

Return Address: Alex Mecl
3858 Carson Street, Suite 220
Torrance, CA 90503

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

Letter Amendment to Administrative Decision NSA-05-45-L2

APPLICANT: Don Gibson, Partner

PROPERTY OWNER: Six Partners Limited Partnership & Bloxom Orchards Corporation (SK Orchards)

FILE NO.: Amendment to NSA-05-45

PROJECT: Originally a request to recognize 13 individual parcels as legally created parcels that currently comprise the ownership known as Six Partners Limited Partnership (SK Orchards) and to recognize the 5 residences located on the property as legally existing residences (single-family dwellings). **This application does not include any physical development, alterations to any structures, replacement of any structures, changes to historic cultivation locations nor any new ground disturbing activities.**

LOCATION: The orchard is comprised of the majority of the west half of Section 19, Township 3 North, Range 10 East of the Willamette Meridian, Skamania County Assessor's Tax Lot Number 03-10-19-0-0-0300-00 (233 acres); a small sliver of land on the southern edge of the southwest quarter of the southeast quarter and the southeast quarter of the southwest quarter of Section 18, Township 3 North, Range 10 East of the Willamette Meridian, Skamania County Assessor's Tax Lot Number 03-10-00-0-0-1190-00 (2.2 acres); and the east half of the east half of the southeast quarter of the southeast quarter of Section 24, Township 3 North, Range 9 East of the Willamette Meridian, Skamania County Assessor's Tax Lot Number 03-09-24-0-0-0800-00 (10.6 acres). The property is located west of the intersection of Asplund Road and Cook-Underwood Road in Underwood, Washington. The property is in the General Management Area, zoned Large-Scale Agriculture (Ag-1) with a 60 acre minimum lot size, and Open Space. The orchard is approximately 245.8 acres in size according to the Assessor's records.

LEGAL: See attached page 11.

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ZONING: General Management Area – Large Scale Agriculture (Ag-1) with a 60 acres minimum lot size and Open Space.

REFERENCE NO.: Administrative Decision for NSA-05-45, recorded July 7, 2006, Auditor's File number 2006162222, and Letter Amendment to Administrative Decision for NSA-05-45-L1, recorded July 7, 2006, Auditor's File number 2006162223, at the Skamania County Auditor's Office.

May 10, 2007

Dear Mr. Head,

The Planning Department issued a final Administrative Decision on December 15, 2005 for the above referenced application recognizing eleven legally created parcels and five single-family dwellings. On June 5, 2006 the Planning Department issued an amendment to the Decision to recognize eight legally created parcels and to recognize the five single-family dwellings as part of a settlement agreement with Friends of the Columbia River Gorge. On April 13, 2007 we received a letter from you on behalf of the current ownership of the parcels, requesting an amendment to alter the findings for Section 22.14.010, and condition of approval number 4 in the Administrative Decision to reflect recent reclassification of on-site water resources.

Pursuant to SCC §22.06.080(B), a change or alteration to an approved action, if determined to be minor by the Director, may be "deemed consistent with the provisions of this Title and the findings and conclusions on the original application." The proposed request constitutes a minor change; therefore, the original decision shall be amended as stated below.

SCC 22.14.010 **MAPS AND INVENTORIES**

Finding: The recently updated Washington State Department of Natural Resources Forest Practice Resource Maps along with the USFS stream maps show that the subject parcel contains two on-site streams defined as segments 61 and 62 for the purposes of this review (see attached map). The two on-site streams are intermittent non-fishbearing, and an undisturbed buffer of 50' shall be maintained on the two streams. On April 17, 2007 Planning staff conducted a site visit to evaluate the declassification of three small streams (41, 61, and 63) on the subject parcel as requested by Stephen Head. In response to the request for reclassification, Todd Bates, DNR Forester along with Greg Morris (Yakama Indian Nation) had completed a site visit on February 20, 2007 to review the request to reclassify segments 41, 61, and 63 as 'non-typed' waters. The Water Type Modification report and Water-Type Classification Worksheet attached to this Letter Amendment, included approval of the changes based on the Forester's recommendations that no channel was present for segments 41, 61, and 63. Planning staff reviewed the reclassification of the streams during their April 17, 2007 site visit and determined

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that there was no defined channel or bed, or indication of water flow in segments 41 and 63. With two major rain-on-snow events occurring this past winter and with the 5-year flood event that occurred this past November, staff agreed with DNR's recommendations that segments 41 and 63 were non-typed, however, Planning staff disagreed with DNR as segment 61 showed signs of a defined channel, although no water was present. Washington Department of Fish & Wildlife was notified of DNR's review and had no comments.

