

Return Address: Laszlo Regos  
PO Box 3001  
Santa Monica, CA 90408

**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:**

Laszlo and Julie

**FILE NO.:**

NSA-09-11

**PROJECT:**

Application to construct a 30'x50'x24' detached accessory shop and associated utilities.

**LOCATION:**

422 Highland Orchard Road, Underwood; Section 19 of T3N, R105E, W.M. and is identified as Skamania County Tax Lot Number 03-10-19-0-0-0308-00.

**LEGAL:**

See attached page 12.

**ZONING:**

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

**DECISION:**

Based upon the record and the Staff Report, the application by Laszlo Regos, 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. **A five (5) foot variance to the fifty (50) foot setback from the east property line along Highland Orchard Land has been granted to allow the shop to be 45 feet from the centerline of the street.** 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 15 feet from the south property line and 50 feet from the north and west property lines.

- 4) The applicant and/or future owner shall be required to retian a minimum of two rows of pear trees along the west property line, south of Cook-Underwood Road as a natural vegetation barrier to parcels to the southwest and west.
- 5) The combined footprint of all accessory buildings on the subject parcel shall not exceed 2,500 square feet. The footprint of any individual accessory building shall not exceed 1,500 square feet, and that the height of any individual accessory building shall not exceed a height of 24 feet.

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- 6) The accessory buildings shall not accommodate a cooking area or kitchen. Community Development staff shall conduct a site visit to confirm that the proposed accessory building does not include a kitchen or cooking area prior to signing off on the certificate of occupancy and/or final inspection.
- 7) 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.
- 8) 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 in height at planting. Limbing or topping of screening trees is prohibited.
- 9) The applicant and/or future owner shall retain the existing screening trees located on the subject parcel, including the two trees south of the proposed development, and one row of pear trees along the east and one row of pear trees along the north property line on that portion of the parcel south of Cook-Underwood Road to provide screening from KVAs and maintain visual subordination.
- 10) The applicants and/or future owner shall plant eight screening trees along the south property line (along Highland Orchard Road) as identified on the site plan. The screening trees shall be at least five feet in height at the time of planting and shall reach a mature height of at least 15 feet or more.
  - a. The eight screening trees shall be planted according to the guidelines in the "Recommended Plants for Screening" brochure for properties in the Pastoral landscape setting (see attached). The screening trees shall be planted prior to final inspection by the Community Development Department.
  - b. At least half (1/2) of any trees planted for screening purposes shall be species native to the setting or commonly found in the area. Such species include fruit trees, Douglas fir, Lombardy Poplar, Oregon White Oak, Big Leaf Maple, and black locust (primarily in the eastern gorge).
  - c. At least one-quarter (1/4) of any trees planted for screening purposes shall be coniferous to provide winter screening.
- 11) 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 wood siding and Pabco asphalt composition shingle roofing. These materials are approved for use.
- 12) 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

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through. Existing lights on the structure to be converted to an agricultural building shall be required to meet this condition (See attached Lighting Brochure)

- 13) 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, garage doors and trim.

The following material colors submitted by the applicant are consistent with this condition and are hereby approved: wood siding and trim painted dark green and roofing – Pabco asphalt composition in Harvest Brown. Any proposed changes to these colors shall be submitted for review by the Community Development Department prior to construction.

- 14) Except as is necessary for site development or safety purposes, the existing tree cover screening the proposed development from key viewing areas shall be retained.
- 15) Vegetative screening shall, where feasible, retain the open character of existing pastures and fields.
- 16) 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.
- 17) 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.
- 18) 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



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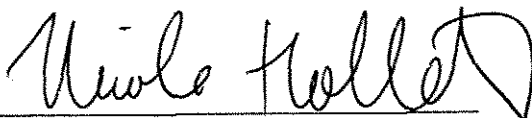
information to evaluate the significance of the cultural resources. The survey and evaluation shall be documented in a report that generally follows the provisions in Section 22.22.030 of this Chapter. Based upon the survey and evaluation report and any written comments, the Administrator shall make 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.

- 19) 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 15 day of June, 2009, 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.

### EXPIRATION

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 once development has commenced the development action is discontinued for any reason for one continuous year or more.

If the development does not include a structure the permit shall expire two years after the date the land use approval was granted unless the use or development was established according to all specifications and conditions of approval in the approval. For land divisions, "established" means the final deed or plat has been recorded with the county auditor.

If the development includes a **structure** the permit shall expire when construction has not commenced within two (2) years of the date the land use approval was granted; or once the structure has been started and if the structure has not been completed within two (2) years of the date of commencement of construction the permit shall expire. Completion of the structure for this purpose means the completion of the exterior surface(s) of the structure; and compliance with all conditions of approval in the land use approval, including, but not limited to, painting of the exterior of the structure.

