

Return Address: SDS Co., LLC
PO Box 266
Bingen, WA 98605

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/
PROPERTY
OWNER:**

SDS Co., LLC

FILE NO.:

NSA-08-31

PROJECT:

Application to clear timber and cultivate a new 20-acre vineyard with trellis system and 10 foot deer fencing to enclose the vineyard, a 14' wide agricultural road, construction of a 32'x40'x16' agricultural building and associated utilities.

LOCATION:

Little Buck Creek Road, Underwood; Section 16 of T3N, R10E, W.M. and is identified as Skamania County Tax Lot Number 03-10-16-0-0-1200-00.

LEGAL:

See attached page 11.

ZONING:

General Management Area – Large-Scale Agriculture (Ag-1).

DECISION:

Based upon the record and the Staff Report, the application by SDS Co., LLC, 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

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issues are under the jurisdiction of Skamania County's Building Division and the Skamania County Environmental Health Division.

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.

The agriculture setbacks are as follows: the proposed development or any future development shall be setback 150 feet from the west, and 50 feet from the north property lines.

- 4) The applicant and/or future landowner shall retain a natural vegetation barrier along the north property line. The vegetation buffer shall be at least 100 feet in length (centered on the agricultural barn). The vegetation buffer shall be maintained in good condition and dead or dying trees shall be replaced in-kind.
- 5) The applicant and/or future landowner shall initiate the proposed agricultural use as a 20-acre vineyard within one (1) year of issuance of the Administrative Decision for NSA-08-31, and shall complete the proposed agricultural use within five (5) years.

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- 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 Community Development 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 title.
- 8) The applicant and/or future owner shall retain an approximately 10 foot wide vegetative screen along the west, east and south aspects of the proposed agricultural barn for screening purposes, consistent with the attached site plan.
- 9) The exterior of the proposed agricultural barn. The exterior includes, but is not limited to, sides, doors, decks, gutters, roofs, garage doors and trim.

The following material colors submitted by the applicant are consistent with this condition and are hereby approved: for the barn exterior walls – Benjamin Moore "Branchport Brown"; trim – Benjamin Moore "Caldwell Green"; and roofing – Pabco asphalt shingle in Pewter Gray". Any proposed changes to these colors shall be submitted for review by the Community Development Department prior to construction.

- 10) The exterior of the proposed agricultural barn 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 T1-11 wood siding and Pabco asphalt shingle roofing. These materials are approved for use.
- 11) All new 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. Existing lights on the structure to be converted to an agricultural building shall be required to meet this condition (See attached Lighting Brochure).
- 12) Except as is necessary for site development or safety purposes, the existing tree cover screening the development from key viewing areas shall be retained.
- 13) Vegetative landscaping shall, where feasible, retain the open character of existing pastures and fields.
- 14) The applicants and/or future land owners shall retain 50-foot wide buffers around the two potential western gray squirrel nest sites located at the southwest corner of the parcel (as shown on the attached site plan). No disturbance or removal of vegetation shall occur within these buffer areas.
- 15) 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

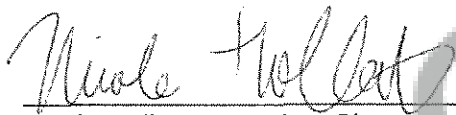
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- issued until compliance with all conditions of approval; including visual subordination criteria have been verified.
- 16) The Community Development Department will conduct at least two site visits during construction, one to verify the location of the structures as stated by the Administrative Decision and a second to be conducted after all 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.
- 17) 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.
- 18) 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.

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- 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 27 day of April, 2009, 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.

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

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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 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

