

Return Address: Lois Jemtegaard
531 Fitzgerald Road
Washougal, WA 98671

Doc # 2007167732
Page 1 of 9
Date: 09/19/2007 11:50A
Filed by: LOIS JEMTEGAARD
Filed & Recorded in Official Records
of SKAMANIA COUNTY
SKAMANIA COUNTY AUDITOR
J MICHAEL GARVISON
Fee: \$48.00

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:**

Lois Jemtegaard

FILE NO.:

NSA-07-42

PROJECT:

Construction of an L-shaped deck onto an existing single-family dwelling (approximately 396 sq. ft.) and to construct a detached garage (approximately 48'x24'x19') and associated utilities.

LOCATION:

531 Fitzgerald Road, Washougal; Section 18 of T1N, R5E, W.M. and identified as Skamania County Tax Lot #01-05-18-0-0-0204-00.

LEGAL:

See attached page 8-9.

ZONING:

General Management Area- Large-Scale Agriculture (Ag-1).

DECISION:

Based upon the record and the Staff Report, the application by Lois Jemtegaard, 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. The agricultural setbacks of 100 feet from the north property line and 15 feet from the east, west and south property lines shall apply to the detached garage.
- 4) The combined footprint of all accessory buildings on the subject parcel shall not exceed 1,500 square feet in area, and the height of any individual accessory building shall not exceed twenty-four (24) feet from top of foundation.
- 5) 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.
- 6) The project applicants and/or future owners shall be responsible for the proper maintenance and survival of any planted vegetation required under this chapter.
- 7) The applicants shall be required to retain all existing trees within 100 feet of the proposed building site to provide screening from KVAs and maintain visual subordination.
- 8) The exterior of all proposed structures (siding, trim, windows, garage doors, doors, roofing, etc.) shall be dark earth-tone colors. The approved colors for the proposed detached garage include 'Bay Bridge' siding with 'Fog Buoy' trim. If the applicant should choose different colors, dark earth-tone color samples shall be submitted to the Planning Department prior to issuance of a building permit.

- 9) The exterior of all proposed structures shall be composed of non-reflective materials or materials with low-reflectivity, such as the Trex decking, hardi-plank siding and composition roofing materials submitted by the applicant. If the applicant chooses a material other than those submitted, non-reflective color and material samples shall be submitted to the Planning Department prior to issuance of a building permit.
- 10) All exterior lighting shall be hooded or shielded at a 90-degree angle. Hoods/shields should be made of a non-reflective, opaque material, which does not allow light to pass through.
- 11) Except as is necessary for site development or safety purposes, the existing tree cover screening the development from key viewing areas shall be retained.
- 12) Vegetative landscaping shall, where feasible, retain the open character of existing pastures and fields.
- 13) 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.
- 14) 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.
- 15) 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.
- 16) 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 August, 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 Hearing Examiner, 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

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

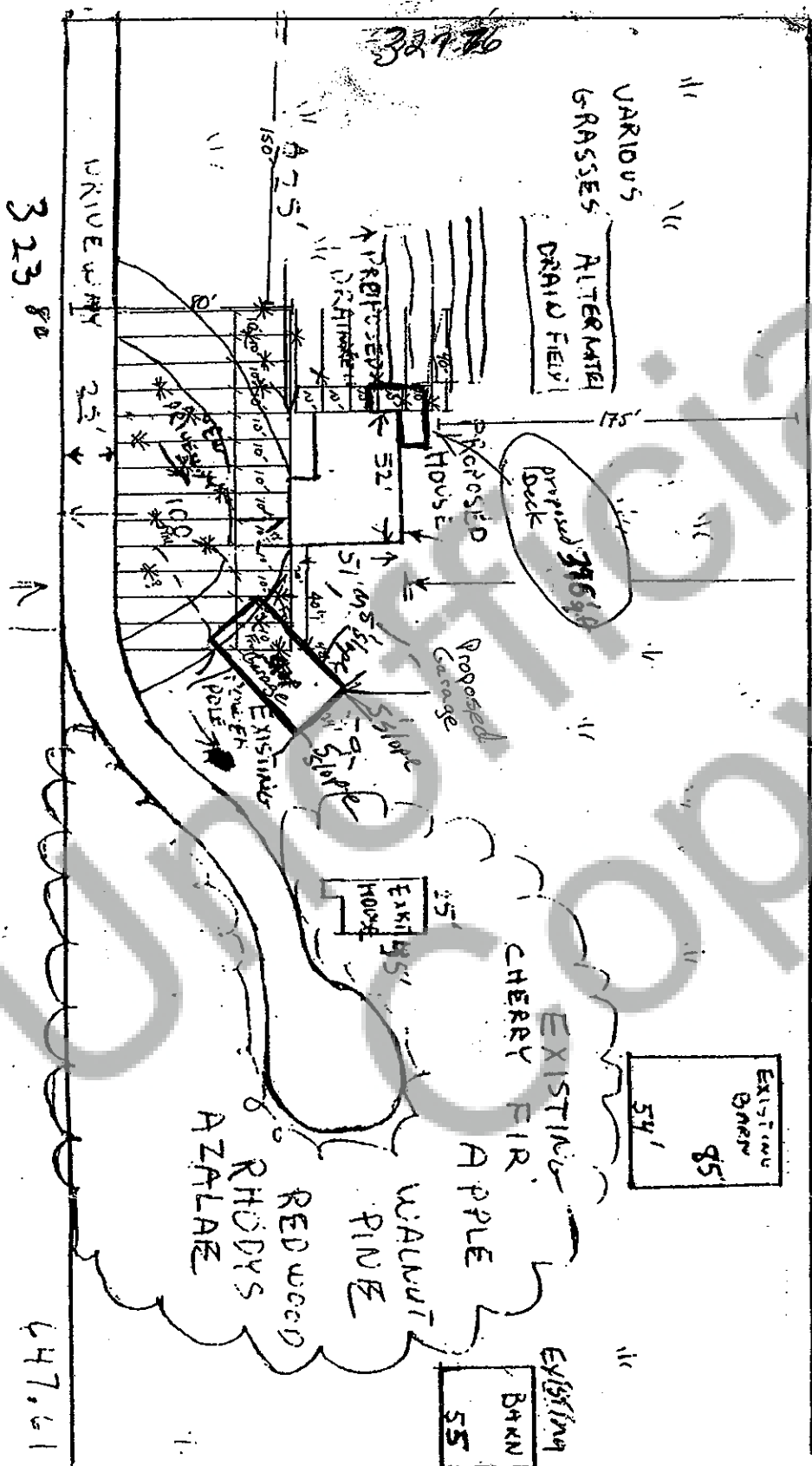
State of Washington Department of Community Trade and Economic Development – Dee Caputo

