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Document Title(s) or transactions contained therein:

1. Gorge Commission Directors Decision
- 2.
- 3.
- 4.

GRANTOR(S) (Last name, first, then first name and initials)

1. Eric Haight
- 2.
- 3.
- 4.

Additional Names on page _____ of document.

GRANTEE(S) (Last name, first, then first name and initials)

1. Columbia River Gorge Commission
- 2.
- 3.
- 4.

Additional Names on page _____ of document.

LEGAL DESCRIPTION (Abbreviated: I.E., Lot, Block, Plat or Section, Township, Range, Quarter/Quarter)

W 1/2 of Section 7, Township 1 North
Range 5 East, W.M.

Complete legal on page _____ of document.

REFERENCE NUMBER(S) Of Documents assigned or released:

Additional numbers on page _____ of document.

ASSESSOR'S PROPERTY TAX PARCEL/ACCOUNT NUMBER

01 05 07 0 0 0701 00

Property Tax Parcel ID is not yet assigned.

Additional parcel #'s on page _____ of document.

The Auditor/Recorder will rely on the information provided on the form. The Staff will not read the document to verify the accuracy or completeness of the indexing information.

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COLUMBIA RIVER GORGE COMMISSION

P.O. Box 730 288 E. Jewett Blvd. White Salmon, WA 98672 509-493-3323

DEVELOPMENT REVIEW

Director's Decision

APPLICANT: Eric Haight

FILE NO.: C93-0175-S-G-11

REQUEST: The applicant proposes to divide an 84.88 acre parcel into a 26.19 acre parcel and a 58.69 acre parcel and to construct a dwelling on the 26.19 acre parcel. The proposal also includes a conservation easement for the 58.69 acre parcel.

LOCATION: The subject parcel is located west of and adjacent to Hudson Road (and east of and adjacent to Marris Didier Road) approximately 1850 feet south of Belle Center Road in the W 1/2 of Section 7, Township 1 North, Range 5 East, W.M. (Tax Lot 701 of Assessor's Parcel Map 1-5-7), Skamania County, Washington.

NATIONAL SCENIC AREA DESIGNATION: General Management Area

COMMENTS FROM OTHER AGENCIES/INDIVIDUALS:

In addition to owners of property within 250 feet of the subject parcel, notice of the subject request was mailed to the following agencies/individuals:

Yakima Indian Nation
Confederated Tribes of the Umatilla Indian Reservation
Confederated Tribes of Warm Springs
Nez Percé Tribe
OR Land Conservation and Development Commission
U.S. Forest Service NSA Office
WA Office of Archaeology and Historic Preservation
Skamania County Department of Planning & Community Development
Skamania County Building
Skamania County Assessor
SW Washington Health District

Comments were received from Friends of the Columbia Gorge, Columbia Gorge United, Washington Office of Archaeology and Historic Preservation, and the Confederated Tribes and Bands of the Yakima Indian Nation.

FINDINGS OF FACT:

A. Conversion of Land

1. The Columbia River Gorge National Scenic Area Act, Sections 6(d)(1) and (2), require the Columbia River Gorge Commission to protect and enhance agricultural lands for agricultural uses and forest lands for forest uses.
2. The Final Interim Guidelines, Chapter III, Section C(1)(a)(1) allows the conversion of agricultural land to open space, recreation development, or forest land when such conversion will protect and enhance the scenic, cultural, recreation, and natural resource values of the area. Conversion to other uses is inconsistent with the Act.
3. The Final Interim Guidelines, Chapter III, Section C(2)(a)(2) permits conversion of forest land to agricultural land, recreation development or open space provided conversion will protect and enhance the scenic, cultural, recreation and natural resources. Conversion to other uses is inconsistent with the Act.
4. The subject parcel is 84.88 acres in size. It has a dwelling, two mobile homes, a barn, and a shop building located on it. Approximately one half of the parcel consists of pasture and hay. The remaining acreage consists of woodland and steep ravines associated with the Lawton Creek drainage. Some harvesting of trees has occurred on the subject parcel west of the Lawton Creek tributary.

The applicant wishes to divide the subject parcel into two parcels. He wishes to sell the 26.19 acre parcel which lies east of and adjacent to Marrin Didier Road.

