

Return Address: Rod McCafferty
PO Box 181
North Bonneville, WA 98639

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:**

Rod McCafferty

FILE NO.:

NSA-09-26

PROJECT:

Application to install overhead powerline, telephone, and barb-wire fence along existing driveway and to construct a 50'x50'x18' agricultural building and a 30'x40'x14' accessory building (shop) and associated utilities.

LOCATION:

Duncan Creek Road, Skamania; Section 33 of T2N, R6E, W.M. and is identified as Skamania County Tax Lot Number 02-06-33-0-0-0102-00.

LEGAL:

See attached page 10.

ZONING:

General Management Area – Small Woodland (F-3).

DECISION:

Based upon the record and the Staff Report, the application by Rod McCafferty, 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. 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.
- 4) The combined footprint of all accessory buildings on the subject parcel shall not exceed 2,500 square feet, the individual footprint of any accessory building (not to include agricultural buildings) shall not exceed 1,500 square feet, and that the height of any individual accessory building shall not exceed a height of 24 feet.
- 5) The accessory building and agricultural building shall not accommodate a cooking area or kitchen. Community Development staff shall conduct a site visit to confirm that the proposed accessory buildings do not include a kitchen or cooking area prior to signing off on the certificate of occupancy and/or final inspection.
- 6) The Fire Safety Guidelines as stated in Section 22.14.050(A) shall be conditions of approval:
 - a. All buildings shall be surrounded by a maintained fuel break of fifty (50) feet. Irrigated or fire resistant vegetation may be planted within the fuel break, including green lawns and low shrubs (less than twenty-four (24) inches in height).

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Trees should be placed greater than fifteen (15) feet between the crowns and pruned to remove dead and low (less than eight (8) feet) branches. Accumulated leaves, needles and other dead vegetation shall be removed from beneath trees.

- b. Hazardous fuels shall be removed within the fuel break area.
 - c. Buildings with plumbed water systems shall install at least one (1) standpipe at a minimum of fifty (50) feet from the structure(s).
 - d. A pond, stream, tank or sump with storage of not less than 1,000 gallons, or a well or water system capable of delivering twenty (20) gallons per minute shall be provided. If a well pump is located on-site, the electrical service shall be separate from the dwelling.
 - e. Access drives shall be constructed to a minimum of twelve (12) feet in width and not exceed a finished grade of twelve percent (12%). Turnouts shall be provided at a minimum of every 500 feet. Access drives shall be maintained to a level that is passable to fire equipment. However, variances to road provisions may be made after consultation with the local fire marshal and the Washington State Department of Natural Resources.
 - f. Within one (1) year of the occupancy of a dwelling, the Administrator shall conduct a review of the development to assure compliance with this section.
 - g. Telephone and power supply shall be underground whenever possible.
 - h. Roofs of structures should be made of fire-resistant materials, such as fiberglass, shingle, or tile. Roof materials such as cedar shake and shingle should not be used.
 - i. Any chimney or stovepipe on any structure for use with a wood stove or fireplace should be screened with no coarser than a quarter (1/4) inch mesh metal screen that is noncombustible and corrosion resistant and should be equipped with a spark arrestor.
 - j. All structural projections such as balconies, decks and roof gables should be built with fire resistant materials equivalent to that specified in the Uniform Building code.
 - k. Attic openings, soffit vents, foundation louvers or other ventilation openings on dwellings and accessory structures should be screened with no coarser than a quarter (1/4) inch mesh metal screen that is noncombustible and corrosion resistant.
- 7) The applicant and/or future landowner shall initiate the proposed agricultural use within one (1) year of issuance of the Administrative Decision for NSA-09-26.
 - 8) 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.
 - 9) 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

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- new trees, which shall be at least 5 feet in height at planting. Limbing or topping of screening trees is prohibited.
- 10) 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.
- 11) 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.
- 12) 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 10 day of August, 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.

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.

