

Return Address: Wendy Warren  
2712 SW Patton Court  
Portland, OR 97201

## Skamania County Community Development Department

Skamania County Courthouse Annex  
Post Office Box 790  
Stevenson, Washington 98648  
509 427-3900 FAX 509 427-3949

### Administrative Decision

**APPLICANT:** Wendy Warren

**PROPERTY OWNER:** Henry Swigert, Trustee

**FILE NO.:** NSA-09-42

**PROJECT:** To replace the main lodge and bunkhouse, to repair the 1<sup>st</sup> cabin, and replace the septic tank that were destroyed and/ or damaged in a fire dated June 4, 2009.

**LOCATION:** 82 Swigert Road, Prindle, Section 11 of T1N, R5E, W.M. and is identified as Skamania County Tax Lot Number 01-05-11-1-0-2400-00.

**LEGAL:** See attached page(s) 11.

**ZONING:** General Management Area- Residential (R-10)

**DECISION:** Based upon the record and the Staff Report, the application Wendy Warren, described above, **subject to the conditions set forth in this Decision**, is found to be consistent with SCC Title 22 and **is hereby approved.**

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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.

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 walls of the replacement structure shall be the same height as the walls of the original structure unless a minor increase is required to comply with standards in the current jurisdictional building code.
- 5) Decks, verandas, balconies and other open portions of the original structure shall not be rebuilt as enclosed (walls and roof) portions of the replacement structure.
- 6) The applicant shall replace the screening trees that do not survive fire damage. Coniferous vegetation shall be replaced with coniferous vegetation and deciduous vegetation shall be replaced with deciduous vegetation unless the applicant chooses to use

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- all coniferous vegetation. Trees shall be replaced with trees, and the applicant may use firewise species such as pine, oak, aspen, and big leaf maple.
- 7) 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, and Big Leaf Maple.
  - 8) The replacement screening trees shall be between 3 and 5 feet in height, from top of root wad, when planted.
  - 9) The time frame for achieving visual subordination shall be ten (10) years or less from the commencement of construction.
  - 10) 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.
  - 11) Planted vegetation shall be maintained to ensure survival.
  - 12) 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 and trim. The following colors submitted by the applicant are consistent with this condition and are hereby approved: dark brown cedar shakes, siding and Rhino Deck exterior wood. Any proposed changes to these colors shall be submitted for review by the Community Development Department prior to the issuance of a building permit.
  - 13) The structures shall be composed of nonreflective materials or materials with low reflectivity.
  - 14) 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 through.
  - 15) If the applicant chooses to use an alternate roofing material, other than the approved cedar shakes, the applicant shall submit a physical sample of the proposed material to the Community Development Department for review and approval prior to the issuance of a building permit.
  - 16) Except as is necessary for site development or safety purposes, the existing tree cover screening the development from key viewing areas shall be retained.
  - 17) 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.
- 18) 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.
- 19) 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.
- 20) 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.

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- 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 6<sup>th</sup> day of November, 2009, at Stevenson, Washington.

  
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Jessica Davenport, 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.



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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 and must be accompanied by a \$500.00 nonrefundable-filing fee and a 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

