional services
- F. Cottage occupation
- G. Light home industry (Ord. 1985-05 S6.2.20).

21.32.031 CONDITIONAL USES

- A. Recreation facilities
- B. Geothermal energy facilities
- C. Public displays
- D. Surface mining
- E. Planned residential developments
- F. Duplexes
- G. Mobile home parks
- H. Other uses determined by the Board of Adjustment to be in keeping with the purpose and intent of this zone classification and any associated special purpose district overlay zone. (Ord. 1985-05 S6.2.30).

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RESIDENTIAL 2 ZONE CLASSIFICATION (CONT.)

21.32.040 TEMPORARY USES PERMITTED

Temporary uses shall be permitted in accordance with the requirements of Section 21.84.110. (Ord. 1985-05 S6.2.40).

21.32.050 MINIMUM DEVELOPMENT STANDARDS

A. LOT SIZE

Minimum lot size shall be 2 acres. The lot depth should not exceed the lot width by more than a ratio of four to one (four being the depth). Minimum lot width shall be 200 feet. Access panhandles shall not be taken into account as part of the area calculations relative to minimum lot size indicated above.

B. DENSITY REQUIREMENTS

1. Single-family: Each single-family housing unit (including mobile homes) shall require the minimum lot area listed under Section 21.32.050.
2. Duplex: Each duplex shall require 150 percent of the minimum lot area listed under Section 21.32.050.

C. SETBACKS

The standard setback requirements shall be as follows:

1. Front yard: No building or accessory building shall be constructed closer than 50 feet from the centerline of the street or road or 20 feet from the front property line, whichever is greater.
2. Side yard: On each side of the building or accessory building a side yard shall be provided of not less than 20 feet.
3. Rear yard: A rear yard shall be provided of not less than 20 feet, including accessory buildings.

D. OTHER STANDARDS

1. Building height limit for permitted residential uses shall not exceed 35 feet above average site grade, with of Section 21.84.040.
2. Standards for off-street parking shall comply with Section 21.84.60. (Ord. 1985-05 S6.2.50 - S6.2.54).

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COMPREHENSIVE PLAN  
LAND USE AREA STANDARDS

RURAL 2

1. Purpose and objectives: Rural 2 areas are considered suitable for more widely dispersed residential uses compatible with natural land limitations and resource potentials. This land use category would provide for rural living without significantly encroaching upon agricultural and timber lands.

2. Uses: The following uses would be permissible in the Rural 2 areas:

- |                                |                             |
|--------------------------------|-----------------------------|
| a. Agriculture                 | e. Recreational camps       |
| b. Forest management           | f. Logging and mining camps |
| c. Residential (single family) | g. Surface mining           |
| d. Camping clubs               |                             |

The following inappropriate uses may be allowed on a conditional or temporary basis:

- |                               |                     |
|-------------------------------|---------------------|
| a. Residential (multi-family) | c. Light commercial |
| b. Mobile home park           | d. Light industry   |

3. The minimum lot size for subdivisions and short plats in the Rural 2 Areas would be two acres.

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SHORELINE MANAGEMENT MASTER PROGRAM

OVERALL GOALS OF SHORELINE MASTER PROGRAM

The objective of this Shoreline Master Program is to develop a continuing program based on the Shoreline Management Act of 1971 which will reflect the aspirations of the citizens of Skamania County.

The following overall goals have been developed which express the intent of the Shoreline Management Act in general.

Preserve natural shoreline character where possible.

Protect shoreline ecology and resources.

Recognize and protect private property rights consistent with public interest.

Provide public recreation opportunity along shorelines.

Preserve and protect fragile natural resources and culturally significant features.

Establish criteria for orderly residential growth.

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

Maintain a high quality of environment along shorelines.

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

Maintain the state water quality classification on all shoreline water bodies.

Protect public right of navigation.

#### GOALS FOR SHORELINES OF STATE-WIDE SIGNIFICANCE

The Shoreline Management Act recognizes certain water bodies as being important to the people of the entire state and designates these water bodies as Shorelines of State-wide Significance. Within Skamania County the shorelines of state-wide significance are recognized as deserving consideration beyond that ascribed to other water bodies. The following goals have been developed for the shorelines of state-wide significance.

Consider state-wide interest over local.

Preserve natural shoreline character.

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

Protect shoreline ecology and resources.

Provide public access to publicly owned areas along shorelines.

Provide public recreation opportunity along shorelines.

Protect public right of navigation.

Recognize and protect private property rights consistent with public interest.

Preserve and protect fragile natural resources and culturally significant features.

Establish criteria for orderly residential growth.

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

Maintain a high quality of environment along shorelines.

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



## SHORELINE MANAGEMENT MASTER PROGRAM

### 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.
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

Amended 7/3/86 Parking lots for vista purposes, park and ride, and for associated parking with permissible uses in the Conservancy Environment. Hotels, motels, condominiums, restaurants, taverns and mining may be allowed as conditional uses only. All other uses are prohibited.

3. Minimum shoreline lot sizes and dimensions: For residential lots within the conservancy environment:
  - (a) Where water supply is individual wells and individual sewage disposal systems are used minimum lot size shall be two (2) acres. Minimum lot width shall be two hundred (200) feet.
  - (b) Where an adequate public water supply and individual sewage disposal systems are used the minimum lot size shall be twelve thousand (12,000) square feet. Minimum lot width shall be ninety (90) feet.
  - (c) Where adequate public water supply and adequate public sewer lines are used the minimum lot size shall be eight thousand (8,000) square feet. Minimum lot width shall be seventy (70) feet.

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CONSERVANCY ENVIRONMENT REGULATIONS (CONT.)

4. Setback: All buildings and structures shall be setback at least 50 feet from the ordinary high water mark.
5. Building height: There shall be a 35 foot maximum building height for all structures.
6. Building design: In general, buildings shall be compatible with the surrounding environment. Exterior walls of all 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.
7. Restoration: Same as for the Urban Environment except for timber harvesting, which shall comply with the Renewable Resource Regulations.

