

Return Address: John Ziegler  
1460 N. "T" Street  
Washougal, WA 98671

**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:** John Ziegler

**PROPERTY  
OWNER:** John and Denise Ziegler

**FILE NO.:** NSA-07-75

**PROJECT:** An after-the-fact application for work that was done to an existing picnic shelter, including the enclosure, insulation and addition of windows and chimney. Composition shingles were added to the existing roof of the picnic shelter. The project also includes an addition of a concrete patio and sidewalk. During the cultural resource on-site review it was discovered that the exterior of the Cape Horn Grange Hall (historically known as Sylvan Grange #474, over 50-years old) including replacement of wood frame windows with vinyl windows, corrugated metal roof over west entrance was replaced with composition shingles, west entrance door was widened and the building was painted.

**LOCATION:** Located at 81 Woodard Creek Road, Skamania; Section 34 of T2N, Range 6E, W.M. and identified as Skamania County Tax Lot #02-06-34-0-0-0600-00.

**LEGAL:** See pages 6.

**ZONING:** General Management Area – Rural Center (RC).

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**DECISION:**

Based upon the record and the Staff Report, the application by Elliot Solway, 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. 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) Where feasible, existing tree cover of species native to the region or commonly found in the area shall be retained when new development or expanding existing development.
- 5) The Planning Department will conduct site visit for Final Inspection. The 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 509-427-3900.
- 6) The following procedures shall be effected when cultural resources are discovered during construction activities:


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- 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.
- 7) 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

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conditions set forth in Section 22.22.050(C) of this Chapter are met and the mitigation plan is executed.

Dated and Signed this 5th day of May, 2008, at Stevenson, Washington.

  
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 Division  
Skamania County Health Department

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

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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 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

EXHIBIT 'A'

PARCEL I

Commencing at the center of Section 34, Township 2 North, Range 6 East of the Willamette Meridian, in the County of Skamania, State of Washington; thence South 150 feet; thence West 104 feet 9 inches; thence North 150 feet; thence East 104 feet 9 inches to the Point of Beginning.

PARCEL II

Commencing at the center of Section 34, Township 2 North, Range 6 East of the Willamette Meridian, in the County of Skamania, State of Washington; thence East 20 feet on the East and West center line of said Section; thence Southerly 170 feet paralleling the North and South center line of said Section; thence Westerly 20 feet to the North and South center line of said Section; thence North on said North and South center line 170 feet to the Place of Beginning.

PARCEL III

Commencing at the center of Section 34, Township 2 North, Range 6 East of the Willamette Meridian, said point being the corner of Yettick's fence as now standing; thence West 104.9 feet to the point of beginning of the tract herein conveyed, said point being the Northwest corner of the tract heretofore conveyed to Sylvan Grange No. 474; thence West 215.1 feet; thence South 150 feet; thence East 215.1 feet; thence North 150 feet to the point of beginning.

