

BOOK 198 PAGE 724

FILED
SKAM
BY *James LaFollette*
APR 26 1 27 PM '00
Laury
EDITOR
GARY E. OLSON

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

APPLICANT: James LaFollette

FILE NO.: CA-99-03

DESCRIPTION: Request to reduce the Critical Areas setback of 100 feet from Little Rock Creek to 76 feet for construction of an accessory building.

LOCATION: 782 Little Rock Creek Road off of Jessup Road, Cook, Section 10, T3N, R9E, Tax Lot No. 3-9-10-1000-80. *Full legal description on page*

ZONING: Residential - 2

DECISION: Based upon the entire record before the Director, including particularly the Staff Report, the application by James LaFollette, 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.

Skamania County Planning and Community Development
File # CA-99-03 (LaFollette)

Approval of this request does not exempt the applicant or successors in interest from compliance with all other applicable local, state, and federal laws.

June 29, 1999

Dear Mr. LaFollette :

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 Little Rock Creek to no less than 76 feet for the garage, falls within the administrative review process.

The Planning Department has reviewed your Variance request for a reduction from the 100 foot setback established for Little Rock Creek. 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 LITTLE ROCK CREEK TO NO LESS THAN 76 FEET FOR THE GARAGE 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 stream, creek 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, which the lot currently has on it. The applicants are merely asking to reduce the 100 foot buffer to 76 feet, similar to other homeowners in the area, in order to be able to construct a garage on his property and construction of the garage should not grant a special privilege.

The size and the shape of the lot do not seem to be special circumstances that would require a variance, however, the topography, location and surroundings do seem to be special circumstances. The proposed building site for the garage will be located on an existing disturbed area, currently used for parking vehicles. The garage is also proposed on a site that is approximately the same distance from Little Rock Creek as the existing residence and will require the least amount of ground disturbing activity.

Furthermore, as shown on the site plan, placement of the garage just south of the house would disturb the existing septic tank and drainfield. Also, not shown on the site plan, is a pond (it unclear whether man made or natural) just south and east of the home. Re-location of the garage to that area would cause disturbance to occur next to the pond. Therefore, the above requirements should be considered special circumstances applicable to this subject property.

Furthermore, based on the above stated buffers and site characteristics, there is no practicable alternative to locating the proposed garage outside of the 100 foot buffer. Requiring hay bales to be placed just north of the proposed building site should mitigate any impacts to the creek during construction. Also prior to the Building Department's final inspection all graded areas should be re-seeded in order to provide for adequate on-site mitigation.

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 76 feet of the Little Rock 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 vegetation 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. All graded areas shall be re-seeded with native vegetation to mitigate impacts to the buffer area. Prior to the Building Department's final inspection, the applicant shall notify the Planning Department and Planning Staff shall conduct a site visit to determine compliance with this condition.
3. During construction, hay bales shall be placed just north of the building site to limit impacts to the creek and its buffer area of 76 feet.

Skamania County Planning and Community Development
File # CA-99-03 (LaFollette)

4. All other appropriate permits shall be obtained from public agencies.
5. Prior to the issuance of any building permits on the subject lot, this decision shall be recorded at the County Auditor's office.

If you disagree with this administrative 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,

