

Richard & Michelle Oberst  
351 Brier Road  
Washougal, Wa. 98671

Doc # 2004153326  
Page 1 of 7  
Date: 06/10/2004 03:29P  
Filed by: RICHARD & MICHELLE OBERST  
Filed & Recorded in Official Records  
of SKAMANIA COUNTY  
J. MICHAEL GARVISON  
AUDITOR  
Fee: \$25.00

**Department of Planning and  
Community Development**

Skamania County Courthouse Annex  
Post Office Box 790  
Stevenson, Washington 98648  
509 427-9458 FAX 509 427-8868

**Letter Amendment #4 to Administrative Decision NSA-97-37**

**APPLICANT:** ORIGINAL: Dave and Debra Brown  
CURRENT: Rich and Michelle Oberst

**OWNER:** Dave and Debra Brown

**FILE NO:** Amendment to NSA-97-37

**LEGAL:** See attached page 6,7. NE<sup>4</sup> Sect. 7 T 1N R5E

**PROJECT:** Single-family residence, access drive, barn and related infrastructure

**LOCATION:** 2461 Belle Center Road, Washougal; Section 7 of Township 1,N, Range 5E, W.M. and identified as Skamania County Assessor's Tax Lot #01-05-07-0-0-0104-00.

**ZONING:** General Management Area, Small-scale Agriculture (Ag-2).

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May 5, 2004

Dear Rich and Michelle,

This letter signifies our approval of your request for a letter amendment to the above referenced Administrative Decision issued by this office on August 18<sup>th</sup>, 1997. The Browns have continued to

develop the subject property since the original approval and that approval is still valid. In addition, the Planning Department has issued 3 previous letter amendments. All three were not based upon changes to the development but instead were related to condition of approval # 7 of the original Administrative Decision. Condition #7 is a very unusual condition but was necessary in this case due to the extensive overgrowth of vegetation that was on the site at the time of the original approval.

Condition #7 reads as follows:

- 7) Applicant shall be allowed to clear the portion of the subject property where the proposed buildings and access road will be located. Within five days of completing the access road to the barn and home site, the applicant shall notify the Planning Department. All vegetation south of the proposed building sites shall be retained until the Planning Department can conduct a second site visit to re-evaluate potential visibility to key viewing areas. At the time of the second site visit department staff may require additional conditions for screening purposes.

The first letter amendment, which was dated October 6, 1997, was not requested by the applicant but was instead a follow-up to condition #7 of the original Administrative Approval. After Ms. Fagerness, County Planner, conducted her site visit it was determined that 3 additional conditions of approval were required. These conditions were unilaterally imposed by the Planning Department.

The second letter amendment was dated August 11, 1999 and that was in response to the Browns request for modifications. The only modification was that condition of approval #15 was deleted. Condition of approval #15 required the planting of screening trees. Due to the plan to retain existing vegetation, no new screening trees were required, thus condition #15 was no longer necessary.

However, Friends of the Columbia Gorge were disturbed that condition #15 was removed without any additional conditioning being imposed that would require the retention and replanting of the existing screening. So again, like the first letter amendment, the Planning Department unilaterally amended the decision to include a new condition #15 that was to replace the previously deleted Condition #15.

This new condition #15 now reads as follows:

- 15) All existing vegetation south of the proposed development shall be retained and maintained in a healthy condition for screening purposes. Dead or dying

trees shall be replaced with the same species of trees in approximately the same location.

The above explains some of the history behind this application. Currently you are in the process of purchasing the subject property from the Browns. You plan on following the original approval that was issued to the Browns, however, you desire to have some minor modifications made to the original approval based upon your construction plans. On April 27<sup>th</sup>, 2004 you submitted a request for a letter amendment that will switch the position of structures A, the house and B, the barn with one another, as shown on the approved site plan. In addition you want to increase the size of the barn from 20' x 30' to 46' x 72' in order to accommodate your horses and other items, temporarily live in the barn while you build your home and install a fence around the perimeter of the property.

