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Return Address: Max and Suzanne Millis  
1717 SW Montgomery Drive  
Portland, OR 97201

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FILED RECORD  
SKAMANIA COUNTY WASH

By Roger Wingerter

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J. MICH... VISION

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

Administrative Decision

**APPLICANT:** Max and Suzanne Millis

**FILE NO.:** NSA-01-48

**PROJECT:** Single family residence with detached garage and tea pavilion.

**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 #3-8-29-902.

**LEGAL DESCRIPTION:** See page 5.

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

**DECISION:** Based upon the entire record, including particularly the Staff Report, the application by 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.

**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 site plan, 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.
- 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) The applicant shall not exceed 100 cubic yards of grading.
- 6) The applicant shall use only low or non-reflective building material.
- 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 18 feet in height from the top of the footer.
- 9) All development shall be at least 50 feet from the seep on the south side of the southern most earth berm.
- 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) Ten coniferous trees should be planted to the Southwest of the proposed home site. These trees should be 6 feet tall at the time of planting (not including root wad), coniferous and at least half shall be native to the setting (i.e. Douglas fir, grand fir, Western red cedar, Western hemlock, etc.). These trees should be intermixed with the existing oak groves that are West and Southwest of the proposed homesite, as well as in the gap between the two groves.

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- 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 twenty feet from the front lot line or fifty feet from the centerline of a public or private road whichever is greater, side yard setbacks shall be twenty feet and rear yard setbacks shall be twenty 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, to then be reviewed by the Forest Service archaeologist, and to OAHF explaining all aspects of excavation.
- 15) Planning and Forest Service staff shall install flagging to protect possible significant cultural resources. No ground disturbing activity shall take place to the west or south of the flagging.
- 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 inspection.
- 17) The areas along the rocky bluffs containing Camas shall be flagged for avoidance prior to construction.
- 18) 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.
  - 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 28 day of November, 2001, at Stevenson, Washington.

Steven Grichel  
Steve Grichel, Associate Planner  
Skamania County Planning and Community Development.

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#### 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), this Administrative Decision shall be recorded, by the applicant, in the County deed records prior to commencement of the approved project.

As per SCC §22.06.050(C)(5), this decision 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

This 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. Notice of Appeal forms are available at the Department Office.

#### WARNING

On November 30, 1998 the Columbia River Gorge Commission overturned a Skamania County Administrative 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 Administrative Decision or any amendments thereto.

A copy of the Decision was sent to the following:

Skamania County Building Department  
Skamania County Assessor's Office

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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### Overview of Parcel: Description

#### Exhibit A

A tract of land within the NW $\frac{1}{4}$  SE $\frac{1}{4}$  Government 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:

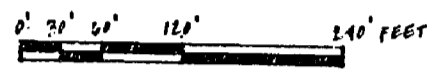
All that portion of said NW $\frac{1}{4}$  SE $\frac{1}{4}$ , Gov't Lot 3 and the West Half Gov't Lot 4 which lie adjacent to and Southerly of the South line of SR 14 right of way and adjacent to and Northerly of the North line of the Burlington Northern-Santa Fe Railroad Company (BNSF) right of way; 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 "1" 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 $\frac{1}{4}$  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 78-50-37 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:

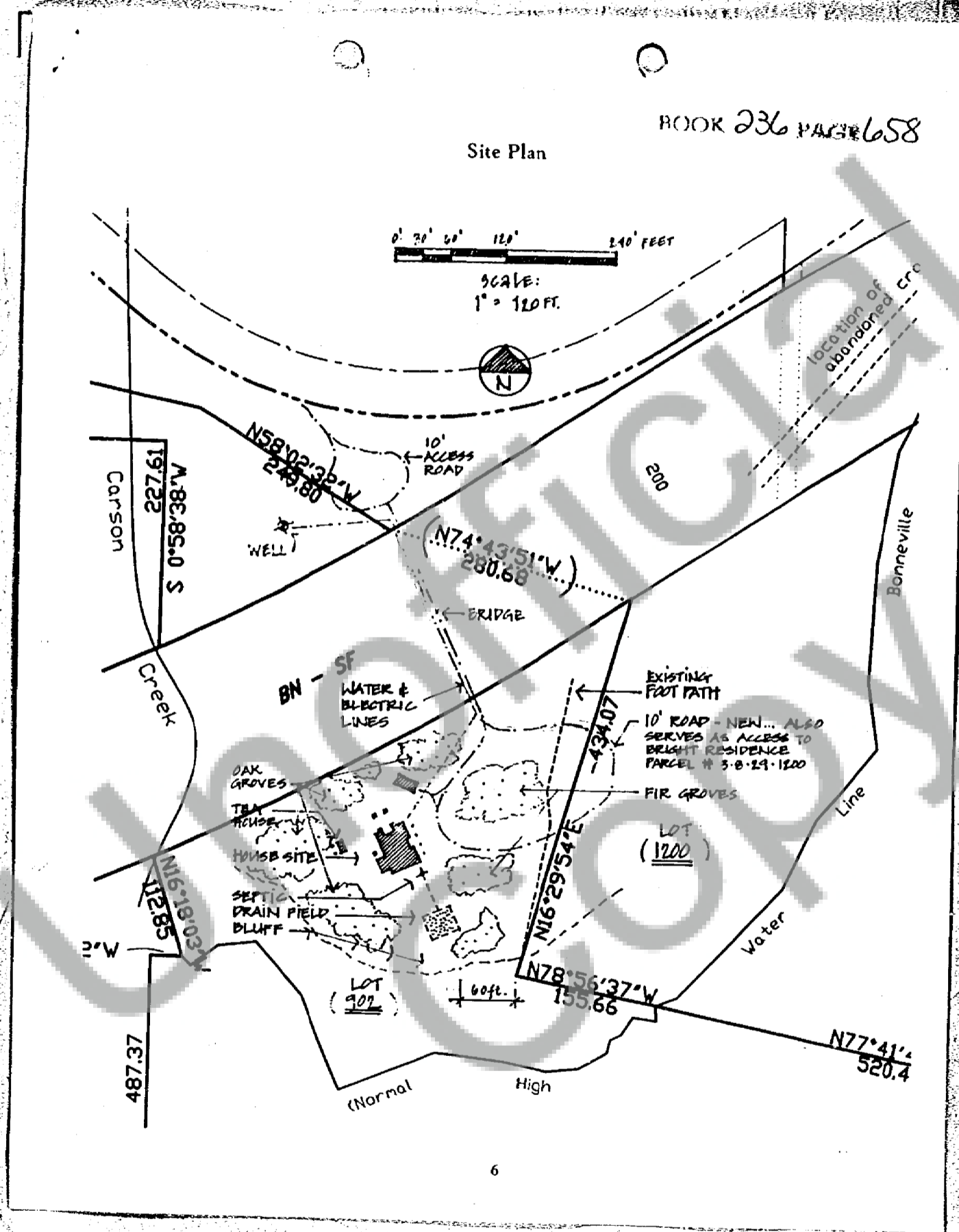
Commencing at the hereinabove described Point "A", thence N 75-13-29 W, 272.84 feet to a point on the north line of the BNSF right of way and the point of beginning of this description; thence Northeasterly along said right of way 507 feet, more or less, to a point of intersection with the west line 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 "1" at Page 560, which lie within the herein described parcel;

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 EXCEPTING THEREFROM that parcel conveyed to Charles Seward by that particular document recorded in Book 175 at Page 978: ALL records of said County.

Site Plan



SCALE: 1" = 120 FT.



Carson Creek

Bonneville Line

227.61  
N. 88° 35.0' S

487.37  
N 16° 19' 11" E  
382.11

N 58° 02' 36" W  
249.80

N 74° 43' 51" W  
280.68

N 16° 29' 54" E  
434.07

N 78° 56' 37" W  
155.66

N 77° 41' 4" S  
520.4

(Normal High)

LOT (90)

LOT (1200)

200

WELL

10' ACCESS ROAD

BRIDGE

BN - SF  
WATER & ELECTRIC LINES

EXISTING FOOT PATH

10' ROAD - NEW... ALSO SERVES AS ACCESS TO BRIGHT RESIDENCE PARCEL # 3-B-29-1200

FIR GROVES

OAK GROVES

TEA HOUSE

HOUSE SITE

SEPTIC DRAIN FIELD  
BLUFF

Water

location of abandoned creek