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## SHORELINE MANAGEMENT MASTER PROGRAM

### 16. RESIDENTIAL DEVELOPMENT

The following guidelines should be recognized in the development of any residential subdivision or similar developments on shoreline areas. To the extent possible, planned unit developments (sometimes called cluster developments) should be encouraged within a shoreline area. Within planned unit developments, substantial portions of land are reserved as open space or recreational areas for the joint use of the occupants of the development. This land may be provided by allowing houses to be placed on lots smaller than the legal minimum size for normal subdivisions, as long as the total number of dwellings in the planned unit development does not exceed the total allowable in a regular subdivision.

#### Policy Statements:

- a. Strictly regulate new residential development in problem areas such as steep slopes, flood plains and ecologically fragile areas to assure minimum disruption of environment.
  - (1) Buildings shall be set well back from the water's edge if any bank erosion might take place.
  - (2) Residential structures shall not be built in the floodway, and if any are to be built in the flood plain, they shall be built above 100 year flood levels on approved fill.
  - (3) Each residential development proposal shall contain a restoration element which details the expected destruction of shoreline foliage and the proposed restoration of such foliage.
- b. All residential developments should be designed with density levels, site coverage and occupancy compatible with the physical capabilities of the shoreline and water, including building heights and setbacks to insure visual access to the water.
- c. Residential developments should be designed so as to adequately protect the water and shoreline aesthetic characteristics.

RESIDENTIAL DEVELOPMENT (CONT.)

- d. Residential development design will take into account all ecological features of the area such as drainages, stream bank erosion, fish, wildlife, etc., including plans for preserving shoreline vegetation and erosion control during construction.
- e. Encourage developers to provide public pedestrian access to the shorelines within the residential developments.
- f. All residential developments shall have sewage disposal and water supply facilities which meet state health regulations. Storm drainage facilities shall be provided separately from sewage disposal systems.
- g. Adequate water supplies should be available so that the ground water quality will not be endangered by overpumping.
- h. Residential developments built on piers or other structures extending out over water shall not be permitted.
- i. Floating home moorages shall be considered as residential developments and shall not be allowed in areas of questionable capability. Individual floating homes may be located elsewhere but must have approved sanitation and water supply.
- j. Mobile home parks will be considered as residential developments and shall be subject to the above policy statements.

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## SHORELINE MANAGEMENT MASTER PROGRAM

### 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.

EXHIBIT

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STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

1000 4th Avenue • Olympia, Washington 98501-8711 • (206) 835-6800

November 26, 1991

RECEIVED  
DEC 1 1991  
ASST.

Mr. Robert P. Lee, Director  
Skamania County Planning Department  
Post Office Box 790  
Stevenson, WA 98648

RE: Wind River Village Planned Residential Development

Dear Mr. Lee:

The Wind River is designated as a Shoreline of Statewide Significance (SSWS). This means that any development on it must address the five criteria in Shoreline Management Act for SSWS. These criteria are:

- 1) Recognize and protect the state-wide interest over local interest. Special care should be taken to protect and preserve existing wetlands and riparian corridors.
  - 2) Result in long-term over short-term benefit. Aesthetic considerations and preservation of shoreline resources should be given high priority.
  - 3) Protect the resources and ecology of the shorelines. Disturbance of the natural ecosystem of the shoreline and wildlife habitat should be minimized. Wetland protection should be required. Access should be restricted in areas that cannot be maintained in a natural condition under human use.
  - 4) Increase public access to publicly owned areas of the shoreline.
  - 5) Increase recreational opportunities for the public use of the shoreline.
- Consideration should be given to establishing linear public access within the common area.

Special consideration should be given to these parts of the Skamania County Shoreline Master Program.

- Goal for Shorelines of Statewide Significance (p.2)
- Public Access Policy Statements (p.4); especially c. To encourage uses which have public access as a planned feature.
- Goals and policies for conservation (p.8)
- Policies for residential development (p.25); especially
  - d. Residential development design will take into account all ecological features of the area such as drainages, stream bank erosion, fish, wildlife, etc., including plans for preserving shoreline vegetation and erosion control during construction, and
  - e. Encourage developers to provide public pedestrian access to shorelines within residential developments.

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Mr. Robert P. Lee  
November 26, 1991  
Page 2

- Conservancy Environment Regulations (pp.34-35) especially
3. Minimum shoreline lot sizes and dimensions: For residential lots within the conservancy environment:
    - (a) Where water supply is individual wells and individual sewage disposal systems are used minimum lot size shall be two (2) acres. Minimum lot width shall be two hundred (200) feet.
- It appears that the lots proposed for this development do not meet this standard.

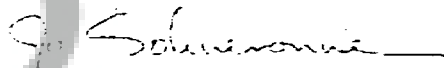
These shoreline policies and regulations apply to all lands within 200 feet of the ordinary high water mark of the Wind River, and all marshes, bogs, swamps and floodplains associated with the river. Although adjacent lands are not directly regulated by the master program and the Shoreline Management Act, their development must be consistent with the policies and guidelines contained in them.

Some of the lots on the proposed plan (for instance, lots 32 and 33) do not appear to be buildable. It could afford more environmental protection to set aside excessively steep areas as part of the open space.

Restrictive covenants should be filed with the final plat clearly reserving the open space and stating the type of development allowed there, establishing wetland buffers, vegetation protection, public access easements, minimum setbacks, or any other conditions established for the proposal.

A wetland delineation, impact analysis and mitigation report should be required to insure that wetlands associated with river (including those lying along the unnamed streams in the site) are adequately protected.

Sincerely,



Jo Sohneronne  
Shorelands and Coastal Zone  
Management Program

EXHIBIT

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RECEIVED

BEFORE THE SKAMANIA COUNTY BOARD OF ADJUSTMENT FEB 13 1992  
STEVENSON, WASHINGTON

Marie Cobine, et al ) ORDER DENYING  
P.O. Box 116 ) CONDITIONAL USE  
North Bonneville, WA 98639 ) Case No. CU-91-06  
)

NOTICE IS HEREBY GIVEN to the above-named petitioner that the aforesaid application for a Conditional Use is denied as follows:

Wind River Village Planned Residential Development located at M.P. 10.38L Wind River Road, Stabler, Washington, Skamania County Tax Lot No. 4-7-26-B-1100.

