

Return Address: David Irving
P.O. Box 244
Goldendale, WA 98620

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: David Irving

PROPERTY OWNER: Paul and Joyce Chiles, Chiles Trust

FILE NO.: NSA-08-13

PROJECT: Application to construct a detached accessory garage (approximately 528 sq. ft.) adjacent to the existing driveway with associated utilities.

LOCATION: 47742 State Highway 14, Stevenson; Section 29 of T3N, R8E, W.M. and identified as Skamania County Tax Lot #03-08-29-0-0-1500-00.

LEGAL: See attached page 7-8.

ZONING: General Management Area – Residential 10 (R-10).

DECISION: Based upon the record and the Staff Report, the application by David Irving, 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.

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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 combined footprint of all accessory buildings on the subject parcel shall not exceed 1,500 square feet and the height of any individual accessory building shall not exceed twenty-four feet.
- 5) The proposed detached garage shall not accommodate a cooking area or kitchen.
- 6) 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.
- 7) The project applicants and/or future owners shall be responsible for the proper maintenance and survival of any planted vegetation required under this chapter. Any vegetation that dies shall be replaced in-kind within the first available growing season. The only exception is that replacement trees may be the same size as that specified for new trees, which shall be at least 5 feet tall in height at planting.
- 8) The applicant shall be required to retain all existing mature 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.

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- 9) The exterior of the proposed structure shall be composed of non-reflective materials or materials with low reflectivity. The exterior includes, but is not limited to, sides, doors, windows, decks, gutters, roofs, and trim. The applicant has proposed cedar bat siding and cedar shingles in the gables, and Pabco composition shingle roofing. The applicant is approved to use the proposed materials.
- 10) 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. The applicant did not show outdoor lights in his application materials. 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
- 11) The exterior of the proposed structure shall be dark earth-tone in color. The exterior includes, but is not limited to, sides, doors, decks, gutters, roofs and trim. The following colors submitted by the applicant are consistent with this condition and are hereby approved: exterior walls – dark stained cedar bat siding; gables – dark stained cedar shingles; roofing – Pabco composition shingle in Harvest Brown. Any proposed changes to these colors shall be submitted for review by the Planning Department prior to construction.
- 12) The existing tree cover on the subject parcel shall be retained as much as possible, except as is necessary for site development, safety purposes or as part of forest management practices.
- 13) The applicant shall remove the blackberry vines that are in the areas adjacent to the proposed detached garage and shall plant 5 Douglas fir trees on the parcel as habitat replacement for the one tree removed.
- 14) 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.
- 15) 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.
- 16) 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.
- 17) 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 24 day of June, 2008, at Stevenson, Washington.


 Nicole Hollatz, Associate Planner
 Skamania County Planning and Community Development.

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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 and the certificate of mailing.

