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Return Address: Edward Grove  
651 Orchard Lane  
Underwood, WA 98651

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FILED FOR RECORD  
SKAMANIA COUNTY, WA  
BY Ed Grove

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GARY H. OLSON

**Skamania County  
Department of Planning and  
Community Development**

Skamania County Courthouse Annex  
Post Office Box 790  
Stevenson, Washington 98648  
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Reg. No.	✓
Seal No.	✓
Expiry	✓
Filed	✓
Notes	

**Director's Decision**

**APPLICANT:** Edward Grove

**FILE NO.:** NSA-96-19 (on remand)

**PROJECT:** Construction of a non-farm dwelling on a new lot configuration resulting from a boundary line adjustment (the southern homesite) or construction of a home on a parcel zoned small-scale forestry.

**LOCATION:** 651 Orchard Lane, Underwood  
Section 15 of T3N, R10E, W.M., Skamania County Tax Lot #3-10-15-200 & 303.

**ZONING:** General Management Area, Large-Scale Agriculture (AG-1), Small Woodland (F-3/40), and Open Space.

**DECISION:** Based upon the entire record before the Director, including particularly the two Staff Reports, the application by Edward Grove, described above, subject to the conditions set forth in this Decision, is found to be consistent with Title 22 SCC and is hereby approved.

Although the proposed development is approved, it may not be buildable due to inadequate soils for septic and/or lack of potable water. These issues are under the jurisdiction of Skamania County's Building Department and the Washington State Health District.

Approval of this request does not exempt the applicant or successors in interest

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from compliance with all other applicable local, state, and federal laws.

#### CONDITIONS OF APPROVAL:

The following conditions are required to ensure that the subject request is consistent with Skamania County Title 22. This document, outlining the conditions of approval, must be recorded in the deed records of the Skamania County Auditor in order to ensure notice of the conditions of approval to successors in interest. SCC §22.06.050(C)(2).

*The subject application contains two different homesites. However, the applicant is entitled to only one new home. Therefore, the applicant must choose one of the two locations, either the northern homesite or the southern homesite. Below are listed the applicable conditions to each homesite. Prior to the County's issuance of a building permit, the applicant must choose which homesite he plans to develop and notify the Planning Office in writing. Only conditions applicable to the specific homesite must be followed. The others may be ignored. The conditions are listed under the heading (A) for northern homesite and (B) for southern homesite.*

#### A. NORTHERN HOMESITE

- 1) Prior to issuance of a building permit, the following shall be completed:
  - a) The property shall have been reviewed by the County Commissioners for enrollment in the Timber Assessment Program.
  - b) A grading plan shall be submitted.
  - c) A final site plan shall be submitted and reviewed by the Planning Department. Additional conditions may be imposed after the review.
- 2) A declaration shall be signed by the landowner and recorded in the County Auditor's records specifying that the owners, successors, heirs, and assigns of the subject parcel are aware that adjacent and nearby operators are entitled to carry on accepted farm or forest practices on lands designated Ag-1, Ag-2, F-1, F-2 and F-3.
- 3) The following fire safety guidelines shall be followed:
  - a) All buildings shall be surrounded by a maintained fuel break of 50 feet. Irrigated or fire resistant vegetation may be planted within the fuel break, including green lawns and low shrubs (less than 24 inches in height). Trees should be placed greater than 15 feet between the crown and pruned to remove dead and low (less than 8 feet) branches. Accumulated leaves, needles and other dead vegetation shall be removed from beneath trees.
  - b) Hazardous fuels shall be removed within the fuel break area.
  - c) Buildings with plumbed water systems shall install at least one standpipe at a

minimum of 50 feet from the structure(s).

