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Page 1 of 8  
Date: 03/01/2007 03:50P  
Filed by: CLIFFORD HOLLIS  
Filed & Recorded in Official Records  
of SKAMANIA COUNTY  
SKAMANIA COUNTY AUDITOR  
J MICHAEL GARVISON  
Fee: \$39.00

**WHEN RECORDED RETURN TO:**

Clifford & Lorena Hollis  
492 Szydllo Rd  
Carson, WA 98610

**DOCUMENT TITLE(S)**

Administrative Decision Moratorium Lifting Application

**REFERENCE NUMBER(S)** of Documents assigned or released:

File No. HL-06-04

☐ Additional numbers on page \_\_\_\_ of document.

**GRANTOR(S):**

Clifford H & Lorena E Hollis

☐ Additional names on page \_\_\_\_ of document.

**GRANTEE(S):**

Skamania County

☐ Additional names on page \_\_\_\_ of document.

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

SW4 NW4 Sec. 23 T4N R7E

☒ Complete legal on page 8 of document.

**TAX PARCEL NUMBER(S):**

04-07-23-0-0-0201-00

☐ Additional parcel numbers on page \_\_\_\_ of document.

The Auditor/Recorder will rely on the information provided on this form. The staff will not read the document to verify the accuracy or completeness of the indexing information.



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

Skamania County Courthouse Annex  
Post Office Box 790  
Stevenson, Washington 98648  
509 427-3900 FAX: 509 427-3907

**SKAMANIA COUNTY PLANNING DEPARTMENT  
ADMINISTRATIVE DECISION  
MORATORIUM LIFTING APPLICATION  
FOR**

Clifford and Lorena Hollis

**File No. ML-06-04  
September 8, 2006**

This staff report addresses the application of Clifford and Lorena Hollis who are requesting to lift the six-year moratorium on non-forestry use of land on their approximate 6.2 acre property located in Skamania County, Washington tax lot number 04-07-23-0-0-0201-00. The moratorium that is currently in place is recorded in book 227, page 375 with the Skamania County Auditor on August 2, 2002 by the Washington State Department of Natural Resources and applies to T4N, R7E, Section 23, lot 201, which includes the entire subject parcel of approximately 6.2 acres.

**PROPERTY DESCRIPTION**

Improvements -	Unimproved
Lot size -	Approximately 6.2 acres
County Zoning -	(R2) Residential 2 acre

**APPLICABLE CRITERIA**

The property is subject to the County's Forest Practices Moratorium Ordinance, Zoning Ordinance, Critical Areas Ordinance, Subdivision Ordinance, and Short Plat Ordinance.

**SKAMANIA COUNTY CODE CHAPTER 23.03.010(A)  
ESTABLISHMENT OF THE MORATORIUM.**

*Pursuant to RCW 76.09.060, Skamania County shall deny any applications to the county for development permits or approvals on lands that are subject to the six-year moratorium prescribed in RCW 76.09.*

**Finding:**

The subject parcel is currently subject to a six-year moratorium on non-forestry use

placed by the Washington Department of Natural Resources (DNR).

**SKAMANIA COUNTY CODE CHAPTER 23.03.020  
RECORDING OF MORATORIUM NOTICES.**

*The Director or his/her designee shall file with the Skamania County Auditor the moratorium notice after the receipt of said notice from the DNR.*

**Finding:**

The moratorium on the subject parcel was recorded with the Skamania County Auditor on August 2, 2002 in book 227, page 375

**SKAMANIA COUNTY CODE CHAPTER 23.05.010  
MORATORIUM REMOVAL**

*The county may remove the moratorium on the property as provided in this chapter. If the landowner has any outstanding forest practice violations on the subject parcel, written approval from the Washington State Department of Natural Resources stating the violations have been corrected must be submitted to the County prior to consideration of moratorium removal.*

**Finding:**

There are currently no outstanding Forest Practice Violations, according to Washington State Department of Natural Resources Southwest Regional Office.

**Conclusion:**

No written approval required from Washington State Department of Natural Resources.

**SKAMANIA COUNTY CODE CHAPTER 23.05.020  
AUTHORITY**

*The Director shall have the authority to approve, approve with conditions, or deny a request for a removal of the moratorium, pursuant to the procedures and requirements of Skamania County Code Chapter 23.05 Lifting or Removal of Moratorium.*

**Finding:**

Following the review and staff report, the Director may approve, approve, with conditions or deny the request for Forest Practices Moratorium Lift/Removal.

