

148111

Return Address:

Skamania County Auditor

FILED
SKAMANIA COUNTY
MAR 27 11 24 AM '03
J. P. HIGGINS
CLERK

<i>Document Title(s) or transactions contained herein:</i>	
Summons No. 03 2 01622 9 Clark County	
<i>GRANTOR(S) (Last name, first name, middle initial)</i>	
Skamania County L'Honmedieu, Lawrence etux	
<input type="checkbox"/> Additional names on page _____ of document.	
<i>GRANTEE(S) (Last name, first name, middle initial)</i>	
Lane, Dennis etux	
<input type="checkbox"/> Additional names on page _____ of document.	
<i>LEGAL DESCRIPTION (Abbreviated: i.e., Lot, Block, Plat or Section, Township, Range, Quarter/Quarter)</i>	
Lots 6,7,8 & 9 of River Glen on the Washougal ^{3/21/03}	
<input type="checkbox"/> Complete legal on page _____ of document.	
<i>REFERENCE NUMBER(S) of Documents assigned or released:</i>	
<input type="checkbox"/> Additional numbers on page _____ of document.	
<i>ASSESSOR'S PROPERTY TAX PARCEL/ACCOUNT NUMBER</i>	
02-05-23-3-0-1100, 1101 & 1300 ^{3/21/03}	
<input type="checkbox"/> Property Tax Parcel ID is not yet assigned	
<input type="checkbox"/> 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.	

1100
 1101
 1300
 1102
 1103
 1104
 1105
 1106
 1107
 1108
 1109
 1110
 1111
 1112
 1113
 1114
 1115
 1116
 1117
 1118
 1119
 1120
 1121
 1122
 1123
 1124
 1125
 1126
 1127
 1128
 1129
 1130

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COPY
ORIGINAL FILED
MAR 26 2003

JoAnne McBride, Clerk, Clark Co.

SUPERIOR COURT OF WASHINGTON FOR CLARK COUNTY

DENNIS LANE and ELIZABETH LANE, husband and wife,

Petitioners.

NO. 03 2 01 622 9

vs.

SUMMONS

SKAMANIA COUNTY, a municipal corporation; and LAWRENCE L'HOMMEDIEU and JANE DOE L'HOMMEDIEU, husband and wife,

Respondents.

TO: Respondent Skamania County, a municipal corporation; and

TO: Respondents Lawrence L'Hommedieu and Jane Doe L'Hommedieu, husband and wife

A lawsuit has been started against you in the above-entitled Court by Dennis Lane and Elizabeth Lane, husband and wife, Petitioners. Petitioners' claim is stated in the written Petition for Review, a copy of which is served upon you with this Summons.

In order to defend against this lawsuit, you must respond to the Petition by stating your defense in writing, and serve a copy upon the undersigned attorney for Petitioners within 20 days after the date this Summons was served upon you, excluding the day of service, if this Summons was served within the State of Washington, or within 60 days

Blair, Schaefer, Hutchison & Wolfe, LLP
Attorneys at Law
105 West Evergreen Boulevard
Post Office Box 1148
Vancouver, Washington 98666-1148
Telephone (360) 693-5883

SUMMONS - 1

1 after the date this Summons was served upon you, excluding the day of service, if this
2 Summons was served outside the State of Washington, or a default judgment may be
3 entered against you without notice. A default judgment is one where the Petitioners are
4 entitled to what is asked for because you have not responded. If you serve a Notice of
5 Appearance on the undersigned attorney, you are entitled to notice before a default
6 judgment may be entered.

7 You may demand that Petitioners file this lawsuit with the Court. If you do so,
8 the demand must be in writing and must be served upon the person signing this
9 Summons. Within 14 days after you serve the demand, the Petitioners must file this
10 lawsuit with the Court, or service on you of the Summons and Petition will be void.

11 If you wish to seek advice of any attorney in this matter, you should do so
12 promptly so that your written response, if any, may be served on time.

