

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-08-32

PROJECT:

Application to clear timber and cultivate a new fifty (50) acre vineyard with trellis system, ten (10) foot deer fencing to enclose the vineyard, and two fourteen (14) foot wide agricultural roads.

LOCATION:

North of Cook-Underwood Road, off Little Buck Creek Road, Underwood; Section 16 of T3N, R10E, W.M. and identified as Skamania County Tax Lot #03-10-00-0-0301-00.

LEGAL:

See attached page 6-12.

ZONING:

General Management Area – Commercial Forest (F-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 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) Only that grading which is necessary for site development is permitted. All graded areas shall be re-seeded with native vegetation prior to final inspection by the Planning Department.
- 4) Project applicants and/or future owners shall be responsible for the proper maintenance and survival of any planted vegetation required under this chapter.
- 5) It is recommended that the applicant and/or future owner retain on-site screening surrounding any future building site.
- 6) The exterior of the proposed deer fencing (posts) shall be dark earth-tone in color.
- 7) The applicant shall meet all conditions of approval enacted to achieve visual subordination prior to final inspection by the Planning Department. The Planning Department shall conduct a Final Inspection to verify compliance with all conditions of approval as stated by the Administrative Decision. A final inspection approval will not be issued until compliance with all conditions of approval, including visual subordination criteria, have been verified. Inspections 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.
- 8) Except as is necessary for site development or safety purposes, the existing tree cover screening the development from key viewing areas shall be retained.
- 9) 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.

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- 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.
- 10) 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 23 day of October, 2008, at Stevenson, Washington.



Nicole Hollatz, Associate Planner

Skamania County Community Development Department

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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 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