Unfortunately, we cannot approve new development, such as the new fence, with a letter amendment. The new fence will require a new application.

I completed a site visit with Rich Oberst on March 31, 2004. At that time we discussed the location of the approved buildings in relation to the Obersts plans for developing the property. The approved location and desired location are in the middle of the property and are located in an area fully screened from Key Viewing Areas by a ridge area on the southern 1/3 of the property. This ridge is between 15 and 25 feet higher than the proposed building site. As such the increase in size of the barn and the switching of the location of the barn and home will have no effect on Key Viewing Areas.

In addition, you have requested to temporarily live in the barn while you are constructing your house. This is allowed so long as that kitchen facility is removed from the barn within 30 days of the issuance of the occupancy permit for the home.

A new condition is required for the temporary occupancy of the barn as follows:

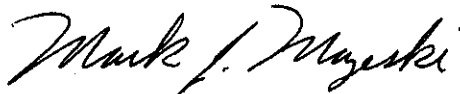
- 16) The applicants may temporarily reside in the barn until the home is completed. All kitchen facilities must be removed from the barn within 30 days of the issuance of the occupancy permit for the home.

This new condition #16 is added to the other conditions of approval and is binding as set out in full in the original Administrative Decision.

Pursuant to SCC §22.06.080(B), a change or alteration to an approved action, if determined to be minor by the Director, may be "deemed consistent with the provisions of this Title and the findings and conclusions on the original application." The proposed request constitutes a minor change; therefore, the original decision shall be amended as set out above.

All of the original conditions in the Administrative Decision are still valid and shall be complied with as set out in the original decision. **This letter amendment needs to be recorded at the County Auditor's office.** If you have any questions, please give me a call at 509-427-9458.

Sincerely,



Mark J. Mazeski  
Senior 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. 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.

cc: Skamania County Building Department  
Skamania County Assessor's Office  
Skamania County Health Dept.  
Persons w/in 500 feet  
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  
Friends of the Columbia Gorge  
Columbia Gorge United  
Columbia Gorge Reality, Inc.  
Office of Archaeology and Historic Preservation

Attached: Original Site Plan

**SITE PLAN:**

Scale:  $1\frac{1}{2}$  inches = 640 feet

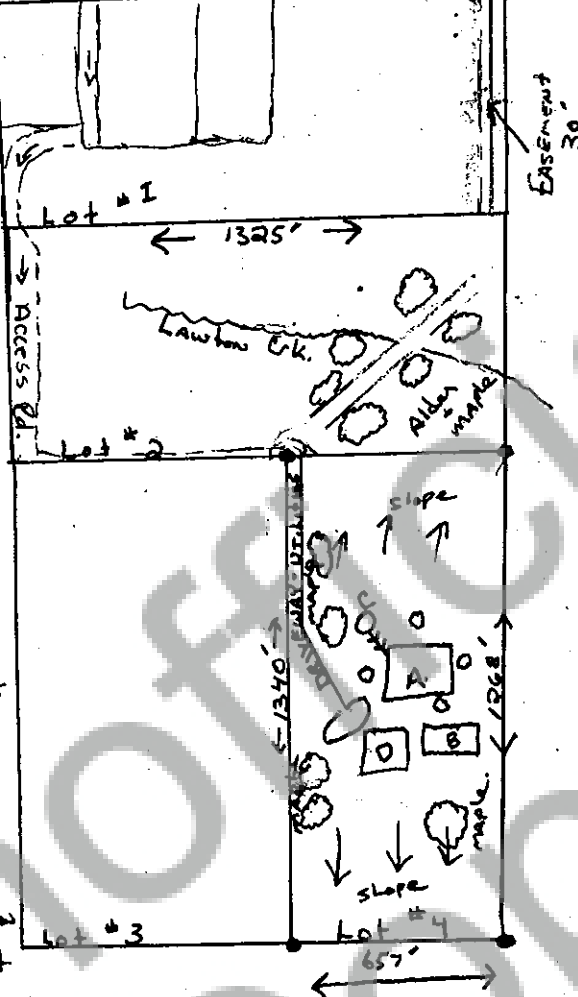
- Driveway on Lot #4 to be Approx 450' Long 20' wide