13 This Summons is issued pursuant to Rule 4 of the Superior Court Civil Rules of
14 the State of Washington.

15 DATED this 26th day of March, 2003.

16 BLAIR, SCHAEFER, HUTCHISON & WOLFE L.L.P.

17
18 By: Denise J. Lukins
19 Denise J. Lukins, W.S.B. #24688
20 of Attorneys for Petitioners

21 File Response with:

22 Clerk of the Court
23 Clark County Courthouse
24 P.O. Box 5000
25 Vancouver, WA 98668

Serve a copy of your Response on:

BLAIR, SCHAEFER, HUTCHISON & WOLFE,
L.L.P.
105 West Evergreen Boulevard
P. O. Box 1148
Vancouver, WA 98666-1148

Telephone No. (360) 693-5883

Blair, Schaefer, Hutchison & Wolfe, LLP
Attorneys at Law
105 West Evergreen Boulevard
Post Office Box 1148
Vancouver, Washington 98666-1148
Telephone (360) 693-5883

SUMMONS - 2

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COPY
ORIGINAL FILED
MAR 26 2003

JoAnne McBride, Clerk, Clark Co.

SUPERIOR COURT OF WASHINGTON FOR CLARK COUNTY

DENNIS LANE and ELIZABETH
LANE, husband and wife,

Petitioners.

NO.

03 2 01 622 9

vs.

SKAMANIA COUNTY, a municipal
corporation; and LAWRENCE
L'HOMMEDIEU,

Respondents.

PETITION FOR REVIEW UNDER
THE LAND USE PETITION ACT

Petitioners, subject to RCW 36.70C.005 et. seq. bring this action for judicial review of a land use decision made by Skamania County, Washington. Jurisdiction is proper in Clark County Superior Court pursuant to RCW 36.01.050.

PETITIONERS AND PETITIONERS' ATTORNEY

1. The petitioners are Dennis and Elizabeth Lane, husband and wife, whose mailing address is 12204 SE Mill Plain, Suite 200, Vancouver, WA 98684-6039.

2. Petitioners' counsel is Denise Lukins, whose mailing address is Blair Schaefer Hutchison & Wolfe LLP, 105 W. Evergreen Boulevard, PO Box 1148, Vancouver, Washington, 98666-1148.

/// /// /// ///

PETITION FOR REVIEW - 1

Blair, Schaefer, Hutchison & Wolfe, LLP
Attorneys at Law
105 West Evergreen Boulevard
Post Office Box 1148
Vancouver, Washington 98666-1148
Telephone (360) 693-5883

1 DECISION MAKING BODY

2 3. This appeal is taken from the Final Order issued March 14, 2003 by the
3 Skamania County Board of Adjustment (the "Board") denying petitioners' Appeal of the
4 Administrative Decision to the Critical Areas Variance Application No CA-02-04 (the
5 "Final Order). Skamania County's address is 240 Vancouver Street, PO Box 790,
6 Stevenson, WA 98648. A true and correct copy of the Final Order is attached hereto,
7 made a part hereof, and marked as Exhibit "A."

8 ADDITIONAL PARTIES

9 4. Lawrence L'Hommedieu is a necessary party to this petition under
10 RCW 36.70C.040(b)(i), as the person identified by name as the applicant for the
11 Variance at issue. The Final Order does not identify Lawrence L'Hommedieu's address,
12 but his mailing address is believed to be 101 River Glen Road, Washougal, WA 98671.

13 PETITIONERS' STANDING TO SEEK JUDICIAL REVIEW

14 5. Petitioners have standing to bring this land use petition as the owners of
15 real property neighboring the L'Hommedieu property. Petitioners are prejudiced by the
16 Final Order because the value and enjoyment of their property is adversely affected by
17 the decision to grant a critical areas variance. The result of this decision is that instead
18 of having one home located next to their property, they will instead have two houses, one
19 within 15 feet of the property line and the other within 50 feet. In addition, grant of the
20 variance and construction of the improvements contemplated will violate Codes,
21 Covenants and Restrictions ("CC & Rs") affecting both petitioners' and respondents
22 L'Hommedieu's properties, along with all property in the subdivision. These injuries
23 would be eliminated by a judgment in petitioners' favor. Their interests are among those
24 that the jurisdiction is required to consider because as part of a decision to grant a
25 variance, Skamania County was required to determine that the grant would not be

PETITION FOR REVIEW - 2

Blair, Schaefer, Hutchison & Wolfe, LLP
Attorneys at Law
105 West Evergreen Boulevard
Post Office Box 1148
Vancouver, Washington 98666-1148
Telephone (360) 693-5883

1 injurious to property or improvements in the vicinity and zone. The petitioners have
2 exhausted their administrative remedies to the extent required by law.