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

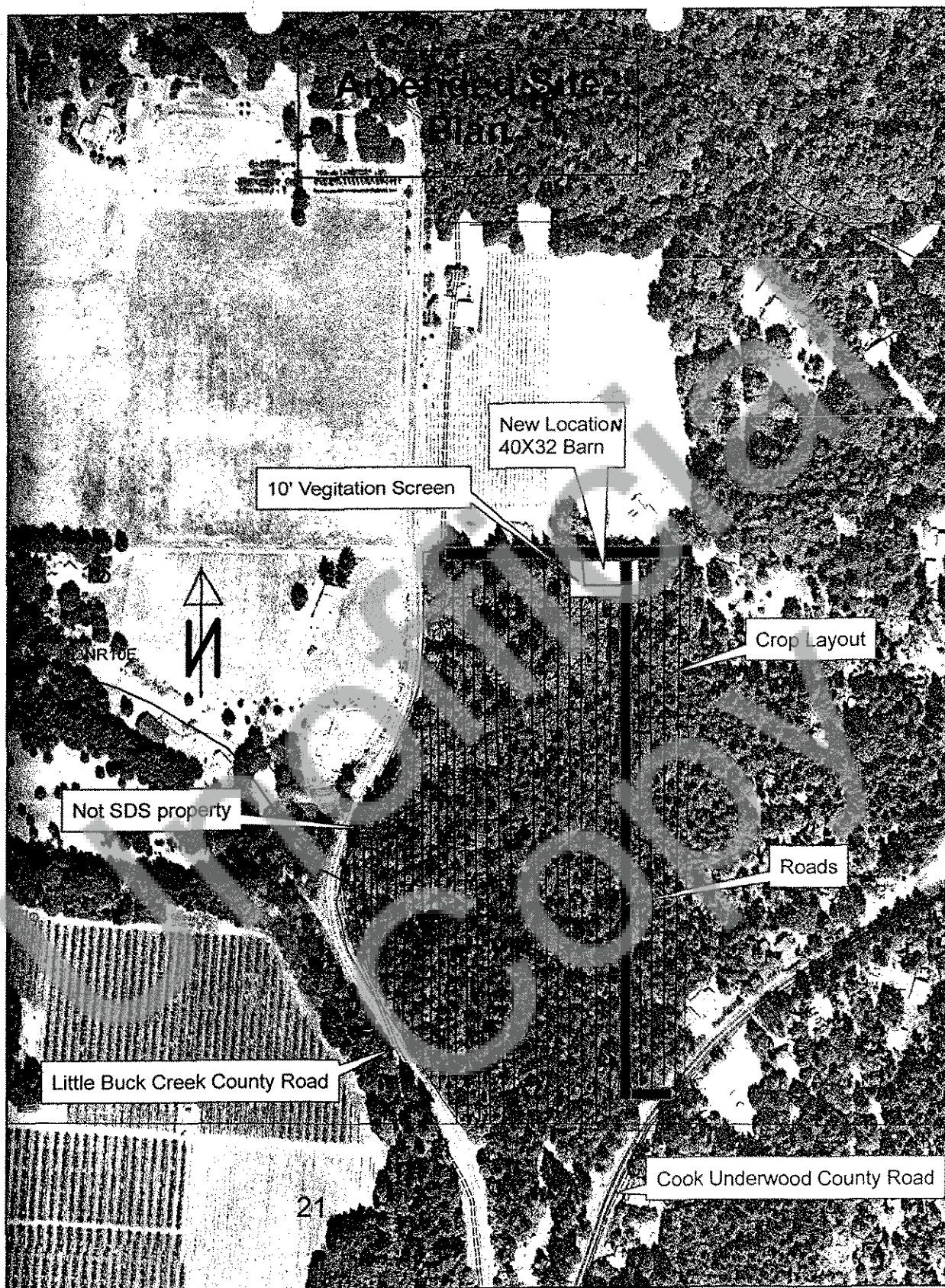
Columbia River Gorge Commission

U.S. Forest Service - NSA Office

Board of County Commissioners

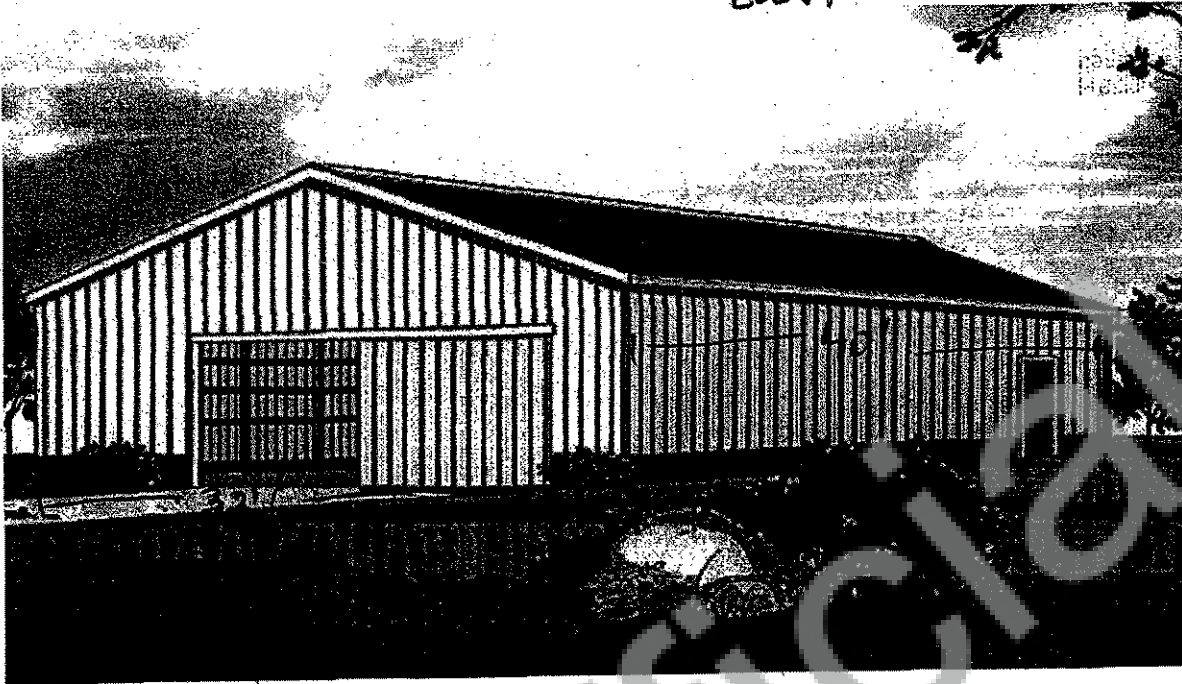
State of WA Department of Community Trade and Economic Development – Valerie Grigg-Devis

Department of Fish and Wildlife (Steve Manlow)



