

Return Address: Jon and Peggy Ohlson
PO Box 911
White Salmon, WA 986172

**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:**

Jon and Peggy Ohlson

FILE NO.:

NSA-08-17

PROJECT:

Application to construct a single-family dwelling (approximately 2,917 sq. ft. footprint), detached 30'x30'x18' guest living quarters, 28'x30'x18' detached garage, 28'x26'x18' detached storage shop, landscaping including terraces and small pond, driveway with large fire truck turnaround and associated utilities.

LOCATION:

School House Road, Underwood; Section 22 of T3N, R10E, W.M. and is identified as Skamania County Tax Lot Number 03-10-22-0-0-0902-00.

LEGAL:

See attached page 10-11.

ZONING:

General Management Area - Small-Woodland (F-3).

DECISION:

Based upon the record and the Staff Report, the application by Jon and Peggy Ohlson, 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.

Skamania County Planning and Community Development
 File: NSA-8-17 (Ohlson) Administrative Decision
 Page 2

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) The Fire Safety Guidelines as stated in Section 22.14.050(A) shall be conditions of approval:
 - a. All buildings shall be surrounded by a maintained fuel break of fifty (50) feet. Irrigated or fire resistant vegetation may be planted within the fuel break, including green lawns and low shrubs (less than twenty-four (24) inches in height). Trees should be placed greater than fifteen (15) feet between the crowns and pruned to remove dead and low (less than eight (8) feet) branches. Accumulated leaves, needles and other dead vegetation shall be removed from beneath trees.
 - b. Hazardous fuels shall be removed within the fuel break area.
 - c. Buildings with plumbed water systems shall install at least one (1) standpipe at a minimum of fifty (50) feet from the structure(s).
 - d. A pond, stream, tank or sump with storage of not less than 1,000 gallons, or a well or water system capable of delivering twenty (20) gallons per minute shall be provided. If a well pump is located on-site, the electrical service shall be separate from the dwelling.
 - e. Access drives shall be constructed to a minimum of twelve (12) feet in width and not exceed a finished grade of twelve percent (12%). Turnouts shall be provided at a minimum of every 500 feet. Access drives shall be maintained to a level that is passable to fire equipment. However, variances to road provisions may be made after consultation with the local fire marshal and the Washington State Department of Natural Resources.
 - f. Within one (1) year of the occupancy of a dwelling, the Administrator shall conduct a review of the development to assure compliance with this section.

Skamania County Planning and Community Development
 File: NSA-8-17 (Ohlson) Administrative Decision
 Page 3

- g. Telephone and power supply shall be underground whenever possible.
 - h. Roofs of structures should be made of fire-resistant materials, such as fiberglass, shingle, or tile. Roof materials such as cedar shake and shingle should not be used.
 - i. Any chimney or stovepipe on any structure for use with a wood stove or fireplace should be screened with no coarser than a quarter (1/4) inch mesh metal screen that is noncombustible and corrosion resistant and should be equipped with a spark arrestor.
 - j. All structural projections such as balconies, decks and roof gables should be built with fire resistant materials equivalent to that specified in the Uniform Building code.
 - k. Attic openings, soffit vents, foundation louvers or other ventilation openings on dwellings and accessory structures should be screened with no coarser than a quarter (1/4) inch mesh metal screen that is noncombustible and corrosion resistant.
- 5) A declaration shall be signed by the landowner and recorded in the Auditor's Records specifying that the owners, successors, heirs, and assigns of the subject parcel are aware that adjacent and nearby operators are entitled to carry on accepted farm and forest practices on lands classified as F-1, F-2, F-3, Ag-1, and Ag-2.
 - 6) The combined footprint of all accessory buildings on the subject parcel shall not exceed 2,500 square feet and that the height of any individual accessory building shall not exceed the proposed height of 18 feet.
 - 7) The accessory buildings shall not accommodate a cooking area or kitchen. Planning staff shall conduct a site visit to confirm the detached guest quarters does not include a kitchen or cooking area prior to signing off on the certificate of occupancy.
 - 8) The proposed guardrail fence along the bluff shall not exceed a height of four (4) feet. The proposed guardrail fence shall be dark earth-tone in color, such as black or brown wire with wood posts.
 - 9) 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.
 No excavated material is to be used to raise the existing grade on the development site. Any excavated material shall be utilized as backfill, approved landscaping, or taken off site to a location outside the National Scenic Area.
 - 10) The height of the single-family dwelling shall be limited to 18 feet from existing grade to roof peak. Existing grade is set at the top of the rock which is located directly south of the dwelling, as shown on the 'Staff Revised Site Plan'.
 - 11) The project applicants and/or future owners shall be:
 - a. Responsible for the proper maintenance and survival of any planted vegetation required under this chapter;
 - b. Responsible for the planting, maintenance, and survival of the vegetation proposed on the site plan;