Condition of Approval # 4:

The applicant and/or future owner shall be required to maintain a 50' undisturbed buffer along the two on-site intermittent streams (Segments 61 and 62).

The amendment is hereby approved.

All of the original conditions in the Administrative Decision are still valid and shall be complied with. As a reminder, **this letter amendment will need to be recorded at the County Auditor's office prior to any building permits being issued.** If you have any questions, please give me a call at 509-427-3900.

Sincerely,


Nicole Hollatz, Associate Planner

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 may be filed by an interested person within 20 days from the date hereof. Appeal may be made to the Skamania County Board of Adjustment, P.O. Box 790, Stevenson, WA 98648. Notice of Appeal forms are available at the Department Office.

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

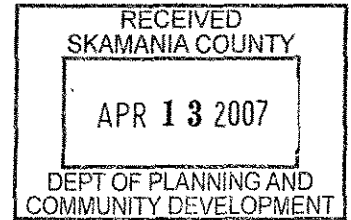
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that you are proceeding at your own risk and Skamania County will not be liable for any damages you incur in reliance upon your Director's Decision or any amendments thereto.

Cc: Skamania County Building Division
Skamania County Health Dept.
Persons w/in 500 feet
Yakama Indian Nation
Confederated Tribes of the Umatilla Indian Reservation
Confederated Tribes of the Warm Springs
Nez Perce Tribe
Cowlitz Indian Tribe
Columbia River Gorge Commission
U.S. Forest Service - NSA Office
Board of County Commissioners
Friends of the Columbia River Gorge
Department of Archaeology and Historic Preservation
CTED - Dee Caputo

Attached: Letter request for Amendment
DNR FPARS Stream Type Map
Vicinity Map



Stephen L. Head, Forester
P.O. Box 1758
White Salmon, Washington 98672
(509) 395-2950-office
(509) 281-1877-cellular

April 11, 2007

Skamania County Department of
Planning and Community Development
Nicole Hollatz, Associate Planner
P.O. Box 790
Stevenson, WA 98648

RE: Letter Amendment to File No. NSA-05-45: Forest Practice Applications

Dear Nicole,

In response to the 3/27/07 email from Debbie Cazaré, I am submitting this "letter amendment" to file No. NSA-05-45 for the following items:

1. April 9, 2007, I met with Todd Bates (DNR) and Greg Morris (YIN) for the purpose of reviewing the proposed Forest Practices 2703910-2703913. I had requested the reclassification of streams as indicated in item 9, page 2 of the SEPA checklist received in your office 2/12/07. In the field inspection, DNR & YIN concurred that Streams 41, 61, and 63 do not exist and will be removing them from classification. I have attached a copy of the approved Water Type Modification Form to this letter.

Consequently, I request Skamania County amend the Scenic Area Administrative Decision and remove the requirement for buffers on Streams 41, 61, and 63. I am leaving the buffer intact on Stream 62.

Sincerely,


Stephen L Head

APPROVED

Sent original to Oly Washington State DNR

Received

SCANNED AND EMAILED

TO: Bates, Wheeler,
Renan, Morris

DATE: 4/11/07

WASHINGTON STATE DEPARTMENT OF
Natural Resources

4/11/07

FEB 15 2007 Water Type Modification Form
(For changes to the Water Type Map)

Check all that apply

- ☒ *Adding streams/lakes
☒ *Removing streams/lakes
☒ *Changing location of streams/lakes
☒ Changing water type based on physical characteristics
☐ Changing water type based on protocol survey
☐ Other. Describe _____

DNR Use Only	
Region Name	South East
Region Reference Number	SE-07-002
WRIA #	0013 0014