- d) A pond, stream, tank or sump with storage of not less than 1,000 gallons, or a well or water system capable of delivering 20 gallons per minute shall be provided. If a well pump is located on-site, the electrical service shall be separate from the dwelling.
  - e) Access drives shall be constructed to a minimum of 12 feet in width and not exceed a grade of 12 percent. Turnouts shall be provided at a minimum of every 500 feet. Access drives shall be maintained to a level that is passable to fire equipment.
  - f) Within one year of the occupancy of a dwelling, the Department shall conduct a review of the development to assure compliance with this section.
  - g) Telephone/power supply shall be underground.
  - h) Roofs of structures should be made of fire-resistant materials, such as metal, fiberglass shingle or tile. Roof materials such as cedar shake and shingle should not be used.
  - i) Any chimney or stovepipe on any structure for use with a woodstove or fireplace should be screened with no coarser than 1/4 inch mesh metal screen that is noncombustible and corrosion resistant and should be equipped with a spark arrestor.
  - j) All structural projections such as balconies, decks and roof gables should be built with fire resistant materials equivalent to that specified in the Uniform Building code.
  - k) Attic openings, soffit vents, foundation louvers or other ventilation openings on dwellings and accessory structures should be screened with no coarser than 1/4 inch mesh metal screen that is noncombustible and corrosion resistant.
- 4) The home shall be placed 200 feet from the north and west property lines, unless a variance is applied for and granted.
  - 5) The home shall not be constructed on slopes greater than 40%, unless a variance is applied for and granted.
  - 6) The home shall be limited to one-story with a daylight basement.
  - 7) The home shall not exceed 28 feet in height above average grade.
  - 8) The dwelling shall be finished in non-reflective materials of dark earth-tone colors. In order to verify consistency with the above criterion, the applicant shall submit color samples to the

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Department prior to issuance of the building permit.

- 9) Exterior lighting shall be directed downward and sited, hooded and shielded such that it is not highly visible from key viewing areas. Shielding and hooding materials shall be composed of nonreflective, opaque materials.
- 10) Except as is necessary for construction of access roads, building pads, leach fields, etc., the existing vegetation screening the development from key viewing areas shall be retained and maintained in a healthy condition. Dead or dying trees shall be replaced in kind and in place.
- 11) All cut banks and fill slopes shall be reseeded with native grass within 30 days or next planting season.
- 12) All fencing is prohibited until such time as it is approved. If in the future the landowner decides that fencing is necessary, new fencing can be approved if it meets the following standards, upon a written request submitted to the Planning Department:
  - a) New fences in deer and elk winter range shall be allowed only when necessary to control livestock or pets or to exclude wildlife from specified areas, such as gardens. Fenced areas shall be the minimum necessary to meet the needs of the project applicant.
  - b) New and replacement fences in winter range shall comply with the following, unless the applicant demonstrates the need for an alternative design:
    - i) The top wire shall not be more than 42 inches high to make it easier for deer to jump over the fence.
    - ii) The distance between the top two wires shall be at least 10 inches to make it easier for deer to free themselves if they become entangled.
    - iii) The bottom wire shall be at least 16 inches above the ground to allow fawns to crawl under the fence. It should consist of smooth wire because barbs often injure animals as they crawl under fences.
    - iv) Stays or braces placed between strands of wire shall be positioned between fence posts where deer are most likely to cross. Stays create a more rigid fence, which allows deer a better chance to wiggle free if their hind legs become caught between the top two wires.
  - c) Woven wire fences may be authorized only when a project applicant clearly demonstrates that such a fence is required to meet his or her specific needs, such as controlling hogs and sheep.
- 13) The following procedures shall be effected when cultural resources are discovered during construction activities:

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- a) **Halt Construction.** All construction activities within 100 feet of the discovered cultural resource shall cease. The cultural resources shall remain as found; further disturbance is prohibited.
- b) **Notification.** The project applicant shall notify the Planning Department and the Gorge Commission within 24 hours of the discovery. If the cultural resources are prehistoric or otherwise associated with Native Americans, the project applicant shall also notify the Indian tribal governments within 24 hours.
- c) **Survey and Evaluations.** The Gorge Commission shall arrange for the cultural resources survey.