Skamania County Planning and Community Development
 File: NSA-8-17 (Ohlson) Administrative Decision
 Page 4

- c. Plant additional screening vegetation including 10 trees and 10 large shrubs to the south of the proposed development, as shown on the 'Staff Revised Site Plan'. Each tree shall be at least 3 feet tall from top of root wad at time of planting.
 - d. Follow the recommended planting guideline that is attached to this document (from the Scenic Resources Implementation Handbook), in regards to the species, mature size, planting size height, and spacing recommendations to the maximum extent practicable using all native species.
 - e. All trees planted for screening purposes shall be native to the area.
- 12) The applicant shall be required to retain the existing screening trees within 300 feet north of the surveyed bluff line and all trees that screen the proposed development from key viewing areas. The applicant shall retain the existing screening trees on the subject property in a healthy condition. Dead or dying trees shall be replaced with the same species in the same location. No screening trees shall be topped or limbed.
- 13) The exterior of all proposed structures shall be composed of non-reflective materials. The exterior includes, but is not limited to, sides, doors, windows, decks, gutters, roofs, and trim. The applicant has proposed cedar siding and asphalt composite roofing, which are approved for use.
- 14) All windows shall have a visible light reflectance rating of 11% or less.
- 15) All exterior lighting shall be hooded and shielded at a 90-degree angle. Hoods/ shields shall be made of nonreflective, opaque material, which does not allow light to pass through. (See attached Lighting Brochure) If the applicant decides to install outdoor lights, information showing the location and design of the lights shall first be submitted for review and approved by the Planning Department.
- 16) The exterior of all proposed structures shall be dark earth-tone in color. The exterior includes, but is not limited to, sides, doors, decks, gutters, roofs and trim. The exterior also includes the materials used for the proposed terraces, which shall require the use of dark color concrete or bricks.

 The following colors submitted by the applicant are consistent with this condition and are hereby approved: for the house exterior walls – cedar siding stained "Ebony" (Pitts semi-trans); roofing "Sheffield Black" (GAF asphalt composite shingle); windows – "Bronze" (Marvin). Any proposed changes to these colors shall be submitted for review by the Planning Department prior to construction.
- 17) All existing tree cover within the Gorge Walls, Canyonlands, and Wildlands landscape setting shall be retained to the maximum extent practicable, except for the minimum removal necessary to accommodate the proposed development or for safety purposes.
- 18) Conditions of approval to ensure the protection of the western gray squirrel shall include:
 - a. No road work activities shall be performed during the western gray squirrel breeding season, from March 1 through August 31;

Skamania County Planning and Community Development
 File: NSA-8-17 (Ohlson) Administrative Decision
 Page 5

- b. All individual nest trees and the stands in which they occur, as documented in the Wildlife Management Plan for NSA-05-13, shall be retained and undisturbed with a 50-foot no-cut buffer surrounding each nest site for protection from future construction or logging activities. In order to modify this condition, a new Western gray squirrel field survey shall be conducted and submitted to WDFW for their review;
- 19) 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 Building Division. A final inspection approval will not be issued until compliance with all conditions of approval; including visual subordination criteria have been verified.
- 20) The Planning Department will conduct at least two site visits during construction, one to verify the location of the structures as stated by the Administrative Decision and a second to be conducted after all foundation excavation has been completed including framing footers, but prior to pouring the foundation. A site visit for Final Inspection shall also be conducted. 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.
- 21) 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.
- 22) 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.

Skamania County Planning and Community Development
 File: NSA-8-17 (Ohlson) Administrative Decision
 Page 6

- 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 14 day of July, 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 and mailing lists are available at the Planning Department Office and must be accompanied by a \$500.00 nonrefundable-filing fee.