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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

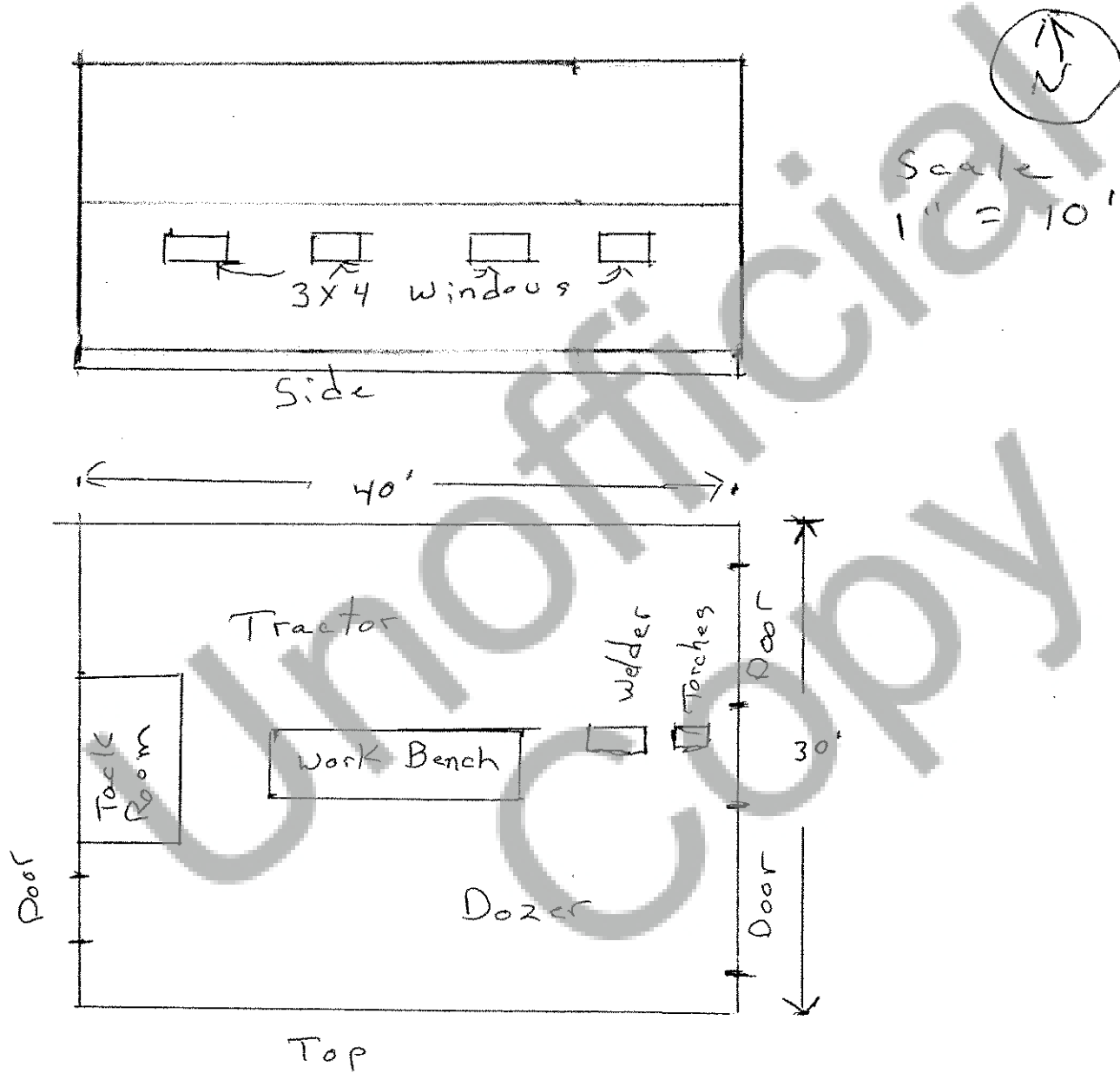
On November 30, 1998 the Columbia River Gorge Commission overturned a Skamania County Director's Decision 18 months after the 20 day appeal period had expired. You are hereby warned that you are proceeding at your own risk and Skamania County will not be liable for any damages you incur in reliance upon your Administrative Decision or any amendments thereto.

