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BOOK 227 PAGE 346

FILED FOR RECORD
SKAMANIA COUNTY, WASH
By Roger Wingster

AUG 2 12 16 PM '02

P. Lawry
AUDITOR

J MICHAEL GARVISON

Return Address:

John & Sandra Bright
2036 NW Irving
Portland, OR 97209

Document Title(s) or transactions contained herein:

Director's Decision NSA-99-24

GRANTOR(S) (Last name, first name, middle initial)

Bright, John et ux
Mills, Max et ux

☐ Additional names on page _____ of document.

GRANTEE(S) (Last name, first name, middle initial)

Skamania County

☐ Additional names on page _____ of document.

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

SE 4
Section 29 T3N R8EWM

☒ Complete legal on page 7.8 of document.

REFERENCE NUMBER(S) of Documents assigned or released:

☐ Additional numbers on page _____ of document.

ASSESSOR'S PROPERTY TAX PARCEL/ACCOUNT NUMBER

3-8-29-902

3-8-29-1200

☐ 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.

Return Address: John and Sandra Bright
2036 NW Irving
Portland, OR 97209

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

Skamania County Courthouse Annex
Post Office Box 790
Stevenson, Washington 98648
509 427-9458 FAX 509 427-8288

Director's Decision

APPLICANT: John and Sandra Bright, Max and Suzanne Millis

FILE NO.: NSA-99-24

PROJECT: Construction of a joint access road for both the Bright's and Millis' property and a single family residence on the Bright's property.

LOCATION: South of SR-14 and just east of Carson Junction; Section 29 of T3N, R8E, W.M. and identified as Skamania County Tax lot #3-8-29-1200 (Bright) and #3-8-29-902 (Millis).

LEGAL DESCRIPTION: See page 6.

ZONING: General Management Area-Residential (R-10).

DECISION: Based upon the entire record before the Director, including particularly the Staff Report, the application by John and Sandra Bright and Max and Suzanne Millis, 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 from compliance with all other applicable local, state, and federal laws.

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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).

- 1) All developments shall be consistent with the enclosed Exhibit A, unless modified by the following conditions of approval. If modified, the site plan shall be consistent with the conditions of approval.
- 2) All cut banks and fill slopes shall be re-seeded with native vegetation prior to the issuance of an occupancy permit for the home.
- 3) Dark and either natural or earth-tone color samples shall be submitted and approved by this Department prior to the issuance of any building permits. Color samples shall include colors for siding, trim, window frames, roof, doors, gutters and downspouts, as well as for the bridge.
- 4) 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 non-reflective, opaque materials. Opaque means that it does not allow light to pass through the shield or hood. All lights should be hooded and shielded so as to have a luminary with less than a 90 degree cutoff.
- 5) Prior to issuance of a building permit, the applicant shall notify the Planning Department in writing whether grading will exceed 100 cubic yards. A grading plan shall be submitted if grading will exceed 100 cubic yards. See Staff Report for specific requirements of the grading plan, if necessary. If grading will not exceed 100 cubic yards then all dirt excavated for the foundation of the home, septic tank and drainfield, well power-phone-cable lines, and road shall be used to backfill in those disturbed areas or removed from the property.
- 6) The building site for the proposed home shall be to the west of the Northern bluff, which is a distance of approximately 250 feet from the Columbia River and 60 feet north of the stake labeled ST3 on the applicants cultural resources map. See exhibit A for a graphical representation of the approved homesite.
- 7) All development shall be set back at least 100 feet from the OHWM of the Columbia River, unless increased setbacks are required elsewhere. "All development" includes any land disturbing/grading activities.
- 8) The house shall not exceed one story or the height of the berm/bluff located northeast of the approved homesite.
- 9) All development shall be at least 50 feet from the seep on the south side of the southern most earth berm