3 STATEMENT OF ERROR

4 6. Petitioners allege the Board's decision to deny their appeal of the
5 Variance is in error for the following reasons:

6 A. The land use decision is not supported by evidence that is
7 substantial when viewed in light of the whole record before the court; and

8 B. The land use decision is a clearly erroneous application of the law
9 to the facts.

10 STATEMENT OF FACTS TO SUSTAIN THE STATEMENT OF ERROR

11 7. Mr. L'Hommedieu owns two lots in the River Glen subdivision. A home
12 is located on one of the lots. He proposes construction of a single-family residence
13 extending to within 50 feet of the Ordinary High Water Mark of the Washougal River
14 and to within 18 feet of an unnamed Class V Stream running between the two lots.

15 8. A septic system already serves the existing residence. This septic system
16 is proposed to be moved and another septic system will be constructed to serve the
17 proposed residence. Both septic systems will be located less than fifty (50) feet from the
18 Class V stream.

19 9. In order to construct the residence, L'Hommedieu filed a request for a
20 variance from Skamania County's Critical Areas setback of 25 feet for a Class V Stream
21 to 18 feet, and reducing the 100-foot Critical Area buffer for the Washougal River to 50
22 feet. Skamania County Code §21A.04.020(C) allows an administrative variance to
23 buffer widths not to exceed 50% if the applicant meets criteria specified in SCC
24 §21A.16.060(B).

25 /// /// /// ///

PETITION FOR REVIEW - 3

Blair, Schaefer, Hutchison & Wolfe, LLP
Attorneys at Law
105 West Evergreen Boulevard
Post Office Box 1148
Vancouver, Washington 98666-1148
Telephone (360) 693-5883

1 These criteria include a requirement that "any variance granted shall be subject
2 to such conditions as will assure that the adjustment thereby authorized shall not
3 constitute a grant of special privilege inconsistent with the limitations upon other
4 properties in the vicinity and zone in which the subject property is situated. . . ." The
5 following circumstances must also apply:

- 6 A. Because of special circumstances applicable to subject property,
7 including size, shape, topography, location or surroundings, the
8 strict application of the zoning ordinance is found to deprive
9 subject property of rights and privileges enjoyed by other
10 properties in the vicinity and under identical zone classification
11 and/or special purpose district.
12 B. That the granting of the variance will not be materially
13 detrimental to the public welfare or injurious to the property or
14 improvements in the vicinity and zone classification and/or
15 special purpose district in which subject property is situated.

16 In addition, the applicant must show that no practicable alternative exists to locating the
17 proposed development within the buffer area and that on-site mitigation measures agreed
18 to by the applicant are adequate to avoid significant degradation of the stream.

19 10. Under the criteria required by the code and based on the evidence
20 presented, the petitioners believe the following findings are in error based on the
21 evidence in the record and the applicable law.

22 A. The grant of the Variance does constitute a grant of special
23 privilege to the applicant. The finding made by the administrator is that this is not a
24 special privilege because it is a single family dwelling and its associated well and septic
25 systems are normal developments in residential property and that the variance is
necessary to assure the home and its related impact are minimized. In fact, Mr.
L'HOMMEDIEU already has one house on his property. He is now asking for a
variance in order to build a second house.

