

Return Address: Columbia River Inter-Tribal Fisheries Enforcement
Attn: Jerry Ekker
4270 Westcliff Drive
Hood River, OR 97031

Doc # 2007166486
Page 1 of 9
Date: 06/13/2007 03:53P
Filed by: COLUMBIA RIVER INTER-TRIBAL
Filed & Recorded in Official Records
of SKAMANIA COUNTY
SKAMANIA COUNTY AUDITOR
J MICHAEL GARVISON
Fee: \$40.00

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: Columbia River Inter-Tribal Fisheries Enforcement

PROPERTY OWNER: Broughton Lumber Company

FILE NO.: NSA-07-02

PROJECT: Placement of a 120' long/60' wide fence around an existing communication tower facility that is partly in the National Scenic Area. Within the fenced area, the applicant has proposed to clear vegetation and place two propane tanks for back-up power. All other proposed activities shown on the site plan are either legally existing uses or are outside the National Scenic Area boundary.

LOCATION: Augspurger Mountain, Cook; Section 21 of T3N, R9E, W.M. and identified as Skamania County Tax Lot #03-09-00-0-0-3290-00.

LEGAL: See attached page 9.

ZONING: Special Management Area- Open Space (S-O).

DECISION: Based upon the record and the Staff Report, the application by CRITFE, 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:** 45 feet from the centerline of the street or road or 15 feet from the front property line, whichever is greater. **Side yard:** 5 feet. **Rear yard:** 15 feet.
- 4) The proposed fence shall have a rustic appearance, use nonreflective materials and have low contrast with the surrounding landscape.
- 5) The use of plant species non-native to the Columbia River Gorge shall not be allowed.
- 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) The propane tanks shall be painted a dark earth-tone color and dark brown vertical slatting shall be placed in the fence, or the fence shall be painted a dark earth-tone color.
- 8) 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.
- 9) The applicant shall meet all conditions of approval enacted to achieve the scenic standard of 'not visually evident' prior to final inspection by the Planning Department. The applicant is to coordinate all inspections with the Planning Department. A final inspection approval will not be

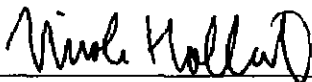
issued until compliance with all conditions of approval; including 'not visually evident' criteria have been verified.

- 10) The Planning Department will conduct at least two site visits during construction, one to verify the location of the proposed development as stated by the Administrative Decision and a Final Inspection to be conducted after all work has been completed. Each inspection may take up to four business days from the time of calling for the inspection. Inspections should be arranged by calling the Planning Department at 509-427-3900.
- 11) 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.
- 12) 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 28 day of MARCH, 2007, at Stevenson, Washington.