**Conclusion:**

After review of the Staff report, Skamania County Planning Director determined to approve the lift with conditions as listed under the Decision portion of this report.

**SKAMANIA COUNTY CODE CHAPTER 23.05.030(C)  
PROCESS**

*The County ...must apply the following standards and factors when deciding whether or not to remove or lift the moratorium.*

- (1)** *The person requesting the removal did not attempt to avoid the County review or restrictions of a conversion Forest Practice Application*

**Finding:**

No evidence of the applicant attempting to avoid County review was found.

**Conclusion:**

There does not appear to be any attempt by the applicant(s) and/or owner(s) to circumvent the Forest Practice rules regarding conversions of forestland.

**(2) *Whether all Forest Practice Application/notice requirements have been met.***

**Finding:**

In an email dated August 1, 2006, Washington State Department of Natural Resources Southwest Regional Office stipulated that there are no outstanding requirements or violations on the Forest Practice Application No. 2904092

**Conclusion:**

This provision has been met.

**(3) *There will be no damage to a critical area or its associated vegetation area or to the shoreline area or that any damage to those areas may be reasonably restored through mitigation measures.***

**Finding:**

There are three non-fish bearing streams located on the subject parcel. This parcel is located within Mule and Black-tail deer priority habitat under Skamania County Critical Area Ordinance Chapter 21A.05.

**Conclusion:**

This parcel is located in Mule and Black-tail deer priority habitat. All undeveloped disturbed areas shall be reseeded and landscaped with native trees and plants within 30 days of the completion of any development, or the next available planting season, whichever comes first. The MDNS issued under file number SEP-06-22 required a 25-foot no touch buffer on both sides of each of the three streams. There will no damage to Critical Areas as a result of the Moratorium Lift.

**(4) *Whether mitigation will protect the affected critical areas and shorelines. This may include a separate application and review under the County's Critical Areas Ordinance, Chapter 21A, and Shorelines Ordinance, Chapter 20. Costs for mitigation shall at least equal or exceed the value of the timber harvested within a critical area buffer as determined by the County.***

**Finding:**

There are three non-fish bearing streams or shorelines located on this parcel.

**Conclusion:**

The three non-fish bearing streams are adequately protected by the required 25-foot buffers.

**(5) *Whether the proposed development shall be consistent with the County Comprehensive Plan and all applicable development regulations.***

**Finding:**

At the time of determining that the application was complete, the zoning for the subject

parcel was Residential 2 (R2), which is consistent with Skamania County's Comprehensive Plan. The applicant(s)/owner(s) is proposing to develop approximately 6.2 acres into a possible land division of a maximum of three lots, that will be served by private roads, individual wells, and septic systems. This proposal is consistent with Skamania County's Comprehensive Plan and Zoning Ordinance. Under Skamania County's Critical Area Ordinance Title 21A the subject parcel is determined to be located in a priority Mule and Black-tail deer habitat area. The proposal will also need to comply with the County's short plat or subdivision ordinances.

**Conclusion:**

The proposed development is consistent with the County Comprehensive Plan and development regulations.

- (6) *Whether the development area will remain in natural vegetation until cleared and be re-seeded with native plant seed after clearing; and dust control measures could mitigate the impacts on adjoining properties and the air during the development of the project. At the time of the visual inspection, the inspector shall determine the amount of seed/per acre to be applied taking into account slope, critical areas, visual, and shoreline issues.*

**Finding:**

The property is currently vegetated with mature conifers, re-planted young conifers, shrubs and grasses with no future harvest of the property planned at this time. However, during the development of the proposed short plat, dust could possibly effect the neighboring residential properties. The SEPA review of the Moratorium lift specified the following, which should be a condition of approval.