**B. SOUTHERN HOMESITE**

- 1) All developments shall be consistent with the enclosed site plan, unless modified by the following conditions of approval. If modified, the site plan shall be consistent with the conditions of approval.
- 2) The land owner shall sign a declaration specifying that the owners, successor, heirs and assigns of the subject property are aware that adjacent and nearby operators are entitled to carry on accepted agricultural or forest practices. The declaration shall be recorded in the Auditor's deed records.
- 3) The applicant shall either construct the home at least 250 feet from the eastern property line, but no closer than 100 feet from the western property line, or construct it at least 100 feet from the eastern property line with a vegetative barrier. Existing vegetation may be applied to this requirement.
- 4) If a vegetative barrier is necessary to meet setback requirements, then it shall conform to the following:  
  
Trees shall be at least six feet high when planted and reach an ultimate height of at least 15 feet. The vegetation screen shall be planted along the appropriate parcel line(s), and be continuous. The vegetative screening must be completely planted during the first phase of development and maintained in good condition.
- 5) All development shall be at least five feet from the side lot lines, fifteen feet from the rear lot line and fifteen feet from the front lot line or forty-five feet from the centerline of a private or public road.
- 6) The exterior of the home shall be composed of non-reflective, DARK, earth-tone colors. The applicant shall submit color samples to the Planning Department prior to issuance of a building permit.
- 7) Exterior lighting shall be sited, limited in intensity, shielded or hooded in a manner that prevents lights from being highly visible from key viewing areas and from noticeably contrasting with the surrounding landscape setting, except for road lighting necessary for safety purposes. The lighting shall be approved by the Planning department before the occupancy permit will be issued. In order

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to avoid future delays in the release of the occupancy permit, the applicant is advised to contact the Planning Department to discuss lighting options.

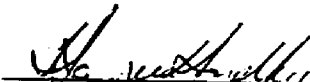
- 8) All conditions to achieve visual subordination shall occur prior to an occupancy permit being issued.
- 9) Except as is necessary for site development or safety purposes, the existing tree cover screening the development from key viewing areas shall be retained.
- 10) All fencing is prohibited at this time. If in the future fencing is desired, then it can be approved if it meets the following standards, upon a written request submitted to the Planning Department:
  - a) New fences in deer and elk winter range shall be allowed only when necessary to control livestock or pets or to exclude wildlife from specified areas, such as gardens.  
  
Fenced areas shall be the minimum necessary to meet the needs of the project applicant.
  - b) New and replacement fences in winter range shall comply with the following, unless the applicant demonstrates the need for an alternative design:
    - i) The top wire shall not be more than 42 inches high to make it easier for deer to jump over the fence.
    - ii) The distance between the top two wires shall be at least 10 inches to make it easier for deer to free themselves if they become entangled.
    - iii) The bottom wire shall be at least 16 inches above the ground to allow fawns to crawl under the fence. It should consist of smooth wire because barbs often injure animals as they crawl under fences.
    - iv) Stays or braces placed between strands of wire shall be positioned between fence posts where deer are most likely to cross. Stays create a more rigid fence, which allows deer a better chance to wiggle free if their hind legs become caught between the top two wires.
  - c) Woven wire fences may be authorized only when a project applicant clearly demonstrates that such a fence is required to meet his or her specific needs, such as controlling hogs and sheep.
- 11) The following procedures shall be effected when cultural resources are discovered during construction activities:
  - a) Halt Construction. All construction activities within 100 feet of the discovered cultural resource shall cease. The cultural resources shall remain as found; further disturbance is prohibited.

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- b) Notification. The project applicant shall notify the Planning Department and the Gorge Commission within 24 hours of the discovery. If the cultural resources are prehistoric or otherwise associated with Native Americans, the project applicant shall also notify the Indian tribal governments within 24 hours.
- c) Survey and Evaluations. The Gorge Commission shall arrange for the cultural resources survey.

Dated and Signed this 28<sup>th</sup> day of May, 1997, at Stevenson, Washington.

  
Harpreet Sandhu, Director  
Skamania County Planning and Community Development.

#### NOTES

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

As per SCC §22.06.050(C)(2), the Director's Decision shall be recorded in the County deed records prior to commencement of the approved project.

As per SCC §22.06.050(C)(5), the decision of the Director approving a proposed development action shall become void in two years if the development is not commenced within that period, or when the development action is discontinued for any reason for one continuous year or more.

#### APPEALS

The decision of the Director shall be final unless a written Notice of Appeal is filed by an interested person within 20 days from the date hereof. Appeal may be made to the Skamania County Board of Adjustment, P.O. Box 790, Stevenson, WA 98648. Notice of Appeal forms are available at the Department Office.