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- 10) The removal of trees shall be limited to those necessary for construction of access roads, building pads, leach fields, etc. All additional trees shall be retained and maintained in a healthy condition, dead or dying trees shall be replaced with the same species in approximately the same location.
- 11) Seven additional trees shall be planted between 50 and 100 feet southeast of the approved home site. The trees shall be at least six feet in height at the time of planting, not including root wad, coniferous and native to the setting (i.e. Douglas fir, grand fir, Western red cedar, Western hemlock, etc.). The area for the plantings shall be in that area labeled as "Bright Parcel" on Exhibit A.
- 12) All of the above conditions relating to visual subordination shall be satisfied prior to the issuance of an occupancy permit for the home as there are not any special conditions that would require additional time to achieve compliance.
- 13) Front yard setbacks shall be fifteen feet from the front lot line or forty- feet from the centerline of a public or private road whichever is greater, side yard setbacks shall be five feet and rear yard setbacks shall be fifteen feet. Unless greater setbacks are required elsewhere in this decision.
- 14) A professional archaeologist shall be on site to monitor all excavation activities. Prior to issuance of an occupancy permit the archaeologist shall prepare a monitoring report which is to be submitted to the Skamania County Planning Department and to OAHF explaining all aspects of excavation.
- 15) The applicant shall notify the Planning Department at least two weeks prior to the start of construction. This will give Planning and Forest Service staff adequate time to install flagging to protect possible significant cultural resources. No ground disturbing activity shall take place to the east or north of the flagging. Thus the proposed temporary construction road is denied.
- 16) The applicant shall install steel fence posts, at 20 foot intervals, along the flagged line. The steel posts shall be connected by flagging. Prior to the issuance of a building permit Planning Department staff shall verify the placement of the steel posts. The posts shall remain in place until final the final occupancy inspection.
- 17) The approved access road and building site shall be flagged prior to construction.
- 18) A 50 foot buffer shall be maintained from the feature labeled "FA" on Exhibit A.
- 19) The areas along the rocky bluffs containing Camas shall be flagged for avoidance prior to construction.
- 20) 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 28th day of February 2001, at Stevenson, Washington.

Kathy Pearson for
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 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 3-28-00. Notice of Appeal forms are available at the Department Office.

WARNING

On November 30, 1998 the Columbia River Gorge Commission overturned a Skamania County Director's Decision 18 months after the 20 day appeal period had expired. You are hereby warned that you are proceeding at your own risk and Skamania County will not be liable for any damages you incur in reliance upon your Director's Decision or any amendments thereto.

A copy of the Decision was sent to the following:

Skamania County Building Department
Skamania County Assessor's Office

Skamania County Planning and Community Development
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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
U.S. Forest Service - NSA Office
Board of County Commissioners