PETITION FOR REVIEW - 4

Blair, Schaefer, Hutchison & Wolfe, LLP
Attorneys at Law
105 West Evergreen Boulevard
Post Office Box 1148
Vancouver, Washington 98666-1148
Telephone (360) 693-5883

1 This density of development is not consistent with the neighborhood. The
2 neighbors two properties away from Mr. L'HOMMEDIU have one house on four lots
3 while petitioners have one house on two lots. In addition, another property immediately
4 adjacent to L'Hommedieus consists of four lots which are unimproved and are being
5 combined into one legal lot. Mr. L'HOMMEDIU already has a house on his two lots.
6 Evidence was submitted showing that in the past, multiple lots were required in order to
7 issue septic permits. Further, since the lots are quite small, using multiple lots for a
8 single residence preserves the rural character of the area. Because the proposed
9 residence is inconsistent with the limitations on other properties, the variance amounts
10 to a grant of special privilege.

11 County staff argues in its staff report to the Board that because the lots owned
12 by respondents were created prior to the enactment of zoning regulations and are
13 considered legal non-conforming lots entitled to each have a single family home, no
14 special privilege exists. However, this fails to consider that all properties in the River
15 Glen subdivision are affected by CC & Rs affecting the location of improvements.
16 Therefore, staff's contention that no limitations exist on other properties preventing home
17 construction on each property owned is incorrect.

18 Although evidence was introduced, the County refused to consider the CC &
19 Rs controlling the property that state:

20 "During the period of twenty-five years from and after the
21 first date of June, 1944, the aforesaid property or any
22 buildings or structures erected thereon shall not be used
23 for any purpose which will cause pollution (sic) to the
24 waters of the Washougal River or any tributary thereof
25 and all sewage disposal shall be by means of a septic tank
of standard design, and no septic tank or drainage shall
discharge within fifty feet of the banks of the Washougal
River or any tributary thereof."

/// /// /// ///

PETITION FOR REVIEW - 5

Blair, Schaefer, Hutchison & Wolfe, LLP
Attorneys at Law
105 West Evergreen Boulevard
Post Office Box 1148
Vancouver, Washington 98666-1148
Telephone (360) 693-5883

1 The CC & Rs then provide that they are "automatically extended for successive periods
2 of ten years" unless changed by a vote of the majority of land owner. The septic systems
3 proposed by respondents L'Hommedieu breaches these CC & Rs because the systems
4 proposed are located within 50 feet of a tributary of the Washougal River. The CC & Rs
5 are attached as Exhibit "B."

6 B. A finding was also made by the administrator that special
7 circumstances warrant granting of the variance because a Class V Stream runs along the
8 north edge of the property with a buffer; certain setbacks apply; and the lot is relatively
9 narrow. The administrator goes on to find that not granting the variance would leave an
10 area only 30 feet wide for home construction. Several other constraints are mentioned
11 including a 50-foot front yard zoning setback, the location of the Washougal River and
12 a 40-foot critical area buffer along the eastern edge of the property and the necessity of
13 constructing septic tanks and drain fields according to standards which require they be
14 located a certain distance from the Washougal River and from the septic system that is
15 already on the property. Again, this consideration regarding the septic system does not
16 consider the CC & Rs that affect the property.

17 Further, the location of improvements on the property was determined by the
18 property owner himself and therefore cannot amount to special circumstances. The
19 additional constraints involving setbacks and buffers were readily observable at the time
20 of purchase of the property.

21 C. The administrator made a finding that the grant of variance would
22 not be materially detrimental to the public welfare or injurious to property or
23 improvements in the vicinity and zone. Appellants argue that the grant of the variance
24 will be materially detrimental to their property. They will then have two houses next
25

//// //// //// ////

PETITION FOR REVIEW - 6

Blair, Schaefer, Hutchison & Wolfe, LLP
Attorneys at Law
105 West Evergreen Boulevard
Post Office Box 1148
Vancouver, Washington 98666-1148
Telephone (360) 693-5883

1 door to them, one within 15 feet of the property line and the other within 50 feet and the
2 CC & Rs will be compromised.

3 REQUEST FOR RELIEF

4 11. Petitioners request that the Court determine that the Variance in favor of
5 L'Hommedieus was incorrectly granted and that the L'Hommedieus' request for a
6 Variance be denied.

7 DATED this 26th day of March, 2003.

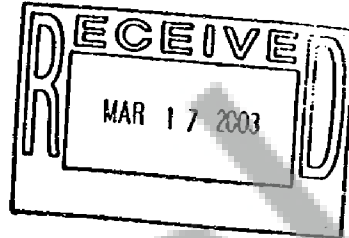
8 BLAIR, SCHAEFER, HUTCHISON & WOLFE L.L.P.

