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BOOK 197 PAGE 223

Kidpinski & Woodrich

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CARTER & SONS

After recording return to:

Beth Englander  
Friends of the Columbia Gorge  
522 SW 5<sup>th</sup> Ave., Suite 820  
Portland, OR 97204

DECLARATION OF RESTRICTIVE COVENANTS

Grantor: Hanners, Gregg etux and Pongracz-Bartha, Holly H. etvir  
Grantee: Scenic Heights No. 1

The following restrictions shall apply to the real property currently identified as tax lot number 3-10-20-34-1100, Lot 13 of Scenic Heights No. 1, according to the official plat thereof on file and of record at page 133 of Book A of Plats, Records of Skamania County, Washington, and shall bind heirs, successors and assigns of the property in perpetuity.

1. "Final Order" is the decision by the Skamania County Board of Adjustments entitled Final Order on Appeal of the Director's Decision for File NSA 98-88 dated May 27<sup>th</sup>, 1999 that is included with this Declaration of Restrictive Covenants as Exhibit A. All items of Final Order for NSA 98-88 (Exhibit A) will be complied with, except for Conditions of Approval items #3, #12, and #14.
2. In lieu of item #3 of Final Order for NSA 98-88, the following condition will apply: The proposed house shall be sited no less than 30 feet to the north of Tree #29, as referenced in Exhibit A.
3. In lieu of item #12 of Final Order for NSA 98-88, the following condition will apply: No existing or planted trees shall be pruned/limbed at any time without prior written approval from the Planning Director.
4. In lieu of item #14 of Final Order for NSA 98-88, the following condition will apply: A continuous row of screening trees shall be planted south of the proposed home along the entire length of the property. These trees shall be no further than 30 feet south of the home site and be six feet tall at the time of planting (not including the root wad). These trees shall be planted at 12 foot centers and may be staggered to create a more natural appearance. Existing trees within 30 feet of the home site may be used in the planting sequence. The landowner shall plant a minimum of 4

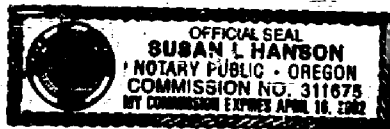
coniferous trees — two in between trees #32 and #29, and two in between tree #29 and tree #28 as referenced in Exhibit A. Any additional screening trees to be planted in order to satisfy the requirement of a continuous row of screening trees as described above may be of any native specie to be determined by the landowner. The coniferous trees must be a minimum of 6 feet tall at the time of planting.

*Oregon*  
State of ~~Washington~~  
County Of *Hood River*

*Gregg Hanners*  
Gregg Hanners

On this day personally appeared before me GREGG HANNERS to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledge that GREGG HANNERS signed the same as his free and voluntary act and deed, for uses and purposes therein mentioned.

Given under my hand and official seal this *10<sup>th</sup>* day of *FEBRUARY*, 2000.



*Susan Hanson*  
Notary Public in and for the State of  
Washington, residing at  
*Appleton*

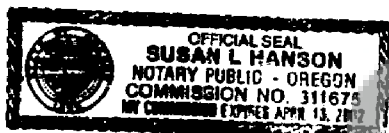


Lesa L. Hanners  
LESA L. HANNERS

OREGON &  
STATE OF WASHINGTON )  
County of HOOD RIVER ) ss.

On this day personally appeared before me **LESA L. HANNERS** to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that she signed the same as her free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 10<sup>th</sup> day of FEBRUARY, 2000. SA



Public in and for the State  
of Washington, residing at

Commission expires: 2/04/98  
4/16/2002

We, HOLLY H. HANNERS PONGRACZ-BARTHA and GEORGE A. PONGRACZ-BARTHA, Husband and Wife, and co-owners of the property identified as Tax Lot Number 3-10-20-34-1100, Lot 13 of Scenic Heights No. 1, according to the official plat thereof on file and of record at page 133 of Book A of Plats, Records of Skamania County, Washington, hereby agree to the terms contained in the Declaration of Restrictive Covenants.