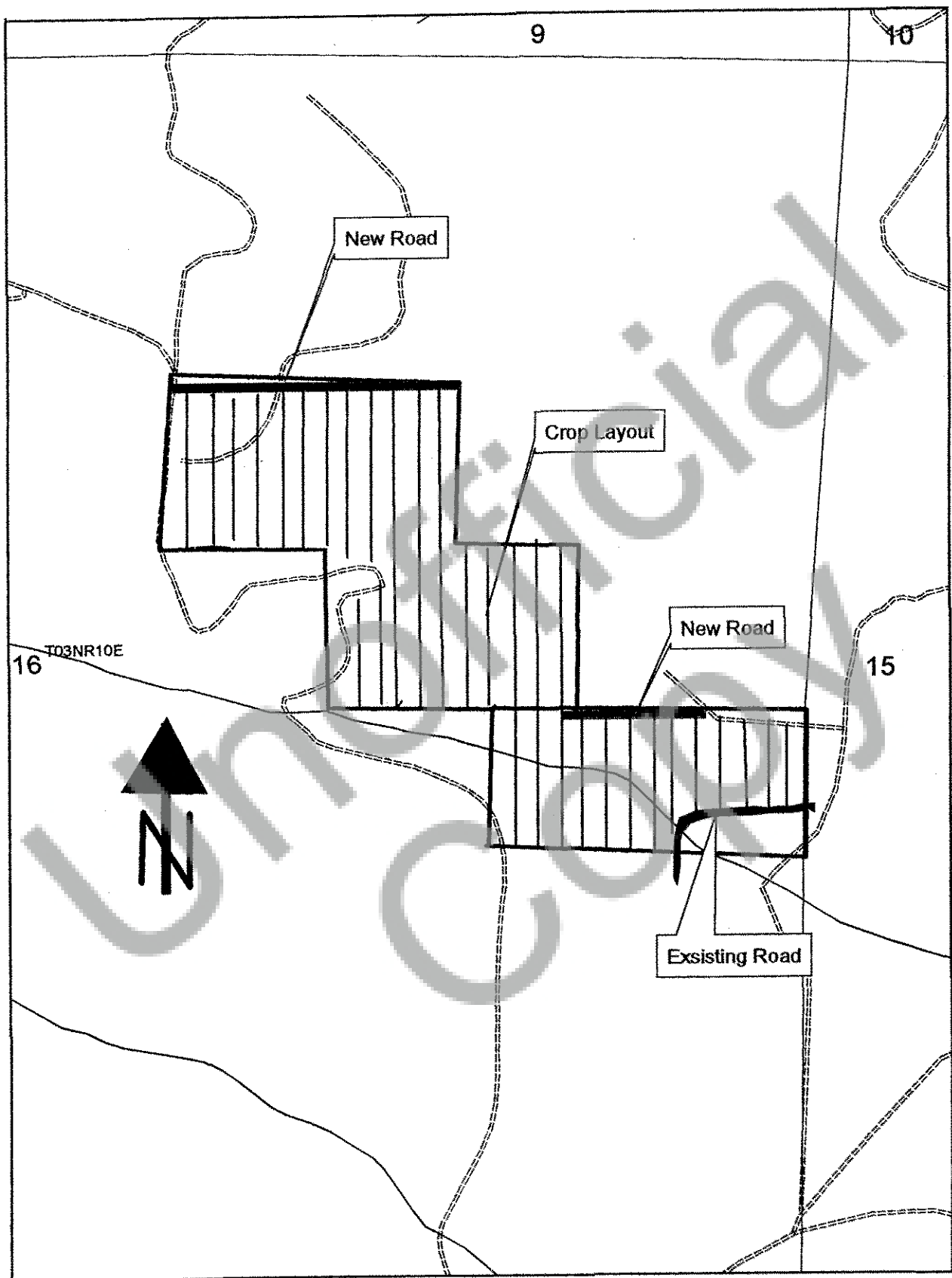
Columbia River Gorge Commission

U.S. Forest Service - NSA Office

Board of County Commissioners

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

Department of Fish and Wildlife



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FEBRUARY 1, 1998

GRANTOR: S.D.S. CO.
GRANTEE: S.D.S. CO., L.L.C.
WARRANTY DEED

EXHIBIT A

Legal Description

PARCEL 1: The East half of the Northeast Quarter of the Southwest Quarter of Section 24, Township 3 North, Range 7 East of the Willamette Meridian, in the County of Skamania, State of Washington.

PARCEL 2: The Northeast Quarter of the Northwest Quarter of the Southeast Quarter, the North half of the Northeast Quarter of the Southeast Quarter, the Southwest Quarter of the Northeast Quarter of the Southeast Quarter and the Northwest Quarter of the Southeast Quarter of the Southeast Quarter, all in Section 26, Township 3 North, Range 7 East of the Willamette Meridian, in the County of Skamania, State of Washington.

PARCEL 3: Beginning at the Southwest corner of Section 6, Township 3 North, Range 8 East of the Willamette Meridian, in the County of Skamania, State of Washington; thence North 20 chains; thence East 20 chains; thence South 20 chains; thence West 20 chains to the point of beginning.

EXCEPT that portion conveyed to State of Washington by instrument recorded in Book 43, Page 327.

ALSO EXCEPT that portion lying Northerly of highway as deeded by instrument recorded in Book 47, Page 220.

PARCEL 4: Beginning at a point of the South line of the Northeast quarter of Section 18, Township 3 North, Range 10 East of the Willamette Meridian, Skamania County, Washington. Said point bearing South 84° 36' East from the center of said section and 330 feet distant; thence North for 660 feet along the line of the Ella M. Woodward Tract; thence South 84° 36' East for 330 feet along the line of the Ella M. Woodward Tract; thence South for 660 feet to the South line of the Quarter section; thence North 84° 36' West along the South line of said Quarter section for 330 feet to the point of beginning.

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PARCEL 5: The South half of the Northeast Quarter, the North half of the Southeast Quarter and the North half of the Southwest Quarter, all in Section 19, Township 3 North, Range 8 East of the Willamette Meridian, in the County of Skamania, State of Washington.

PARCEL 6: The Southwest Quarter of the Northwest Quarter and the East half of the Northwest Quarter all in Section 20, Township 3 North, Range 8 East of the Willamette Meridian, in the County of Skamania, State of Washington.