Div. Doc. No.	1. *Water Reference Id	2. Name of Water	3. Tributary To	4. *Legal Description (1/4 Section, Township, Range, E/W)
	63,61,41			NW 1/4 NW 1/4 S19, T3N R10E
	5. *County	6. Water Type Shown on Map	7. Proposed Water Type	8. *Date of Field Visit
	Skamania	F	non-Typed	1 Feb 07
	9. *Forest Practices Application Number(s) (if applicable)			
10. Change is based on the following (check all that apply):				
<input type="checkbox"/> Fish found <input type="checkbox"/> No fish found <input checked="" type="checkbox"/> Physical characteristics – describe: no evidence of water.				
11. Water levels in the survey area were: <input checked="" type="checkbox"/> Above Normal <input type="checkbox"/> Normal <input type="checkbox"/> Below Normal				
Description: Heavy Rainfall in November Rain on Snow in January				
12. The water type break was determined by:				
<input type="checkbox"/> Stopping at last observed fish <input type="checkbox"/> Stopping at upper extent of fish habitat <input type="checkbox"/> Stopping at end of harvest or property boundary <input checked="" type="checkbox"/> Other – describe: abutment with downstream "F" channel				
13. Are there any fish passage barriers downstream of the surveyed stream segment(s): No				
<input type="checkbox"/> Natural barriers: <input type="checkbox"/> Falls <input type="checkbox"/> Cascades <input type="checkbox"/> Bedrock chutes If yes, what is the height _____ <input type="checkbox"/> Temporary barriers (log jams) <input type="checkbox"/> Man-made barriers (culverts) Fish passage barriers were identified by: <input type="checkbox"/> Maps <input type="checkbox"/> Field observation <input type="checkbox"/> Other – describe:				
14. Is there evidence of mass wasting or scouring events?				
<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Describe how these affected current stream channel conditions and fish distribution in the stream.				
*Proponent name and signature		Organization name and address		Telephone number
Stephen Head Stephen Head		PO Box 1758 White Salmon, WA 98672		509-395-2950 509-281-1877
Surveyor name		Organization name and address		Telephone number

Reviewer Comments Water Type Modification

Attention Reviewers: DNR will make a decision by the Comment Due Date. Your comments only will be considered if they are received on or before the Comment Due Date. Return this completed form by mail, fax, or e-mail to the appropriate DNR Region office.

Reference Number

(DNR USE ONLY)

56-07-0012-0013-

Comment Due Date

(DNR USE ONLY)

2/31/07

0014

Reviewer's Name: Todd Bates Reviewer's Affiliation: DNR

Reviewer's Phone Number: 493-3218 Reviewer's E-Mail: _____

☒ Agree with proposed change(s)

☐ Disagree with proposed change(s)

Reasons for Agreement or Disagreement (add attachments if necessary):

On-site visit on 2/20/07 with proponent indicated no channel was present for segments 41, 61, & 63. Segment 62 should still be protected as a "F" stream until a protocol survey is completed.

Signature

(Signatures are not necessary for e-mailed responses)

Date

4/2/07

DNR Office Summary and Decision

Name of Reviewers	Agree	Disagree	Date Comment Received	No Reply
DNR: <u>Todd Bates</u>	<u>X</u>			<u>X</u>
WDFW: <u>Bill Wier</u>				<u>X</u>
DOE: <u>Lisa Renan</u>				<u>X</u>
Tribes: <u>Greg Matthews Morris</u>				<u>X</u>
Other:				
Other:				

☒ Approve change

☐ Disapprove change

Reasons for disapproval

Approve changes based on Foresters recommendation.

Signature Bart M. dunn Date 4/11/07

Proponent and reviewers notified of decision by _____ on _____ (Date)

Change entered in GIS by _____ on _____ (Date)

Division Document Number _____

Western Washington Water Type Classification Worksheet

Stream/Segment ID: 61Stream/Segment ID: 62Stream/Segment ID: 63

1. Do you have a protocol survey? (See the Forest Practices Board Manual Section 13.) Or, does the stream have waiver characteristics? (See WAC 222-16-031(3)(b)(ii).)