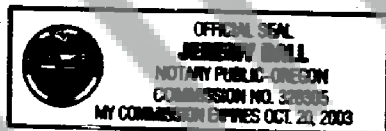
Holly H. Pongracz-Bartha  
HOLLY H. HANNERS PONGRACZ-BARTHA

George A. Pongracz-Bartha  
GEORGE A. PONGRACZ-BARTHA

Oregon  
STATE OF WASHINGTON )  
County of Washington ) ss.

On this day personally appeared before me HOLLY H. HANNERS PONGRACZ-BARTHA and GEORGE A. PONGRACZ BARTA, Husband and Wife, to me known to be the individuals described in and who executed the within and foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 21 day of February, 2000.



Jeremy Ball, Notary  
Public in and for the State  
of Washington, residing at  
Tulalip, Oregon  
Commission expires: Oct. 20, 2003



**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

**BEFORE THE SKAMANIA COUNTY BOARD OF ADJUSTMENT**

Daniel Gregg Hanners, Landowner,  
Appellant,  
and  
Skamania County,  
Appellee.

File No. NSA-98-88

**NOTICE OF FINAL  
ORDER ON APPEAL  
OF THE DIRECTOR'S  
DECISION FOR FILE  
NSA-98-88**

This matter, having come on for hearing de novo on the 20th of May 1999, Appellant Daniel Gregg Hanners; and Appellee Skamania County; and the Board having held a public hearing to consider this appeal of the Director's Decision in NSA File No. 98-88 approving an application by James Gozdowski for a Single Family Residence and Accessory structure. The Subject real property is located in a General Management Area Residential-5 zone, south of Scenic Heights Road off of Cook-Underwood Road, in Underwood, Section 20 of T3N. R10E. W.M., Skamania County Assessor's Tax Lot Number 3-10-20-34-1100.

Daniel Gregg Hanners is the landowner. James Gozdowski was the applicant who applied on behalf of the landowner. The landowner appealed the Director's Decision.

**FINDINGS OF FACT AND CONCLUSIONS**

1. The Findings of Fact set out in the Staff Report for NSA-98-88 are adopted by reference as though set out herein, except as modified below.
2. Based upon the prior development in the neighborhood and prior Gorge Commission decisions in this area, the Director's Decision needs to be modified.

**DECISION**

The Conditions of approval of the Director's Decision are modified as follows. All other conditions of approval, not noted below are unchanged and remain the same as set out in the Director's

Exhibit  
A



Decision

~~Deleted~~ - has been removed from original Director's Decision  
~~Added~~ - added text to original Director's Decision

3. The proposed house shall be sited 30 feet north of Tree #29 consistent with homes in the neighborhood.
12. No existing or planted trees shall be pruned/limbed at any time without prior written approval from the Planning Director.
13. All trees proposed by the applicant and required by this Decision to be planted shall be Douglas fir trees for winter screening due to the visibility of the subject parcel.
14. A continuous row of screening trees shall be planted south of the proposed home along the entire length of the property. These trees shall be no further than 30 feet south of the home site and be in feet tall at the time of planting (not including the root wad). These trees shall be planted at 12 foot centers and may be staggered to create a more natural appearance. Existing trees within 30 feet of the home site may shall be used in the planting sequence maintained and retained in a healthy condition. Dead or dying trees shall be replaced with the same species of tree in approximately the same location.

ORDER

Based upon the foregoing Findings of Fact and Conclusion.

IT IS HEREBY ORDERED THAT:

The decision of the Director is upheld as modified above.

SKAMANIA COUNTY BOARD OF ADJUSTMENT

By: Mark J. Mazeski  
Mark J. Mazeski, Secretary to the Board of Adjustment

DATED this 27 day of May, 1999.

**APPEALS:** Appeals of the Board of Adjustment must be filed with the Columbia River Gorge Commission within 30 days of the date of this Notice of Decision. Please contact the Gorge Commission for their rules of appellate procedure.

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Exhibit  
A