

Return Address: SDS Company, LLC
P.O. Box 266
Bingen, WA 98605

Doc # 2008169075
Page 1 of 7
Date: 2/22/2008 03:59P
Filed by: SDS CO LLC
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
Phone 509 427-3900 FAX 509 427-3907

Letter Amendment to Administrative Decision NSA-05-13

**APPLICANT/
PROPERTY OWNER:** SDS Company, LLC

FILE NO.: Amendment to NSA-05-13-L2

LEGAL: See attached page 7.

REFERENCE NO.: Administrative Decision recorded on 2/22/08, Auditor's File number 2008169074, at the Skamania County Auditor's Office.

PROJECT: Land division to create 3 parcels with no development at this time.

LOCATION: The property is located in the southeast corner of School House Road, Underwood, WA, Section 22 of T3N, R10E, W.M. and is identified as Skamania County Tax Lot Number 03-10-22-0-0-0901-00.

ZONING: General Management Area - Small Woodland F-3 (20) and Open Space (OS).

July 20, 2007

Dear Mr. Spadaro,

The Planning Department issued an Administrative Decision on June 16, 2006, for the above referenced application. On July 3, 2006 we received a National Scenic Area Notice of Appeal based on the setbacks, variances, scenic resource protection and sensitive wildlife areas. On August 16, 2006 Planning Staff conducted a site visit with you to address your concerns regarding the appeal. You stated you wanted the Planning Department to review additional information regarding your application. On November 21, 2006 we received a letter from you requesting an

amendment to modify the Administrative Decision, as a settlement to the appeal of the decision, with the following changes: that the "100 foot setback from the bluff line or southern property line, whichever is greater" be changed to a minimum 50 foot setback from the true bluff line as shown on exhibit B of our first Letter Amendment.

The Planning Department issued that letter amendment on November 27, 2006. The Friends of the Columbia Gorge filed a timely appeal. Since that time, you have been attempting to resolve the issues with Friends of the Gorge that resulted in their appeal. In June of 2007, Friends of the Gorge and SDS entered into a Settlement Agreement in which Friends of the Gorge agreed to withdraw their appeal of the Planning Department's First Letter Amendment if SDS would request a Second Letter Amendment to NSA-05-13 as specified in the Settlement Agreement.

The Planning Department has reviewed the requested changes as specified in the Settlement Agreement and agrees that they are minor changes to the original decision and first Letter Amendment.

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 stated below.**

In addition, the First letter amendment for our file NSA-05-13 is voided by this decision. All modifications stated in NSA-05-13-L1 are rendered null and void.

Therefore, the original condition #3:

- 3) Exhibit B is the approved lot configuration with the "Building Envelopes" approvable (approved) as modified. The east setback for Lot 1 and the west setback for Lot 3 shall be 200' and the southern setback shall be 100' from the bluff line or southern property line, whichever is greater. The actual home sites and home design will not be finalized until an application for site-specific development is reviewed. The northern line of the building envelope may need to be pushed back further from the bluff in order to achieve visual subordination.

Shall be amended to read:

- 3) Exhibit B, dated May 10, 2007, is the approved lot configuration.
 - A. Future residential buildings on the approved lots shall comply with the following setbacks.
 - i. Lot 1; east property line setback = 100 feet, starting from the surveyed bluff line continuing north 500 feet.

- ii. Lot 3; west property line setback = 100 feet, starting from the southern property line continuing north 500 feet.
 - iii. Lots 1, 2, and 3; setback = 75 feet back from the surveyed bluff line.
 - iv. All other property line setbacks = 200 feet; except interior property lines between Lot 1 and Lot 2 and between Lot 2 and Lot 3 which shall have 15 foot setbacks.
- B. Future development on the approved lots shall be sited and designed to comply with the scenic standard of "not visually evident" (formerly "retention") as viewed from key viewing areas. The setback requirements from the surveyed bluff line shall not apply to outdoor structures such as decks, patios, fences, viewpoints, and picnic shelters that comply with the scenic standard. Existing tree cover within 300 feet north of the surveyed bluff line shall be retained to the maximum extent practicable, except for the minimum removal necessary to accommodate the footprint of future residential development and utilities, for human safety and protection of buildings, and to meet approval criteria for fire protection. Tree cover in this area is generally identified and depicted in corresponding photos incorporated as a part of Exhibit B.

Exhibit B (see attached pages __ & __) to this Letter Amendment shall replace those attached to your original Administrative Decision of June 16, 2006, and shall be known as the Amended Exhibit B. The amendment is hereby approved.