THIS ACTION shall be final and conclusive unless within (10) ten days of February 12, 1992 an appeal is filed by an adverse party to a court of competent jurisdiction for a writ of certiorari, a writ of prohibition, or a writ of mandamus.

DATED this 12th day of February, 1992 at Stevenson, Washington.

SKAMANIA COUNTY BOARD OF ADJUSTMENT

  
Robert P. Lee, Secretary to  
the Board of Adjustment

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PAGE 1

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DEC 13 1991

**MINUTES OF THE DECEMBER 5, 1991 BOARD OF ADJUSTMENT PUBLIC HEARING HELD  
AT THE COURTHOUSE ANNEX MEETING ROOM STEVENSON, WASHINGTON**

**BOARD OF ADJUSTMENT MEMBERS PRESENT**

Tom Linde, Chairman	Charlotte Payne
Judy Teitzel	Robert Barnes
Tim Collins	Robert Lee, Planning Director

**AUDIENCE**

Jerry Olson of Olson Land Surveyors; Lisa Graham of Landerholm Law Offices; Marie Cobine, Proponent; Martin Auseth of SW WA Health District; Tom Matulovich; Rick Esacson; Harold & Fern Hockett; Wayne & Marilyn Andrews; Larry & Shirley Pratkan; Jackie Snell; Donald Larson; Wally Cobine; Robert & Pat Hanson; Bev Stacy; John Palodichuk; Don Fink

**AGENDA**

- 1) Minutes of October 3, 1991
- 2) Wind River Village

Meeting was called to order at 7:30 p.m.

**MINUTES OF OCTOBER 3, 1991**

It was moved and seconded to approve the Minutes of October 3, 1991 as presented. Motion carried.

**WIND RIVER VILLAGE - PLANNED RESIDENTIAL DEVELOPMENT**

R. Lee explained that the proponent is requesting a Conditional Use Permit to develop 84 acres into a 40 lot planned residential development with a 23 acre common area on property located at M.P. 10.38L Wind River Road in Stabler. He stated that planned residential developments are not a permitted use in the Residential-2 zone and would require a Conditional Use Permit. He explained that a planned residential development encourages smaller lot sizes with an open space to be used by all property owners and is similar to a subdivision. He explained that the Board of Adjustment is a Board of final authority and this matter will not be reviewed by the County Commissioners. He explained the appeal process.

R. Lee introduced Marie Cobine, Proponent; Lisa Graham of Landerholm Law Offices, Agent for Proponent; and Jerry Olson of Olson Land Surveyors.

L. Graham stated that several years ago preliminary plat approval was given for a 40 lot subdivision with no common area at this same location. She stated that a new proposal is being presented for a 40 lot planned residential development with a 23 acre common area. She stated that the common area will help protect the environment and Wind River. She stated that R. Lee has recommended approval with conditions.

J. Olson stated that prior to final plat approval the property will be surveyed to determine the location of water courses and building sites.

BOARD OF ADJUSTMENT MINUTES - 12/5/91

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RECEIVED  
DEC 13 1991

MINUTES OF THE DECEMBER 5, 1991 BOARD OF ADJUSTMENT PUBLIC HEARING HELD  
AT THE COURTHOUSE ANNEX MEETING ROOM STEVENSON, WASHINGTON

BOARD OF ADJUSTMENT MEMBERS PRESENT

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Judy Teitzel	Robert Barnes
Tim Collins	Robert Lee, Planning Director

AUDIENCE

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BOARD OF ADJUSTMENT MINUTES - 12/5/91

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He stated that the location of the proposed well(s) is unknown at this time.

R. Hanson asked if the common area could be developed in the future and stated his concern with development having an effect on Whiskey Creek.

R. Lee stated that in his Staff Report he recommended that the common area remain an open and undeveloped parcel which may not be developed for future dwelling lots, and that a Hydraulic Project Approval be obtained from the Department of Ecology for any work in or adjacent to waterways that will adversely affect water quality.

R. Lee introduced Martin Auseth, Sanitarian for Southwest Washington Health District. He stated that M. Auseth will be in charge of approval of septic systems.

H. Hockett asked if there are any plans to remove more materials from the gravel pit and stated his concerns with safety in regards to the gravel pit.

J. Olson stated that there are no plans to remove materials from the gravel pit and stated that the gravel pit will be made safe due to the liability involved.

R. Esacson asked if any concession will be offered to the community for access to Wind River through the common area.

R. Lee stated there is no proposal for public access to Wind River.

S. Pratkanis asked if the reason for creating the 23 acre common area was because the land is not buildable.

J. Olson stated that part of this area is buildable and part is in the flood plain.

L. Pratkanis asked if the roads are proposed to be private or public.

R. Lee stated that the main road system is proposed to be public which would have to be built to certain standards. He suggested that the developer may wish to seek pre-commitment from the County to take over the road.

J. Palodichuk asked if the road has to be up to county standards and if the fire and water systems have to be put in prior to development.

R. Lee stated the proposal will be developed according to the Subdivision Ordinance. He stated that preliminary plat approval is for the general design only. He stated that fire hydrants, electric lines, water system and roads must be installed prior to final plat approval.

T. Matulovich asked why smaller lot sizes are being proposed in the Residential-2 zone and stated his concern with the installation of 40



septic systems to service these lots.

R. Lee stated that a planned residential development is a Conditional Use and allows for a density bonus of smaller lot sizes with an open space.

M. Auseth explained the soils for this area and stated that each lot will require an individual design prior to final approval.