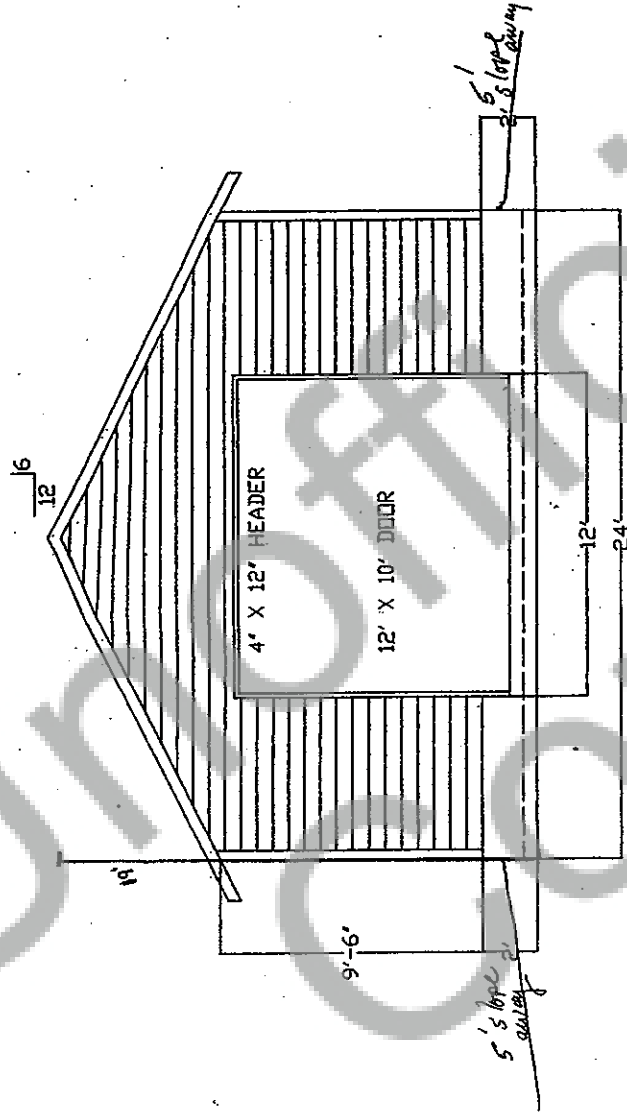
Department of Fish and Wildlife

* 2 Tree Examples to
be kept only
if they are
located
within 10
feet of
the
house

EXHIBIT A

1" = 100' scale 971, 61





DEED RECORD Y

SKAMANIA COUNTY, WASHINGTON

MONITOR FUND, STEVENSON, UTAH

96-foot contour line as determined by reference to the U. S. C. & G. S. datum, and above the ordinary high water mark in the Columbia River, containing 26 acres, more or less, situate in the County of Skamania and State of Washington:

All of Government Lots 5, 6, 7 and 8, also NW 1/4 SE 1/4, Section 31, Township 5 North, Range 9 East of the Willamette Meridian, containing 139.25 acres, excepting rights of way of the Spokane, Portland and Seattle Railway Company, State Road No. 8, and easements granted to Northwestern Electric Company and to the West Coast Power Company, leaving a net area of 121.60 acres.