All of the other original conditions in the Administrative Decision are still valid and shall be complied with. As a reminder, **this letter amendment needs to be recorded at the County Auditor's office, as well as your Administrative Decision prior to the issuance of the building permit.** If you have any questions, please give me a call at 509-427-3900.

Sincerely,



Mark J. Mazeski, Senior Planner
Skamania County Planning & Community Development

APPEALS

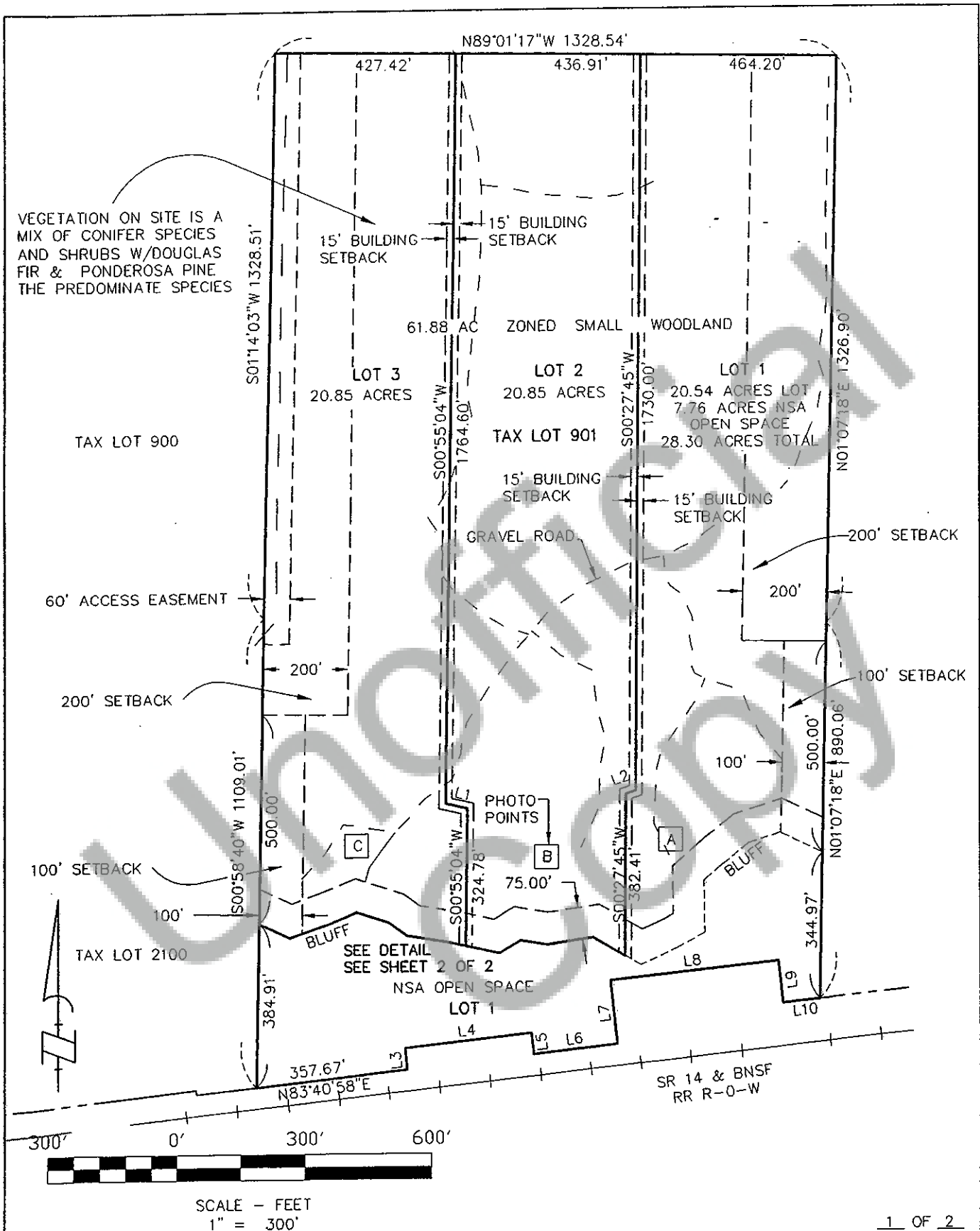
The Director reserves the right to provide additional comment and findings of fact regarding this decision, if appealed.

This Letter Amendment 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.