Kari R. Fagerness

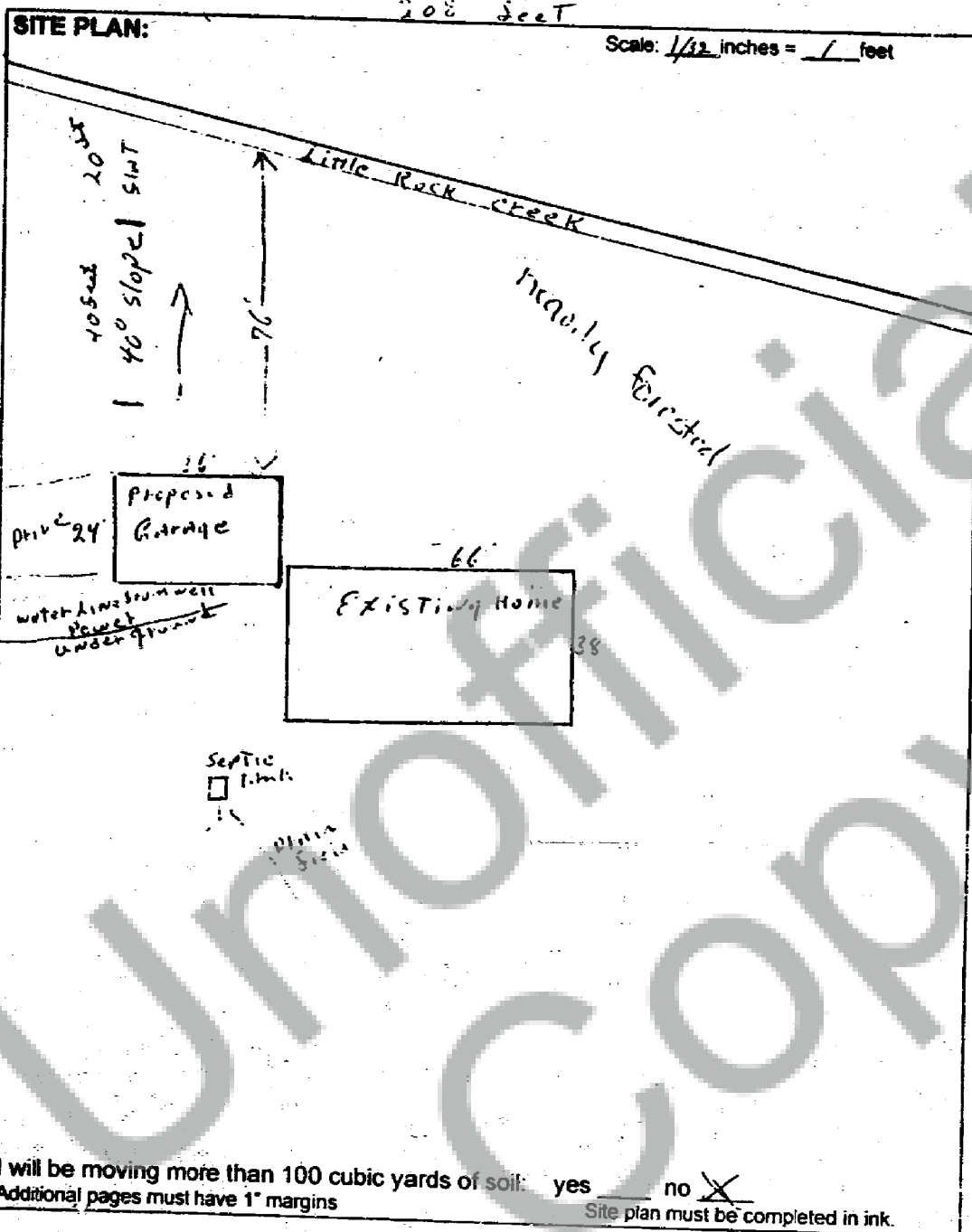
Kari R. Fagerness
Planner

APPEALS

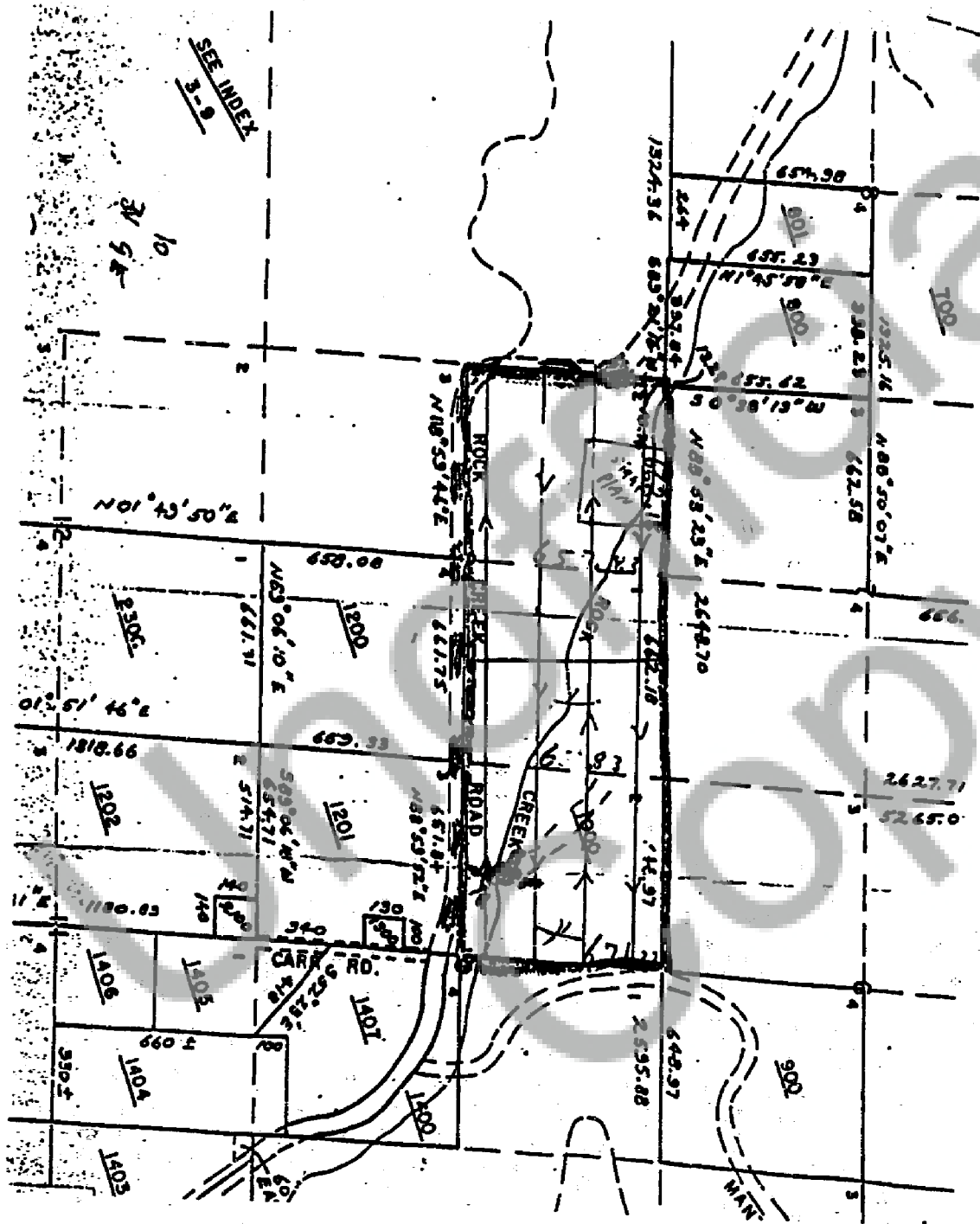
This Administrative Decision shall be final unless reversed or modified on appeal. A written Notice of Appeal may be filed by an interested person within 20 days from the date hereof. Appeal may be made to the Skamania County Board of Adjustment, P.O. Box 790, Stevenson, WA 98648, on or before 1-19-99. Notice of Appeal forms are available at the Department Office.

cc: Property owners within 300 feet of the parcel
Other interested parties
Steve Manlow, WDFW

\\fs2\sys\mactsk\lvar\lafolletteadmin\va.doc



NOTICE: This is an initial site plan, it may be revised throughout the application process.



BOOK 198 PAGE 730

BOOK 172 . PAGE 996

FILED FOR RECORD
SKAMANIA CO. WASH
BY James H. LaFollette

FEB 2 2 02 PM '98

D. Johnson
AUDITOR
GARY M. OLSON

130396

AFTER RECORDING, MAIL TO:

Name James H. LaFollette
Address 282 Little Rock Creek Rd
City/State Cock, Wa 98605

Quit Claim Deed

THE GRANTOR

James H. LaFollette
for and in consideration of

conveys and quit claims to James H. LaFollette +
ANNA Sue LaFollette
the following described real estate, situated in the County of Skamania, State of Washington,
together with all after acquired title of the grantor(s) therein:



First American Title
Insurance Company

(this space for title company use only)

lots 1 and 2 Block 9 + lot 2 Block 10 of the Mangonola
Orchards + Ranch company, according to the recorded plat in Book
2 of Plats, page 37, in the County of Skamania and
State of Washington

Assessor's Property Tax Parcel/Account Number(s): 03091000 100080

Dated 2-2, 19 98

James H. LaFollette
(Signature)

Gary H. Martin, Skamania County Assessor

Date 2-2-98 Parcel # 2-1-10-1000-80

REAL ESTATE EXCISE TAX
19289

By [Signature]
By FEB 2 1998

LFB-12 (11/76)

PAID exempt
K. Johnson, Deputy
SKAMANIA COUNTY TREASURER