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BOOK 219 PAGE 84

## RETURN ADDRESS:

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J. MICHAEL GARVISON

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## Document Title(s) or transactions contained therein:

1. Settlement Agreement
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

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

1. Friends of the Columbia Gorge
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

☒ Additional Names on Page 1 of Document.

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

1. Norvell, Christa etvir
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

☒ Additional Names on Page 1 of Document.

## LEGAL DESCRIPTION (Abbreviated: i.e., Lot, Block, Plat or Section Township, Range, Quarter/Quarter)

NW<sup>4</sup> Section 11 & NE<sup>4</sup> Section 10 T1N R5EWM☒ Complete Legal on Page 7 of Document.

## REFERENCE NUMBER(S) Of Document assigned or released:

☐ Additional Numbers on Page \_\_\_\_\_ of Document.

## ASSESSOR'S PROPERTY TAX PARCEL/ACCOUNT NUMBER

☐ Property Tax parcel ID is not yet assigned.☐ Additional Parcel Numbers 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.

SETTLEMENT AGREEMENT

This SETTLEMENT AGREEMENT is executed by and between FRIENDS OF THE COLUMBIA GORGE, INC. ("Friends"); CHRISTA AND JASON NORVELL, wife and husband (collectively "Norvell"); and JERRY OSBORNE ("Osborne").

A. RECITALS

1. On April 21, 1997, Norvell applied for permission for a cluster development in Skamania County, Washington, on a property approximately 47 acres in size owned by Osborne. The county file number for the application is NSA-97-26.
2. The 47-acre parcel is zoned Small Woodland "F-3" and is within the General Management Area of the Columbia River Gorge National Scenic Area; is located in a portion of the NE 1/4 of the NE 1/4 of Section 10 and the NW 1/4 of the NW 1/4 of Section 11, T1N, R5E, W.M.; and is identified as Skamania County tax lots #1-5-10-100 and #1-5-11-2-1301. A single-family dwelling currently exists on the parcel at 221 Krogstad Road.
3. The 47-acre parcel could be divided into two legal parcels for development through conventional parcel by parcel development. Through cluster development, the parcel would be eligible for division into three developable parcels if the proposal provides resource protection benefits that would not be available through conventional development.
4. The Skamania County Department of Planning and Community Development issued a final staff report on the application on March 16, 1999. The Skamania County Planning Commission moved to recommend approval of the cluster development, and on February 28, 2000, the Skamania County Board of County Commissioners approved the application with conditions.
5. On April 6, 2000, Friends filed a timely Notice of Intent to Appeal the Decision with the Columbia River Gorge Commission ("Commission"). That appeal is currently pending before the Commission.
6. On May 4, 2000, Norvell and Osborne filed a Motion to Intervene in the appeal filed by Friends.
7. The parties desire to settle the appeal and therefore enter into this Settlement Agreement.



B. AGREEMENT

NOW THEREFORE, IN CONSIDERATION OF THE MUTUAL PROMISES CONTAINED HEREIN, IT IS HEREBY AGREED AS FOLLOWS:

1. Definitions.
  - a. "Created openings" means openings with less than 80 percent crown cover closure of trees averaging less than 20 feet tall.
  - b. "Forest Practice" means "forest practice" as defined in the Washington Forest Practices Act, RCW Chapter 76.09, as amended.
  - c. "Forest Service" means the Columbia River Gorge National Scenic Area office of the United States Forest Service.
  - d. "Management Plan" means the Management Plan for the Columbia River Gorge National Scenic Area, 1992, as amended.
  - e. "Soil Disturbance" means exposure of the bare mineral soil.
  - f. "Subject Property" means 35.57 acres of real property located in Skamania County, state of Washington, described in Exhibit A, attached hereto and incorporated by this reference, and depicted with diagonal lines and labeled "REMAINDER" on Exhibit B, attached hereto and incorporated by this reference.
  - g. "Urban Area" means "urban area" as defined by the Columbia River Gorge National Scenic Area Act, 16 U.S.C. §§ 544 et seq., and the Management Plan.
2. Unless modified herein, all requirements of state law shall remain applicable to the subject property.
3. All conditions of Skamania County Final Decision File No. NSA-97-26 shall be complied with.
4. In order to reduce adverse effects to riparian areas, natural areas, wildlife habitat, and scenic resources, the following restrictions shall apply to the subject property:
  - a. Forest practices must be in accordance with a forest practices site plan that

includes the elements listed in Review Uses Guideline 1.B. of the SMA Forest Land Guidelines, Management Plan at II-38. A copy of each forest practices site plan shall be submitted to the Forest Service as a request for technical assistance as to whether the planned forest practices would comply with this Settlement Agreement.

