

Return Address: Washington State Parks and Recreation Commission
Attn: Doug Mackey
11834 Tilley Road South
Olympia, WA 98512-9167

**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: Washington State Parks and Recreation, Doug Mackey

PROPERTY OWNER: Washington State Parks and Recreation

FILE NO.: NSA-07-69

PROJECT: To install a new well to replace an existing failing well located in a different location, to provide local residents with safe water and to connect to the existing distribution system at Beacon Rock State Park.

LOCATION: Located off Moorage Road at Beacon Rock State Park, Section 25 of T2N, R6E, W.M. and is identified as Skamania County Tax Lot Number 02-06-35-0-0-0190-00.

LEGAL: See attached page(s) 7-10.

ZONING: Special Management Area- Forest (F).

DECISION: Based upon the record and the Staff Report, the application by Washington State Parks and Recreation, 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

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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. 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 disturbed areas shall be reseeded with native vegetation prior to final inspection by the Planning Department.
- 5) Disturbed areas shall be replanted with only native plant species of the Columbia River Gorge. Planted vegetation shall be maintained to ensure survival.
- 6) The applicant shall meet all conditions of approval enacted to achieve visual subordination prior to final inspection by the Planning Department. The applicant is to coordinate all inspections with the Planning Department. The Planning Department shall conduct a final inspection to ensure that all the conditions of approval, including visual subordination criteria have been verified. 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.

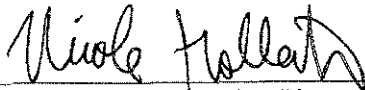
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- 7) Washington State Parks has agreed that future efforts to realign and rehabilitate Woodward Creek shall not be limited by the well. The well may be required to be removed at a future date if the Woodward Creek restoration should necessitate.
- 8) 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.
- 9) 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.

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- 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 6 day of June, 2008, 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.

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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:

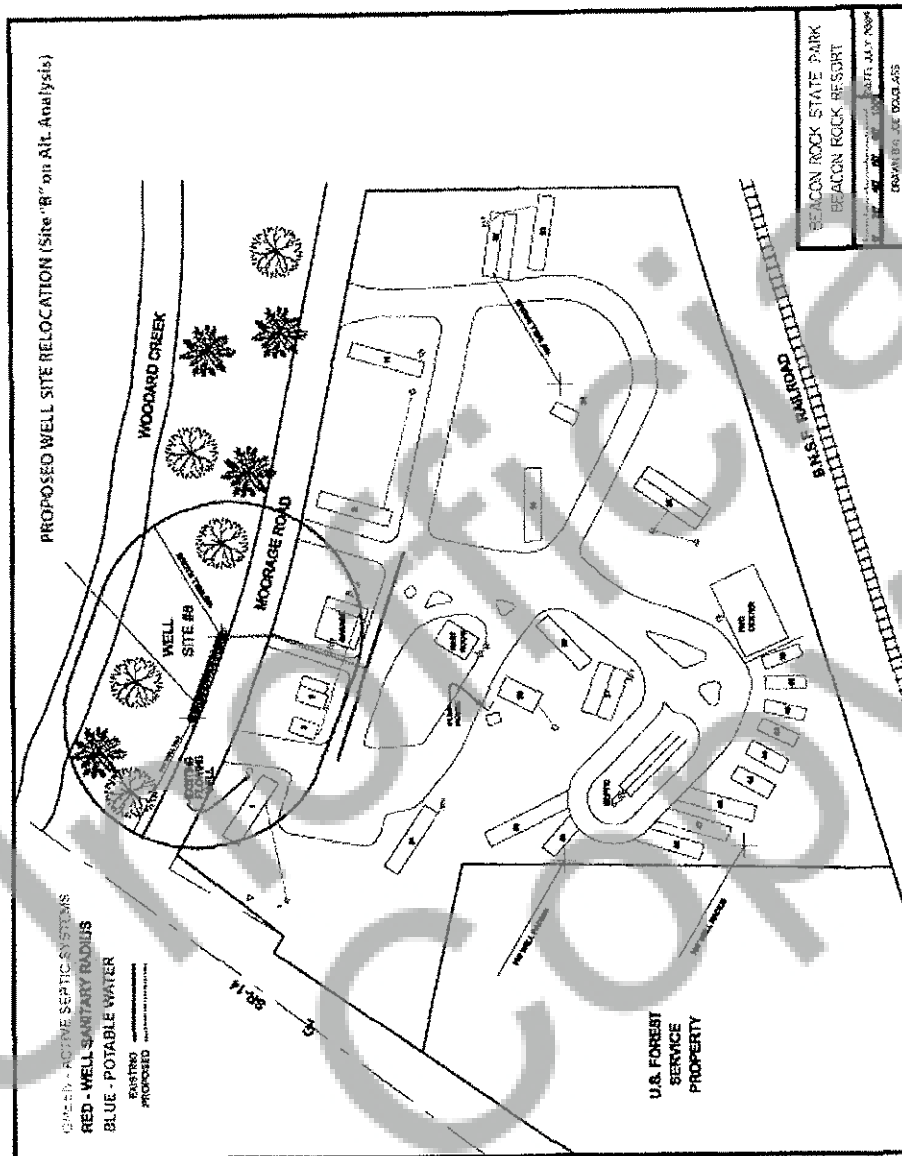
Skamania County Building Division
Skamania County Health Department

