

Return Address: John Kraus
81 Orchard Lane
Underwood, WA 98651

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:** John Kraus

FILE NO.: NSA-08-15

PROJECT: Application for the installation of drainage pipes to address flooding issues and to develop an existing easement for farming access from Orchard Lane.

LOCATION: 81 Orchard Lane, Underwood; Section 15 of T3N, R10E, W.M. and identified as Skamania County Tax Lot #03-10-15-0-0-2007-00.

LEGAL: Lot 1 of the Kraus Short Plat, recorded in the Skamania County Auditor's Office on March 20, 1990 in Book 3, Page 155.

ZONING: General Management Area – Small-Scale Agriculture (Ag-2).

DECISION: Based upon the record and the Staff Report, the application by John Kraus, 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) 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.
- 4) As per the Skamania County Department of Public Works, the following conditions of approval shall be met by the applicant:
 - a. The access approach request is not prohibited and would require the owner to obtain a right-of-way use permit from Public Works, including a location sketch, explanation of materials and dimensions.
 - b. The drawing shows the approach would include a culvert under the driveway approach. Currently, the roadside drainage swale along the west side of Orchard Lane is very shallow and has a lot of vegetation along the property frontage. Placing a culvert at the proposed driveway may well require engineering to establish the culvert elevations and set the swale profile to insure drainage flow along the road.
 - c. Construction of the approach and culvert is likely to go well beyond the limits of the driveway in order to establish the ditch flow lines and remove vegetation that would restrict flow.
 - d. The proposal to intercept drainage tiles in the field on private property is up to the property owner. The proposal to direct the flow into the existing culvert crossing of Orchard Lane will require an analysis by an engineer that this culvert is adequately sized to accept and pass any possible increased flow intensity.
 - e. The culvert currently crossing Orchard Lane has been compromised in the short term by having a field irrigation pipe inserted into the culvert. That is an unauthorized use of that culvert that impacts its ability to carry storm drainage as intended. No consideration can be given to increasing flow into the culvert until the irrigation pipe has been removed.

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- f. With a cleaning of the roadside swale, and a direct inflow from the field tiles, the west end of Orchard Lane culvert will need to be improved with either a protected channeling or an inlet structure to insure that all water gets properly directed directly into the culvert pipe.
- 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. 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.
- 6) Existing tree cover and screening vegetation shall be retained as much as possible, except as is necessary for site development, safety purposes or as part of forest management practices.
- 7) The applicant shall plant replace in-kind any native trees or shrubs that are removed or uprooted as part of the proposed development. The replacement trees and shrubs shall be species native to the region.
- 8) 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 and Department of Public Works. A final inspection approval will not be issued until compliance with all conditions of approval; including visual subordination criteria have been verified.
- 9) The Planning Department shall conduct a Final Inspection to ensure all conditions of approval have been met as stated by the Administrative Decision. The Final 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.
- 10) 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.

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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.

11) 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 7 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.

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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 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 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:

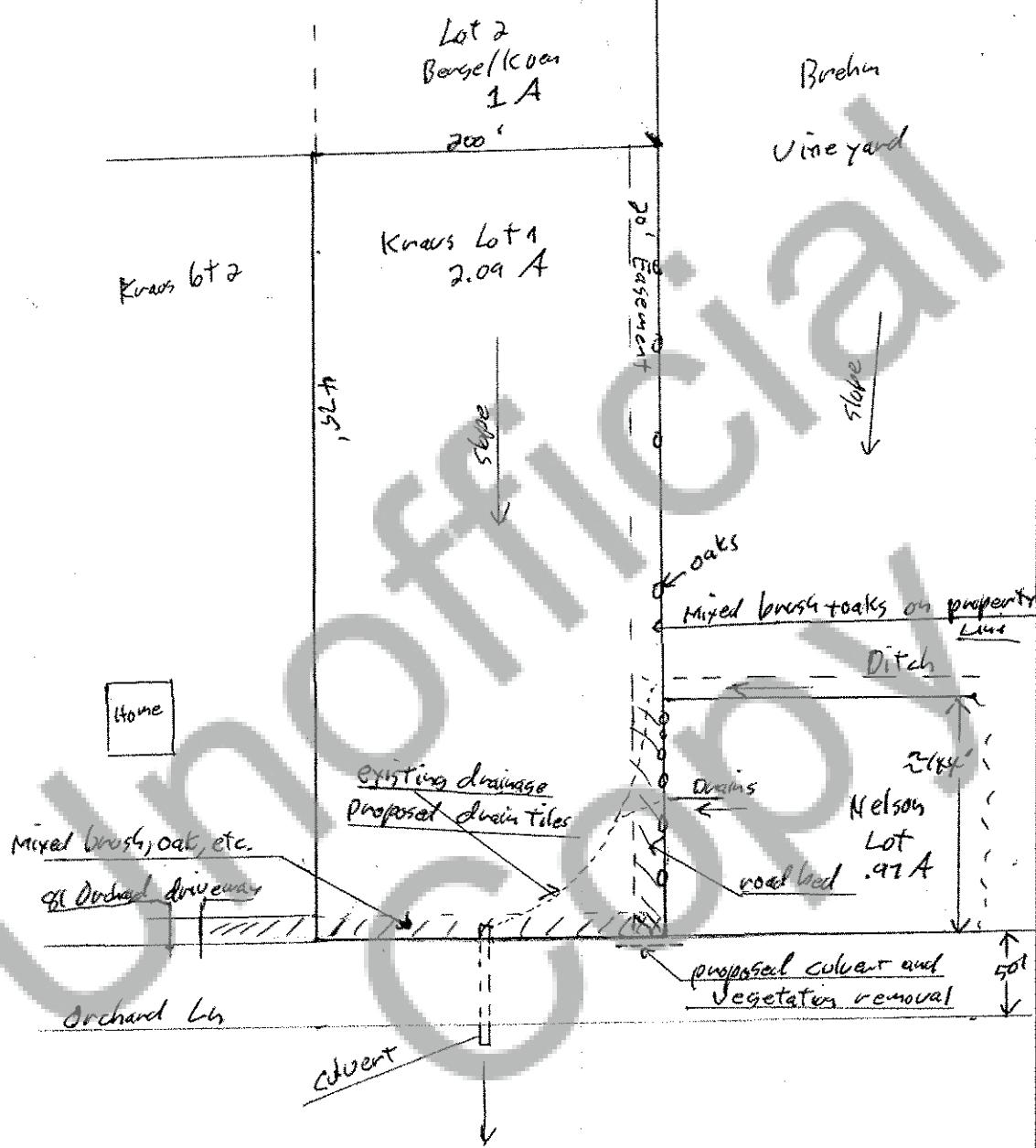
Skamania County Building Division
Skamania County Health Department
Skamania County Department of Public Works, Tim Homann, County Engineer

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 feet

Bodies 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.