### 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

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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

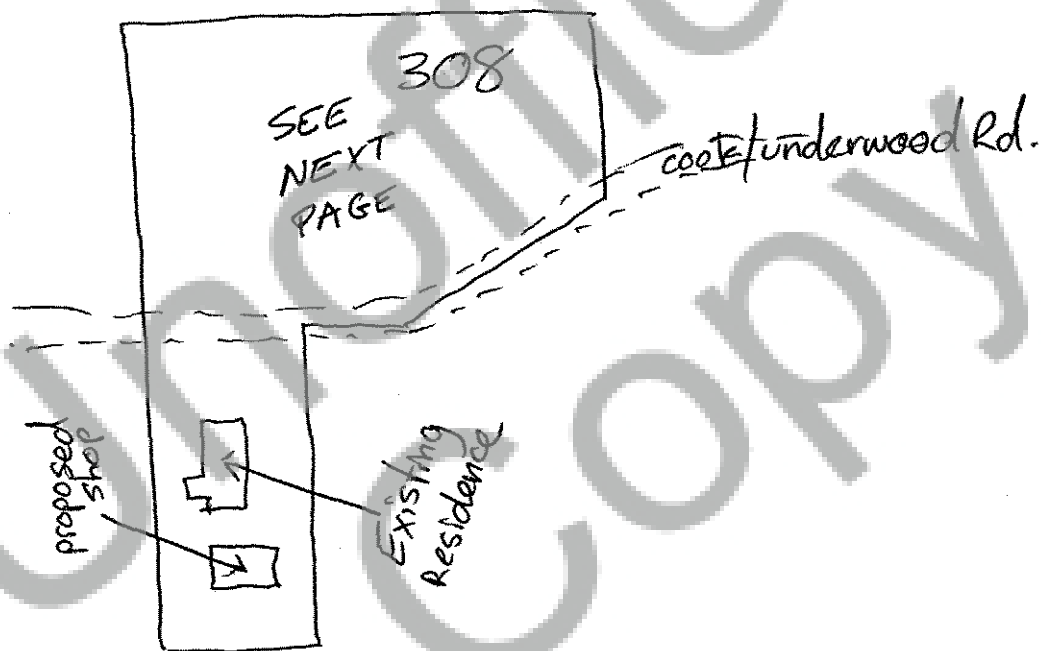
Department of Fish and Wildlife (Anne Friesz)

**SITE PLAN:**

North:



Scale:  $\frac{1''}{\cancel{400}} = 400'$   
~~400~~ inches = ~~400~~ feet



Bodies of water or watercourses on property: yes \_\_\_ no X

I will be removing on-site plants, trees, or other vegetation: yes \_\_\_ no X

**-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 X

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.