- b. Forest practices shall maintain six live trees per acre, three of which shall be the largest tree size available and three of which shall be various sizes to provide replacements as snags and wildlife trees. Snags and wildlife trees shall be maintained either as clumps or evenly distributed over the forest practice area. All trees shall be unburned.
  - c. Forest practices shall maintain three dead trees per acre, of the largest tree size available. All trees shall be unburned.
  - d. Soil disturbance caused by forest practices shall not exceed 15 percent of the project area.
  - e. Not more than 16 percent of the parcel shall be in created openings at any one time.
  - f. Size, shape, and dispersal of created openings shall maintain the natural patterns in the landscape.
  - g. Created openings shall not create a break or opening in the vegetation in the skyline as viewed from points listed as "key viewing areas" in the Management Plan.
  - h. Created openings shall be dispersed to maintain at least 400 feet of closed canopy between openings. Closed canopy shall be at least 20 feet tall.
5. This Settlement Agreement shall run with the land unless and until the subject property is included within the boundary of an Urban Area, at which time this Settlement Agreement shall terminate and become void without the need for any act by any party.
  6. Osborne shall record the original of this Settlement Agreement in the deed records for Skamania County Tax Lots # 1-5-10-100 and 1-5-11-2-1301 in the office of the Skamania County Auditor in order to ensure notice to successors in interest of all requirements created or modified by this Settlement Agreement.
  7. After recording, Osborne shall mail copies of the recorded Settlement Agreement to Friends.

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8. Within seven days of receipt of copies of the recorded Settlement Agreement from Osborne, Friends shall withdraw its Notice of Appeal.
9. In the event legal action becomes necessary to enforce the terms of this Settlement Agreement, the prevailing party is entitled to reasonable attorneys fees at trial and on appeal. Prior to initiating any legal action under this agreement, the parties shall participate in mediation. Any forest practices in progress shall be discontinued during the mediation period.
10. The undersigned and each of them hereby declare that the terms of this Settlement Agreement have been completely read by each of them and are fully understood and voluntarily accepted by each of them for the purposes of making a full and final compromise and settlement.

CHRISTA NORVELL

Christa Norvell  
Dated: 12/28/01, 2001.

STATE OF WASHINGTON

COUNTY OF Clark

I certify that I know or have satisfactory evidence that CHRISTA NORVELL is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

Given under my hand and seal of office this 28th day of December, 2001.

Marcy L. Cink  
Signature

My appointment  
expires 4/30/03



JASON NORVELL

Jason Norvell  
Dated: 12-29, 2001.

STATE OF WASHINGTON



856000

COUNTY OF Clark )

I certify that I know or have satisfactory evidence that JASON NORVELL is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Given under my hand and seal of office this 29<sup>th</sup> day of December, 2001.

Marcy L. Cink  
Signature

My appointment expires 4/30/03

JERRY OSBORNE

Jerry Osborne  
Dated: 12-29, 2001.

STATE OF WASHINGTON )  
COUNTY OF Clark )



I certify that I know or have satisfactory evidence that JERRY OSBORNE is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Given under my hand and seal of office this 29<sup>th</sup> day of December, 2001.

Marcy L. Cink  
Signature

My appointment expires 4/30/03

STATE OF GREGON )  
COUNTY OF Multnomah )

FRIENDS OF THE COLUMBIA GORGE, INC.

Kevin Gorman  
Kevin Gorman, Executive Director

Dated: 12/14/01, 2001.

This instrument was acknowledged before me on December 14, 2001 by KEVIN GORMAN as  
EXECUTIVE DIRECTOR of FRIENDS OF THE COLUMBIA GORGE, INC.

NOTARY PUBLIC Amy N. Barnhouse

Print Name: Amy N. Barnhouse

My Commission Expires:

9/20/01

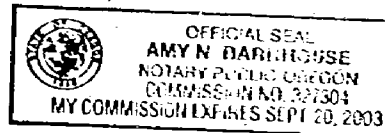




EXHIBIT A

A tract of land located in the Northwest quarter Section 11 and the Northeast quarter Section 10, Township 1 North, Range 5 East, Willamette Meridian, Skamania County, Washington, described as follows:

Beginning at the Northwest corner of said Section 11; thence East along the North line of said Section a distance of 350.00 feet; thence South, parallel to the West line of said Section, a distance of 890.07 feet, to the North right-of-way of Miller Road; thence generally Southwesterly, along said right-of-way line, to the West line of said Section; thence North, along the West line of said Section, to the Northwest corner of said Section;

And beginning at the Northeast corner of said Section 10; thence West along the North line of said Section a distance of 1318.03 feet; thence South a distance of 770.59 feet; thence East a distance of 412.12 feet; thence South a distance of 390.32 feet; thence East a distance of 684.53 feet to the West right-of-way of Miller Road; thence generally Northeasterly, along said right-of-way line, to the East line of said Section; thence North, along the East line of said Section, to the Northeast corner of said Section.

The intent of this exhibit is to describe a 35.57-acre tract of land lying North of Krogstead Road and North and West of Miller Road and located in the Northwest quarter section 11 (Skamania County Tax Lot No. 1-5-11-2-1301) and the Northeast quarter Section 10 (portions of Skamania County Tax Lot No. 1-5-10-100). The 35.57-acre tract will be part of a 41.94-acre parcel approved as one parcel of a three-parcel cluster development under Skamania County Final Decision File No. NSA-97-26.