EXCEPTING therefrom the following:

Beginning at the North Quarter corner of said Section 20; thence West 396 feet; thence South 792 feet; thence East 396 feet; thence North 792 feet to the point of beginning.

ALSO EXCEPT that portion conveyed to Jesse G. Renfro et. ux. by instrument recorded May 31, 1977 in Book 72, Page 758.

PARCEL 7: That portion of the Jos. Robbins D.L.C. in Sections 26 and 27, Township 3 North, Range 8 East of the Willamette Meridian, in the County of Skamania, State of Washington, lying Northerly of County Road No. 3271 designated as the Home Valley Cut-Off Road extending Easterly from its intersection with County Road No. 3036 designated as the Berge Road.

EXCEPT that portion thereof lying Northwesternly of the said Berge Road.

The North half of the Northwest Quarter, the Southeast Quarter of the Northwest Quarter, and Government Lot 1, all in Section 26, Township 3 North, Range 8 East of the Willamette Meridian, in the County of Skamania State of Washington.

EXCEPT a strip of land 300 feet in width acquired by the United States of America for the Bonneville Power Administration's Bonneville-Coulee No. 1 and No. 2 transmission lines.

ALSO EXCEPT that portion thereof lying Westerly of County Road No. 3036 designated as the Berge Road.

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ALSO EXCEPT a strip of land 40 feet in width described as follows:

Beginning at the Northwest corner of the said Section 26; thence East following the North line of the said Section 26 720 feet; thence South 40 feet; thence West 720 feet to intersection with the West line of the said Section 26; thence North 40 feet to the point of beginning.

All that portion of Government Lot 2 and of the Northeast Quarter of the Southwest Quarter of Section 26, Township 3 North, Range 8 East of the Willamette Meridian, in the County of Skamania, State of Washington, lying Northerly of County Road No. 3271 designated as the Home Valley Cut-Off Road.

PARCEL 8: The West half of the Northwest Quarter of Section 29, Township 3 North, Range 8 East of the Willamette Meridian, in the County of Skamania, State of Washington.

EXCEPT the 300 foot strip of land acquired by the United States of America for the Bonneville Power Administration.

PARCEL 9: That portion of the Northeast Quarter of the Northeast Quarter of Section 30, Township 3 North, Range 8 East of the Willamette Meridian, in the County of Skamania, State of Washington, described as follows:

Beginning at the Northwest corner of the Northeast Quarter of the Northeast Quarter of the said Section 30; thence East 80 rods to the Northeast corner of the Northeast Quarter of the Northeast Quarter of the said Section 30; thence South 80 rods; thence in a Northwesterly direction to the point of beginning.

PARCEL 10: The Southeast Quarter of the Northeast Quarter of Section 12, Township 3 North, Range 9 East of the Willamette Meridian, in the County of Skamania, State of Washington.

PARCEL 11: The Northwest Quarter, the Northeast Quarter of the Southwest Quarter and the Northwest Quarter of the Southeast Quarter, all in Section 23, Township 3 North, Range 9 East of the Willamette Meridian, in the County of Skamania, State of Washington.

EXCEPT that portion conveyed to Skamania County by instrument recorded February 26, 1960 in Book 47, Page 99.

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PARCEL 12: Lot 4, Block 11 (also described as the Southeast Quarter of the Southwest Quarter of the Southeast Quarter of Section 10), the South half of Lot 1, Block 15 (also described as the South half of the Northeast Quarter of the Northwest Quarter of the Northeast Quarter of Section 15), the North half of Lot 2, Block 15 (also described as the North half of the Northwest Quarter of the Northeast Quarter of Section 15), the North half of Lot 1, Block 14 and the North half of Lot 2, Block 14 (also described as the North half of the North half of the Northeast Quarter of the Northwest Quarter), all in the MANZANOLA ORCHARD AND LAND COMPANY TRACTS, according to the recorded plat thereof, recorded in Book A of Plats, Page 37, all in Township 3 North, Range 9 East of the Willamette Meridian, in the County of Skamania, State of Washington.