A copy of the Decision was sent to the following:

Skamania County Building Department  
Skamania County Assessor's Office

A copy of this Decision, including the Staff Report, was sent to the following:

Persons submitting written comments in a timely manner  
Yakama Indian Nation  
Confederated Tribes of the Umatilla Indian Reservation  
Confederated Tribes of the Warm Springs  
Nez Perce Tribe  
Columbia River Gorge Commission

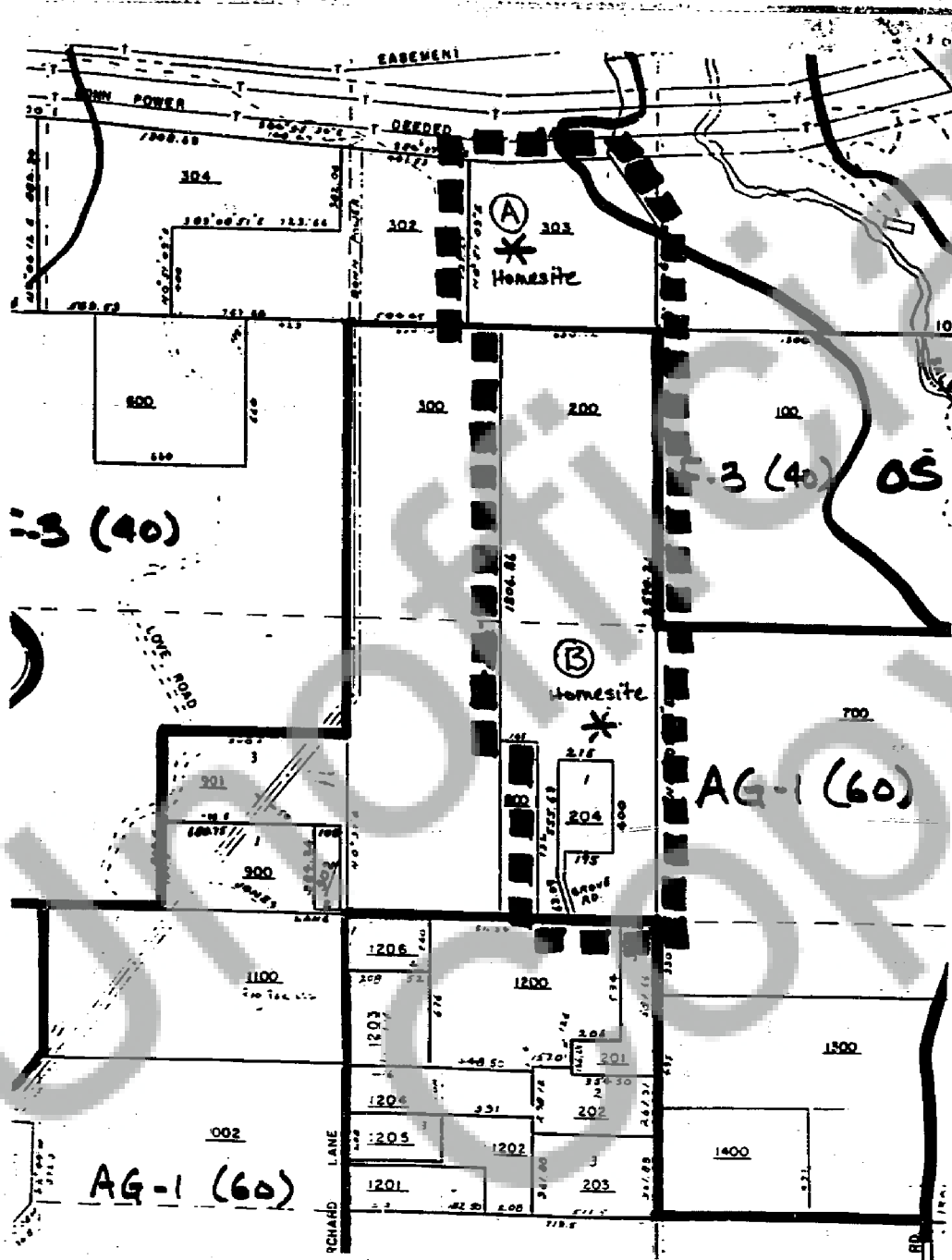
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U.S. Forest Service - NSA Office  
Board of County Commissioners