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EXHIBIT A

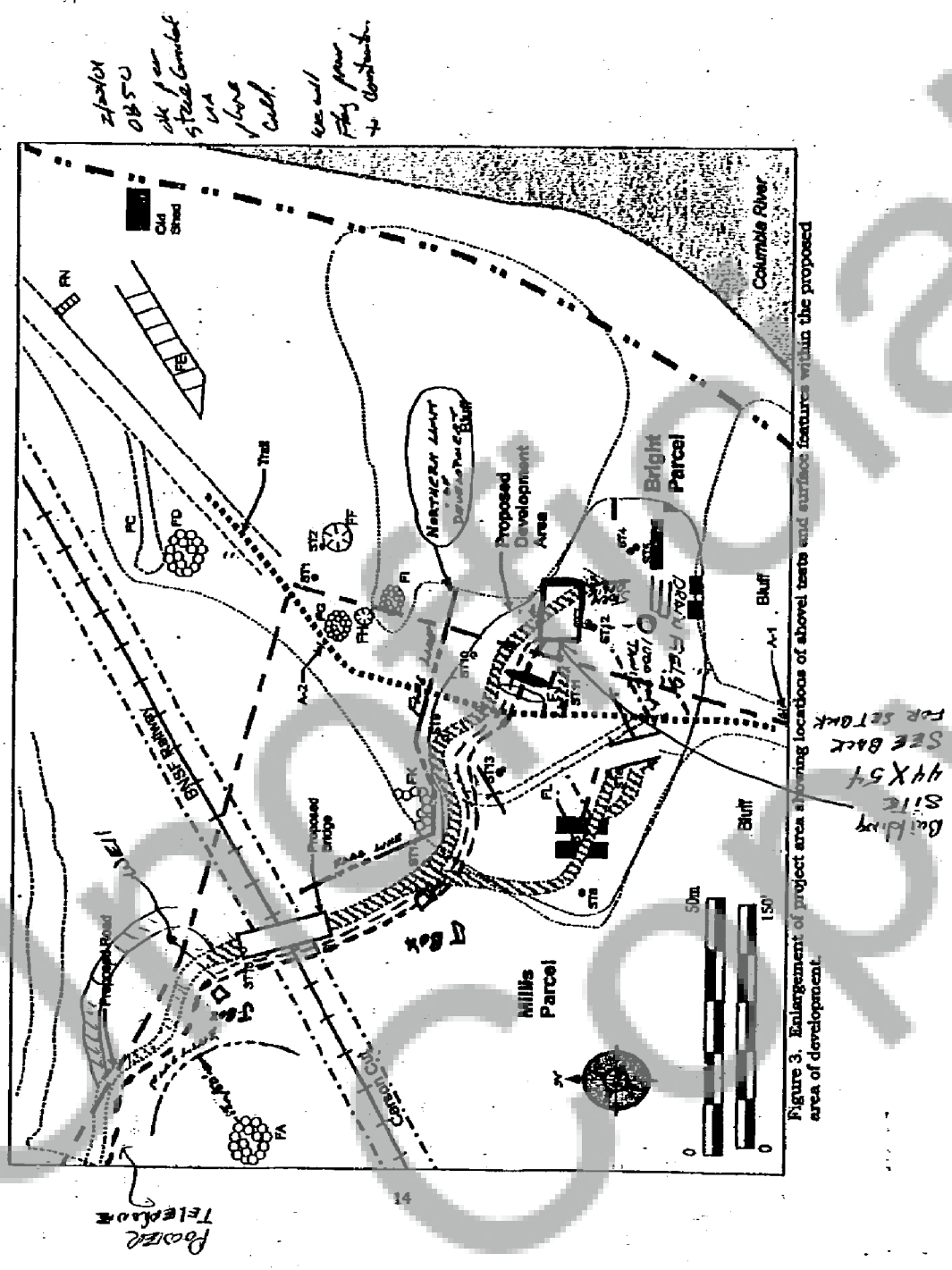


Figure 3. Enlargement of project area showing locations of above tests and surface features within the proposed area of development.

2. Overview of Parcels

Description

EXHIBIT "A"

East Parcel Description

A tract of land within the NW¼ SE¼, Gov't Lots 3 & 4 of Section 29, Township 3 North, Range 8 East, W.M., in the County of Skamania and the State of Washington and described as follows:

Commencing at a point on the east line of said Section 29 which lies S 0-57-17 W, 990.02 feet from the East ¼ corner thereof, thence continuing S 0-57-17 W, 41.60 feet to a point of intersection with the south line of the Burlington Northern-Santa Fe Railroad Company (BNSF) right of way; thence along said right of way to an intersection with the Government Meander Line, the chord of which bears S 71-49-21 W, 16.54 feet and the point of beginning of this description; thence along said meander line through the following courses, to wit: S 19-20-30 W, 511.44 feet; S 11-50-30 W, 504.90 feet; thence S 47-20-30 W, 5.40 feet to a point; thence N 77-41-47 W, 520.47 feet to a point on the shoreline of the Bonneville Pool; thence N 78-56-37W, 155.66 feet along the base of a bluff to a point; thence N 18-29-54 E, 434.08 feet to a point of intersection with the south line of said BNSF right of way (hereinafter called Point "A"); thence Northeasterly along said right of way 922 feet, more or less, to the point of beginning, the chord of which bears N 62-32-44 E, 918.42 feet;
PLUS THE FOLLOWING DESCRIBED PARCEL, to wit:

Commencing at the hereinabove described Point "A", thence N 75-13-29 W, 272.84 feet to a point on the north line of the BNSF right of way and the point of beginning of this description; thence Northeasterly along said right of way 507 feet, more or less, to a point of intersection with the west line of the East Half of said Gov't Lot 4, the chord of which bears N 57-18-48 E, 503.08 feet; thence N 0-57-57 E, 17.61 feet to the South line of SR 14 right of way; thence in a Westerly direction along said right of way line of variable width a distance of 1613 feet, more or less, to a point, the chord of which bears N 89-33-02 W, 1406.87 feet; thence leaving said right of way on a bearing of S 77-50-50 E, 792.41 feet to a point; thence S 58-02-32 E, 249.80 feet to the point of beginning;