PARCEL 13: The Southeast Quarter of the Southeast Quarter of the Southwest Quarter of Section 11, Township 3 North, Range 9 East of the Willamette Meridian, in the County of Skamania, State of Washington.

PARCEL 14: Government Lots 1, 2 and 3 and the Southwest Quarter of the Northeast Quarter all in Section 4, Township 3 North, Range 10 East of the Willamette Meridian, in the County of Skamania, State of Washington.

PARCEL 15: The North half of the Southwest Quarter of the Southwest Quarter, Northwest Quarter of the Southwest Quarter of Section 4 all of Section 5, the Northwest Quarter of the Southwest Quarter, the East half of the Southwest Quarter and the East half in Section 6; the Northeast Quarter of the Northwest Quarter and the East half all in Section 7; all of Section 8 all in Township 3 North, Range 10 East of the Willamette Meridian, in the County of Skamania, State of Washington.

PARCEL 16: All of Section 17, Township 3 North, Range 10 East of the Willamette Meridian, in the County of Skamania, State of Washington.

EXCEPTING therefrom the following:

- A. That portion conveyed to State of Washington by instrument recorded December 12, 1947 under Auditor's File No. 37340.
- B. That portion conveyed to Lee Montgomery et. ux. by instrument recorded March 16, 1970 in Book 61, Page 595, Auditor's File No. 71947.
- C. That portion conveyed to Karl Klippel et. ux. by instrument recorded August 3, 1995 in Book 151, Page 631.
- D. The South half of the South half of the Southeast Quarter of the Southeast Quarter as described by instrument recorded in Book 74, Page 802.

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PARCEL 17: The East half and the East half of the Southwest Quarter, all in Section 18, Township 3 North, Range 10 East of the Willamette Meridian, in the County of Skamania, State of Washington. EXCEPT that portion as described in Book 49, Page 181.

PARCEL 18: The West half of the Northwest Quarter, the Southeast Quarter of the Northwest Quarter, the Northwest Quarter of the Southeast Quarter and the Southwest Quarter, all in Section 9, Township 3 North, Range 10 East of the Willamette Meridian, in the County of Skamania, State of Washington.

ALSO the Northwest Quarter, the Northwest Quarter of the Southwest Quarter, the North half of the Southwest Quarter of the Northeast Quarter, the Southeast Quarter of the Southwest Quarter of the Northeast Quarter, all in Section 16, Township 3 North, Range 10 East of the Willamette Meridian, in the County of Skamania, State of Washington.

ALSO a tract of land in the Southeast Quarter of the Northeast Quarter of Section 16, Township 3 North, Range 10 East of the Willamette Meridian, in the County of Skamania, State of Washington, described as follows:

Beginning at a point 56 rods West of the Southeast corner of the Northeast Quarter of Section 16; thence North 40 rods; thence West 24 rods; thence South 40 rods; thence East 24 rods to the place of beginning.

ALSO the Northeast 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.

EXCEPTING therefrom the following:

- A. That portion conveyed to Leslie E. Donaldson et. ux. by instrument recorded September 13, 1983 in Book 82, Page 680.
- B. Lots 1 and 2 of the A. G. Malella Short Plat, recorded in Book 3 of Short Plats, Page 239 and that portion lying South of Lot 2.
- C. Lots 1 and 2 of the Reno Ziegler Short Plat, recorded in Book 2 of Short Plats, Page 55.

PARCEL 19: The Southeast Quarter of the Northeast Quarter, the North half of the Southeast Quarter and the Southeast Quarter of the Southeast Quarter all in Section 4, Township 3 North, Range 10 East of the Willamette Meridian, in the County of Skamania, State of Washington.

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PARCEL 20: The North half of the Northeast Quarter of Section 19, Township 3 North, Range 10 East of the Willamette Meridian, in the County of Skamania, State of Washington.