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

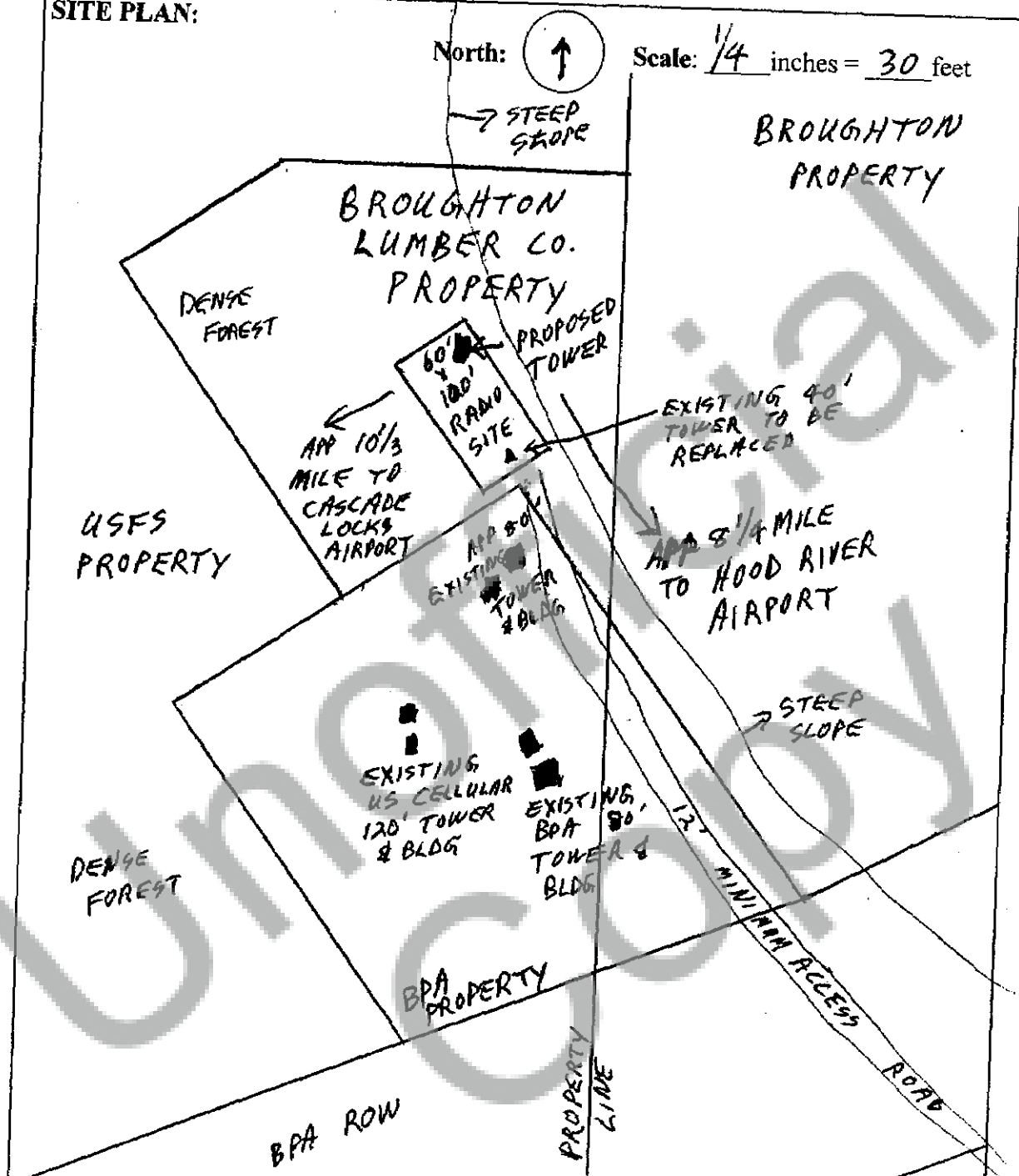
A copy of this Decision, including the Staff Report, was sent to the following:

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

SITE PLAN:

North: ↑

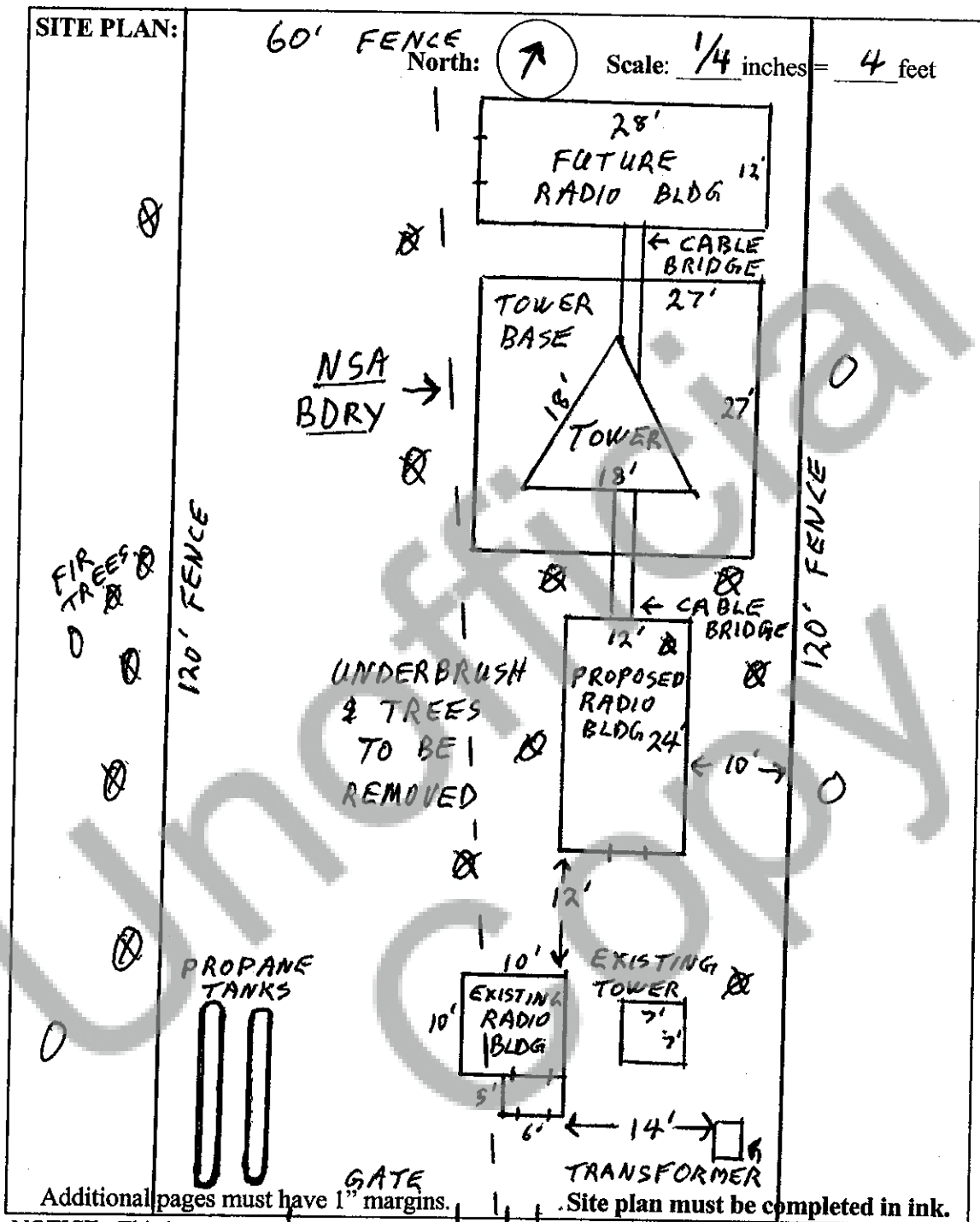
Scale: $\frac{1}{4}$ inches = 30 feet



Additional pages must have 1" margins.

Site plan must be completed in ink.

NOTICE: This is a proposed site plan, it may be revised as required to be in compliance with any appropriate Skamania County Code(s).