J. Palodichuk stated his concern with Wind River flooding the lots on the south end of the proposal.

J. Teitzel stated that the Department of Wildlife's letter of March 26, 1991 for recommendation of a 100 foot buffer along each side of the Type 3 tributary, a 50 foot buffer along the smaller tributaries, and a 200 foot buffer between all buildings and Wind River has not been addressed. She stated that the waterways that run through this parcel should be shown on the proposed plat. She stated that there are also some concerns expressed by the Department of Ecology that have not been addressed yet.

C. Payne stated she shares the same concerns as J. Teitzel. She stated she is in agreement with the Department of Wildlife's recommendation that a covenant be included requiring the inspection of septic systems every five years. She feels the common area should be larger because it is along the river.

C. Payne asked M. Auseth if there is adequate space on each lot for a septic system and reserve system.

M. Auseth stated that, generally speaking, he feels there would be sufficient space for a septic system and reserve system. He stated that a full site plan for each lot will be required prior to final plat approval. He recommended a program for mandatory maintenance.

C. Payne stated that the Department of Ecology's letter of 11/26/91 questioned lots 32 and 33 as being buildable.

R. Barnes stated that river access through the common area is not good from the front lots and recommended an agreement for foot access to the common area for the owners of lots along the top. He would like to see some rehabilitation of the pond.

J. Olson stated he would like to either reconstruct the pond or fence it.

The hearing was opened for public statements.

R. Esaacson stated he feels all of the proposed lots should be at two acres or more.



J. Snell read a letter she and her husband submitted on 12/4/91 which states their concerns regarding lot sizes, possible sewage treatment problems, noise, visual clutter, and loss of privacy.

S. Pratkanis requested that a letter submitted from Jessie Seager on 12/5/91 be read into the record.

R. Lee read this letter which stated her concerns with development around Whiskey Creek and the saturation of the common area in the rainy season.

J. Olson stated that a planned residential development is the principle used in situations where there is significant resources to protect. He stated that the 23 acre open space provides an asset as far as protecting wildlife and provides a buffer for the river.

L. Pratkanis stated he would like to see all of the lots at least two acres in size.

S. Pratkanis stated she is in agreement with J. Seager's concerns and would like to see walking paths for river access.

J. Palodichuk asked who is responsible for maintaining the roads until all of the lots are sold.

J. Olson stated the owner is responsible for the road maintenance for all of the lots until they are sold.

D. Fink asked what the estimated time frame was before the lots will be ready for the sale.

J. Olson stated at least three years.

The hearing was closed to the public.

R. Barnes stated he would recommend beautification of the pond and a requirement that septic systems be inspected every five years and serviced as needed.

T. Linde asked if the lots for the proposed wells will be withdrawn when the wells are installed.

J. Olson stated that a 100 foot radius from the well(s) is required for a building or any use and stated that the lot or lots would be withdrawn.

T. Linde asked why there is only a 40 foot easement for lots 34 through 40 and not the full 60 foot.

J. Olson stated that this is a short, dead end road and a 40 foot easement allows larger building sites.

J. Teitzel asked if the proposed fire hydrants will be adequate.

R. Lee stated that the Fire District has addressed this matter in their letter of 3/7/91.

T. Linde stated his concern with the layout of several lots in regards to drainage and surface runoff.

J. Teitzel stated that the 200 foot buffer recommended by the Department of Wildlife has not been adequately addressed at this time.

T. Collins stated his concern that pathways to the river running through another lot could become a burden to other property owners.

J. Olson stated that all pathways will be part of the common area and maintenance of the pathways will be the responsibility of the Homeowners Association.

J. Teitzel stated that there is a need to address trespassing across private property while accessing the common area.

C. Payne asked if covenants and restrictions would be included in the final plat.

R. Lee stated that the Board could make this a condition for final plat approval.

J. Teitzel stated her concern with no off street parking if someone wanted to drive to the common area.

Robert Barnes made the following MOTION:

The Skamania County Board of Adjustment having held a public hearing on this Conditional Use Application for the Wind River Village Planned Residential Development located at M.P. 10.38L Wind River Road, Stabler, Washington, I, Robert Barnes, do hereby move that the Skamania County Board of Adjustment make the following Findings of Fact and Conclusion:

#### FINDINGS OF FACT

1. This property is zoned Residential-2 and is designated a Rural 2 land use area under the Comprehensive Plan;
2. That Planned Residential Developments are a Conditional Use in a Residential-2 zone;
3. Planned Residential Developments are encouraged within shoreline areas over conventional subdivision designations under the Residential Development Policies of the county Shoreline Management Master Program; and
4. Wind River Village development is consistent with the Rural 2 land use area standards, the Shoreline Management Master Program, Residential Development & Wildlife Policy and Conservancy shoreline environment.

C. Payne stated she feels the concerns raised by the community in regards to zoning is valid. She feels the plat presented is not acceptable because some of the lots will be used for the wells and several lots are not buildable because of streams which will reduce the number of lots in the subdivision.

J. Teitzel stated she is concerned with so many small lots. She feel the concerns of the community have not adequately been addressed at this time. She stated she does like the idea of a planned residential development.

J. Olson suggested this hearing be continued and allow them to return with a revised plan.

J. Teitzel stated she would like to see a trail between lots 23 through 40, larger lots, and protection for Whiskey Creek. She also would like to see parking along the pond area.

C. Payne stated she would like the developer to take into consideration the lots for the proposed wells. She stated the reason she would not like to add a requirement for corporation papers, by-laws, and covenants is because whatever is contained in those papers will make the subdivision. She stated she belongs to a Homeowners Association and has learned from past experience that their papers are not very strong or written in clear language.

T. Linde stated he would like it determined whether or not lot 32 is a buildable lot.

It was moved and seconded to continue this hearing until Tuesday, February 6, 1992. Motion carried.

R. Lee stated that notice of this continuance will be published in the Skamania County Pioneer and notice will be sent to all adjacent property owners.

The hearing was recessed until February 6, 1992.

#### OTHER

R. Lee handed out a copy of a legal opinion regarding whether federal law preempts local requirements for a special use permit through the FERC permit application process for a power generating facility or related facility. He asked the Board to review this opinion and advise him as to whether or not they feel the county should require a conditional use permit for a power generating facility or related facility.