5. The adjacent parcels consists of a 56.92 acre parcel to the north; a 20-acre parcel to the east; a 335.57 acre parcel to the south and east; and a 30.5 acre parcel to the west. These adjacent lands and lands in the vicinity consist of pasture, hay, and woodland. The parcels to the west of the subject parcel contain single family dwellings in conjunction with resource use.
6. The Soil Conservation Service Soil Survey of Skamania County Area, Washington indicate the following soils for the subject parcel.

Hesson Clay Loam, 5 to 15 percent slopes with a cropland capability class of III.

Hesson Clay Loam, 15 to 30 percent slopes with a cropland capability class of IV.

Hesson Clay Loam, 30 to 40 percent slopes with a cropland capability class of VI.

Soils of class I-IV are considered suitable for certain types of crop production. All of these soils have the ability to produce up to 170 cubic feet per acre per year of Douglas fir at 65 years of age.

7. The proposed 26.19 acre parcel is predominantly made up of Hesson Clay Loam with a cropland capability of VI.
8. The proposed 26.19 acre parcel mostly consists of soils which are generally not suitable for agricultural production; the predominant use of this area is forest management. The proposed 58.69 acre parcel contains the soils which are most suitable for agricultural production. It is this larger area that contains the current hay and pasture uses.
9. A previous application by the applicant (Commission File C92-0067-S-G-12) found and concluded that the entire subject parcel is used for and suitable for production of agricultural and forest products. The request was to divide the subject parcel into three parcels of 19.64 acres, 39.14 acres, and 26.1 acres. The decision concluded that the proposed land division would fragment resource lands converting those lands to small rural residential hobby farms which are predominantly residential in nature.

The current application is significantly different. It would recognize existing uses of the subject parcel which is both agricultural and small woodlot management. Specifically, the proposed 58.89 acre parcel would contain the most suitable agricultural land as a single agricultural unit in one ownership. The proposed 26.19 acre parcel, which contains the majority of the current forest use, would be used for forest management.

The applicant proposed recording a deed restriction/conservation easement ensuring that the subject parcel will not be further divided or developed beyond the subject proposal. Such an instrument is not needed as the subject parcel is now subject to the minimum parcel sizes and land use guidelines of the Management Plan for the Columbia River Gorge National Scenic Area and Skamania County's land use ordinance for the National Scenic Area lands in Skamania County.

10. The resulting 26.19 acre parcel will be a small woodlot. Previous Commission decisions have found that constructing a dwelling on a small woodlot does not convert forest land to residential use. In addition, other parcels in the vicinity have dwellings associated with forest management. The proposed dwelling would not convert forest land to residential purposes if the dwelling were located on a portion of the parcel which does not conflict with normal forest management.
11. Approval of the subject land division will not set a precedent for future land divisions and creation of small woodlots from commercial-scale woodlots and

agricultural operations. Adjacent parcels and those in the vicinity do not have the same historical use and suitability circumstances as the subject parcel.

Conclusion:

The subject request would divide an 84.88 acre parcel into two parcels of 26.19 acres and 58.69 acres. The proposed 58.69 acre parcel is that portion of the 84.88 parcel which is currently used for and suitable for agricultural purposes. The proposed 26.19 acre parcel is that portion of the 84.88 parcel which is used for and suitable for forest management. This portion of the 84.88 parcel is generally unsuitable for agricultural management.

Single family dwellings are not uncommon on small woodlots. The proposed single-family dwelling would be built on the proposed 26.19 acre small woodlot. The proposed single-family dwelling would not convert forest land to residential use.

As proposed, the subject request would not convert resource land to non-resource use and would not adversely affect resource land in the Scenic Area.

B. Scenic Resources

1. The Final Interim Guidelines, Chapter III, Section B(1)(1) states, "Proposed uses or developments shall protect or enhance the scenic resources by avoiding changes in the particular landscape setting, and/or by minimizing the impact from site-specific development."
2. The Final Interim Guidelines, Chapter III, Section B(1)(2) states, "Proposed uses or developments shall not change the landscape setting of a site or its immediate surroundings from an undeveloped to a rural or developed setting or from a rural to a developed setting."
3. The Final Interim Guidelines, Chapter III, Section B(1)(4) states, "Size, shape, color, texture, siting, height, building materials, lighting, other features of a proposed development shall not noticeably contrast with the landscape setting."
4. The subject parcel and lands north, northeast, and northwest consist of a rural landscape setting with moderately sized parcels. Lands extending south of the subject parcel consist of large parcels which comprise an undeveloped to rural setting. The adjacent parcels consists of a 56.92 acre parcel to the north; a 20-acre parcel to the east; a 335.57 acre parcel to the south and east; and a 30.5 acre parcel to the west.

