

Return Address: Robert Nuckoles
P.O. Box 537
White Salmon, WA 98672

**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: Robert Nuckoles

**PROPERTY
OWNER:** Robert Nuckoles and Elizabeth Petrick

FILE NO.: NSA-07-80

PROJECT: To divide approximately 7.14 acres into three residential lots; with proposed lots ranging in size from 2.26 acres to 2.64 acres utilizing new Skamania County PUD Water System hookups and individual on-site septic systems. There are no existing constructed homes on this parcel. There is an approval for one home site on proposed Lot 3 issued under file Number NSA-08-03.

LOCATION: Located off of Cooper Avenue, Underwood; Section 23 of T3N, Range 10E, W.M. and identified as Skamania County Tax Lot #03-10-23-2-0-0200-00.

LEGAL: See attached page 7.

ZONING: General Management Area-Residential (R-2).

DECISION: Based upon the record and the Staff Report, the application by Robert Nuckoles, described above, **subject to the conditions set forth in this Decision**, is found to be consistent with SCC Title 22 and **is hereby approved**.

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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:** 20 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. Setbacks are established from property lines, not fence lines. If any question arises regarding the location of the property lines, the applicant shall be required to hire a professional land surveyor to locate the property lines and mark them with temporary staking prior to a building permit being issued. Staking must remain during construction and all building inspections.
- 4) Only that grading which is necessary for site development (building pads, utilities, etc.) is permitted. All graded areas shall be re-seeded with native vegetation prior to final inspection by the Planning Department.
- 5) Planted vegetation shall be maintained to ensure survival.
- 6) The existing tree cover shall be retained as much as possible except as is necessary for site development, safety purposes or as part of forest management practices.
- 7) The wildlife buffer zone shall be shown on the Mylar of the short plat when reviewed under SCC Title 17 (Subdivision).
- 8) The applicant and/or his agent shall monitor western gray squirrel activity for three years. If gray squirrels are observed either utilizing existing nests or found building a new nest(s) we ask that

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WDFW be immediately contacted. An annual report shall be prepared and submitted to the Planning Department that tracks the status of the wildlife area and sites.

- 9) The conditions of the wildlife management plan dated March 28, 2008 by Albert Durkee shall be met.
- 10) New oak seedlings shall be planted in a 5:1 replacement ratio for the removal of oak trees. (20-30 new oak seedlings are required depending on actual tree removal for access road).
- 11) The applicant shall submit a Method II type analysis prepared by a Washington State Licensed Professional Engineer for the proposed land division. A Method II type analysis is one in which a septic engineer will lay out the home sites, accessory structures, septic systems (tanks, drainfield and reserve drainfield areas), easements, setbacks, critical areas buffers, and any stormwater requirements from an approved stormwater plan for the proposed land division. With this type of analysis, it can be determined that the lot is buildable. Following items must be shown and identified on a scaled drawing:
 - i. Proposed Lot lines, roads, and easements.
 - ii. Home site location and associated accessory buildings
 - iii. Identify all building setbacks from property lines, easements, and roads
 - iv. Identify all On Site Septic System setbacks
 - v. Drainfields (main and reserve)
 - vi. The location and setbacks from wetlands and streams
 - vii. Grade breaks, cut slopes, banks, fills
 - viii. Geo-tech stability lines (if applicable)
 - ix. Driveways and Parking areas
 - x. Wells, water sources, supply lines
 - xi. Utility easements
 - xii. Drainages
 - xiii. Stormwater drainages and facilities (if applicable)
- 11) The applicant to meet all conditions of approval, including those enacted to achieve visual subordination, prior to final inspection by the Planning Department;
- 12) A final inspection approval will not be issued until compliance with all conditions of approval, including visual subordination criteria, have been verified; all site visits shall be coordinated with Planning Department at (509) 427-3900.
- 13) 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


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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.
- 14) 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 19th day of May, 2008, at Stevenson, Washington.

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Jessica Davenport, 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
Skamania County Health 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

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Cowlitz 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

Unofficial
Copy

LEGAL DESCRIPTION

The Northwest Quarter of the Northwest Quarter of the Northwest Quarter, Section 23, Township 3 North, Range 10 East, of the Willamette Meridian, in the County of Skamania, State of Washington.

EXCEPT the South 100 feet of the West half of the Northwest Quarter of the Northwest Quarter of the Northwest Quarter of said Section 23.

ALSO EXCEPT that portion lying within roads.

ALSO EXCEPT that portion conveyed to Skamania County by instrument recorded in Book 52, Page 342.