Quick View - Plan ID: chp-17603

EQUIPMENT BARN
ELEVATION & FOOTPRINT



Close Window

10 x 8 door

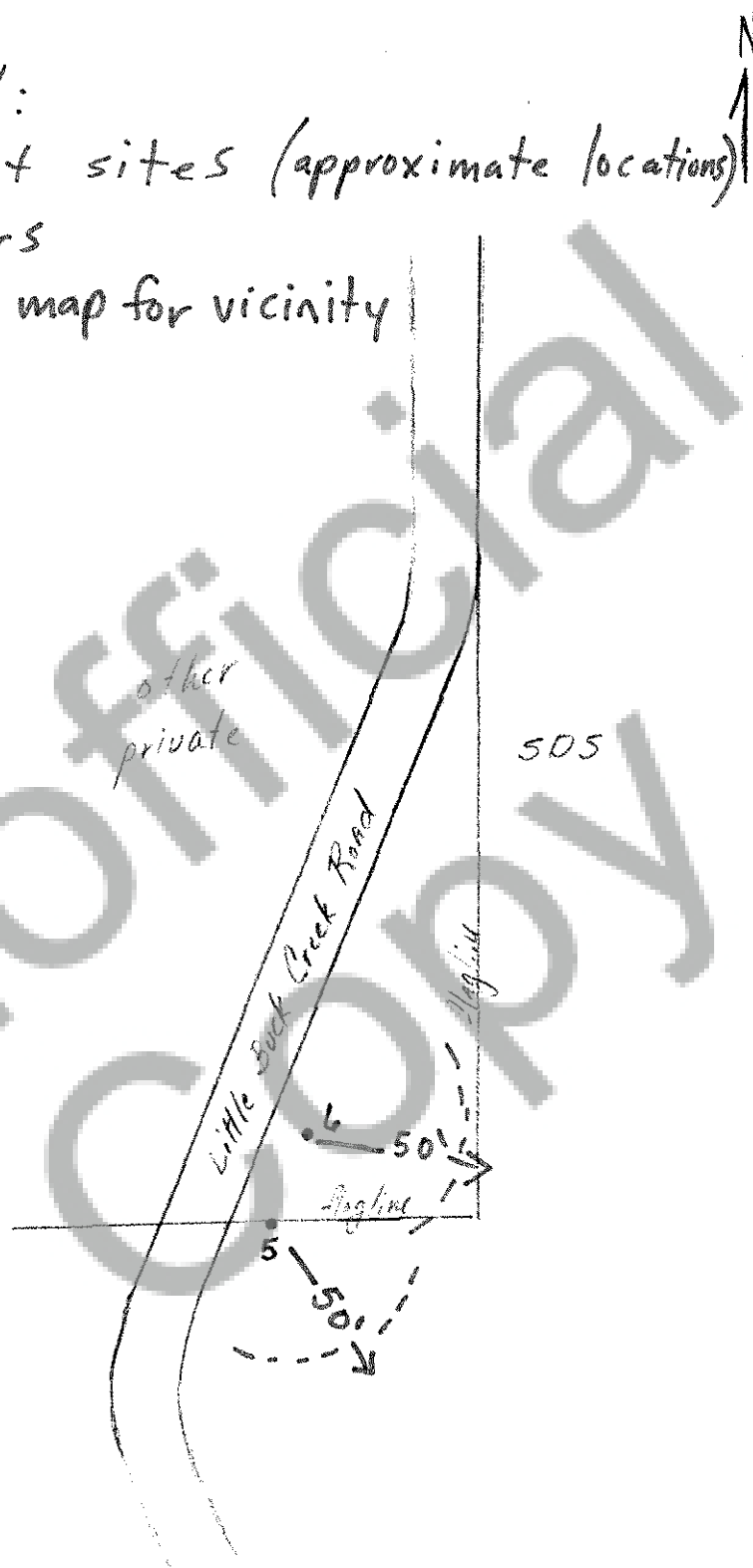
Nests 5 & 6

