

136248

BOOK 193 PAGE 111

Russ Gaynor
SEP 13 3 02 PM '93
GARY M. OLSON

RETURN ADDRESS:

Russ Gaynor
P.O. Box 1176
White Salmon, WA 98672

Please Print or Type Information.

Document Title(s) or transactions contained therein:

1. VAR 98-08
- 2.
- 3.
- 4.

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

1. Russ Gaynor
- 2.
- 3.
- 4.

☐ Additional Names on page ____ of document.

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

1. Skamania County
- 2.
- 3.
- 4.

☐ Additional Names on page ____ of document.

Page 1
Indexed by 10
Recorded by 10
Filed by 10
Date 10/1/93

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

3-7-25-4-800, 801, 802, 803
Lots 1 thru 4 Kanaka Creek Estates Short Plat BK 3/Pg 317
☐ Complete legal on page ____ of document.

REFERENCE NUMBER(S) Of Documents assigned or released:

VAR-98-08, Kanaka Creek Estates Short Plat BK 3/Pg 317
☐ Additional numbers on page ____ of document.

ASSESSOR'S PROPERTY TAX PARCEL/ACCOUNT NUMBER

3-7-25-4-800, 801, 802, 803
☐ 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.



Skamania County
Department of Planning and
Community Development

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

June 16, 1998

Russ Gaynor
P.O. Box 1176
White Salmon, WA 98672

Dear Mr. Gaynor:

Section 21A.04.020(C)(3) of the County's Critical Areas Ordinance establishes an administrative variance procedure for requests that reduce setbacks no more than 50%. Your request to reduce the 100 foot setback established for Kanaka Creek to no less than 50 feet falls within the administrative review process.

The Planning Department has reviewed your Variance request for a reduction from the 100 foot setback established for Kanaka Creek to a setback no less than 50 feet. Based on the criteria in the County's Critical Area Ordinance and the County's Zoning Ordinance set out below, the following decision has been made.

DECISION:

THE VARIANCE REQUEST TO REDUCE THE 100 FOOT SETBACK ESTABLISHED FOR KANAKA CREEK TO NO LESS THAN 50 FEET IS HEREBY APPROVED BASED ON THE FOLLOWING FINDINGS OF FACT.

Applicable review criteria from County Code:

- §21.16.060(B) *[A]ny variance granted... shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated,*
- §21.16.060(B)(1) *Because of special circumstances applicable to [the] subject property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance is found to deprive subject property of rights and privileges enjoyed by other properties in the vicinity and under identical zone classification and/or special purpose district:*
- §21.16.060(B)(2) *That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone classification and/or special purpose district in which subject property is situated;*

In addition to the criteria set out in Section 21.16.060(B), any applicant for a variance under this Chapter must further show:

- a. *that no practicable alternative exists to locating the proposed development within a pond, lake or buffer area;*
- b. *that on-site mitigation measures agreed to by the applicant are adequate to avoid significant degradation of the pond, lake or creek.*

This lot, like all lots in the R-2 zone are entitled to at least one single-family residence. The applicant is merely asking to reduce the setback in order to be able to reasonably place a home on each of the subject lots. The Kanaka Creek Short Plat was accepted as complete by the Planning Department in August, 1996, eleven months prior to the County's implementation of its Critical Areas Ordinance which now requires a 100 foot setback from Kanaka Creek. Based on the County previously approving these four lots through the short plat process, it seems reasonable to allow a variance to construct a home on each of these lots. This variance would allow a home on each of these lots which is a similar use to other lots of this size in the area.

Each lot is bordered on the east by Kanaka Creek and the west by a natural swale which is unsuitable for construction. Furthermore, the Geotechnical Report required through the short plat process, recommended that the applicant locate home sites in specific areas and that home sites were not to be located within swale areas. These conditions leave only very small building areas. The above requirements should be considered special circumstances. If a variance was not granted, legally created lots would be rendered unbuildable.

The granting of this variance should not be detrimental to the public welfare or injurious to the property or improvements in the area with appropriate conditions as follows:

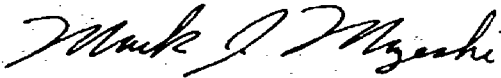
1. Designate the area within 50 feet of Kanaka Creek as a natural area and the vegetation and ground within the natural area shall not be disturbed nor developed. All persons are restricted from constructing any structure, or doing tree removal, excavation, grading, filling, bank stabilization or other disturbance of the natural environment to occur, or allowing motorized vehicles within said natural area. All persons entitled to use said natural area shall only use the same for recreational purposes which do not disturb the natural environment. This natural area is intended to control surface water and erosion, maintain slope stability, visual and aural buffering, and protection of plant and animal habitat.
2. The applicant shall prepare the following statement to be notarized and recorded at the County Auditor's office referencing Kanaka Creek Estates Short Plat, Book 3, Page 317:

"The area within 50 feet of Kanaka Creek is a natural area and the vegetation and ground within the natural area shall not be disturbed nor developed. All persons are restricted from constructing any structure, or doing tree removal, excavation, grading, filling, bank stabilization or other disturbance of the natural environment or allowing motorized vehicles within said natural area. All persons entitled to use said natural area shall only use the same for recreational purposes

which do not disturb the natural environment. This natural area is intended to control surface water and erosion, maintain slope stability, visual and aural buffering, and protection of plant and animal habitat."

If you disagree with this decision you may appeal this decision to the Skamania County Board of Adjustment. If you have any further questions regarding this decision please feel free to call the Planning Department at (509) 427-9458.

Sincerely,



Mark Mazeski
Senior Planner

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 July 7, 98. Notice of Appeal forms are available at the Department Office.

cc: Property owners within 300 feet of the parcel
Other interested parties

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