☒ No. Continue☐ Yes.☐ Fish found. Type F water. Stop.☐ No fish. Continue to #6.☐ Yes. Meets waiver criteria.☒ No. Continue.☐ Yes.☐ Fish found. Type F water. Stop.☐ No fish. Continue to #6.☐ Yes. Meets waiver criteria.☒ No. Continue.☐ Yes.☐ Fish found. Type F water. Stop.☐ No fish. Continue to #6.☐ Yes. Meets waiver criteria.

2. List the date Stream observations were made for water typing.

Date observed:

Continue.

Date observed:

Continue.

Date observed:

Continue.

3. Were fish observed or are fish known to use the stream any time of the year?

☐ Yes. Type F water. Stop.☐ No. Continue.☐ Yes. Type F water. Stop.☒ No. Continue.☐ Yes. Type F water. Stop.☒ No. Continue.

4. Is the average BFW two feet or wider? AND, is the average stream gradient less than or equal to 16%?

☐ Yes. Type F water. Stop.☐ No. Continue.☒ Yes. Type F water. Stop.☐ No. Continue.☐ Yes. Type F water. Stop.☒ No. Continue.

5. Is the average BFW two feet or wider? AND, is the average stream gradient between 16% and 20%? AND, is the contributing basin to the stream greater than 50 acres?

☐ Yes. Type F water. Stop.☐ No. Continue.☐ Yes. Type F water. Stop.☐ No. Continue.☐ Yes. Type F water. Stop.☒ No. Continue.

6. Does the stream segment contain water at all times during a normal rainfall year?

☐ Yes. Type Np water. Go to 9.☐ No. Continue.☐ Yes. Type Np water. Go to 9.☐ No. Continue.☐ Yes. Type Np water. Go to 9.☒ No. Continue.

7. Is the stream segment downstream of a perennial source of water?

☐ Yes. Type Np water. Go to 9.☐ No. Continue.☐ Yes. Type Np water. Go to 9.☐ No. Continue.☐ Yes. Type Np water. Go to 9.☒ No. Continue.

8. Is the stream physically connected by an above-ground channel to Type S, F, or Np water?

☐ Yes. Type Ns water.☐ No. non-typed water.☐ Yes. Type Ns water.☐ No. non-typed water.☐ Yes. Type Ns water.☒ No. non-typed water.

9. Describe how you determined the uppermost point of perennial flow. Include a description of its location and show the point on a map (Use a separate piece of paper if necessary).

Stream/Segment ID _____

Description:

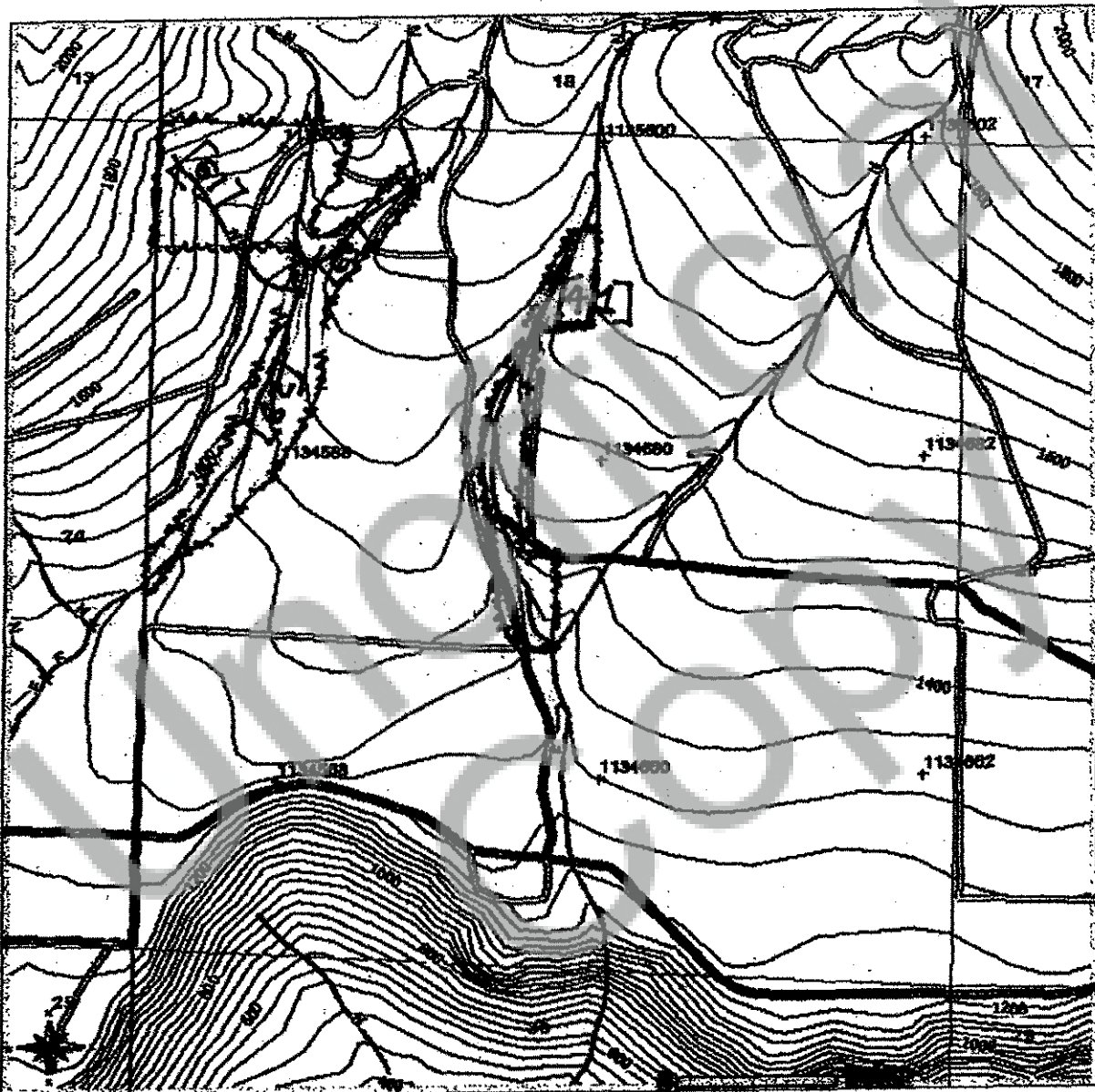
Map Output

Page 1 of 1

FOREST PRACTICE ACTIVITY MAP

TOWNSHIP 3 NORTH HALF 0, RANGE 10 EAST (W.M.) HALF 0, SECTION 19

Application #: _____



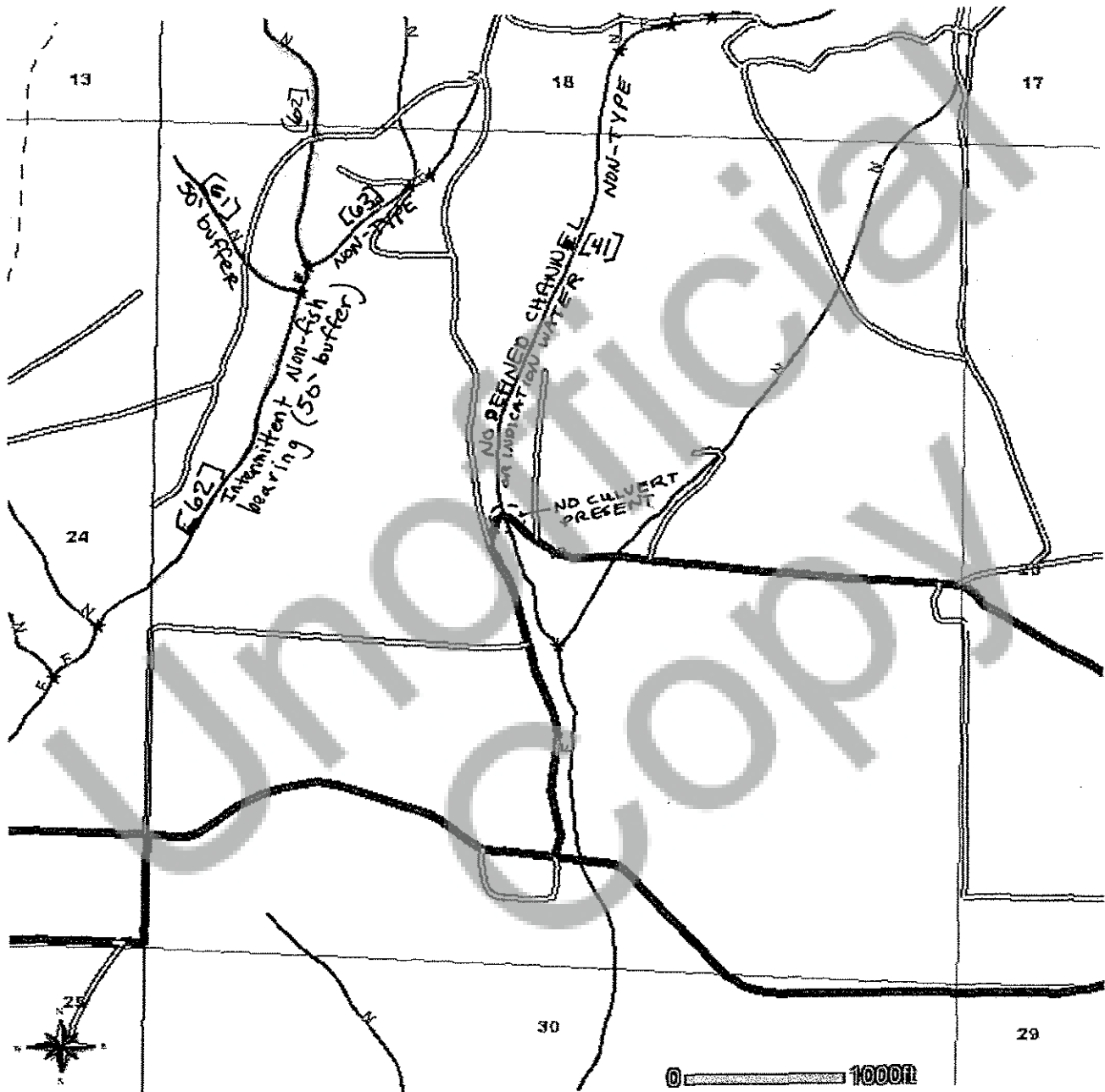
Please use the legend from the FPA instruction or provide a list of symbols used.

Tuesday, February 13, 2007 7:33:08 AM
NAD 83
Contour Interval: 40 Feet

FOREST PRACTICE RESOURCE MAP

TOWNSHIP 03 NORTH HALF 0, RANGE 10 EAST (W.M.) HALF 0, SECTION 19

Application #: _____



The east half of the east half of the southeast quarter of the southeast quarter of Section 24, Township 3, North, Range 9 E.W.M.

A tract of land in the North half of the Northeast quarter of Section 19, Township 3 North, Range 10 E.W.M., described as follows: 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.

Government Lots 1 and 2 (being also described as the W 1/2 of the NW 1/4), and the East half of the Northwest quarter of Section 19, Township 3 North, Range 10 E.W.M.; EXCEPT the east 8 rods of the Southeast quarter of the Northwest quarter of the said Section 19; AND EXCEPT a tract of land consisting of 32.01 acres, more or less, conveyed to Broughton Lumber Company by deed dated July 16, 1952, and recorded July 24, 1952, at page 342 of Book 35 of Deeds, under Auditor's File No. 44316, Records of Skamania County, Washington.

Lots 1, 2, 3, 4, 7, 8, 9, 10, 14 and 15 of Seeley's Subdivision of the Southwest quarter of Section 19, Township 3 North, Range 10 E.W.M., according to the official plat thereof on file and of record in the office of the Auditor of Skamania County, Washington, EXCEPT the Northeast quarter of the said Lot 7.

That portion of the Southwest quarter of the Southeast quarter, and of the Southeast quarter of the Southwest quarter of Section 18, Township 3 North, Range 10 E.W.M., described as follows:

Beginning at an iron pipe 2,640 feet north of a brass hub marking the center of Section 19, Township 3 North, Range 10 E.W.M.; thence east 107.1 feet; thence north 06°45' west 66.7 feet to an iron pipe; thence west 1,420.3 feet to intersection with the east line of the Southeast quarter of the Southwest quarter of the said Section 18; thence south 66 feet to the south line of the said section 18; thence east 1,320 feet to the point of beginning.