RECEIVED

MINUTES OF THE FEBRUARY 6, 1992 CONTINUATION OF THE DECEMBER 5, 1991  
BOARD OF ADJUSTMENT PUBLIC HEARING HELD AT THE COURTHOUSE ANNEX MEETING  
ROOM STEVENSON, WASHINGTON

BOARD OF ADJUSTMENT MEMBERS PRESENT

Tom Linde, Chairman  
Tim Collins  
Judy Teitzel

Robert Barnes  
Charlotte Payne  
Robert Lee, Planning Director

AUDIENCE

W.C. & Marie Cobine; Bev Stacy; Lisa Graham & Dick  
Howsley of Landerholm Law Offices; Jerry Olson of Olson  
Land Surveyors; Martin Ausetz of SW WA Health District;  
Harold & Irene Hockett, Wayne and Marilyn Andrews; Larry  
& Shirley Pratkan; Bob & Pat Hanson, Richard & Marilyn  
Misner, Patricia Jones, Claudia Jones, Jeffrey Jones,  
Pamela Burlington, Jessie Seager, Jackie Snell, Sylvia  
Holwegner, Gary Hafford.

AGENDA

- 1) Minutes of January 9, 1992
- 2) 1992 Annual Election of Officers
- 3) Wind River Village

Meeting was called to order at 7:35 p.m.

MINUTES OF JANUARY 9, 1992

It was moved and seconded to approve the Minutes of January 9, 1992 as presented. Motion carried.

1992 ANNUAL ELECTION OF OFFICERS

Tom Linde was nominated and elected Chairman. Robert Barnes was nominated and elected Vice-Chairman.

WIND RIVER VILLAGE - PLANNED RESIDENTIAL DEVELOPMENT

R. Lee read a letter into the record from Phyllis Baldwin of Sacramento, California who is a property owner on Cannavina Road. The letter states her support for the proposed development and her objection to local property owners being opposed to the development.

R. Lee stated that a revised plat map has been received by the Planning Department and asked Lisa Graham to explain the changes.

L. Graham explained the original plat presented at the public hearing of December 5, 1991 and explained the changes made based on concerns expressed at that hearing. Changes included a 50 foot setback from Whiskey Creek; private trails for access to the common area and river; and the location of proposed well sites on Lots 5 and 17 which include a 100 foot setback for building from the wells. Left off of the plat map is an easement to the river, which could be between Lots 22 and 31, for access for outer lying properties. She stated that a parking area will be provided near the pond and the pond will be improved or fenced.

BOARD OF ADJUSTMENT MINUTES - FEBRUARY 6, 1992

PAGE 1 OF 7

EXHIBIT

B

PAGE

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She stated that the waterfront lots are all at least 50 feet from the river which is in compliance with Skamania County Shoreline Management Master Program. She explained that a planned residential development allows for an increase in density in exchange for allowing for a common area. She stated that originally 40 lots were proposed and explained that the number of lots has been reduced to 37 because it was suggested at the first hearing that two lots were not buildable.

B. Hanson responded to the letter from Phyllis Baldwin stating that he is not opposed to development, but he is opposed to doing it incorrectly.

P. Hanson stated that she does not know this woman and has never met her.

S. Pratkan asked what the reason is for changing from the required two acre minimum lot size to smaller lots.

R. Lee stated that zoning for this area allows planned residential developments (PRD) as a conditional use, which is what is being proposed and reviewed. He stated that the general scope of a PRD allows smaller lots and a portion of the property to be left undeveloped for a common area.

J. Snell asked if the roads and well sites should be included in the total acres.

R. Lee stated that this is the first PRD proposal presented in Skamania County. He stated that he is in the process of drafting criteria for PRDs. He stated that the common area of this development represents approximately 25% of the total acres.

M. Misner stated her concern with septic systems and flooding along the river.

M. Auseth stated that all of the lots are higher than the 100 year flood plain. He stated that the Health District requires a 100 foot setback from the ordinary high water mark for each drainfield.

J. Seager stated that there is a high water table in this area.

M. Auseth stated that he did not find this to be true. He stated that there is no problem with the lots in the southwestern portion of the proposal but stated that the lots in the northwestern portion will require an enhanced treatment system. He stated that he does not expect any environmental problems.

J. Jones stated that he feels this proposal is a good idea. He asked if the public will be able to use the common area or be able to buy into a share of the common area.

D. Howsley stated that the common area is set up to be for the

homeowners in the development.

S. Pratkan stated her concern with trespassing onto adjacent properties. She stated she would like to see a fence between the development and adjacent properties.

J. Olson stated he is not in favor of a fence but stated that the area could be posted when it is surveyed so people would know when they are leaving property belonging to the Homeowners Association and trespassing onto adjacent property.

R. Misner asked when the wells and fire protection would be installed.

T. Linde stated that all utilities, water, and fire protection must be installed before any lots are sold.

M. Misner asked if the roads would be paved or gravel.

T. Linde stated that the roads will be paved and will have a 60 foot right-of-way. He stated that it is the intention of the developers that the road be taken over by the County.

J. Snell stated she would like to see all of the lots be at least two acres.

M. Andrews stated she would like to see all of the lots be at least two acres.

P. Burlington stated she would also like to see all two acre lots.

Gary Hafford stated he would like to see all of the lots at least two acres or more.

J. Jones stated that the smaller lots with a common area is a wise decision. He feels it is important for the economic development of the county.

H. Hockett stated he would like to see all of the lots at least two acres.

B. Stacy stated that this development is a great plan. She stated that the lot sizes are sufficient and feels the common area is a good concept.

P. Jones stated she is in favor of this development and feels it will enhance the area.

L. Pratkan stated he would like to see all of the lots be two acres.

T. Collins asked about the change in the number of lots from 40 to 37.

J. Olson stated they took out Lots 7, 8 and 9 in the vicinity of the



small streams and increased the size of Lots 15, 16 and 17.