9
10 By: Denise J. Lukins
11 Denise J. Lukins, W.S.B. #24688
12 of Attorneys for Petitioners
13
14
15
16
17
18
19
20
21
22
23
24
25



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



BEFORE THE SKAMANIA COUNTY BOARD OF ADJUSTMENT
STEVENSON, WASHINGTON

Dennis and Elizabeth Lane
91 River Glenn Rd.
Washougal, WA 98671

) FINAL ORDER
) DENYING AN APPEAL OF
) THE ADMINISTRATIVE DECISION
) TO THE CRITICAL AREAS
) VARIANCE APPLICATION
) NO.: CA-02-04

NOTICE IS HEREBY GIVEN to Dennis and Elizabeth Lane that the aforesaid appeal of the Critical Areas Variance Administrative Decision dated January 7, 2003 has been denied. The Administrative Decision issued to Matt L'Hommedieu for the CA-02-04 has been upheld. Administrative Decision CA-02-04 approved a variance to the minimum development standard that specifies the stream buffer zone shall be 25' for a Class V Stream in order to construct a single family home extending to within 18' of the Ordinary High Water Mark (OHWM) of an unnamed creek, the Class V Stream, on his property located in western Skamania County, Washington Tax Lot Number 02-05-23-3-1-1300-00 (Lot 9). In addition the Administrative Decision properly interpreted Skamania County Code § 21A.04.010(A) to allow the home to be placed 50' from the OHWM of the Washougal River.

The Board adopted the Finding of Facts, Conclusions, Decision & Conditions set out in the Administrative Decision.

THIS ACTION shall be final and conclusive unless within ten (10) days of the date set out below, the applicant or an adverse party make application to a court of competent jurisdiction for a writ of certiorari, a writ of prohibition, or a writ of mandamus.

DATED THIS 14th day of March, 2003, at Stevenson, Washington.

SKAMANIA COUNTY BOARD OF ADJUSTMENT

Mark J. Mazeski
Mark J. Mazeski
Secretary to the Board of Adjustment

H:\wright\Critical Area JARPA\FINAL ORDER\Lane.doc

Exhibit "A"

DEED RECORD 30
SKAMANIA COUNTY, WASHINGTON

183

second party, which order of confirmation is now of record in the Clerk's office of said Court, reference to which is hereby made:

Now therefore, the said E. W. Wright, Administrator of the estate of said Edward B. Wood deceased, party of the first part, pursuant to the orders aforesaid, and for and in consideration of said sum of six hundred dollars, lawful money of the United States, to him in hand paid by said second party, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto said second party, his heirs and assigns forever: all the right, title and interest of said deceased Edward B. Wood in and to all that certain property situated in Skamania County, State of Washington, and particularly described as follows, to-wit:

Lots 1 and 3 of Block 6 of Riverview Addition to the town of Stevenson, Skamania County, State of Washington.

To have and to hold all and singular the aforesaid premises, together with the tenements, hereditaments and appurtenances thereto belonging of in any wise appertaining, unto said second party his heirs and assigns forever.

In witness whereof, said first party as Administrator aforesaid, has hereunto set his hand and seal the day and year first above written.

In presence of: E. W. Wright (seal)
Administrator of the estate of Edward B. Wood, deceased.

\$1.10 USIA and \$1.10 state stamps affixed and dated: "R/W 6/29/44"

STATE OF WASHINGTON
COUNTY OF SKAMANIA

I, Raymond C. Sly a Notary Public in and for the said state, do hereby certify that on this 29th day of August, 1944, personally appeared before me E. W. Wright, administrator of the estate of Edward B. Wood, deceased, to be known to me the individual described in and who executed the within instrument, and acknowledged that as such administrator signed and sealed the same to his free and voluntary act and deed for the uses and purposes therein contained.