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

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

SITE PLAN:

North:

Scale: 1 inches - 100 feetBodies of water or watercourses on property: yes ☒ no ☐I will be removing on-site plants, trees, or other vegetation: yes ☒ no ☐**-If yes to either please indicate location of vegetation removal or watercourses.**I will be moving more than 100 cubic yards of soil: yes ☐ no ☒

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 the Columbia River Gorge National Scenic Area.

D E E D

THIS INDENTURE, Made and entered into this 3rd day of January, 1938, by and between Skamania County, one of the counties of the State of Washington, by and through its duly elected, qualified and acting Board of County Commissioners, hereinafter to be called and referred to as the "county"; and the State of Washington, hereinafter to be called and referred to as the "state"; WITNESSETH:

WHEREAS the county is now the owner and holder of certain real property as hereinafter described, acquired pursuant to tax foreclosure by the county;

AND WHEREAS, the state is desirous of purchasing the same for state park purposes;

AND WHEREAS, the Board of County Commissioners of said county have this day made and entered their resolution approving and authorizing the deliverance of a deed of said land to the state, subject to the conditions as hereinafter set out;

NOW THEREFORE the county, for and in consideration of the sum of One Dollar (\$1.00), in hand paid, grants, bargains, sells and conveys to the state the following described real property, to-wit:

Twp.	Rge.	Section	Description	Acres
2	6	11	NE $\frac{1}{4}$ -SE $\frac{1}{4}$	40
2	6	12	N $\frac{1}{2}$; SW $\frac{1}{4}$	480
2	6	13	NW $\frac{1}{4}$ -NW $\frac{1}{4}$; W $\frac{1}{2}$ -NE $\frac{1}{4}$; SE $\frac{1}{4}$ -NE $\frac{1}{4}$; NW $\frac{1}{4}$ -SE $\frac{1}{4}$	200
2	6	13	S $\frac{1}{2}$ -NW $\frac{1}{4}$; N $\frac{1}{2}$ -SW $\frac{1}{4}$	160
2	6	14	E $\frac{1}{2}$ -SW $\frac{1}{4}$; N $\frac{1}{2}$ -SE $\frac{1}{4}$; E $\frac{1}{2}$ -NE $\frac{1}{4}$; SW $\frac{1}{4}$ -NE $\frac{1}{4}$; SW $\frac{1}{4}$ -SE $\frac{1}{4}$;	320
2	6	23	W $\frac{1}{2}$ -NE $\frac{1}{4}$; SE $\frac{1}{4}$ -NE $\frac{1}{4}$; S $\frac{1}{2}$ -SE $\frac{1}{4}$; NW $\frac{1}{4}$ -SE $\frac{1}{4}$;	240
2	6	24	N $\frac{1}{2}$ -NW $\frac{1}{4}$; SW $\frac{1}{4}$ -NW $\frac{1}{4}$; SE $\frac{1}{4}$	280
2	7	7	W $\frac{1}{2}$ -NE $\frac{1}{4}$; SE $\frac{1}{4}$ -NE $\frac{1}{4}$; NE $\frac{1}{4}$ -NE $\frac{1}{4}$	160
2	7	7	Lots 1, 2, 3; E $\frac{1}{2}$ -SW $\frac{1}{4}$; NW $\frac{1}{4}$ -SE $\frac{1}{4}$	264
2	7	18	W $\frac{1}{2}$ -NE $\frac{1}{4}$; NW $\frac{1}{4}$ -SE $\frac{1}{4}$; NE $\frac{1}{4}$ -NW $\frac{1}{4}$	160
2	7	18	Lots 1, 2 and 3	151
2	7	19	Lots 3 and NE $\frac{1}{4}$ -NW $\frac{1}{4}$	86

Situated in the County of Skamania, State of Washington.

2541.2 acres

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PARCEL 8

PROVIDED that the same shall be used for state park purposes only; and if the same shall at any time be devoted to any other purpose, then this indenture shall be held for naught, and the title conveyed thereby revert to the county;

PROVIDED FURTHER that this indenture shall not be held to convey any right, title or interest until the same shall have been approved by the Governor or the State of Washington as executed by his written signature together with the seal of the State of Washington being placed hereupon.