A copy of the Decision was sent to the following:
 Skamania County Building Division

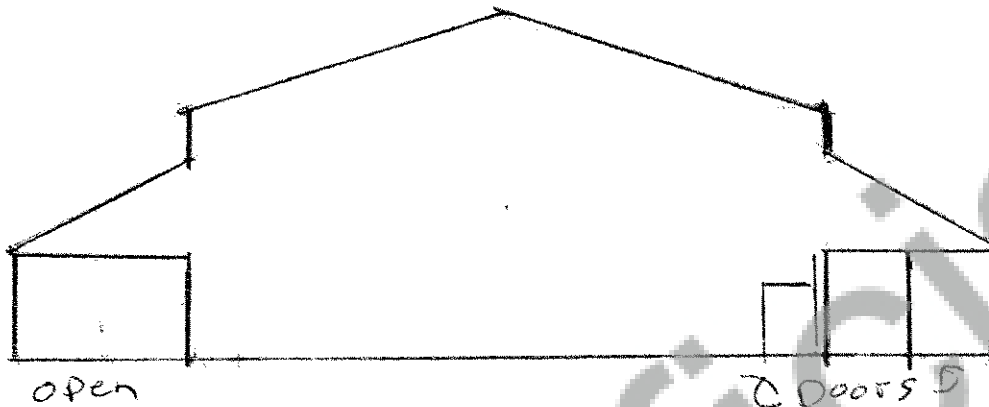
A copy of this Decision, including the Staff Report, was sent to the following:

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 (electronic)
 Department of Fish and Wildlife (Anne Friesz)

SHOP



BARN



Scale
1" = 10'