TOGETHER WITH an easement for ingress and egress over the West 20 feet of the East Half of Gov't Lot 4 as described in that particular document recorded in Book 39, Page 29 of Deeds; SUBJECT TO a flowage easement granted to the United States of America and described in those particular documents recorded in Book Z, Pages 22 and 62; ALSO SUBJECT TO AND TOGETHER WITH an easement for access and utility purposes of 40 feet in width over a proposed location between SR 14 and the Westerly edge of the first hereinabove described parcel; ALSO SUBJECT TO AND TOGETHER WITH the "Declaration of Covenants, Conditions and Restrictions for Columbia River Gorge Property" recorded as AF# _____; ALSO TOGETHER WITH Second Class shorelands conveyed by the State of Washington as described in that particular document recorded in Book "I" at Page 560, which lie within the herein described parcel; ALL records of said County.

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BRIGHT

COPY

2. Overview Parcels**Description****EXHIBIT 'B'****West Parcel Description**

A tract of land within the NW¼ SE¼, Gov't Lots 3 & 4 of Section 29, Township 3 North, Range 8 East, W.M., in the County of Skamania and the State of Washington and described as follows:

ALL that portion of said NW¼ SE¼, Gov't Lot 3 and the West Half Gov't Lot 4 which lie adjacent to and Southerly of the South line of SR 14 right of way and adjacent to and Northerly of the North line of the Burlington Northern-Santa Fe Railroad Company (BNSF) right of way; PLUS ALL that portion of said Gov't Lots 3 & 4 which lie adjacent to and Southerly of the BNSF right of way; ALSO PLUS Second Class shorelands conveyed by the State of Washington as described in that particular document recorded in Book "I" at Page 560; EXCEPTING THEREFROM the following described parcels, to wit:

COMMENCING at a point on the east line of said Section 29 which lies S 0-57-17 W, 990.02 feet from the East ¼ corner thereof, thence continuing S 0-57-17 W, 41.60 feet to a point of intersection with the south line of the Burlington Northern-Santa Fe Railroad Company (BNSF) right of way; thence along said right of way to an intersection with the Government Meander Line, the chord of which bears S 71-49-21 W, 16.54 feet and the point of beginning of this description; thence along said meander line through the following courses, to wit: S 19-20-30 W, 511.44 feet; S 11-50-30 W, 504.90 feet; thence S 47-20-30 W, 5.40 feet to a point; thence N 77-41-47 W, 520.47 feet to a point on the shoreline of the Bonneville Pool; thence N 78-56-37 W, 155.66 feet along the base of a bluff to a point; thence N 16-29-54 E, 434.08 feet to a point of intersection with the south line of said BNSF right of way (hereinafter called Point "A"); thence Northeasterly along said right of way 922 feet, more or less, to the point of beginning, the chord of which bears N 62-32-44 E, 918.42 feet;

PLUS THE FOLLOWING DESCRIBED PARCEL, to wit:

Commencing at the hereinabove described Point "A", thence N 75-13-29 W, 272.84 feet to a point on the north line of the BNSF right of way and the point of beginning of this description; thence Northeasterly along said right of way 507 feet, more or less, to a point of intersection with the west line of the East Half of said Gov't Lot 4, the chord of which bears N 57-18-48 E, 503.08 feet; thence N 0-57-57 E, 17.61 feet to the South line of SR 14 right of way; thence in a Westerly direction along said right of way line of variable width a distance of 1613 feet, more or less, to a point, the chord of which bears N 89-33-02 W, 1406.87 feet; thence leaving said right of way on a bearing of S 77-50-50 E, 792.41 feet to a point; thence S 58-02-32 E, 249.80 feet to the point of beginning; ALSO TOGETHER WITH Second Class shorelands conveyed by the State of Washington as described in that particular document recorded in Book "I" at Page 560, which lie within the herein described parcel;

SUBJECT TO a fowage easement granted to the United States of America and described in those particular documents recorded in Book Z, Pages 22 and 62; ALSO SUBJECT TO AND TOGETHER WITH an easement for access and utility purposes of 40 feet in width over a proposed location between SR 14 and the Westerly edge of the first hereinabove described parcel; ALSO SUBJECT TO AND TOGETHER WITH the "Declaration of Covenants, Conditions and Restrictions for Columbia River Gorge Property" recorded as AF# _____; ALSO EXCEPTING THEREFROM that parcel conveyed to Charles Seward by that particular document recorded in Book 175 at Page 978; ALL records of said County;

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MILLS

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