

Return Address: Huntington & Kiest
c/o Aaron Vitt
2892 NW Upshur St.
Portland, OR 97201

Skamania County Community Development Department

Skamania County Courthouse Annex
Post Office Box 790
Stevenson, Washington 98648
509 427-3900 FAX 509 427-3907

Administrative Decision

APPLICANT: Aaron Vitt, Huntington & Kiest

PROPERTY OWNER: Henry T. Swigert Trustee

FILE NO.: NSA-08-58

PROJECT: Application to replace the existing swimming pool with a new 20'x50' swimming pool, 16'x14' patio, 18" retaining walls, arbor and pool equipment building (approximately 21.5'x6'x6').

LOCATION: 12 Swigert Road, Skamania; Section 11 of TIN, R05E, W.M. and is identified as Skamania County Tax Lot Number 01-05-11-1-0-2400-00.

LEGAL: See attached page 6

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

DECISION: Based upon the record and the Staff Report, the application by Huntington & Kiest, 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 Environmental Health Division.

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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) 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) The project applicants and/or future owners shall be responsible for the proper maintenance and survival of any planted vegetation required under this chapter; and, responsible for the planting, maintenance, and survival of the vegetation proposed on the site plan;
- 6) The exterior of the proposed equipment storage building 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 a groundcover planted roof, Camas stone siding, Bluestone cap trim and wood doors. The proposed materials are approved for use.
- 7) 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

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- 8) 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 following material colors submitted by the applicant are consistent with this condition and are hereby approved: patio – bluestone pavers; arbor – natural wood; equipment storage building – groundcover planted roof, Camas stone siding, wood doors; pool – hydrazzo finish; and retaining walls – stone and boulder materials. Any proposed changes to these colors shall be submitted for review by the Planning Department prior to construction.

- 9) All proposed development shall be set back a minimum of 100 feet from the ordinary high water mark of the Columbia River.
- 10) Except as is necessary for site development or safety purposes, the existing tree cover screening the development from key viewing areas shall be retained.
- 11) All on-site 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.
- 12) The applicant shall meet all conditions of approval enacted to achieve visual subordination prior to final inspection by the Community Development 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.
- 13) The Community Development 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 excavation has been completed, but prior to pouring the foundation and/or installation of the pool. 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.
- 14) 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.

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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.
- 15) 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 5 day of November, 2008, at Stevenson, Washington.


 Nicole Hollatz, Associate Planner
 Skamania County Community Development Department.

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.

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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 and Certificate of Mailing 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 Community Development 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

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 – Valerie Grig-Devis

Department of Fish and Wildlife

BNSF 01860

Prindle, Skamania County, Washington - Former Spokane, Portland & Seattle Railway Company property conveyed to Nannie Swigert Warren, Ernest C. Swigert, Henry T. Swigert, Elizabeth Swigert Snow, In Their Capacity As Trustees Under The Swigert Prindle Trust Agreement Dated January 21, 1961, As Amended

EXHIBIT "A"

The Northerly 100.0 feet of The Burlington Northern and Santa Fe Railway Company's (formerly Spokane, Portland & Seattle Railway Company) 250.0 foot wide Station Ground property at Prindle, Washington, being 150.0 feet wide on the Northerly side and 100.0 feet wide on the Southerly side of said Railway Company's Main Track centerline, as originally located and constructed upon, over and across Government Lot 4 of Section 11, Township 1 North, Range 5 East of the Willamette Meridian, Skamania County, Washington, being a portion of the same 100 foot wide strip of land described in Warranty Deed from Ernest H. Prindle, et ux to the Portland and Seattle Railway Company filed for record October 9, 1907 in Book K of Deeds, page 440 in and for said County, lying between two lines drawn parallel with and distant, respectively, 50.0 feet and 150.0 feet Northwestery, as measured at right angles from said Main Track centerline, bounded by two lines drawn at right angles to said Main Track centerline distant, respectively, 290.0 feet and 752.0 feet Southwestery from the East line of said Section 11, as measured along said Main Track centerline.

ALSO, Gary H. Martin, Skamania County Assessor
 Date 8/1/00 Parcel # 1-5-11-1-1500-2100
50-00-00-0-0-1300

The Southerly 50.0 feet of said Railway Company's 250.0 foot wide Station Ground property at Prindle, Washington, being 150.0 feet wide on the Northerly side and 100.0 feet wide on the Southerly side of said Railway Company's Main Track centerline, as originally located and constructed upon, over and across Government Lot 4 of Section 11, Township 1 North, Range 5 East of the Willamette Meridian, Skamania County, Washington, being a portion of the same 50 foot wide strip of land described in Warranty Deed from Ernest H. Prindle, et ux to the Portland and Seattle Railway Company filed for record October 9, 1907 in Book K of Deeds, page 440 in and for said County, lying between two lines drawn parallel with and distant, respectively, 50.0 feet and 100.0 feet Southeasterly, as measured at right angles from said Main Track centerline, bounded on the East and West by the East and West lines of said Government Lot 4.

See attached Exhibit "B" for survey of parcels
 mjm