The resulting parcels of the proposed land division would create parcels which are similar in size to those parcels in the identified rural landscape setting. The proposed land division would not change the landscape setting of the subject parcel or its immediate area.

5. The Final Interim Guidelines, Chapter III, Section B(1)(3) states that "proposed uses or developments shall not detract from or impair views from key viewing areas."
6. The Final Interim Guidelines, Chapter III, Section B(1)(6) states, "Proposed uses or developments shall be screened from view of key viewing areas. Whenever possible, screening will make use of topographic or other natural features and/or vegetation."
7. Portions of the subject parcel are visible from several key viewing areas identified in the Final Interim Guidelines including Crown Point State Park, Portland Woman's Forum State Park, the Historic Columbia River Highway, Larch Mountain, the Columbia River, Interstate 84, and the Union Pacific Railroad.
8. The proposed development is a single family dwelling approximately 36' x 60'. The dwelling is proposed to be one story with a daylight basement. In addition, a three-car garage approximately 24' x 30' is proposed. The garage will be only one story in height.
9. The proposed 26.19 acre parcel contains screening opportunities for the proposed dwelling and garage. The proposed building site is within an area containing a number of Douglas fir trees which are approximately 16" dbh and over 40 feet in height. This site can be seen from Larch Mountain in a background view. It will be necessary to preserve these trees in order to screen the proposed dwelling from view of key viewing areas.
10. In addition to siting the dwelling within the wooded area of the subject 26.19 acres, the dwelling should be a dark earth-tone color to ensure that it is visually subordinate within the trees. Dark colors are significantly less visible than light colors when seen in a middle-ground or background view.

Conclusion:

The subject parcel is located in a rural landscape setting. The proposed parcels are not uncharacteristic of the surrounding area. The proposed parcels will not change the landscape setting of the subject parcel or parcels in the immediate area.

The subject parcel is also seen from seven key viewing areas. So long as the proposed development conforms to the findings of fact # B.8 through B.10, the proposed development will not detract from or impair views from key viewing areas and will not adversely affect scenic resources in the Scenic Area.

C. Cultural Resources

1. The Final Interim Guidelines, Chapter III, Section B(2)(1) states that "proposed uses or developments shall not damage or destroy cultural resources existing on the site or in the vicinity."
2. Thomas Turck, archaeologist with the U.S.D.A. Forest Service, National Scenic Area Office completed an investigation, including archival research. Mr. Turck states that this archival research of Scenic Area site records, the Columbia River Gorge Overview, historic maps, and air photos did not reveal any recorded archaeological properties on or near the subject property. In addition, the parcel is located in an area of low probability for cultural resources. As a consequence of this investigation, Mr. Turck finds that the proposed land division will have no effect, beneficial or adverse, upon cultural resources.

Mr. Turck recommends a condition requiring cessation of work and notification of the Commission and the Washington Office of Archaeology and Historic Preservation within twenty-four hours should a cultural resource be discovered during the course of the project.

3. The Washington Office of Archaeology and Historic Preservation submitted a letter but chose not to comment on the application until receiving a copy of the completed cultural resource survey. No comments were received.

Conclusion:

The proposed development would not affect known cultural resources. To protect unknown cultural resources, a condition should be employed requiring the applicant to immediately cease work and notify the Commission and the Washington Office of Archaeology and Historic Preservation in the event that cultural resources are inadvertently discovered during construction activity.

D. Recreation Resources

1. The Final Interim Guidelines, Chapter III, Section B(3)(1) states that "proposed uses or developments shall not displace or detract from an existing recreation use or change an existing recreation setting."
2. No recreation facilities exist on the subject parcel or in the vicinity.

Conclusion:

The proposed development would not adversely affect recreation resources within the Scenic Area.

E. Natural Resources

1. The Final Interim Guidelines, Chapter III, Section B(4)(1) states that "proposed developments or changes in use shall not degrade or destroy the natural resources existing on a site proposed for development, or cause off-site impacts that could result in degradation or destruction of natural resources in the Scenic Area."
2. No sensitive, threatened and endangered plant or animal species have been identified on or in the vicinity of the subject property.
3. No known natural areas, endemic plant species or sensitive wildlife areas have been identified in the subject area.
4. Two depression ponds used for watering livestock exist on the parcel. These will exist on the proposed 58.69 acre parcel. A tributary to Lawton Creek flows through the subject parcel. Lawton Creek is identified as tributary fish habitat.