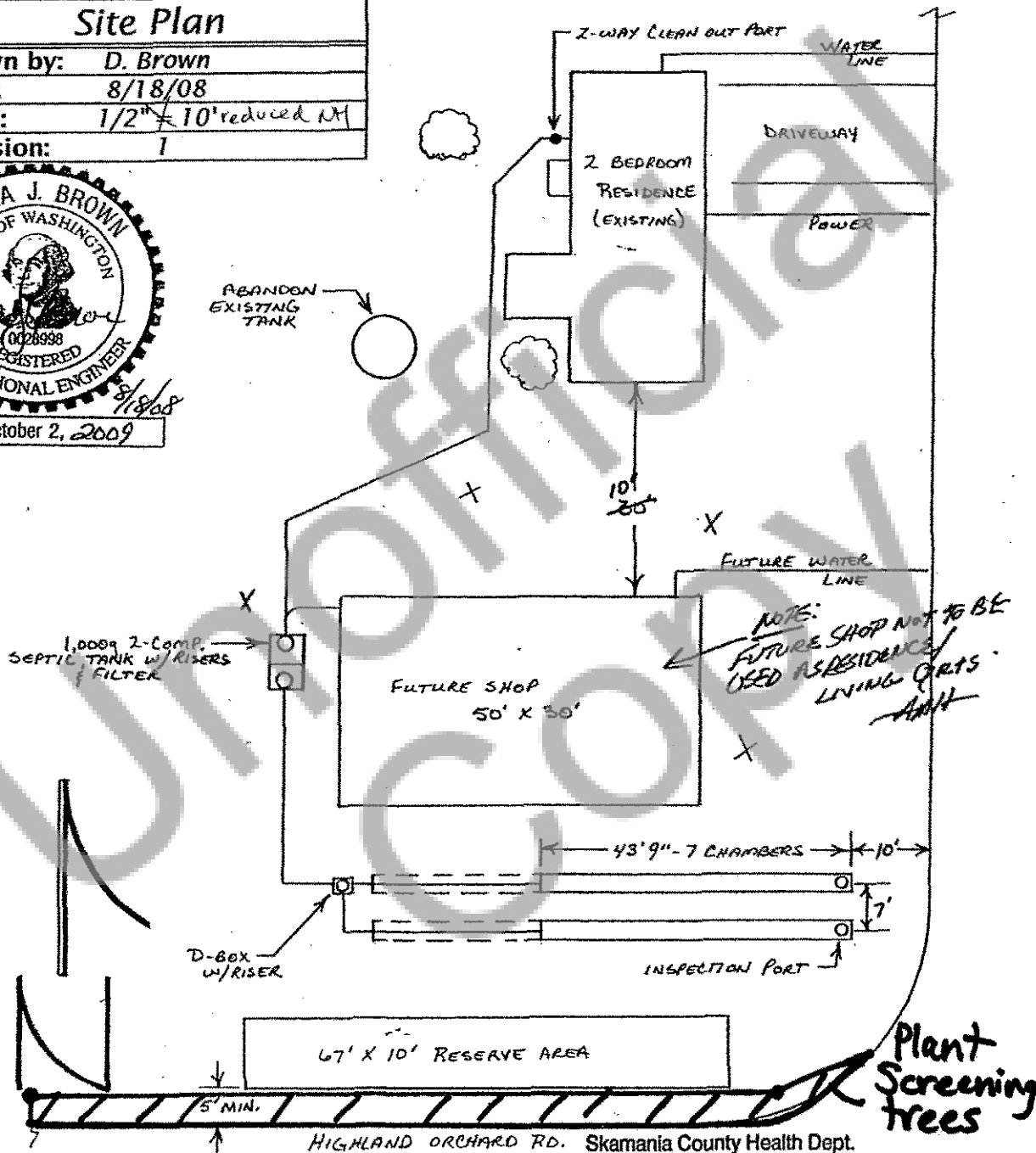
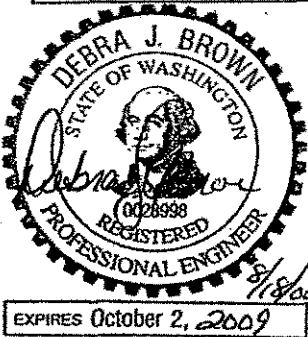


# Northshore Engineering, LLC

Laszlo Regos  
Gravity Distribution  
Highland Orchard Rd., Underwood

## Site Plan

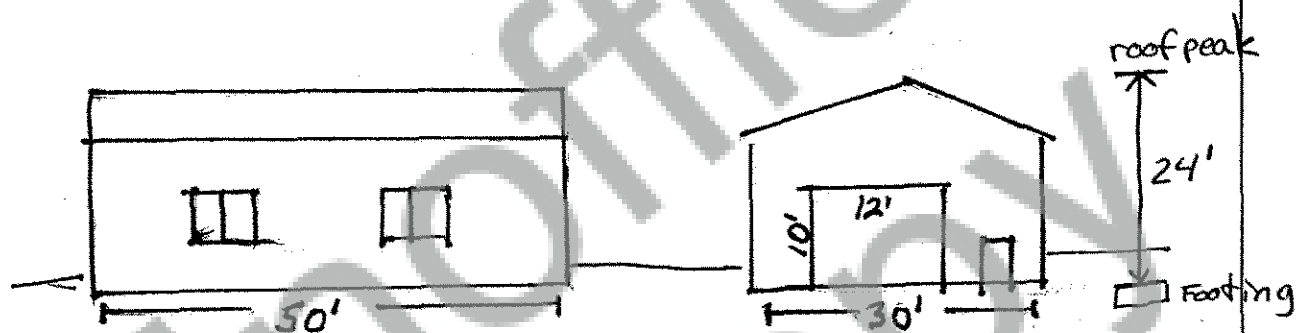
Drawn by: D. Brown  
Date: 8/18/08  
Scale: 1/2" = 10' reduced M  
Revision: 1



Skamania County Health Dept.  
683 S.W. Rock Cr. Dr. • P. O. Box 162  
Stevenson, WA 98648  
Phone: (509) 427-3870 • 1-800-996-2526  
Fax: (509) 427-3880

OK AMH 8-19-08

**ELEVATION DRAWINGS:**



Additional pages must have 1" margin.

Elevation drawings must be in ink.

**Exhibit A**

**A parcel located in Section 19 of Township 3 North, Range 10 East and Section 24 of Township 3 North, Range 9 East of the Willamette Meridian, Skamania County, Washington, more specifically described as:**

**The East half of the East half of the Southeast quarter of the Southeast quarter of Section 24;**

**EXCEPT County Roads;**

**ALSO that portion of Lot 9 of the SEELEY SUBDIVISION recorded in Skamania County, Volume A of Plats, page 32, lying North of the centerline of Cook Underwood Road.**

**EXCEPT County Roads.**