R. Barnes asked about a pedestrian access from the cul-de-sac to the river for property owners.

J. Olson stated they are willing to create a pedestrian access.

C. Payne asked M. Auseth about a statement he made about the 100 year flood plain.

M. Auseth stated that the contour lines on the plat closest to the river represent the 100 year flood plain.

C. Payne asked which stream on the plat represents Whiskey Creek.

R. Misner stated that both streams are channels of Whiskey Creek.

J. Teitzel stated that her concerns have not been adequately addressed regarding the letter from the Department of Wildlife (DOW) of March 26, 1991. She stated that the DOW recommended a 100 foot buffer along each side of the Type 3 tributary, which is Whiskey Creek, for septic systems and buildings. She stated that protection for adjacent property owners from trespassers onto their properties has not been addressed. She stated that the recommendation of inspection of septic systems every five years has not been addressed.

D. Howsley stated that the DOW request for a 100 foot setback is a recommendation not a requirement.

T. Linde stated that concern regarding the gravel pit has not been addressed.

R. Lee stated that a permit has never been issued for removal of rock and that the rock pit was for on-site use only.

J. Olson stated that it could be stated on the plat that the rock pit will not be used for anything.

T. Collins commented that there has been a lot of concern expressed from the audience in regards to increasing all of the lots to two acre minimum lot sizes.

B. Stacy suggested that the developers consider moving the parking area next to the pond to south end of the common area to avoid use from the public and help protect adjacent property owners from trespassers.

J. Olson stated that the parking area is located near the pond at the suggestion of the Board. He stated that moving the parking area could be considered.

The hearing was closed to public comment.

T. Collins stated his concern with the lot sizes and stated that during the zoning process the desires of the people in this area was for two acre lots. He stated he would like to see two acre lots or larger. He asked M. Auseth if the Health District would support two acre lots.

M. Auseth stated the Health District would support two acre lots. He stated that Health District requirements for lots with public water are 22,000 square feet possibly down to 15,000 square feet.

C. Payne stated that her concern is the same as T. Collins. She stated that the density of this development will undoubtedly set a precedence for surrounding properties that can be subdivided. She stated that from personal experience of living in a planned residential development for the past 25 years, it will not be the local people that buy into this development. She stated that the lots will attract people from out of the area.

J. Teitzel stated she supports the two acre minimum lot sizes. She stated she would like to see the DOW regulations followed rather than the Department of Ecology. She stated that it is easier to protect an area than it is to go back and clean up problems that are caused. She stated that Wind River is being looked at for different types of development and protection could come from someone other than than Skamania County such as the Federal Wild and Scenic river designation. She stated that her main concern is that the lots meet the two acre minimum lot size and for protection of the tributaries that flow into the area. She stated that she attended several meetings during the zoning process, and about 50% of the people in this area were in favor of two acres and a majority of those would liked to have seen 10 or 20 acre minimum lot sizes.

R. Barnes stated that a subdivision of this type with a common area is more desirable than the maximum number of lots that would be allowed under the two acre zoning with no common area. He stated that the Zoning Ordinance allows for this type of development.

T. Collins asked if there are minimum lot size requirements for planned residential developments.

R. Lee stated that there are none at this time. He stated that he is in the process of drafting criteria for planned residential developments.

J. Teitzel asked why an Environmental Impact Statement (EIS) was not required for this development.

R. Lee stated that he did not require an EIS because he didn't feel that there would be any questions asked that he couldn't answer. He stated he could require an EIS if the Board requested it.

C. Payne stated that she is concerned with the Determination of Nonsignificance. She stated she doesn't see it that way because of the wetlands, floodplains, river, creeks, and wildlife habitat.

R. Lee stated that he viewed this property with Carl Dugger of the DOW, and after reviewing the Environmental Checklist he didn't feel an EIS was necessary. He stated that the Health District did not feel an EIS was necessary either. He stated that an EIS is required when needed to answer questions or concerns from other agencies. He stated that he doesn't feel any questions have been left unanswered.

T. Collins stated he feels this is a good proposal but felt the need to consider the input from residents of the county.

Charlotte Payne made the following MOTION:

The Skamania County Board of Adjustment having held a public hearing on this Conditional Use Application for the Wind River Village Planned Residential Development located at M.P. 10.38L Wind River Road, Stabler, Washington, I, Charlotte Payne, do hereby move that the Skamania County Board of Adjustment make the following Findings of Fact and Conclusion:

#### FINDINGS OF FACT

1. This property is zoned Residential-2 and is designated a Rural 2 land use area under the Comprehensive Plan; and
2. That Planned Residential Developments are a Conditional Use in a Residential-2 zone.

#### CONCLUSION

That based on the public testimony of the hearings held on December 5, 1991 and February 6, 1992, the sincere desire of the people of the community and adjacent property owners is that the two acre standard minimum lot size be honored. Based on the need for adequate and proper protection for the natural environment of the area, as referenced by the Department of Wildlife and Department of Ecology in particular, I find it is not in best interest of the public health, safety and general welfare to issue a Conditional Use Permit and Preliminary Plat approval for the Wind River Village Planned Residential Development, Skamania County Tax Lot No. 4-7-26-B-1100.

Motion seconded by Judy Teitzel. Motion carried.

	Aye	Nay
Charlotte Payne	<u>x</u>	<u>   </u>
Tim Collins	<u>x</u>	<u>   </u>
Robert Barnes	<u>   </u>	<u>x</u>
Judy Teitzel	<u>x</u>	<u>   </u>
Tom Linde	<u>   </u>	<u>   </u>

#### NEXT MEETING

The next public hearing was scheduled for March 5, 1992 to review and consider a request from Northwest Pipeline Corporation for a Conditional Use Permit to construct a utility natural gas compressor station in Willard.

ADJOURNMENT

It was moved and seconded to adjourn the meeting. Motion carried.  
Meeting adjourned at 9:15 p.m.