To ensure that the proposed development does not adversely affect this tributary or Lawton Creek, it will be necessary to maintain an undisturbed 50 foot buffer between any proposed land use and the tributary. No portion of the dwelling, septic system, or any ground disturbing activity should occur within this 50 foot buffer area.

Conclusion:

The proposed development would not adversely affect any natural resources if a 50 foot minimum buffer area is maintained between any proposed land use or ground disturbance and the tributary stream which flows through the subject parcel.

DECISION:

Based upon the preceding findings of fact; the land use application by is found to be consistent with the standards of Section 6 and the purposes of P.L. 99-663, and Commission Rule 350-20, and is hereby approved with the following conditions:

1. The applicant or successor in interest shall submit a detailed site plan which shows the exact location of the proposed dwelling and all ground disturbing activities. The dwelling shall be located in an area of the subject parcel which does not infringe closer to the tributary stream than 50 feet.

This site plan shall conform to the requirements of the Applicant Handbook for Land Use Applications submitted under the Final Interim Guidelines and shall be reviewed and approved by the Executive Director of the Columbia River Gorge Commission.

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2. The dwelling shall be a dark earth-tone color. Prior to construction activities, samples of the exterior, doors, trim, and roof shall be submitted to the Executive Director of the Gorge Commission for review and approval.
3. Within 75 feet of the subject dwelling and garage, all existing woody vegetation shall be retained and maintained in a healthy state. Any thinning or removal of trees (even diseased trees) shall be done only after a landscape plan has been submitted to and approved by the Executive Director of the Gorge Commission. This landscape plan shall show all development and the vegetation within 75 feet of the development. The plan shall also show all trees proposed for removal and all replacement trees. The Executive Director shall evaluate the plan for consistency with this decision and protection of scenic resources in the Scenic Area.
4. A copy of the recorded plat map shall be submitted to and kept in the files of the Columbia River Gorge Commission.
5. Should any cultural resource, historic or prehistoric, be uncovered during construction of the proposed development, including site preparation, driveway construction, and installation of the septic system, construction activity shall stop immediately and the applicant or parties of interest shall notify the Commission and the Washington Office of Archaeology and Historic Preservation within 24 hours.

DATED AND SIGNED THIS 17th day of May, 1994, at White Salmon, Washington.


Jonathan Doherty, Executive Director

Note: Any new residential development, related accessory structures such as garages, workshops and satellite dishes and additions or alterations not included in this approved site plan, will require a new application and review.

As per section 350-20-014 of the Commission's Review and Approval of Major Development Actions and New Residential Development Rule, no development shall be undertaken or initiated within twenty (20) working days of the date of this decision, the time period within which this decision may be appealed. The appeal period ends the 16th day of June, 1994.

As per section 350-20-010(6) the decision of the Director approving a proposed development action shall become void in two years if the development action is not undertaken within that period, or when the development action is discontinued for any reason for one continuous year or more. The decision of the Director becomes void on the 17th day of May, 1996.

This land use approval does not exempt the development from any other requirements, standards or permits required by local government or other jurisdictions. The developer should check with the appropriate city or county planning and/or building departments regarding local land use and building regulations.

APPEAL PROCESS

The decision of the Executive Director shall be final unless a notice of appeal is filed with the Commission within twenty (20) working days of the date of this decision by the applicant or any person who submitted comment. Any three (3) members of the Commission may appeal this decision by filing a notice within the same time period. Notice of Appeal forms may be obtained at Commission offices.

No development approved by the Executive Director shall be undertaken or initiated during the appeal filing period if the Director received any adverse comments during the comment period. If the Director received no adverse comments, the development action approved by the Director may be undertaken or initiated during the appeal filing period, subject to the risks and consequences of an appeal or Commission initiated review. The development remains subject to the rules and regulations of other state and local authorities with jurisdiction over the proposed development.

The appeal period ends the 16th day of June, 1994.

JL:jl
FIND0175.93

cc: U.S. Forest Service - NSA Office
OR Land Conservation and Development Comm.
Yakima Indian Nation
Confederated Tribes of the Umatilla Indian Reservation
Confederated Tribes of Warm Springs
Nez Perce Tribe
WA Office of Archaeology and Historic Preservation
Skamania County Department of Planning & Community Development
Skamania County Building
Skamania County Assessor
SW Washington Health District
Friends of the Columbia Gorge
Columbia Gorge United