

Return Address: Erin Rothrock & Aaron Cross  
2224 NE 20<sup>th</sup> Avenue  
Portland, OR 97212

Doc # 2007166114  
Page 1 of 8  
Date: 05/15/2007 11:40A  
Filed by: PATRICK CONNOLLY  
Filed & Recorded in Official Records  
of SKAMANIA COUNTY  
SKAMANIA COUNTY AUDITOR  
J MICHAEL GARVISON  
Fee: \$39.00

**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

**Administrative Decision**

**APPLICANT/  
PROPERTY  
OWNER:**

Erin Rothrock & Aaron Cross

**FILE NO.:**

NSA-07-04

**PROJECT:**

Application to construct a yurt (approximately 24' diameter) as an accessory structure, and associated utilizes (except power).

**LOCATION:**

45 Mars Landing Road, Washougal; Section 28 of T2N, R6E, W.M. and identified as Skamania County Tax Lot #02-06-28-0-0-0104-00.

**LEGAL:**

See attached page 8.

**ZONING:**

Special Management Area- Forest (F).

**DECISION:**

Based upon the record and the Staff Report, the application by Erin Rothrock & Aaron Cross, described above, **subject to the conditions set forth in this Decision**, is found to be consistent with SCC Title 22 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 Division and the Skamania County Health Department.

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:

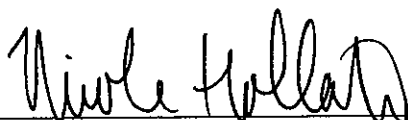
The following conditions are required to ensure that the subject request is consistent with Skamania County Code Title 22. **This document, outlining the conditions of approval, must be recorded by the applicant in the deed records of the Skamania County Auditor** in order to ensure notice of the conditions of approval to successors in interest. SCC §22.06.120(C)(2).

- 1) As per SCC §22.06.120(C)(2), this Administrative Decision **SHALL BE RECORDED** by the applicant in the County deed records prior to commencement of the approved project.
- 2) 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. (See attached)
- 3) All structures, except fences, including eaves, awnings and overhangs shall meet the following setbacks: **Front yard:** 50 feet from the centerline of the street or road or 20 feet from the front property line, whichever is greater. **Side yard:** 20 feet. **Rear yard:** 20 feet.
- 4) The yurt shall not accommodate a cooking area or kitchen, and is not considered to be a second dwelling.
- 5) The use of plant species native to the landscape setting shall be encouraged and where non-native plants are used, they shall have native appearing characteristics.
- 6) Only that grading which is necessary for site development is permitted. All undeveloped graded areas shall be re-seeded with native vegetation prior to final inspection by the Planning Department.
- 7) Except as is necessary for site development, the existing tree cover screening the development from key viewing areas shall be retained.
- 8) The applicants shall be required to replant any trees removed with native tree species at a ration of 5:1 (five trees planted for each tree removed).
- 9) A fifty (50) foot undisturbed buffer is required off of the unnamed creek that runs along the east side of the subject property. The creek buffer shall be maintained in a natural condition (i.e., no grading, no mowing, etc.), with no other development occurring in the buffer. Non-native species may be removed within the buffer area by hand removal only, so long as the buffer is kept in a natural appearance.

- 10) The exterior of all proposed structures shall be dark earth-tone in color. If the applicant chooses a color other than that submitted, color and material samples shall be submitted to the Planning Department prior to issuance of a building permit.
- 11) The exterior of all proposed structures shall be composed of non-reflective materials or materials with low reflectivity. If the applicant chooses a material other than those submitted, physical samples shall be submitted to the Planning Department prior to issuance of a building permit. A painted metal roof shall not be approved.
- 12) Exterior lighting shall be hooded or shielded at a 90° angle. Hoods/shields should be made of non-reflective, opaque material, which does not allow light to pass through.
- 13) Seasonal lighting displays shall be permitted on a temporary basis, not to exceed three months.
- 14) The applicant shall meet all conditions of approval enacted to achieve the scenic standard of visually subordinate prior to final inspection by the Planning Department. The applicant is to coordinate all inspections with the Building Division. A final inspection approval will not be issued until compliance with all conditions of approval; including visual subordination criteria have been verified.
- 15) The Planning Department shall conduct at least two site visits during construction, one to verify the location of the structure as stated by the Administrative Decision and a second to be conducted after all excavation has been completed, including framed footers, but prior to pouring the foundation. Each inspection may take up to four business days from the time of calling for the inspection. Inspections should be arranged by calling the Building Division at 509-427-3920.
- 16) 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 Administrator and the Gorge Commission within twenty-four (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 twenty-four (24) hours.
  - c) Survey and Evaluations. The Gorge Commission shall survey the cultural resources after obtaining written permission from the landowner and appropriate permits from the DAHP. (See Revised Code of Washington 27.53) It shall gather enough information to evaluate the significance of the cultural resources. The survey and evaluation shall be documented in a report that generally follows the provisions in Section 22.22.030 of this Chapter. Based upon the survey and evaluation report and any written comments, the Administrator shall make a final decision on whether the resources are significant. Construction activities may recommence if the cultural resources are not significant.