ALL Trenching for Power + Phone would be at required 3' depth Through Lot #1 #2 And Lot #4 to House site utilities Trench will Follow proposed Access Rd + Driveway.

- Scarification would involve Removal of Blackberry + other ground vegetation in A effort To support + Enhance growth of Seedlings to Be planted.

NATIONAL SCENIC AREA LAND USE APPLICATION

Belle Center Road



B X = House - 2500 sq ft. Approx.

A X = BARN - 46' x 72'

C = Well

D = Septic

Additional Decorative Trees Consisting of Cherry, Apple and Dogwood To be planted Around The house.

Slope Areas To Be Replanted with Fir After scarification. Seedlings 3 will Be Planted with Exst. sparsely populated maple.



**LAWSON**  
Surveying & Engineering, Inc.  
JOHN G. LAWSON, P.E., PLS

• Land Development Services  
• Land Surveying  
• Professional Engineering

Ridge Business Park Bldg. 2, Suite 280 11800 N.E. 95th Street Vancouver, WA 98682 (206) 256-8008

3 Oberst  
2 Brown  
1 SMYSER

Buer Rd / Belle Ctr.

### LEGAL DESCRIPTION

#### TRACT 4

*As Surveyed By Lawson Surveying & Engineering*

The East half of the South half of the East half of the Northeast quarter of Section 7, Township 1 North, Range 5 East Willamette Meridian;

TOGETHER with and subject to an easement for ingress, egress, and utilities described as follows:

BEGINNING at a point on the West line of the East half of the Northeast one quarter of Section 7, Township 1 North, Range 5 East, said point bears South 01°31'51" West, 422.00 feet from the Northwest corner of said East one half;

THENCE South 31°31'51" West, 140.00 feet;

THENCE South 03°05'51" West, 119.00 feet;

THENCE South 19°29'09" East, 47.00 feet;

THENCE South 37°47'09" East, 89.01 feet to a point on said West line of said East one half;

THENCE South 01°31'51" West, along said West line 564.84 feet to the Southwest corner of the Northeast quarter of said Northeast one quarter;

THENCE South 88°27'36" East, along the South line of said Northeast one quarter of said Northeast one quarter 60.00 feet;

THENCE North 01°31'51" East, parallel with said West line 586.29 feet;

THENCE North 37°47'09" West, 100.78 feet;

THENCE North 19°29'09" West, 25.36 feet;

THENCE North 03°05'51" East, 92.04 feet;

THENCE North 31°07'36" East, 91.79 feet;

THENCE North 85°01'29" East, 125.91 feet to the Southwest corner of that tract established in boundary line adjustment recorded in Book 135, page 260 of Deeds, Skamania County records;

THENCE South 88°24'38" East, parallel with said North line of said Northeast one quarter and also along the South line of that tract established in said boundary line adjustment 30.00 feet;

THENCE North 01°31'51" East, parallel with said West line of said East one half 435.60 feet to a point on the South of said Bell Center Road;

THENCE North 88°24'38" West, along said South line 30.00 feet to the Northeast corner of the Waterman tract recorded in Book 66, page 532 of Deeds, Skamania County records;

THENCE South 01°31'51" West, along the East line of said Waterman tract 390.00 feet to the Southeast corner thereof;

THENCE North 88°24'38" West, along the South line of said Waterman tract 160.00 feet to a point on said West line of said East one half;

THENCE South 01°31'51" West, along said West line 2.00 feet to the POINT OF BEGINNING.