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

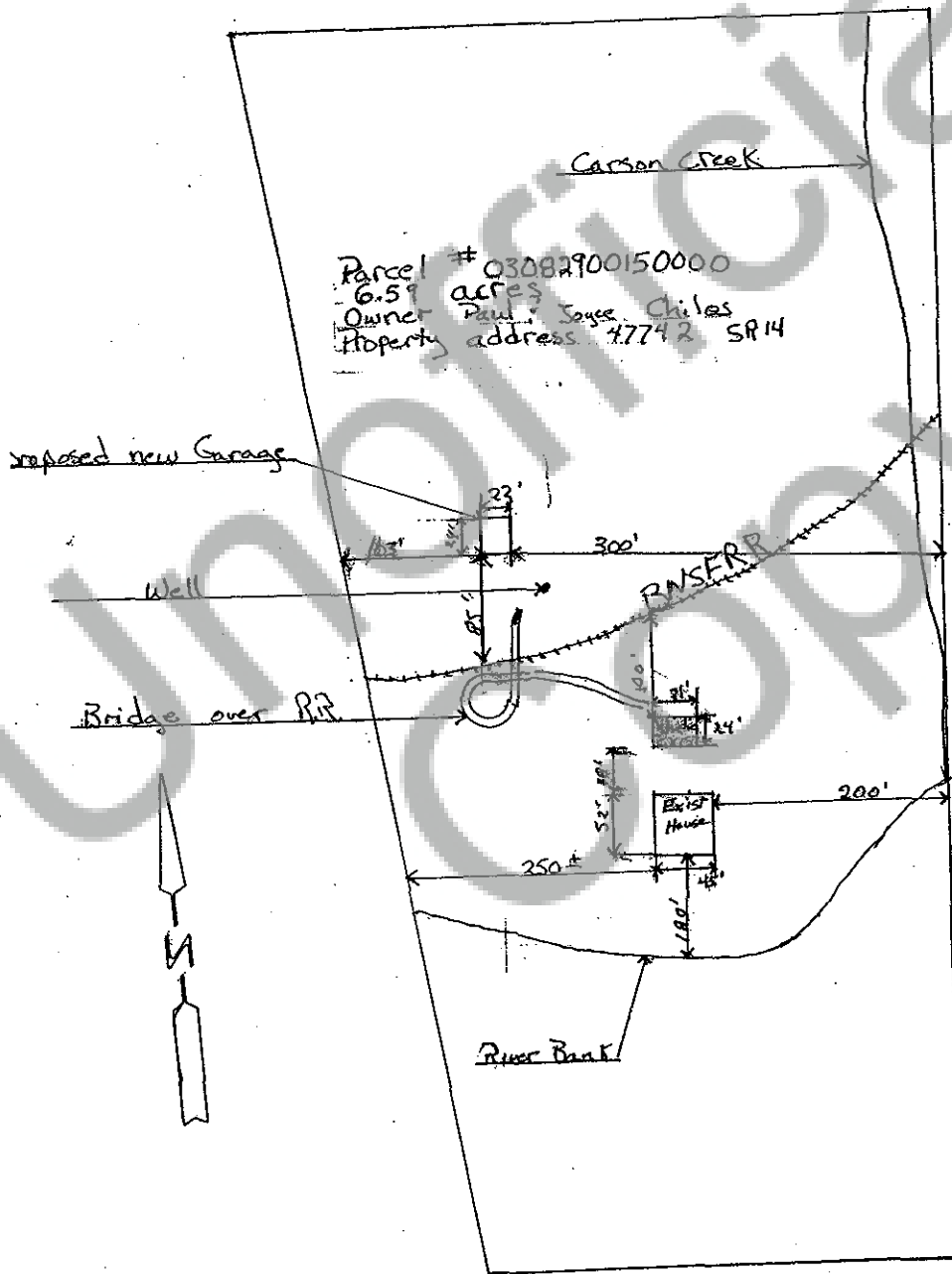
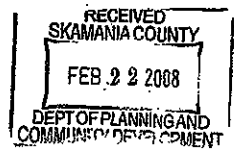