Skamania County Planning and Community Development
File: NSA-8-17 (Ohlson) Administrative Decision
Page 7

WARNING

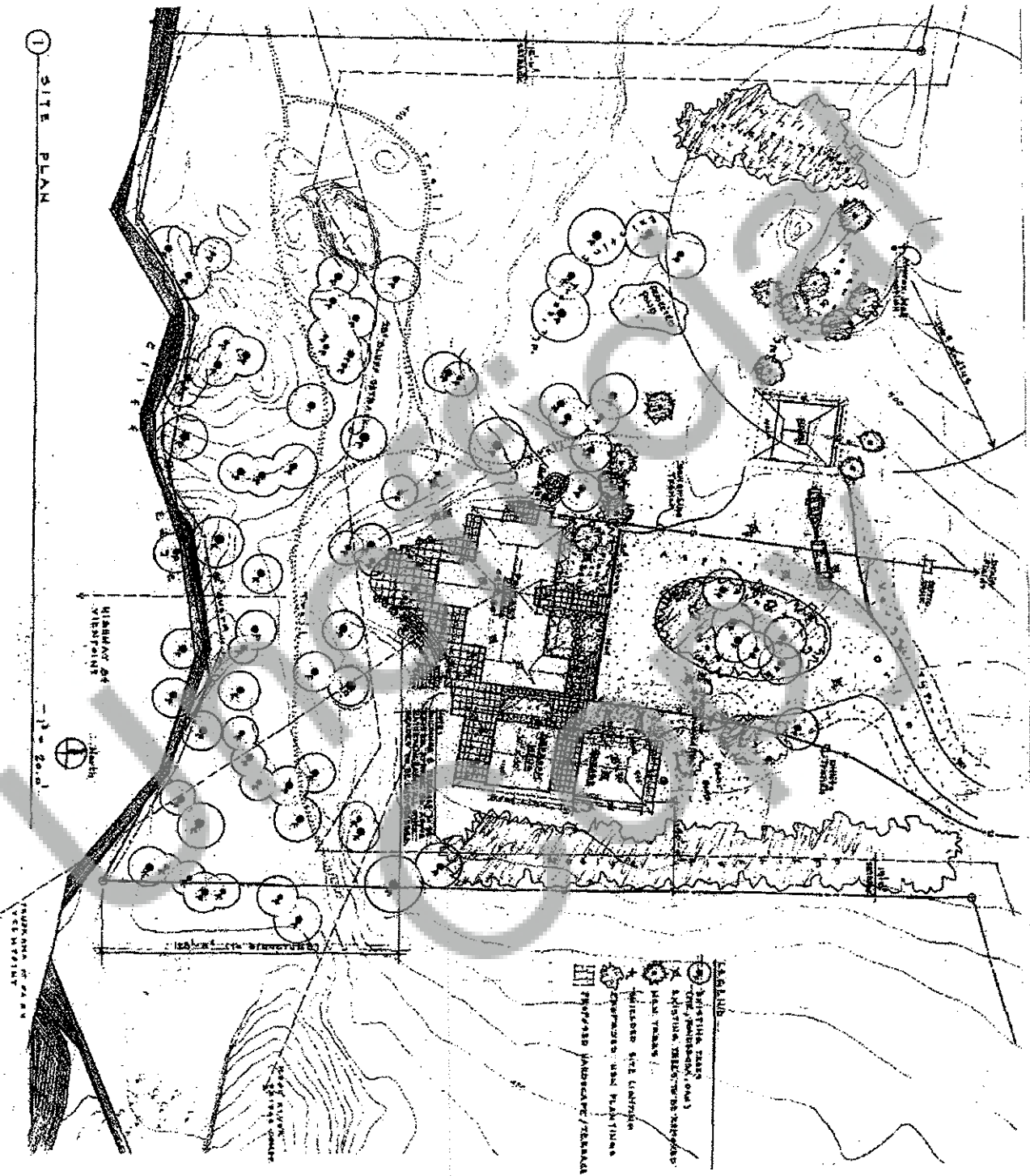
On November 30, 1998 the Columbia River Gorge Commission overturned a Skamania County Director's Decision 18 months after the 20 day appeal period had expired. You are hereby warned that you are proceeding at your own risk and Skamania County will not be liable for any damages you incur in reliance upon your Administrative Decision or any amendments thereto.