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
Cowlitz Indian Tribe
Columbia River Gorge Commission
U.S. Forest Service - NSA Office
Board of County Commissioners
Friends of the Columbia Gorge
Department of Archaeology and Historic Preservation
CTED - Dee Caputo

Attached: Amended Exhibit B
Vicinity Map

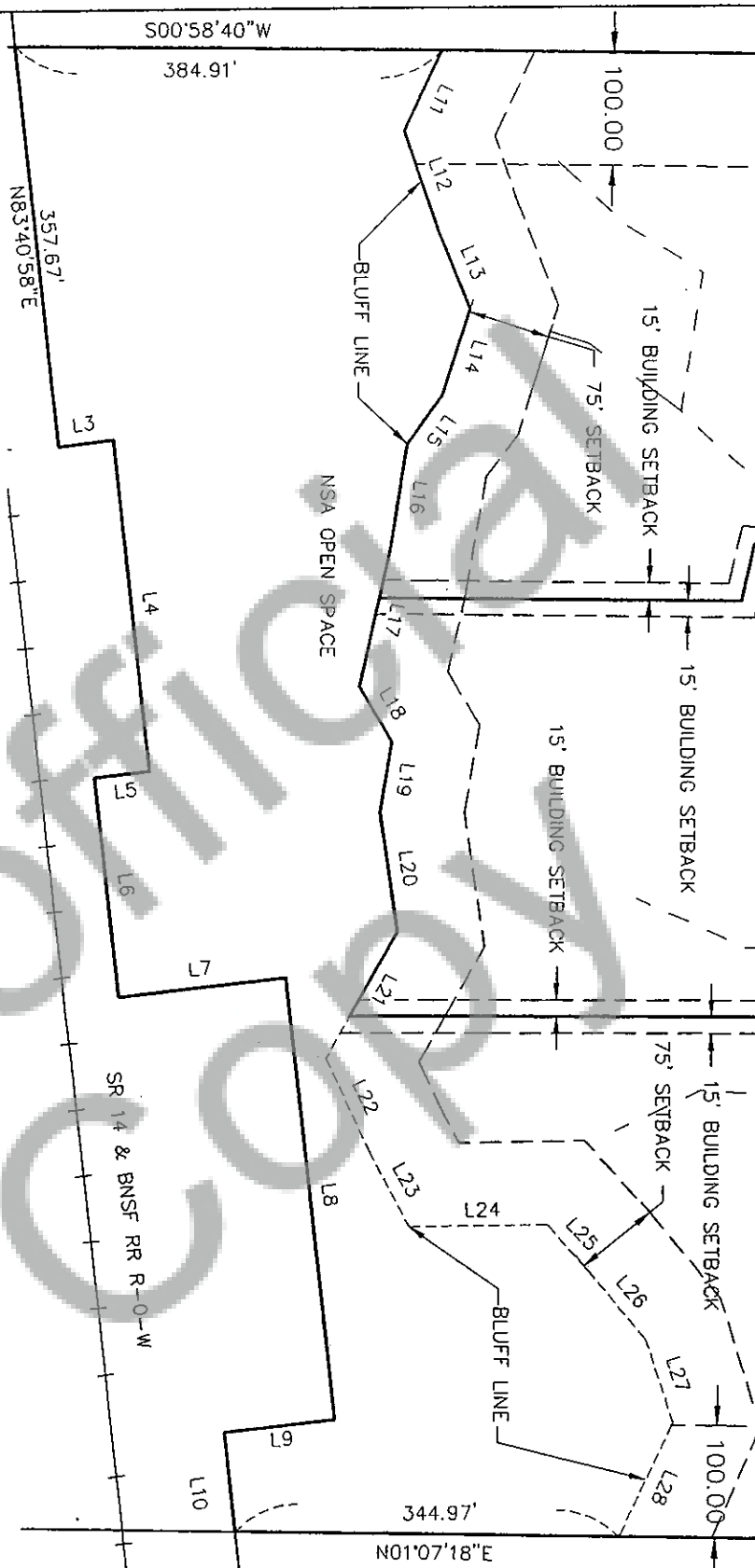
VEGETATION ON SITE IS A MIX OF CONIFER SPECIES AND SHRUBS W/DOUGLAS FIR & PONDEROSA PINE THE PREDOMINATE SPECIES



Klein & Associates, Inc.
 LAND SURVEYING
 1412 13th Street Suite 200
 Haddam, Oregon 97031
 Tel: (511) 346-3322