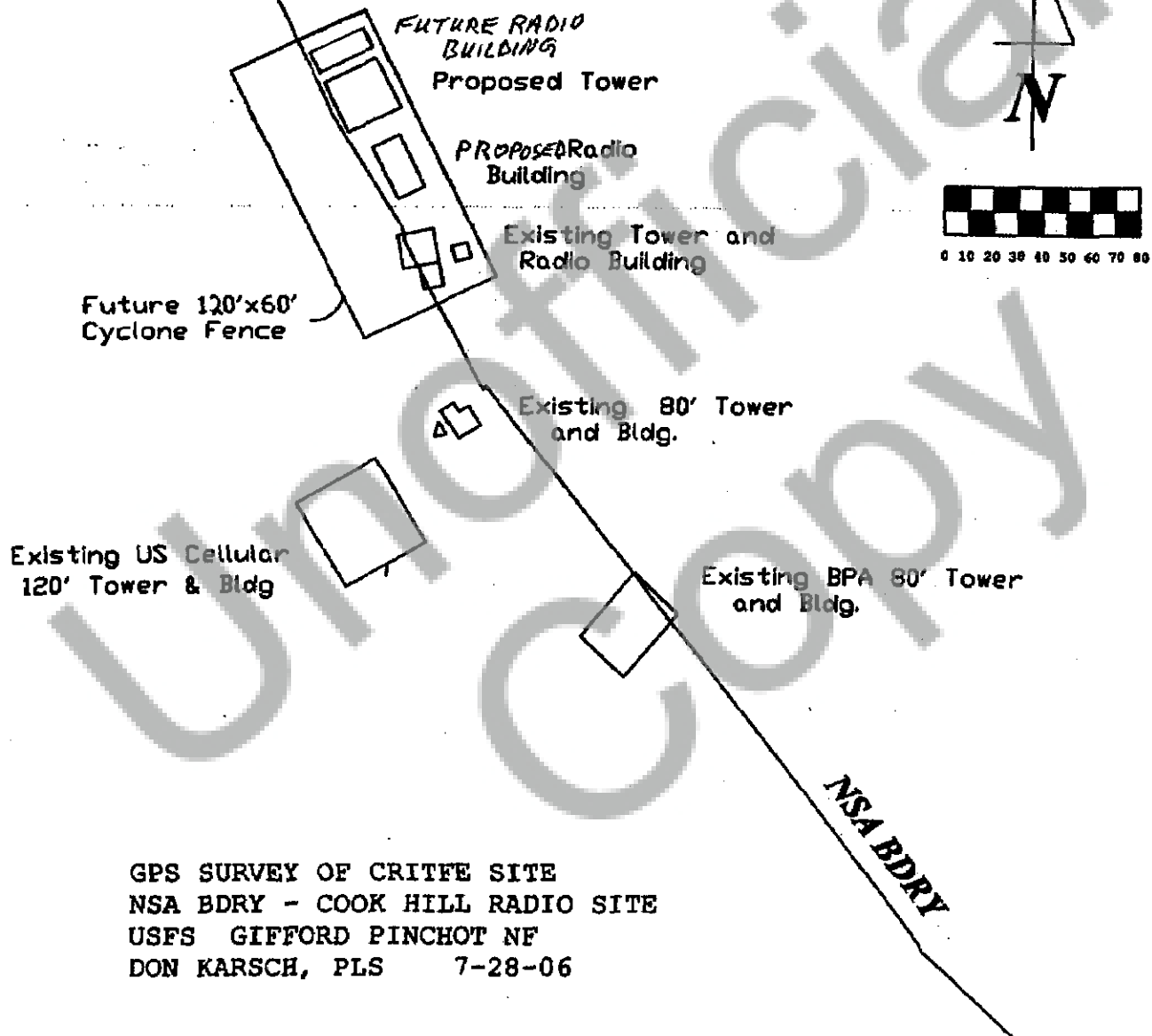


NOTICE: This is a proposed site plan, it may be revised as required to be in compliance with any appropriate Skamania County Code(s).

NSA BDRY

CRITFE SITE

N1/2 SEC 21, T3N, R9E, WM
SKAMANIA COUNTY, WASHINGTON



GPS SURVEY OF CRITFE SITE
NSA BDRY - COOK HILL RADIO SITE
USFS GIFFORD PINCHOT NF
DON KARSCH, PLS 7-28-06

WHEN RECORDED MAIL TO:

USDA Forest Service
Columbia River Gorge NSA
902 Wasco Avenue, Suite 200
Hood River, OR 97031

MAIL TAX STATEMENTS TO:

USDA Forest Service
Columbia River Gorge NSA
902 Wasco Avenue, Suite 200
Hood River, OR 97031

BLM Serial No. OR-50343 (WA)
CIP No. 121 (CRGNSA)

5272 18859

123482

WARRANTY DEED

BOOK 152 PAGE 832

BROUGHTON LUMBER CO., a Corporation of the State of Washington, Grantor, for and in consideration of National Forest System land under the provisions of Sec. 9 of the COLUMBIA RIVER GORGE NATIONAL SCENIC AREA ACT of November 17, 1986 (100 Stat. 4274; 16 USC 544g), for and in consideration of an exchange of National Forest System land, the receipt of which is hereby acknowledged, and a cash equalization payment of FIFTY THOUSAND DOLLARS (\$50,000) being paid by the Grantee to the Grantor, does hereby convey and warrant unto the UNITED STATES OF AMERICA Grantee, and its assigns, all of the following described real property in the Counties of Skamania and Klickitat, State of Washington, free of encumbrances except as specifically set forth herein:

Willanette Meridian, Washington

Skamania County:

T. 3 N., R. 9 E.,

- sec. 5, lot 4, SW1/4NW1/4, and W1/2SW1/4;
- sec. 6, lot 1 and S1/2SE1/4;
- sec. 7, N1/2NE1/4;
- sec. 21, E1/2NW1/4 and SE1/4SE1/4.

Acres

159.69
119.65
80.00
106.52

EXCEPTING THEREFROM, a parcel of land situate in the NE1/4NW1/4 and SE1/4NW1/4 of sec. 21, T. 3 N., R. 9 E., W.M., beginning at a point which bears South 66° 03' 10" West, 2827.2 feet from the northeast corner of said Section 21, said point being the most northerly corner of the tract of land described in that document from A.M. Robins, et al. to the United States and recorded in Book 33, Page 56-3 of Deeds (hereinafter described as Parcel "A" described below); records of said County; thence North 29° 16' 30" West 400 feet on a northwesterly extension of the north-easterly edge of said Parcel "A"; thence East 260 feet more or less to the east line of said NE1/4NW1/4; thence South along the east line thereof and of said SE1/4NW1/4 to an intersection with the northeasterly edge of said Parcel "A"; thence North 29° 16' 30" West, 120 feet more or less along said edge to the Point of Beginning; Containing 1.37 acres, more or less, AED

ALSO EXCEPTING THEREFROM, a parcel of land situate in the NE1/4NW1/4 and SE1/4NW1/4 of sec. 21, T. 3 N., R. 9 E., W.M., beginning at a point which bears South 66° 03' 10" West, 2827.2 feet from the northeast corner of said Section 21, said point being the most northerly corner of the tract of land described in

Checked as to conformity with original and corrections. Dated

this 5th day of October 1995

Debra M. Engle
County Recorder

Registered ☒
Indexed ☒
Abstract ☒
Filed ☒
Retained ☒

Cory M. Morris, Skamania County Assessor
CIP No. 121-21 Parcel # 50343-152-832
(CIP No. 121-21)

Doc # 2007166607