A copy of the Decision was sent to the following:

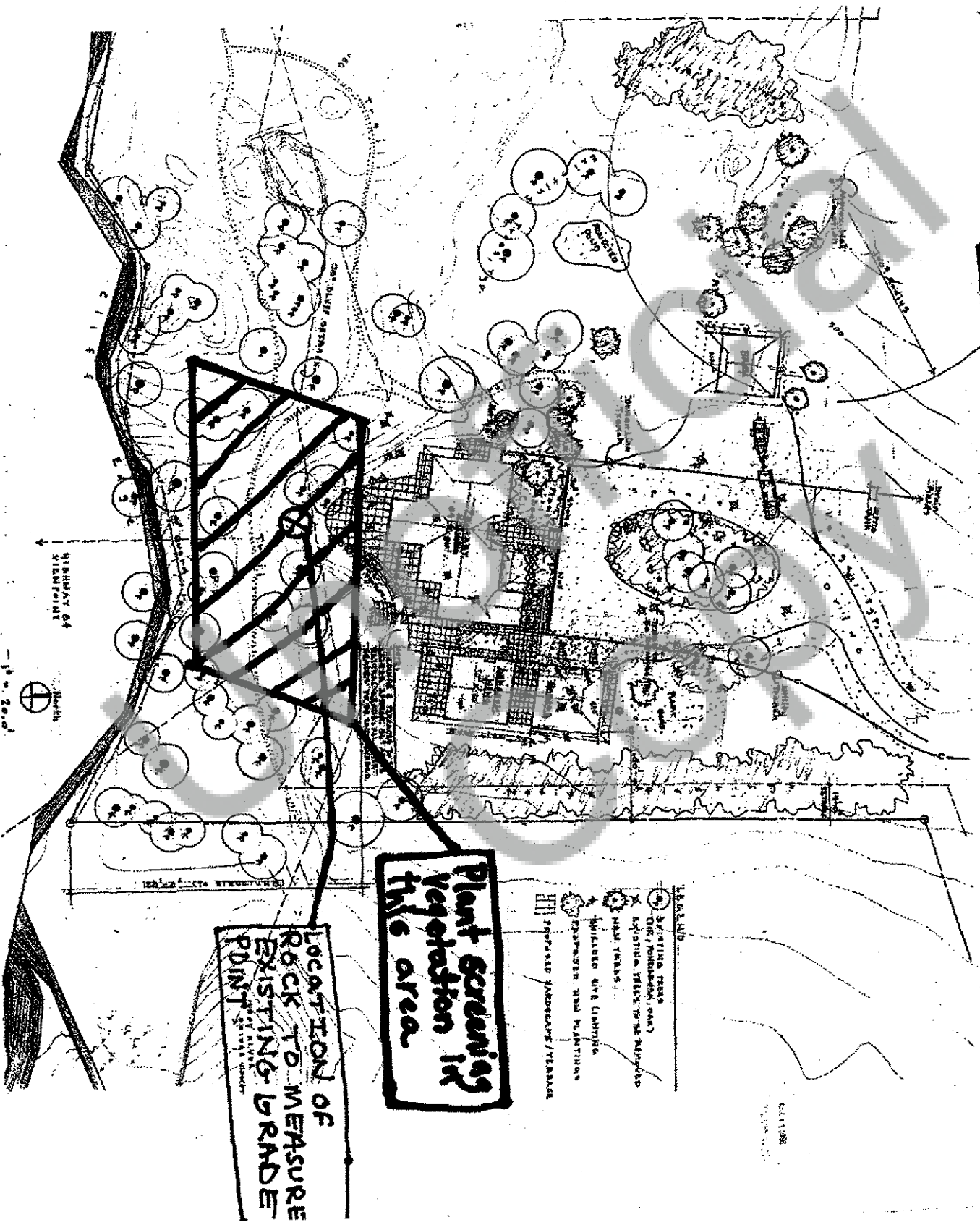
Skamania County Building Division
Skamania County Health Department