EXHIBIT A

SPECIAL EXCEPTIONS

1. Right of Way Easement for Electric Transmission and Distributing Lines, including the terms and provisions thereof, in favor of Northwestern Electric Company, recorded June 4, 1912 in Book N, Page 586, Skamania County Deed Records (Affects Parcel I and II).
 2. Right of Way Easement for Electric Transmissions and Distributing Lines, including the terms and provisions thereof, in favor of Northwestern Electric Company, recorded June 24, 1912 in Book N, Page 615, Skamania County Deed Records (Affects Parcel II).
 3. Flowage Easement, including the terms and provisions thereof, in favor of the United States of America, recorded May 23, 1936 in Book Y, Page 521, Auditor File No. 22335, Skamania County Deed Records (Affects Parcel I & II).
 4. Flowage Easement, including the terms and provisions thereof, in favor of the United States of America, recorded April 12, 1973 in Book 65, Page 98, Auditor File No. 75941, Skamania County Deed Records.
 5. The rights of fishing, navigation and commerce in the State of Washington, the Federal Government, and the public in and to that portion thereof, lying below the ordinary high water mark of the Columbia River.
 6. Title to artificially filled lands, submerged lands and lands lying below the ordinary high water mark of the Columbia River.
 7. Any adverse claims based upon the assertion that the Columbia River has moved.
 8. Flowage Easement, including the terms and provisions thereof, recorded April 16, 1973 in Book 65, Page 116, Auditor File No. 75961, Skamania County Deed Records.
 9. Conditions, including the terms and provisions thereof, recorded October 12, 1996 in Book 152, Page 929 and Page 932.
 10. Road Maintenance Agreement, including the terms and provisions thereof, recorded October 4, 1994 in Book 146, Page 245.
- NOTE: This does not affect this parcel yet, until an access is given by owners of Lot 1.
11. Easement for WALKWAY, including the terms and provisions thereof in favor of Terry Sehy, et ux by instrument recorded January 25, 2000 in Book 196, Page 260.
 12. Rights of others thereto entitled in and to the continued uninterrupted flow of Carson Creek, and rights of upper and lower riparian owners in and to the use of the waters and the natural flow thereof.
 13. Any adverse claims based upon the assertion that Carson Creek has moved.
 14. We find No Recorded Access over the Spokane, Portland and Seattle Railway Company right of way.
 15. Drainage Easement as shown on the recorded Short Plat, recorded in Book 3 of Short Plats, Page 249.
 16. Easement for Access across Lot 1 of Short Plat, recorded in Book 3 of Short Plat, Page 249.

EXHIBIT A

PARCEL I

That portion of Government Lot 2 and Government Lot 3, Section 29, Township 3 North, Range 8 East of the Willamette Meridian in the County of Skamania, State of Washington described as follows:

Beginning at an intersection of the Southerly line of the Burlington Northern Railroad Company right of way and the West line of said Government Lot 3, thence South $12^{\circ}56'31''$ East 368.70 feet to a point on the normal high water mark of the Columbia River Bonneville Pool, thence West 88.71 feet to a point on the West line of said Government Lot 3 (hereinafter called point "A"), thence North $00^{\circ}58'38''$ East, 359.39 feet along said line to the point of beginning.

AND

All that portion of said Government Lot 2, when measured at right angle to the East line thereof, which lies North of the above described Point "A", South of the Southerly line of the Burlington Northern Railroad Company right of way and East of the center line of Carson Creek.

PARCEL II

A portion of Lot 1 of the Charles and Vicky Seward Short Plat in Government Lot 2, Section 29, Township 3 North, Range 8 East of the Willamette Meridian located in the County of Skamania and State of Washington, described as follows:

Beginning at the Northeast Corner of Lot 1 and proceeding South in a straight line (South $0^{\circ}58'38''$ West) 210.16 feet to the point where said line intersects with Northern edge of Burlington Northern Railway right of way, then proceeding in a Southwest direction along said railroad right of way 486.51 feet to a point then continuing West 365 feet to a point, then North 253.40 feet (North $10^{\circ}55'25''$ West) along the East boundary line of Lot 2, to the Northeast corner of Lot 2, and then continuing this same bearing 169 feet more or less until intersecting the North boundary line of Lot 1, then from this point proceed East (South $88^{\circ}57'45''$ East) 570 feet more or less to the point of beginning.

PARCEL III

All that portion lying Easterly of the following line and Westerly of Carson Creek, describing the Easterly line as follows:

Beginning at the Northeast Corner of Lot 2 of the Charles and Vicky Seward Short Plat recorded in Book 3 of Short Plats, Page 249, in Section 29, Township 3 North Range 8 East of the Willamette Meridian; thence South $10^{\circ}55'25''$ East 234.41 feet, to the end of the East line.

EXCEPT that portion lying Northerly of the Southerly line of the Spokane, Portland, and Seattle Railroad Company right of way.

Skamania County Assessor

Date 5-14-07 Parcel# 03081900150000

MD

DOC # 2007166110
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