In witness whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(Notarial seal affixed) Raymond C. Sly
Notary Public in and for the State of Washington, residing at Stevenson in said County

Filed for record September 6, 1944 at 9:31 a.m. by Grantee
Walter J. Jones
Skamania County Auditor.

23374 E. E. Carroll et al et al to Willard E. Christal et al

Now all men by these presents, that E. E. Carroll and Pearl D. Carroll, husband and wife, and Russell D. Ford and Viretta M. Ford, husband and wife, in consideration of Ten Dollars and other valuable consideration Dollars, to them paid by Willard E. Christal and Verna M. Christal, husband and wife do hereby grant, bargain, sell and convey unto said Willard E. Christal and Verna M. Christal, husband and wife their heirs and assigns, all the following real property, with the tenements, hereditaments and appurtenances, situated in the County of Skamania and State of Washington, bounded and described as follows, to-wit:

The Southwest quarter (1/4) of the Southwest quarter (1/4) and the Southwest quarter (1/4) of the Southwest quarter (1/4) of Section 14, and the East half (1/2) of Section Fifteen (15) and the West half (1/2) of the West half (1/2) of the Northwest quarter (1/4) and the West half (1/2) of the Northwest quarter (1/4) of the Southwest quarter (1/4) of Section twenty-three (23) in Township 2 North Range 5 East of the Willamette Meridian, in the County of Skamania, State of Washington;

Exhibit "B"

DEED RECORD 30
SKAGANIA COUNTY, WASHINGTON

Subject, however, to the following conditions and reservations, to-wit:
During the period of twenty-five years from and after the first day of June, 1914, the aforesaid property or any buildings or structures erected thereon, shall not be used for any purpose which will cause pollution to the waters of the Washougal River or any tributary thereof, and all sewage disposal shall be by means of a septic tank of standard design, and no septic tank or drainage shall discharge within fifty feet of the banks of the Washougal River or any tributary thereof.

These covenants are to run with the land and shall be binding upon all parties and all persons claiming under them until June 1, 1949, at which time said covenants shall be automatically extended for successive periods of ten years, unless by a vote of the majority of the owners of said property agree to change the said covenants in whole or in part.

These covenants may be voided and made of no effect by the unanimous consent of all owners of the property above described.

If the parties hereto, or any of them, or their heirs or assigns, shall violate or attempt to violate any of the covenants heretofore, it shall be lawful for any other person or persons, owning any of the real property above described to prosecute any proceedings at law, or in equity against the person or persons violating or attempting to violate any such covenant and either to prevent him or them from so doing or to recover damages or other dues for such violations.

Violation of any one of these covenants by judgment or court order shall in no wise affect any of the other provisions which shall remain in full force and effect. Subject to taxes of record

To Have and To hold, the above described and granted premises unto the said married E. Christal and Ferna M. Christal, husband and wife, their heirs and assigns forever.

In witness whereof, the grantors above named hereunto set out hands and seals this 5th day of August, A. D. 1914.

Executed in the presence of
Vivette M. Ward (seal)
Russell D. Ward (seal)
E. B. Carroll (seal)
Pearl M. Carroll (seal)

STATE OF OREGON }
COUNTY OF WASHINGTON }

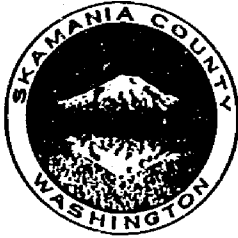
So it is recorded, that on this 5th day of August, A. D. 1914 before me, the undersigned a Notary Public in and for said County and State, personally appeared the within named E. B. Carroll and Pearl M. Carroll, husband and wife, and Russell D. Ward and Vivette M. Ward, husband and wife, who are known to me to be the identical individuals described in and who executed the within instrument and acknowledged to me that they executed the same freely and voluntarily.

In Testimony whereof, I have hereunto set my hand and official seal the day and year last above written.

(Notarial seal affixed) E. B. Dy
Notary Public for Oregon. My commission expires 4-10-15.

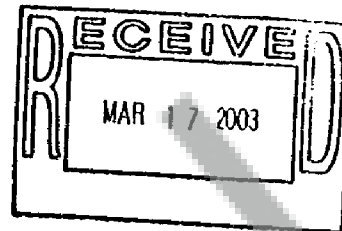
Filed for record: September 6, 1914 at 11:00 a.m. by Ward & Christal
M. J. Jones
County Auditor.