ATTEST:

\_\_\_\_\_  
Secretary to the  
Board of Adjustment

\_\_\_\_\_  
Chairman

RECEIVED

BEFORE THE SKAMANIA COUNTY BOARD OF ADJUSTMENT FEB 13 1992  
STEVENSON, WASHINGTON

Marie Cobine, et al )  
P.O. Box 116 )  
North Bonneville, WA 98639 )  
ORDER DENYING  
CONDITIONAL USE  
Case No. CU-91-06

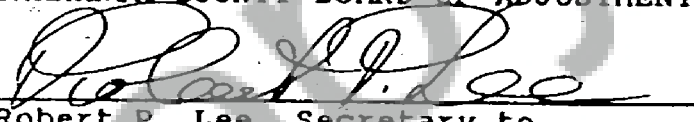
NOTICE IS HEREBY GIVEN to the above-named petitioner that the aforesaid application for a Conditional Use is denied as follows:

Wind River Village Planned Residential Development located at M.P. 10.38L Wind River Road, Stabler, Washington, Skamania County Tax Lot No. 4-7-26-B-110).

THIS ACTION shall be final and conclusive unless within (10) ten days of February 12, 1992 an appeal is filed by an adverse party to a court of competent jurisdiction for a writ of certiorari, a writ of prohibition, or a writ of mandamus.

DATED this 12th day of February, 1992 at Stevenson, Washington.

SKAMANIA COUNTY BOARD OF ADJUSTMENT

  
Robert P. Lee, Secretary to  
the Board of Adjustment

EXHIBIT

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RECEIVED  
FEB 13 1992

MINUTES OF THE FEBRUARY 6, 1992 CONTINUATION OF THE DECEMBER 5, 1991  
BOARD OF ADJUSTMENT PUBLIC HEARING HELD AT THE COURTHOUSE ANNEX MEETING  
ROOM STEVENSON, WASHINGTON

BOARD OF ADJUSTMENT MEMBERS PRESENT

Tom Linde, Chairman  
Tim Collins  
Judy Teitzel

Robert Barnes  
Charlotte Payne  
Robert Lee, Planning Director

AUDIENCE

W.C. & Marie Cobine; Bev Stacy; Lisa Graham & Dick  
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Pamela Burlington, Jessie Seager, Jackie Snell, Sylvia  
Holwegner, Gary Hafford.

AGENDA

- 1) Minutes of January 9, 1992
- 2) 1992 Annual Election of Officers
- 3) Wind River Village

Meeting was called to order at 7:35 p.m.

MINUTES OF JANUARY 9, 1992

It was moved and seconded to approve the Minutes of January 9, 1992 as presented. Motion carried.

1992 ANNUAL ELECTION OF OFFICERS

Tom Linde was nominated and elected Chairman. Robert Barnes was nominated and elected Vice-Chairman.

WIND RIVER VILLAGE - PLANNED RESIDENTIAL DEVELOPMENT

R. Lee read a letter into the record from Phyllis Baldwin of Sacramento, California who is a property owner on Cannavina Road. The letter states her support for the proposed development and her objection to local property owners being opposed to the development.

R. Lee stated that a revised plat map has been received by the Planning Department and asked Lisa Graham to explain the changes.

L. Graham explained the original plat presented at the public hearing of December 5, 1991 and explained the changes made based on concerns expressed at that hearing. Changes included a 50 foot setback from Whiskey Creek; private trails for access to the common area and river; and the location of proposed well sites on Lots 5 and 17 which include a 100 foot setback for building from the wells. Left off of the plat map is an easement to the river, which could be between Lots 22 and 31, for access for outer lying properties. She stated that a parking area will be provided near the pond and the pond will be improved or fenced.



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T. Collins asked if there are minimum lot size requirements for planned residential developments.

R. Lee stated that there are none at this time. He stated that he is in the process of drafting criteria for planned residential developments.

J. Teitzel asked why an Environmental Impact Statement (EIS) was not required for this development.

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T. Collins stated he feels this is a good proposal but felt the need to consider the input from residents of the county.

Charlotte Payne made the following MOTION:

The Skamania County Board of Adjustment having held a public hearing on this Conditional Use Application for the Wind River Village Planned Residential Development located at M.P. 10.38L Wind River Road, Stabler, Washington, I, Charlotte Payne, do hereby move that the Skamania County Board of Adjustment make the following Findings of Fact and Conclusion:

#### FINDINGS OF FACT

1. This property is zoned Residential-2 and is designated a Rural 2 land use area under the Comprehensive Plan; and
2. That Planned Residential Developments are a Conditional Use in a Residential-2 zone.

#### CONCLUSION

That based on the public testimony of the hearings held on December 5, 1991 and February 6, 1992, the sincere desire of the people of the community and adjacent property owners is that the two acre standard minimum lot size be honored. Based on the need for adequate and proper protection for the natural environment of the area, as referenced by the Department of Wildlife and Department of Ecology in particular, I find it is not in best interest of the public health, safety and general welfare to issue a Conditional Use Permit and Preliminary Plat approval for the Wind River Village Planned Residential Development, Skamania County Tax Lot No. 4-7-26-B-1100.

Motion seconded by Judy Teitzel. Motion carried.

	Aye	Nay
Charlotte Payne	<u>x</u>	—
Tim Collins	<u>x</u>	—
Robert Barnes	—	<u>x</u>
Judy Teitzel	<u>x</u>	—
Tom Linde	—	—

#### NEXT MEETING

The next public hearing was scheduled for March 5, 1992 to review and consider a request from Northwest Pipeline Corporation for a Conditional Use Permit to construct a utility natural gas compressor station in Willard.

ADJOURNMENT

It was moved and seconded to adjourn the meeting. Motion carried.  
Meeting adjourned at 9:15 p.m.