*Dust suppression techniques are a requirement in order to prevent dust from entering nearby and adjacent residentially used properties at all times until the project is complete. If the dust-suppression technique is the use of water, requirements to ensure that the watering does not cause erosion and offsite discharge of sediment-laden water needs to be followed. Information about dust suppression techniques can be found in Department of Ecology Publication #96-433 "Techniques for Dust Prevention and Suppression." Any discharge of sediment-laden runoff or other pollutants to waters of the state is in violation of Chapter 90.48, Water Pollution Control, and WAC 173-201A, Water Quality Standards for Surface Waters of the State of Washington, and is subject to enforcement action by the State of Washington.*

*Re-vegetation of disturbed areas is necessary to reduce wind and water erosion, the propagation of weeds, and promoting mule and black-tail deer habitat. This parcel is located in Mule and Black-tail deer priority habitat. All undeveloped disturbed areas shall be reseeded and landscaped with native trees and plants within 30 days of the completion of the project, or the next available planting season, whichever comes first.*

**Conclusion:**

A condition of approval should specify re-vegetation of harvested or cleared areas with native trees and plants and dust suppression as stipulated in item numbers 1 and 2 on the SEPA "Mitigated" Determination of Non-Significance issued on August

2, 2006.

- (7)** *All roads constructed for residential access shall meet applicable county residential road specifications.*

**Finding:**

All road construction for the proposed land division should meet Skamania County Private Standards, and comply with recommendations of a geological assessment report, including stormwater drainage/retention. Variances will not necessarily be granted just because the road is built ahead of time.

**Conclusion:**

A condition of approval should cite to and specify that all public or private roads accessing subject parcel shall be upgraded to meet current Skamania County Road standard.

- (8)** *Whether the slopes or potential sliding of the property will affect adjoining properties or private or public roads.*

**Finding:**

The subject parcel does not contain Erosion or Landslide hazards that will affect adjoining properties, or private or public roads.

**Conclusion:**

A condition of approval should stipulate that all road building shall meet Skamania County's Private Road standards.

**SKAMANIA COUNTY CODE CHAPTER 23.05.040  
PERMITS WHICH MAY BE ISSUED**

*Once a moratorium has been removed or lifted, any development permit or approval may be issued by the County according to the relevant Skamania County Code, ordinances or regulations, provided that such approvals may be incorporated as the same conditions established in the moratorium removal.*

**Finding:**

As part of the Forest Practices Moratorium Lift/Removal the applicant(s)/owner(s) completed a State Environmental Policy Act Checklist and was issued a "Mitigated" Determination of Non-Significance.

**Conclusion:**

As a condition for approval, the applicant(s)/owner(s) shall be required to meet all nine conditions listed in the SEPA "Mitigated" Determination of Non-Significance issued on August 2, 2006 as well as the conditions of this Moratorium Lift for any future development permits or approvals issued by Skamania County.



## DECISION

BASED ON THE ABOVE FINDINGS THE REQUEST TO LIFT A SIX-YEAR FOREST PRACTICE MORATORIUM IS HEREBY **APPROVED WITH THE FOLLOWING CONDITIONS.**

1. All undeveloped disturbed areas shall be reseeded and landscaped with native trees and plants within 30 days of the completion of any development, or the next available planting season, whichever comes first as stipulated in item number 2 of the SEPA "Mitigated" Determination of Non-Significance.
2. Dust suppression as stipulated in item number 1 of the SEPA "Mitigated" Determination of Non-Significance.
3. All public or private roads accessing subject parcel shall be upgraded to meet current Skamania County Road standards and comply with all recommendations of a geological assessment report, including but not limited to stormwater drainage, prior to the approval of any development permits including recordings of any land divisions.
4. The applicant(s)/owner(s) shall meet all nine conditions listed in the SEPA "Mitigated" Determination of Non-Significance issued on August 2, 2006 as well as the conditions of this Lift for any future development permits or approvals issued by Skamania County.  
**The applicant must submit any documentation required showing compliance with these conditions before recording any future Short Plats.**

Date:

9/8/06



Karen A. Witherspoon, AICP, Director  
Department of Planning & Community Development

## APPEALS

You may appeal this Lifting of a Moratorium on Non-Forestry Use of Land decision within 15 days of the date listed above, by submitting a Notice of Administrative Appeal form and appeal fee of \$500.00 to the Planning Department at P.O. Box 790, Stevenson, WA 98648. You should be prepared to make specific factual objections on the appeal form.

cc: Parties having submitted SEPA comments and/or application comments  
Skamania County Building Division  
Washington Department of Natural Resources

All of that portion of the Southwest Quarter of the Northwest Quarter of Section 23, Township 4 North, Range 7 East of the Willamette Meridian, lying Westerly of the County Road No. 2137 designated as the Little Soda Springs Road.

SUBJECT TO:

1. Rights of the Public in and to that portion lying within road.