LAND DIVISION EXHIBIT B
 LOCATED IN SE 1/4 NE 1/4 & E 1/2 OF THE SW 1/4
 SECTION 22, T. 3N., R. 10E. W.M.
 SKAMANIA COUNTY, WASHINGTON

PROJECT: 050602
 FILE No: 050602EXH
 LAYOUT: LAYOUT
 SURVEYED: SURVEYED
 DESIGN: DESIGN BY
 DRAFT: GDM
 APPROVE: APPR BY
 DATE: 05-10-07
 SHEET: 1 OF 2 SHEETS

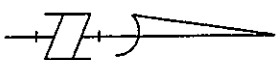


LINE	LENGTH	BEARING
L1	53.05	S76°51'38"E
L2	24.74	S70°43'30"W
L3	50.00	N06°19'02"W
L4	300.00	N83°40'58"E
L5	50.00	S06°19'02"E
L6	200.00	N83°40'58"E
L7	150.00	N06°19'02"W
L8	400.00	N83°40'58"E
L9	100.00	S06°19'02"E
L10	88.49	N83°40'58"E
L11	78.25	S64°03'02"E
L12	95.05	N70°52'02"E
L13	74.00	N67°59'14"E
L14	80.86	S72°28'32"E
L15	53.24	S53°16'21"E
L16	93.29	S81°06'20"E

L17	129.17	S77°17'57"E
L18	57.93	N59°08'32"E
L19	64.47	S80°00'19"E
L20	109.70	N81°34'25"E
L21	131.68	S60°25'27"E
L22	93.30	N65°07'09"E
L23	76.59	N62°00'23"E
L24	123.63	N00°45'06"W
L25	54.89	N48°49'04"E
L26	80.30	N50°39'37"E
L27	77.88	N71°59'41"E
L28	112.06	S65°00'59"E



SCALE - FEET
1" = 300'



Klein & Associates, Inc.
LAND SURVEYING
1412 15th Street Suite 200
Hood River, Oregon 97031
Tel: (503)366-3552

LAND DIVISION EXHIBIT B
LOCATED IN SE 1/4 NE 1/4 & E 1/2 OF THE SW 1/4
SECTION 22, T. 3N., R. 10E. W.M.
SKAMANIA COUNTY, WASHINGTON

PROJECT: 050602
FILE No: 050602EXH
LAYOUT: LAYOUT
SURVEYED: SURVEYED
DESIGN: DESIGN BY
DRAFT: GDN
APPROVE: APPR BY
DATE: 05-10-07
SHEET: 2 OF 2 SHEETS

2 OF 2

GRANTEES, Bruce M. Kapp, a widow, Shirley Ann Azufe, a married person acting in her separate capacity, David Henry Kapp, a married person acting in his separate capacity, and Jack Duane Kapp, a married person acting in his separate capacity, for and in consideration of the sum of Ten Dollars and other valuable consideration in hand paid, receipt whereof is hereby acknowledged, do hereby convey and warrant unto S. D. S. Company, a partnership consisting of Bruce R. Stevenson, Wesley D. Stevenson, Mark E. Stevenson, Anne Stevenson, John L. Cheney, Laura Stevenson Cheney, Douglas T. Campbell and Leslie Stevenson Campbell, Grantees, all of the following described real property situate in Skamania County, Washington, to-wit:

The Southeast Quarter of the Northwest Quarter of Section 22, Township 3 North, Range 10 East of the the Willamette Meridian.
 ALSO that portion of Lot 2 of said Section 22 lying Northerly of the right of way of the Spokane, Portland and Seattle Railway Company right of way, except from said Government Lot 2 that portion thereof conveyed to the State of Washington for State Highway No. 8 (now State Highway No. 14), by instrument dated February 26, 1934, recorded May 15, 1934, in Book "X" of Deeds at Page 516, under Auditor's File No. 19446, Records of Skamania County, Washington.
 Reserving unto the Sellers, their heirs and assigns an easement for ingress, egress and utilities over, along, across and under the West Sixty (60) feet of the Southeast Quarter of the Northwest Quarter of said Section 22 and the North Sixty (60) feet of the West Sixty (60) feet of Lot 2 of said Section 22, Township 3 North, Range 10 East of the Willamette Meridian.

Received
 Indexed
 Indirect
 Filed 12-2-88
 Mailed 12-8-88

NA
 NOV 28 1988
 NA
 NOV 28 1988

3-10-22-901

DM