13372
Eugene C. Jones as trustee to Ora Harkin et ux
This indenture, made and entered into by and between Eugene C. Jones, as Trustee, for the bondholders committee of the... Lumber Company, a corporation, (as defined in declaration of trust recorded at page 129 Book... of Deeds, records of Skagania County, Washington,) party of the first part and Ora Harkin and George Harkin, husband and wife, parties



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



BEFORE THE SKAMANIA COUNTY BOARD OF ADJUSTMENT
STEVENSON, WASHINGTON

Dennis and Elizabeth Lane
91 River Glenn Rd.
Washougal, WA 98671

) FINAL ORDER
) DENYING AN APPEAL OF
) THE ADMINISTRATIVE DECISION
) TO THE CRITICAL AREAS
) VARIANCE APPLICATION
) NO.: CA-02-04

NOTICE IS HEREBY GIVEN to Dennis and Elizabeth Lane that the aforesaid appeal of the Critical Areas Variance Administrative Decision dated January 7, 2003 has been denied. The Administrative Decision issued to Matt L'Hommedieu for the CA-02-04 has been upheld. Administrative Decision CA-02-04 approved a variance to the minimum development standard that specifies the stream buffer zone shall be 25' for a Class V Stream in order to construct a single family home extending to within 18' of the Ordinary High Water Mark (OHWM) of an unnamed creek, the Class V Stream, on his property located in western Skamania County, Washington Tax Lot Number 02-05-23-3-1-1300-00 (Lot 9). In addition the Administrative Decision properly interpreted Skamania County Code § 21A.04.010(A) to allow the home to be placed 50' from the OHWM of the Washougal River.

The Board adopted the Finding of Facts, Conclusions, Decision & Conditions set out in the Administrative Decision.

THIS ACTION shall be final and conclusive unless within ten (10) days of the date set out below, the applicant or an adverse party make application to a court of competent jurisdiction for a writ of certiorari, a writ of prohibition, or a writ of mandamus.

DATED THIS 14th day of March, 2003, at Stevenson, Washington.

SKAMANIA COUNTY BOARD OF ADJUSTMENT

Mark J. Mazeski
Mark J. Mazeski
Secretary to the Board of Adjustment

DEED RECORD 30
SKAMANIA COUNTY, WASHINGTON

second party, which order of confirmation is now of record in the Clerk's office of said Court, reference to which is hereby made:

Now therefore, the said E. W. Wright, Administrator of the estate of said Edward B. Wood deceased, party of the first part, pursuant to the orders aforesaid, and for and in consideration of said sum of Six hundred Dollars, lawful money of the United States, to him in hand paid by said second party, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto said second party, his heirs and assigns forever: all the right, title and interest of said deceased Edward B. Wood in and to all that certain property situated in Skamania County, State of Washington, and particularly described as follows, to-wit:

Lots 2 and 3 of Block 6 of Riverview Addition to the Town of Stevenson, Skamania County, State of Washington.

To have and to hold all and singular the aforesaid premises, together with the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining, unto said second party his heirs and assigns forever.

In witness whereof, said first party as Administrator aforesaid, has hereunto set his hand and seal the day and year first above written.

In presence of: E. W. Wright (seal) Administrator of the estate of Edward B. Wood, deceased.

\$1.10 USIR and \$1.00 state stamps affixed and dated: "JULY 8/29/44"

STATE OF WASHINGTON
COUNTY OF SKAMANIA

I, Raymond C. Sly a Notary Public in and for the said state, do hereby certify that on this 29th day of August, 1944, personally appeared before me E. W. Wright, administrator of the estate of Edward B. Wood, deceased, to me known to be the individual described in and who executed the within instrument, and acknowledged that as such administrator signed and sealed the same as his free and voluntary act and deed for the uses and purposes therein mentioned.