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

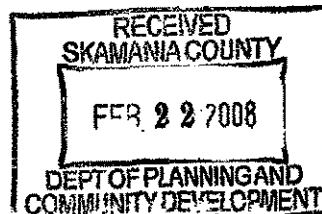
Persons submitting written comments in a timely manner
Yakama Indian Nation
Confederated Tribes of the Umatilla Indian Reservation
Confederated Tribes of the Warm Springs
Nez Perce Tribe
Cowlitz Tribe
Department of Archaeology and Historic Preservation
Columbia River Gorge Commission
U.S. Forest Service - NSA Office
Board of County Commissioners
State of Washington Department of Community Trade and Economic Development -- Dee Caputo
Department of Fish and Wildlife



Staff Revised Site Plan



Filed for Record at Request of and
After Recording Return to:
Robert D. Weisfield, Attorney at Law
P. O. Box 421
Bingen, WA 98605
(509) 493-2772



QUIT CLAIM DEED

THE GRANTOR, SDS COMPANY, LLC, for and in consideration of dividing property into separate lots, conveys and quit claims to SDS COMPANY, LLC, Grantee, all of its interest in the following described real estate, together with all after acquired title of the grantor therein, situate in the County of Skamania and State of Washington:

Assessor's Tax Parcel No. 03102200090100 (portion); Abbr. Legal Description: ptn. SE4 NW4 and Govt Lot 2 of Sec. 22, T3N, R10E, W.M.

Planning Department - Exemption over
20 acres approved by: MM 2-22-08

LOT 2

A TRACT OF BEING IN A PORTION OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 3 NORTH, RANGE 10 EAST OF THE WILLAMETTE MERIDIAN AND THAT PORTION OF GOVERNMENT LOT 2 OF SAID SECTION 22, LYING NORTHERLY OF THE SPOKANE, PORTLAND AND SEATTLE RAILWAY COMPANY RIGHT-OF-WAY, EXCEPTING FROM SAID GOVERNMENT LOT 2 THAT PORTION 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, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 22; THENCE NORTH 89°01'17" WEST, 464.20 FEET ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 22 TO THE POINT OF BEGINNING OF SAID LOT 2; THENCE SOUTH 00°27'45" WEST, 1730.00 FEET; THENCE SOUTH 70°43'30" WEST, 24.74 FEET; THENCE SOUTH 00°27'45" WEST, 382.41 FEET TO THE TOP OF A BLUFF; THENCE FOLLOWING THE TOP OF SAID BLUFF OVER THE NEXT FIVE (5) COURSES; 1.) THENCE NORTH 60°25'27" WEST, 87.78 FEET; 2.) THENCE SOUTH 81°34'25" WEST, 109.70 FEET; 3.) THENCE NORTH 80°00'19" WEST, 64.47 FEET; 4.) THENCE SOUTH 59°08'32" WEST, 57.93 FEET; 5.) THENCE NORTH 77°17'57" WEST, 82.19 FEET; THENCE NORTH 00°55'04" EAST, 324.78 FEET; THENCE NORTH

MM ✓

76°51'38" WEST, 53.05 FEET; THENCE NORTH 00°55'04" EAST, 1764.60 FEET TO THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 22; THENCE SOUTH 89°01'17" EAST, 436.91 FEET ALONG LAST SAID NORTH LINE BACK TO THE POINT OF BEGINNING.

MORE PARTICULARLY DESCRIBED IN A SURVEY RECORDED UNDER AUDITOR'S FILE 2008168904

AREA OF LOT 2 (CONTAINS 20.85 ACRES MORE OR LESS).

TOGETHER WITH and SUBJECT TO those easements, conditions and restrictions of record.

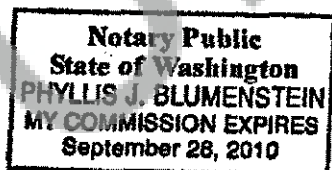
DATED: February 20, 2008.



Jason S. Spadaro, President, SDS
Company, LLC, Grantor

STATE OF WASHINGTON)
) §
COUNTY OF KLUCKITAN)

On this 20 day of February, 2008, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared JASON S. SPADARO, to me known to be the President of SDS COMPANY, LLC, the corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated the he is authorized to execute the said instrument.

Witness my hand and official seal hereto affixed the day and year first above written.




Name: Phyllis J. Blumenstein
Notary Public in and for the State of
Washington, residing at White Salmon
My commission expires: 9-28-10

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