ATTEST:

\_\_\_\_\_  
Secretary to the  
Board of Adjustment

\_\_\_\_\_  
Chairman



#### PROPOSED CONDITIONS

1. Final Plat shall meet standards for development within the 100-year flood plain as outlined in the Department of Public Works letter dated April 25, 1991;
2. Proponent shall meet fire protection requirements as outlined in Fire District No. 1 letter dated March 7, 1991;
3. Water and septic shall meet requirements of Southwest Washington Health District letter dated May 16, 1991. Any lot which may require an alternative septic system shall have a notation on the Final Plat to that effect;
4. Obtain Hydraulic Project Approval for culvert crossing of Whiskey Creek;
5. Proponent shall develop a valid enforceable Homeowners Maintenance Agreement between all lot owners, which shall include future owners, whereby the costs of maintenance and care of the water system, septic systems, common area and private road(s) shall be provided for in an equitable manner.
6. The Common Area shall remain an open and undeveloped parcel which may not be developed for future dwelling lots and shall include foot paths.

The Common Area may be used for passive recreation such as (i.e.) hiking, viewing and fishing. Passive recreation development may include trails, picnic tables, fire rings and a covered picnic structure of not more than 400 square feet. Such development shall be consistent with the county Shoreline Management Master Program.

A statement to this effect regarding the above two paragraphs shall be placed on the final plat.

7. A Homeowners Maintenance Agreement must be approved by the Board prior to final plat approval.
8. Final Plat shall meet all requirements of Skamania County Code, Title 17 Subdivisions.
  - A. The Board of Adjustment shall be the preliminary and final plat Board of review for all chapters and sections of Title 17. All chapters and sections which refer to the Planning Commission, Board or Clerk of the Board shall be deemed for the purposes of the Wind River Village Planned Residential Development to be the Skamania County Board of Adjustment.
  - B. Except, the minimum lot size requirements of Section 17.36.030, however, the lot depth ratio shall not exceed a ratio of four to one (four being the depth).

EXHIBIT

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PAGE

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COPY  
ORIGINAL FILED

FEB 21 1992

JoAnne McBride, Clerk, Clark Co.

SUPERIOR COURT OF WASHINGTON FOR CLARK COUNTY

MARIE COBINE,

Petitioner,

vs.

SKAMANIA COUNTY, a  
Municipal Corporation,  
SKAMANIA COUNTY BOARD OF  
ADJUSTMENT being TOM LINDE,  
TIM COLLINS, JUDY TEITZEL,  
ROBERT BARNES, and  
CHARLOTTE PAYNE,

Respondents.

No. 92 2 00533 0

ROBERT L. HARRIS

AFFIDAVIT OF MARIE COBINE

I, MARIE COBINE, being first duly sworn, do depose and  
state:

1. I make this Affidavit on personal knowledge except  
as otherwise expressly set forth.

2. I am the owner of certain property located in  
Skamania County at Mile Post 10.38L Wind River Road, Stabler,  
Washington.

3. I submitted to the Skamania County Planning Staff,  
a preliminary plat application for a planned residential  
development (CU-91-06) of forty (40) lots located in the  
Residential-2 zone in Skamania County, Washington.

AFFIDAVIT OF MARIE COBINE - 1

LAW OFFICES OF  
Landerholm, Memovich,  
Lansverk & Whitesides, Inc., P.S.  
Broadway at Evergreen, Suite 400  
P.O. Box 1086  
Vancouver, Washington 98666  
(206) 596-3312

1           4.    On or about October 9, 1991, the Skamania County  
2 Planning Staff issued a report recommending conditional approval  
3 of my application. A copy of the staff report is attached as  
4 Exhibit "A" to the Petition for Writ of Certiorari and/of Writ of  
5 Mandamus.

6           5.    On or about December 5, 1991, the Skamania County  
7 Board of Adjustment (Board) heard my proposal. This hearing was  
8 continued to February 6, 1992 so that additional issues could be  
9 addressed. A copy of the minutes of the hearing is attached as  
10 Exhibit "B" to the Petition for Writ of Certiorari and/of Writ of  
11 Mandamus.

12           6.    On or about February 6, 1992, the Board reconvened  
13 and again heard my proposal. The Board voted to deny my  
14 application for a planned residential development. A copy of the  
15 minutes of the hearing and the Order to Deny application CU-91-  
16 06 (Wind River Village) is attached as Exhibit "C" to the  
17 Petition for Writ of Certiorari and/of Writ of Mandamus.

18           7.    The Planning Staff found that my request met all  
19 applicable code provisions and laws, the Board denied this  
20 request without stating the reasons for denial.

21           8.    The Board of Skamania County denied any  
22 application without issuing Findings of Fact and Conclusions of  
23 Law.

24           9.    The Board denied my application based on community  
25 displeasure of my application and not on the merits of the  
26 application itself.

1           10. I am personally aggrieved by the decision of the  
2 Board denying my application. I request that the Court issue a  
3 Writ of Certiorari (Review) and/or a Writ of Mandamus ordering  
4 the Board to certify a true and complete transcript to the Court  
5 and further ordering the Board to issue approval of my  
6 preliminary plat application.

7           DATED this 21st day of February, 1992.

8 Marie Cobine  
9 MARIE COBINE

10 STATE OF WASHINGTON )  
11 County of Clark ) ss.

12           I certify that I know or have satisfactory evidence  
13 that MARIE COBINE is the person who appeared before me, and said  
14 person acknowledged that she signed this instrument and  
acknowledged it to be her free and voluntary act for the uses and  
purposes mentioned in the instrument.

15           DATED: February 21, 1992

16 Shirley D. Dwyer  
17 Notary Public in and for the  
18 State of Washington, residing  
19 at Vancouver.  
20 My appointment expires: 2/5/96

Stevenson, Washington, 2/24/92

TO COUNTY AUDITOR DR.  
Skamania County, Washington

FILING  
RECORDING

FILE NO

112986

AMOUNT

NC

Agree. & Lease

Liens

Mines

Deed

Mortgage

Satisfactions

Misc.

Surveys

Plats

UCC

Skamania County  
et al.

to

Maice Cobine

9:27 A.M.

David M. Olson  
COUNTY AUDITOR

By W. Balnesen  
DEPUTY

28728