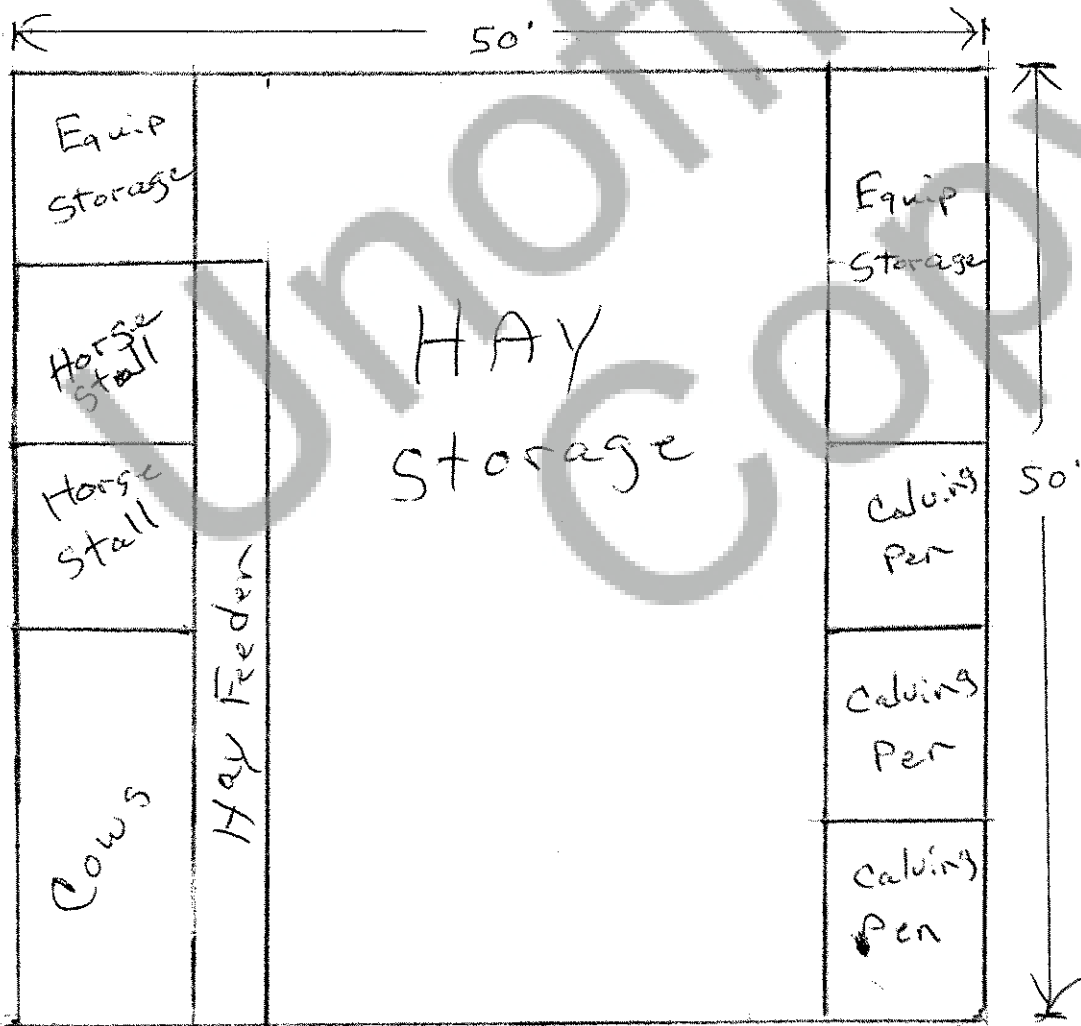


EXHIBIT "B"

A tract of land lying in the Northeast $\frac{1}{4}$ of Section 33, Township 2 North, Range 6 East, Willamette Meridian, Skamania County, Washington, being more particularly described as follows:

Commencing at the Northwest corner of said Northeast $\frac{1}{4}$; thence along the West line of said Northeast $\frac{1}{4}$, South $01^{\circ} 43' 02''$ West 1,311.90 feet to the Southwest corner of the Northwest $\frac{1}{4}$ of said Northeast $\frac{1}{4}$; thence leaving said West line, along the South line of said Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$, South $89^{\circ} 06' 19''$ East 873.18 feet to the true point of this description; thence continuing along said South line, South $89^{\circ} 06' 19''$ East 428.71 feet to the Southeast corner of said Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$; thence along the East line of said Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$, North $01^{\circ} 58' 08''$ East 646.59 feet to a point being 660.00 feet from the Northeast corner of said Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$, when measured along said East line; thence leaving said East line, parallel with the North line of said Northeast $\frac{1}{4}$, South $88^{\circ} 52' 06''$ East 652.33 feet to the intersection with the West line of the East $\frac{1}{2}$ of the East $\frac{1}{2}$ of said Northeast $\frac{1}{4}$ at a point being 660.02 feet from the North line of said Northeast $\frac{1}{4}$, when measured along said West line; thence along said West line, South $02^{\circ} 05' 45''$ West 1,189.82 feet to the intersection with the Easterly projection of the North line of that tract of land described in Book 32, Page 482, Deed Records of Skamania County; thence leaving said West line along said Easterly projection and North line, North $89^{\circ} 20' 40''$ West 690.93 feet to the Northwest corner of said tract of land; thence along the West line of said tract of land, South $00^{\circ} 39' 20''$ East 757.80 feet to the intersection with the South line of said Northeast $\frac{1}{4}$; thence along said South line, North $89^{\circ} 20' 40''$ West 375.00 feet; thence leaving said South line, North $00^{\circ} 39' 20''$ East 1,308.04 feet to the true point of beginning of this description.

Contains 29.67 acres, more or less.

Subject to all easements, agreements, and rights-of-way of record.