- d) Mitigation Plan. Mitigation plans shall be prepared according to the information, consultation and report provisions contained in Section 22.22.050 of this Chapter. Construction activities may recommence when conditions in the mitigation plan have been executed.
- 17) The following procedures shall be effected when human remains are discovered during a cultural resource survey or during construction. Human remains means articulated or disarticulated human skeletal remains, bones or teeth, with or without attendant burial artifacts.
- a) Halt of Activities. All survey, excavation and construction activities shall cease.
  - b) Notification. Local law enforcement officials, the Administrator, the Gorge Commission, and the Indian tribal governments shall be contacted immediately.
  - c) Inspection. The county coroner, or appropriate official, shall inspect the remains at the project site and determine if they are prehistoric/ historic or modern. Representatives of the Indian tribal governments shall be contacted immediately and have an opportunity to monitor the inspection.
  - d) Jurisdiction. If the remains are modern, the appropriate law enforcement official shall assume jurisdiction and the cultural resource protection process may conclude.
  - e) Treatment. The procedures set out in RCW 27.44 and 68.05 shall generally be implemented if the remains are prehistoric/ historic. If human remains will be reinterred or preserved in their original position, a mitigation plan shall be prepared in accordance with the consultation and report requirements set out in Section 22.22.050 of this Chapter. The mitigation plan shall accommodate the cultural and religious concerns of Native Americans. The cultural resource protection process may conclude when conditions set forth in Section 22.22.050(C) of this Chapter are met and the mitigation plan is executed.

Dated and Signed this 20 day of April, 2007, at Stevenson, Washington.

  
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Nicole Hollatz, Associate Planner  
Skamania County Planning and Community Development.

## NOTES

Any new residential development, related accessory structures such as garages or workshops, fences, and additions or alterations not included in this approved site plan, will require a new application and review.

As per SCC §22.06.150(A), this Administrative 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

**The Director reserves the right to provide additional comment and findings of fact regarding this decision, if appealed.**

This Administrative Decision shall be final unless reversed or modified on appeal. A written Notice of Appeal form must be filed by an interested person within 20 days from the date hereof. Appeals are to be made to the Skamania County Board of Adjustment, P.O. Box 790, Stevenson, WA 98648. Notice of Appeal forms are available at the Planning Department Office and must be accompanied by a \$500.00 nonrefundable filing fee.

## 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 Administrative Decision or any amendments thereto.

A copy of the Decision was sent to the following:

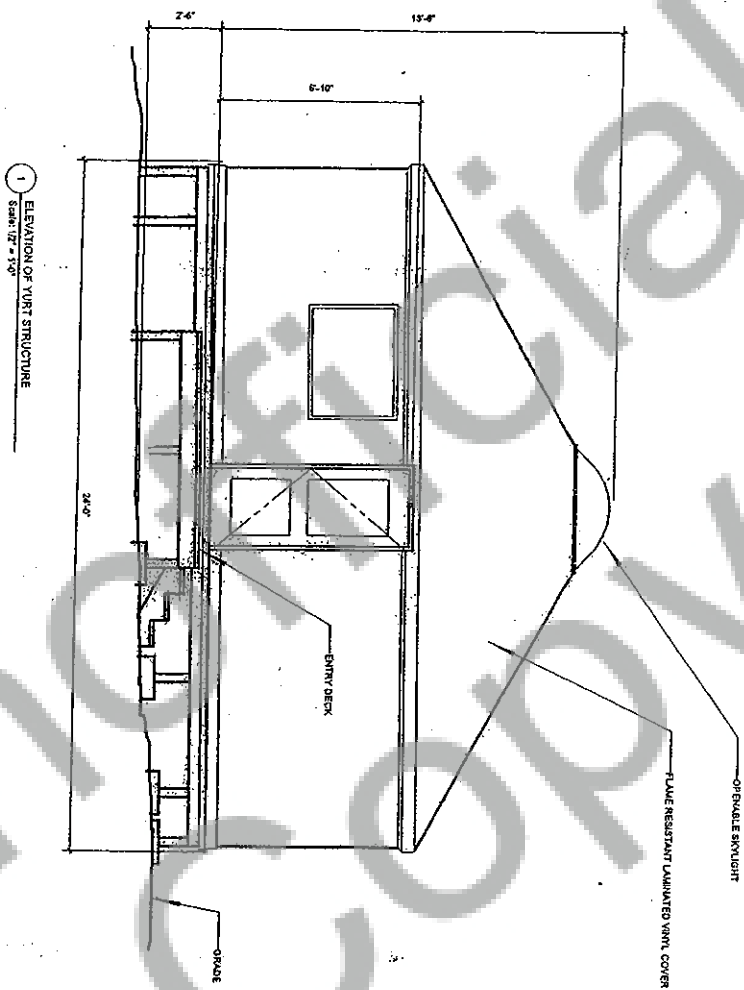
Skamania County Building Department  
Skamania County Assessor's Office

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  
Cowlitz Indian Tribe  
Department of Archaeology and Historic Preservation  
Columbia River Gorge Commission  
U.S. Forest Service - NSA Office  
Board of County Commissioners  
State of Washington Department of Community Trade and Economic Development – Dee Caputo  
Department of Fish and Wildlife







<b>ROTHROCK/CROSS CABIN</b> 45 MARS LANDING SPOKANE, WASHINGTON	<b>BREY DESIGN</b> 601 N. GARDEN P.O. BOX 1000 SPOKANE, ID 83402-1000 509.325.8123 info@breydesign.com	NATIONAL GEOPHYSICAL UNIT 20700 N. JEFFERSON AVE SPOKANE, ID 83426-1000	DATE: JANUARY 14, 2007 SCALE: DRAWING: <b>LU-3</b>
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86101

## STATUTORY WARRANTY DEED

The grantors, ROYAL A. IVORY and CAROL JEAN IVORY, husband and wife, for and in consideration of fulfillment of a contract mentioned below by receipt of monies due and in hand paid, grant, convey and warrant to STEVEN P. ROSEN, a single man, the following described real estate, situated in the County of Skamania, State of Washington:

No. **5679**  
TRANSACTION EXCISE TAX

APR 10 1978  
Amount Paid Sec. 61643

Skamania County Treasurer  
By Donna J. Smith

The South Half of the South Half of the Northwest Quarter of the Northeast Quarter (S1/2 S1/2 NW1/4 NE1/4) and the North Half of the North Half of the Southwest Quarter of the Northeast Quarter (N1/2 N1/2 SW1/4 NE1/4) all in Section 28, Township 2 North, Range 6 E, M1M.

This deed is given in fulfillment of the real estate contract between the grantee herein and DEAN VOGT and LOIS VOGT, husband and wife dated July 3, 1972 and recorded under Skamania County Auditor's number 75470, Book 64, page 654 records of said county, the sellers' interest in which has heretofore been assigned and deeded to ROYAL A. IVORY and B. HARRIET IVORY, then husband and wife, by an instrument dated January 2, 1973 recorded under Skamania County Auditor's number 75626, Book 64, page 877 records of said county, and in which B. HARRIET IVORY'S interest was thereafter by Quit Claim Deed transferred to ROYAL A. IVORY on April 23, 1975, said instrument being recorded under Skamania County Auditor's number 79310, Book 68, page 898 records of said county, and which underlying contract is conditioned for the conveyance of the above described real property, and the covenants of warranty herein contained shall not apply to any title, interest or encumbrance