Dated this 3rd day of January, 1938.

SKAMANIA COUNTY

By

Chairman

Approved this 12th day of January 1938
M. J. Fosse
 Assistant Attorney General

Martin Nielsen
Albert C. Paul
 Board of County Commissioners
 of Skamania County, Washington

STATE OF WASHINGTON)
 COUNTY OF SKAMANIA) ss.

I, Mabel J. Fosse, duly elected, qualified and acting County Clerk of Skamania County, Washington, do hereby certify that on this 3rd day of January, 1938, personally appeared before me, Ed Hollis, Albert Paul, and Martin ^{Nielsen} Nielsen, the duly elected, qualified and acting County Commissioners of Skamania County, Washington, to me known to be the individuals described in and who executed the foregoing 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.

IN WITNESS WHEREOF I have hereunto set my hand and official seal the day and year first above mentioned.

Mabel J. Fosse
 County Clerk of Skamania County

Approved this 15th day of January, 1938:

Charles B. Reed
 Governor of the State of Washington.

BY THE GOVERNOR:

Charles B. Reed
 Assistant Secretary of State.

Beacon

114120

BOOK 100 PAGE 48

DNR

AFTER RECORDING RETURN TO:
 Department of Natural Resources
 Land Records Section
 P.O. Box 47021
 Olympia, WA 98504-7021

AUG 14 2011

GFD

Registered	P
Deposited	P
Indexed	P
Filed	8/14/11

QUITCLAIM DEED

THE GRANTOR, STATE OF WASHINGTON, acting by and through the Department of Natural Resources for and in consideration of the sum of \$20,000.00, hereby grants, conveys and quitclaims to WASHINGTON STATE PARKS AND RECREATION COMMISSION, GRANTEE, the following described real property situated in Skamania County, Washington, to wit:

SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 11, Township 2 North, Range 6 East, W.M., containing 40 acres, more or less.

The above-described lands are subject to the following reservation:

The grantor hereby expressly saves, excepts and reserves out of the grant hereby made, unto itself, its successors, and assigns forever, all oils, gases, coal, ores, minerals and fossils of every name, kind or description, and which may be in or upon said lands above described, or any part thereof, and the right to explore the same for such oils, gases, coal, ores, minerals and fossils; and it also hereby expressly saves and reserves out of the grant hereby made, unto itself, its successors and assigns forever, the right to enter by itself, its agents, attorneys and servants upon said lands, or any part or parts thereof, at any and all times, for the purpose of opening, developing and working mines thereon, and taking out and removing therefrom all such oils, gases, coal, ores, minerals and fossils, and to that end it further expressly reserves out of the grant hereby made, unto itself, its successors and assigns, forever, the right by its or their agents, servants and attorneys at any and all times to erect, construct, maintain and use all such buildings, machinery, roads and railroads, sink such shafts, remove such soil, and to remain on said lands or any part thereof for the business of mining and to occupy as much of said lands as may be necessary or convenient for the successful prosecution of such mining business, hereby expressly reserving to itself, its successors and assigns, as aforesaid, generally, all rights and powers in, to, and over said land, whether herein expressed or not, reasonably necessary or convenient to render beneficial and efficient the complete enjoyment of the property and the rights hereby expressly reserved.

No rights shall be exercised under the foregoing reservation, by the state, its successors or assigns, until provision has been made by the state, its successors or assigns, to pay to the owner of the land upon which the rights herein reserved to the state, its successors or assigns, are sought to be exercised, full payment for all damages sustained by said owner, by reason of entering upon said land: PROVIDED, That if said owner from any cause whatever refuses or neglects to settle said damages, then the state, its successors or assigns, or any applicant for a lease or contract from the state for the purpose of prospecting for or mining valuable minerals, or option contract, or lease, for mining coal, or lease for extracting petroleum or natural gas, shall have the right to institute such legal proceedings in the superior court of the county wherein the land is situated, as may be necessary to determine the damages which said owner of said land may suffer.

015146

REAL ESTATE EXCISE TAX

AUG 14 2011

Exempt

JW

p-22

BOOK 130 PAGE 44

This Deed is executed and delivered pursuant to RCW 79.01.220 at the request of the Commissioner of Public Lands with the approval of the Board of Natural Resources, State of Washington.

WITNESS the Seal of the State of Washington, affixed this 21ST day of JULY, 19 92.


GOVERNOR

Attest: 
SECRETARY OF STATE

Approved as to form this 4 day of February, 19 92.


Assistant Attorney General

Deed No. 26392

State Record of Deeds, Volume 13, Page 104

App. No. 02-052101
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