TO HAVE AND TO HOLD unto the Government, its successors and assigns, Forever, together with the right to go upon the lands above described from time to time as the occasion may require and remove therefrom the timber and other natural growth, and any accumulations of brush, trash or driftwood;

And the said Grantors and their heirs covenant that they are in the quiet and peaceful possession of said lands, and that they will defend the title to the right, power, privilege and easement hereby granted and conveyed, as aforesaid, to the Government and its assigns, against the lawful claims of all persons whomsoever.

And the said Grantors, in consideration of the above specified sum, also hereby release the Government from all claims for damages that have accrued or may hereafter accrue to them by reason of the overflowing of the above described land.

IN TESTIMONY WHEREOF, the said Grantors have hereunto set their hands and affixed their seals on this the day and year first above written.

Edward W. Grant (Seal)
Katherine D. Grant (Seal)

4-31.00 & 1-50¢ Gov. documentary stamps duly affixed and cancelled E.W.G. 3/11/36.

State of Oregon } ss.
County of Multnomah }

BE IT REMEMBERED, That on this 22nd day of January, 1936, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Edward W. Grant and Katherine D. Grant, his 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 material seal the day and year first above written.

(Material seal affixed)

E. S. Barnes
Notary Public for Oregon
My commission expires Nov. 26, 1935.

Approved as to Form and Execution

J. W. McCulloch
Special Assistant U.S. Attorney General

Filed for record March 21, 1936 at 11-00 A.M. by Grantee.

70-6192
Skamania County, Clerk-Auditor.

#22026

Allen E. Fitzgerald et ux to Marvin A. Jentegard et ux

The Grantors, Allen E. Fitzgerald, and Cora V. Fitzgerald, husband and wife, for and in consideration of Ten Dollars (\$10.00) in hand paid, convey and warrant to Marvin A. Jentegard and Gladys Jentegard, husband and wife, the following described real estate situate in the County of Skamania, State of Washington, to-wit:

The North Half of the Northeast Quarter of the North West Quarter of the South West Quarter (N 1/2 NW 1/4 SE 1/4) of Section Eighteen (18), Township One (1) North, Range Five (5) East of the Willamette Meridian.

Dated this 26th day of February, A.D. 1936.

DLG # 2007167732
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DEED RECORD Y

SKAMANIA COUNTY, WASHINGTON

PIONEER PRINT, STEVENSON, WASH.

Allen E. Fitzgerald (Seal)

Core V. Fitzgerald (Seal)

State of Washington } ss.
County of Clark

I, L. J. Moody, the undersigned authority, do hereby certify that on this 26 day of February, 1936, before me personally appeared Allen E. Fitzgerald and Core V. Fitzgerald, husband and wife, to me known to be the individuals described in and who executed the within instrument, and acknowledged to me that they signed and sealed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

Given under my hand and Official Seal, the day and year last above written.

(Notarial seal affixed)

L. J. Moody
Notary Public for the State of
Washington residing at Washington
therein.

Filed for record March 23, 1936 at 4-15 p.m. by Grantco.

77611021
Skamania County, Clerk-Auditor.

J22028

A. Hudson et ux to Clifford Shelton

WARRANTY DEED

The Grantors, A. Hudson and Mary Hudson, husband and wife, for and in consideration of the sum of Eleven Hundred Dollars, do hereby warrant and convey unto Clifford Shelton, the following described real estate situate in the County of Skamania and State of Washington, to-wit:

A.H. ~~the undivided one-half interest in and to the East Half (1/2) of the south one half (1/2) of the South one half (1/2) of Section Twenty (20) in Township Two (2) North, of Range Five (5) E. W. M., containing Eighty (80) acres more or less.~~

Free of all liens and encumbrances.

Dated at Pasco, Franklin County, Washington, this 14th day of March, A.D. 1936.

A. Hudson

Mary Hudson

State of Washington } ss.
County of Franklin

I, Edward A. Davis, Court Commissioner of the Superior Court of the State of Washington in and for the County of Franklin, hereby certify that on this 14th day of March, A.D. 1936, personally appeared before me A. Hudson and Mary Hudson to me known to be husband and wife and to be the persons who executed the above and foregoing instrument as grantors, and acknowledged to me that they signed and executed the said instrument as their free and voluntary act and deed for the uses and purposes therein mentioned.

Witness my hand and official seal this 14th day of March, A.D. 1936.

(Court commissioner seal affixed)

Edward A. Davis
Court Commissioner of the Superior
Court of the State of Washington
in and for the County of Franklin.

3-50¢ Gov. documentary stamp
duly affixed and cancelled
3-23-36 A.H.

1-21.00 State conveyance and
1-50¢ State conveyance stamp
duly affixed and cancelled
3-23-36 C.S.

Filed for record March 25, 1936 at 11-19 a.m. by Citizens State Bank.

77611021
Skamania County, Clerk-Auditor.