Staff Revised:

Wgs nest sites (approximate locations)

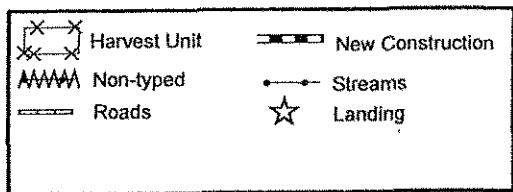
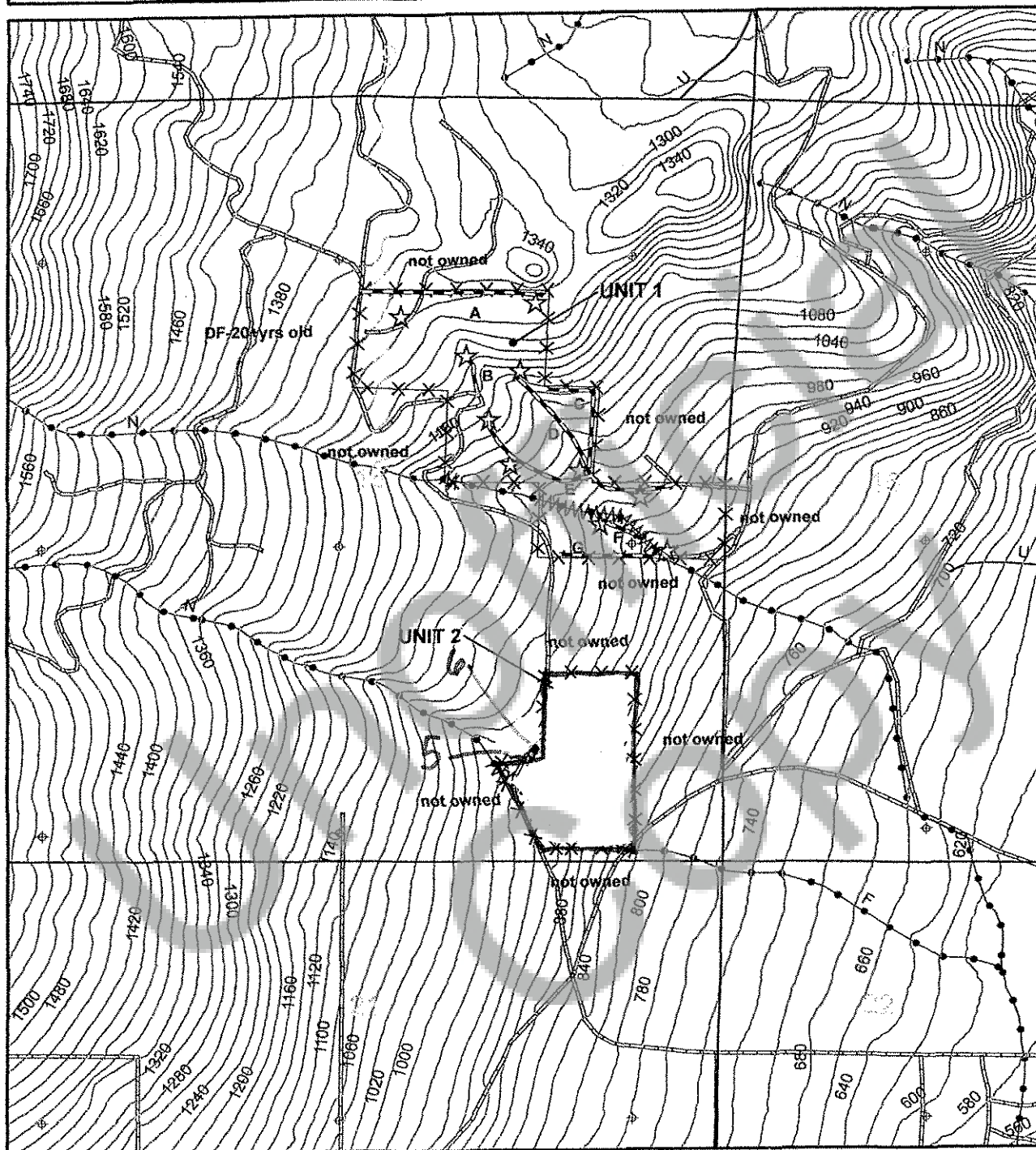
50' buffers