EXCEPT the following described tract:

Beginning at a brass hub marking the center of the said Section 19; thence north 1,320 feet to an iron pipe and the initial point of the tract hereby described; thence East 1,389.6 feet to an iron pipe; thence North 28 East 152.5 feet to an iron pipe; thence North 60 West 173.6 feet to an iron pipe; thence North 85 West 772.2 feet to an iron pipe; thence West 309 feet to an iron pipe; thence North 06 45' West 1,042 feet; thence West 107.1 feet to an iron pipe; thence South 1,320 feet to the initial point.

PARCEL 21: That portion of the West half of the Northwest quarter lying North of County road, that portion of the Southeast quarter of the Northwest quarter lying North of county road, The West half of the Northeast Quarter of the Northeast Quarter, the Southwest Quarter of the Northeast Quarter, the Southeast Quarter of the Northeast Quarter, except the South 330 feet thereof, all of the North 330 feet of the Northwest Quarter of the Southeast Quarter, all in Section 20, Township 3 North, Range 10 East of the Willamette Meridian, in the County of Skamania, State of Washington.

PARCEL 22: The Southeast Quarter of the Northwest Quarter of Section 22, Township 3 North, Range 10 East of the Willamette Meridian, in the County of Skamania, State of Washington.

ALSO that portion of Lot 2 of said Section 22 lying Northerly of the right of way of the Spokane, Portland and Seattle Railway Company right of way.

EXCEPT from said Government Lot 2 that portion thereof 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, Page 516, Auditor's File No. 19446, records of Skamania County, Washington.

PARCEL 23: The South half of the Northwest Quarter of the Southeast Quarter and the Southwest Quarter of the Southeast Quarter all in Section 1 and the Northwest Quarter of the Northeast Quarter of Section 12, all in Township 3 North, Range 7 1/2 East of the Willamette Meridian, in the County of Skamania, State of Washington.

PARCEL 24: Government Lots 11 and 12 in Section 24, Township 3 North, Range 7 1/2 East of the Willamette Meridian, in the County of Skamania, State of Washington.

EXCEPT that portion conveyed to Thomas A. Smith et. ux by instrument recorded August 24, 1992 in Book 130, Page 343.

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PARCEL 25: Government Lots 1 and 2 in Section 25, Township 3 North, Range 7½ East of the Willamette Meridian, in the County of Skamania, State of Washington.

EXCEPT that portion conveyed to Thomas A. Smith et. ux. by instrument recorded August 24, 1992 in Book 130, Page 343.

EXCEPT that portion conveyed to United States of America.

PARCEL 26: The East half of Government Lot 7, the West half of the Northwest Quarter of the Southeast Quarter and Government Lot 12, except the West 46 rods thereof, all in Section 25, Township 3 North, Range 7½ East of the Willamette Meridian, in the County of Skamania, State of Washington.

EXCEPT that portion thereof lying within the 300 foot strip of land acquired by the United States of America for the Bonneville-Coulee No. 1 and No. 2 transmission lines.

PARCEL 27: Government Lot 10 and the West 18.63 acres of Government Lot 11, in Section 25, Township 3 North, Range 7½ East of the Willamette Meridian, in the County of Skamania, State of Washington.

EXCEPT that portion thereof which lies within the 300 foot strip of land acquired by the United States of America for Bonneville Power Administrations electric power transmission lines.

PARCEL 28: The South half of the Northeast Quarter, the North half of the Southeast Quarter and the South half of the Northwest Quarter, all in Section 36, Township 4 North, Range 7 East of the Willamette Meridian, in the County of Skamania, State of Washington.

PARCEL 29: Government Lots 1 and 2 of Section 36, Township 4 North, Range 7½ East of the Willamette Meridian, in the County of Skamania, State of Washington.

EXCEPT a tract of land consisting of five acres, more or less, conveyed to Harvey L. Moon and Joan Moon, husband and wife, by deed dated October 8, 1969, recorded at Page 625, Book 63 of Deeds, records of Skamania County, Washington.

ALSO EXCEPT a tract consisting of five acres, more or less, sold under real estate contract dated December 15, 1965 to Walter D. Latimer and Jeanette D. Latimer, husband and wife, recorded at Page 312, Book 55 of Deeds, records of Skamania County, Washington.