In witness whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(Notarial seal affixed) Raymond C. Sly Notary Public in and for the State of Washington, residing at Stevenson in said County

Filed for record September 5, 1944 at 9:34 a.m. by Grantee

Raymond C. Sly
Notary Public

LIST

E. E. Carroll et ux et al to Willard E. Christal et ux

Know all men by these presents, that E. E. Carroll and Pearl M. Carroll, husband and wife, and Russell D. Jera and Viretta M. Jera, husband and wife, in consideration of Ten Dollars and other valuable consideration Dollars, to them paid by Willard E. Christal and Verna M. Christal, husband and wife do hereby grant, bargain, sell and convey unto said Willard E. Christal and Verna M. Christal, husband and wife their heirs and assigns, all the following real property, with the tenements, hereditaments and appurtenances, situated in the County of Skamania and State of Washington, bounded and described as follows, to-wit:

The Northwest quarter (1) of the Northwest quarter (2) and the Southwest quarter (2) of the Southwest quarter (2) of Section 14, and the East half (2) of Section Fifteen (15) and the West half (2) of the West half (2) of the Northwest quarter (2) and the West half (2) of the Northwest quarter (2) of the Southwest quarter (2) of Section twenty-three (2) in township 2 North range 5 East of the Willamette Meridian, in the County of Skamania, State of Washington;

DEED RECORD 30
SKAMANIA COUNTY, WASHINGTON

Subject, however, to the following conditions and reservations, to-wit:

During the period of twenty-five years from and after the first day of June, 1914, the aforesaid property or any buildings or structures erected thereon, shall not be used for any purpose which will cause pollution to the waters of the Washougal River or any tributary thereof, and all sewage disposal shall be by means of a septic tank of standard design, and no septic tank or drainage shall discharge within fifty feet of the banks of the Washougal River or any tributary thereof.

These covenants are to run with the land and shall be binding upon all parties and all persons claiming under them until June 1, 1939, at which time said covenants shall be automatically extended for successive periods of ten years, unless by a vote of the majority of the owners of said property agree to change the said covenants in whole or in part.

These covenants may be voided and made of no effect by the unanimous consent of all owners of the property above described.

If the parties hereto, or any of them, or their heirs or assigns, shall violate or attempt to violate any of the covenants hereto, it shall be lawful for any other person or persons, owning any of the real property above described to prosecute any proceedings at law, or in equity against the person or persons violating or attempting to violate any such covenant and either to prevent him or them from so doing or to recover damages or other dues for such violation.

Invalidation of any one of these covenants by judgment of court order shall in no wise affect any of the other provisions which shall remain in full force and effect.

Subject to taxes of record

To Have and To Hold, the above described and granted premises unto the said Mildred E. Christal and Vernon M. Christal, husband and wife, their heirs and assigns forever.

In witness whereof, we the grantors hereunto set our hands and seals this 5th day of August, A. D. 1914.

Executed in the presence of

Vivette E. Ward
Russell D. Ward
E. S. Carroll
Pearl W. Carroll

(seal)
(seal)
(seal)
(seal)

STATE OF OREGON)
COUNTY OF WASHINGTON) ss

So it is remembered, that on this 5th day of August, A. D. 1914 before me, the undersigned a Notary Public in and for said County and State, personally appeared the within named E. S. Carroll and Pearl W. Carroll, husband and wife, and Russell D. Ward and Vivette E. Ward, husband and wife, who are known to me to be the identical individuals described in and who executed the within instrument and acknowledged to me that they executed the same freely and voluntarily.

In Testimony whereof, I have hereunto set my hand and official seal the day and year last above written.

(Notarial seal affixed)

E. S. Ek
Notary Public for Oregon. My commission expires 4-10-15.

Filed for record September 6, 1914 at 11:00 a.m. by Ward & Christal

Ward & Christal
Skamania County Auditor.

33378

Eugene C. Aron as trustee to Ora Jenkin et al

This indenture, hereinafter referred to by and between Eugene C. Aron, as Trustee, for the bondholders committee of the... Lumber Company, a corporation, (as defined in declaration of trust recorded at page 329 Book 77 of Bonds, records of Skamania County, Washington,) party of the first part and Ora Jenkin and Georgia Jenkin, husband and wife, parties