* See location map for vicinity



Not to scale

STAFF REVISED VINO * WGS Location Map



Legal: T 3N R 10E Section 16

1:12,000

Doc # 2007168129
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 Date: 11/1/2007 09:34A
 Filed by: BOARD OF COUNTY COMMISSIONERS
 Filed & Recorded in Official Records
 of SKAMANIA COUNTY
 SKAMANIA COUNTY AUDITOR
 J MICHAEL GARVISON
 Fee: \$40.00

REAL ESTATE EXCISE TAX

Filed for Record at request of:

SDS COMPANY LLC
 PO BOX 266
 BINGEN, WA 98605

NOV -1 2007

PAID

EXEMPT

Michael Garvison
 SKAMANIA COUNTY TREASURER

STATUTORY WARRANTY DEED

THE GRANTOR, SKAMANIA COUNTY, a municipal corporation, for and in consideration of TEN DOLLARS (\$10.00), in hand paid, conveys and warrants to SDS COMPANY LLC the following described real estate, situated in the County of Skamania, State of Washington:

The West half of the Southeast Quarter of the Southeast Quarter and the South half of the Southwest Quarter of the Southeast Quarter of Section 16, Township 3 North, Range 10 East of the Willamette Meridian, in the County of Skamania, State of Washington Lying Easterly of the Westerly line of Hood Road as described by instrument Recorded in Book 31, Page 514.

Except that portion conveyed to Skamania County for Road purposes by instrument Recorded in Book 59, Page 46.

Skamania County Assessor

Date 11/1/07 Parcel 3-10-16-1200

Assessor's Property Tax Parcel/Account Number: 03-10-16-0-0-1200-00 *Sm*DATED this 30th day of October, 2007

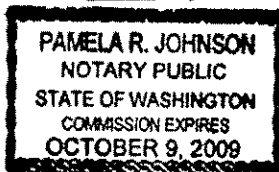
Paul Pearce
 PAUL PEARCE, CHAIRMAN
 Skamania County Board of Commissioners

STATE OF WASHINGTON)

) ss.

County of Skamania)

I certify that I know or have satisfactory evidence that Paul Pearce is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in this instrument.

Dated this 30th day of October, 2007

Pamela R. Johnson
 Notary Public for the State of Washington
 Residing at Carson
 My commission expires 10/9/09