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Department of Planning and  
Community Development

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Skamania County Courthouse Annex  
Post Office Box 790  
Stevenson, Washington 98648  
509 427-9458 FAX: 509 427-4839

April 1, 1999

Edward Grove  
651 Orchard Lane  
Underwood, WA 98651

Re: Amendment to previously approved Scenic Area application NSA-96-19

Dear Mr. Grove:

You submitted a building permit for your home site approved in the above referenced application. The building site originally approved was just east of the cul-de-sac shown on the attached site plan. However, your building permit application shows a building site just west of the cul-de-sac. After determining the building site in your building permit application was not consistent with the building site approved in the NSA-96-19 decision, the Planning Department staff met with you on site to discuss the issue on March 30, 1999.

Once on site we were able to determine that the new home site is located on a flat area, a natural building site, and is clustered more appropriately with an existing residence on an adjacent parcel. The new home site would also allow further distance from the commercial orchard to the east by moving the home site approximately 75-100 feet west of the original building site. The new building site would require less filling and grading than the old site. The new site is not visible from KVAs. This request is minor as it is only a slight change in the location of the approved residence and should be allowed with an alteration to Condition # 3 of Part B in the Director's Decision to say:

- 3) The applicant shall either construct the home at least 250 feet from the eastern property line, but no closer than 100 feet from the western property line, or construct it at least 100 feet from the eastern property line with a vegetative barrier. The applicant shall locate the home at least 100 feet from the western property line or 15 feet from the western property line with a vegetative barrier. Existing vegetation may be applied to this requirement.

During this Department's review of your original request for your home site, you showed the existing graveled driveway to your barn and shop as the only access to the new home site. We did not condition our approval on the use of that road, as it was the only access shown on your site plans. However, subsequent to our approval of NSA-96-19 you submitted a pair of boundary line adjustment deeds to establish the lot boundaries as stated in NSA-96-19. But instead of utilizing the existing driveway to access the parcel to the north, you created a new easement over the eastern 30 feet of the southern lot. While you may designate that easement on your deed it is not approved for construction or use as access to the north lot. Therefore, to make it clear that NSA-96-19 only approved the use of the existing graveled driveway to the barn and shop

and the only access to the new home site, an additional condition as set out below is added to NSA-96-19. This condition shall read:

- 12) *The existing graveled access road to the barn and shop shall be the only road allowed to access the proposed home site. Prior to any development of alternative access routes, the applicant shall first apply for and be approved for such development.*

Pursuant to SCC §22.06.080(B), a change or alteration to an approved action, if determined to be minor by the Director, may be "deemed consistent with the provisions of this Title and the findings and conclusions on the original application." The Director has determined that the proposed request constitutes a minor change, therefore, the original decision shall be amended to allow a slight change in the location of the approved home site. This change will move the home site approximately 75-100 feet west of the home site approved in NSA-96-19 and requires the existing graveled access driveway to be the only access to the subject property.

All of the original conditions in the Director's Decision are still valid and shall be complied with.

If you have any questions, please give me a call at 509-427-9458.

Sincerely,

*Kari R. Fagemess*

Kari R. Fagemess  
Planner

Attachments

#### APPEALS

This Administrative Decision shall be final unless reversed or modified on appeal. A written Notice of Appeal may be filed by an interested person within 20 days from the date hereof. Appeal may be made to the Skamania County Board of Adjustment, P.O. Box 790, Stevenson, WA 98648, on or before 4-22-99. Notice of Appeal forms are available at the Department Office.

cc: Skamania County Building Department  
Skamania County Assessor's Office  
Persons submitting written comments in a timely manner  
Yakama Indian Nation  
Confederated Tribes of the Umatilla Indian Reservation  
Confederated Tribes of the Warm Springs  
Nez Perce Tribe  
Columbia River Gorge Commission  
U.S. Forest Service - NSA Office  
Board of County Commissioners

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