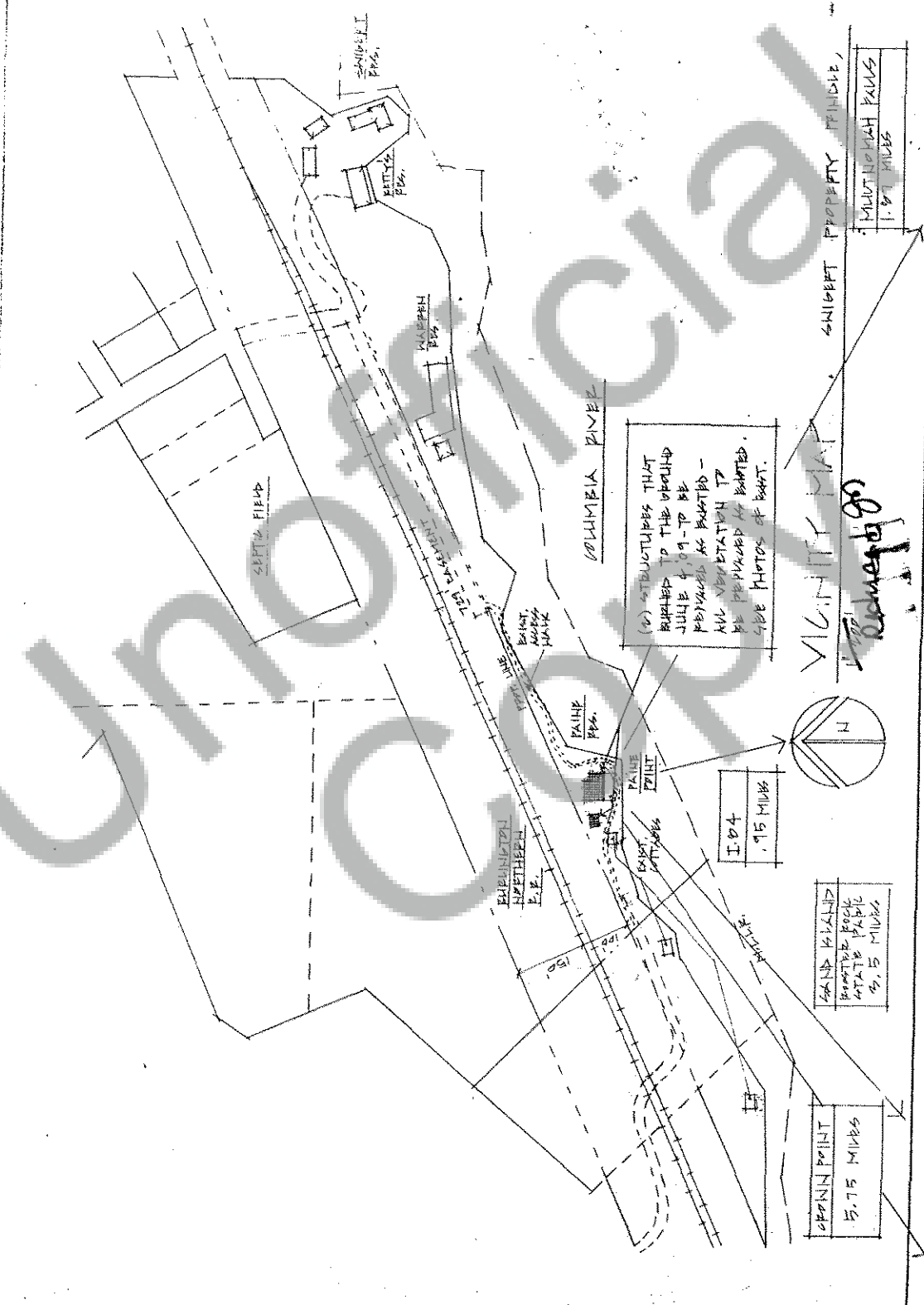
A copy of this Decision, including the Staff Report, was sent to the following:

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

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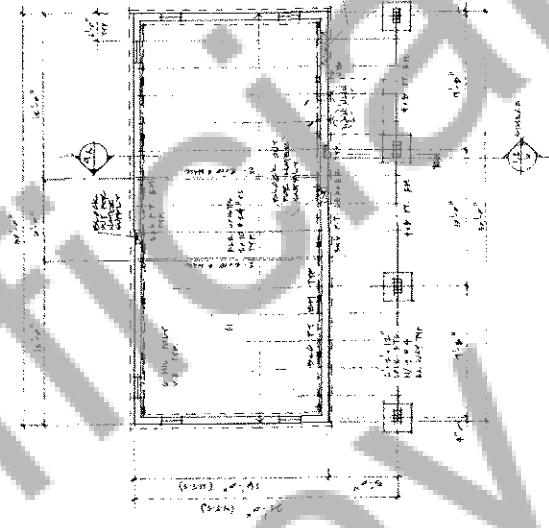
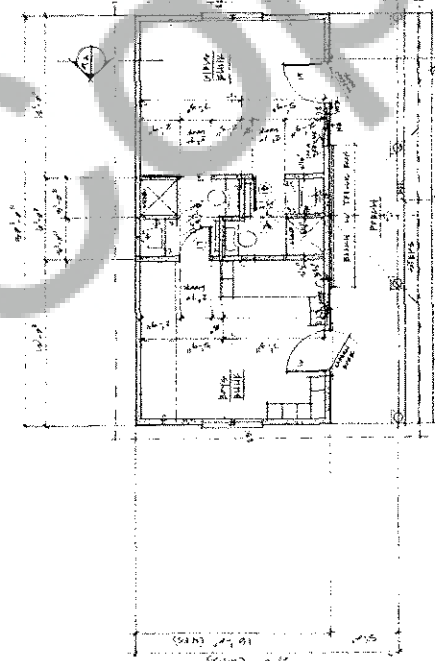
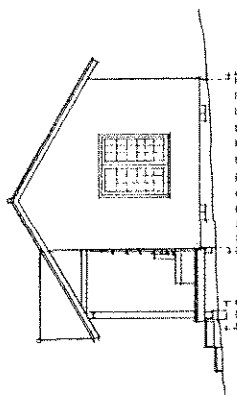
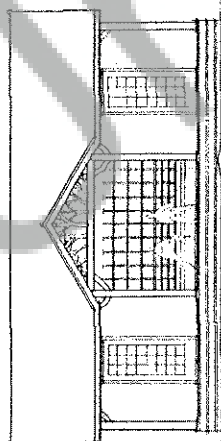
Columbia River Gorge Commission  
U.S. Forest Service - NSA Office  
Board of County Commissioners  
State of Washington Department of Community Trade and Economic Development – Carrie Calleja  
Department of Fish and Wildlife

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BNSF 01860

Prindle, Skamania County, Washington - Former Spokane, Portland & Seattle Railway Company property conveyed to Nannie Swigert Warren, Ernest C. Swigert, Henry T. Swigert, Elizabeth Swigert Snow, In Their Capacity As Trustees Under The Swigert Prindle Trust Agreement Dated January 21, 1961, As Amended

**EXHIBIT "A"**

The Northerly 100.0 feet of The Burlington Northern and Santa Fe Railway Company's (formerly Spokane, Portland & Seattle Railway Company) 250.0 foot wide Station Ground property at Prindle, Washington, being 150.0 feet wide on the Northerly side and 100.0 feet wide on the Southerly side of said Railway Company's Main Track centerline, as originally located and constructed upon, over and across Government Lot 4 of Section 11, Township 1 North, Range 5 East of the Willamette Meridian, Skamania County, Washington, being a portion of the same 100 foot wide strip of land described in Warranty Deed from Ernest H. Prindle, et ux to the Portland and Seattle Railway Company filed for record October 9, 1907 in Book K of Deeds, page 440 in and for said County, lying between two lines drawn parallel with and distant, respectively, 50.0 feet and 150.0 feet Northwesterly, as measured at right angles from said Main Track centerline, bounded by two lines drawn at right angles to said Main Track centerline distant, respectively, 290.0 feet and 752.0 feet Southwesterly from the East line of said Section 11, as measured along said Main Track centerline.

ALSC,

Gary H. Martin, Skamania County Assessor  
Date 8/1/00 Parcel # 1-5-11-1-13-0-21-00  
50-00-00-10-0-1-13-00

The Southerly 50.0 feet of said Railway Company's 250.0 foot wide Station Ground property at Prindle, Washington, being 150.0 feet wide on the Northerly side and 100.0 feet wide on the Southerly side of said Railway Company's Main Track centerline, as originally located and constructed upon, over and across Government Lot 4 of Section 11, Township 1 North, Range 5 East of the Willamette Meridian, Skamania County, Washington, being a portion of the same 50 foot wide strip of land described in Warranty Deed from Ernest H. Prindle, et ux to the Portland and Seattle Railway Company filed for record October 9, 1907 in Book K of Deeds, page 440 in and for said County, lying between two lines drawn parallel with and distant, respectively, 50.0 feet and 100.0 feet Southeasterly, as measured at right angles from said Main Track centerline, bounded on the East and West by the East and West lines of said Government Lot 4.

See attached Exhibit "B" for survey of parcels  
msm