

Return Address: Brad Herman
31 Paula Drive
Underwood, WA 98651

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: Brad Herman

PROPERTY OWNER: Brad Herman

FILE NO.: NSA-08-59

PROJECT: After-the-fact fencing and proposed fencing, both hog wire and cedar fencing and the construction of two driveway gates. Portions of the hog wire fence replace existing barbed wire fencing.

LOCATION: 31 Paula Drive, Underwood, Section 22 of T3N, R10E, W.M. and is identified as Skamania County Tax Lot Number 03-10-22-1-1-0198-00.

LEGAL: Skamania County Road Right-of-Way

ZONING: Lot 1 of the Paul Short Plat, Skamania County Auditor's Book 3 Page 351.

DECISION: Based upon the record and the Staff Report, the application by Brad Herman, 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

Skamania County Community Development Department
File: NSA-08-59 (Herman) Administrative Decision
Page 2

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 northwest corner of the fence that was constructed on the Waltson's property shall be relocated to the applicant's property as shown on the site plan.
- 5) There may be other regulations in conjunction with the private road agreement/easement, etc. that are not enforceable by Skamania County. It is the property owner's responsibility to work those matters out with the parties to such private road agreement/easement, etc. Skamania County has no jurisdiction in private civil matters between landowners. This decision should not be constructed to imply Skamania County has rendered any decision in a private civil matter between landowners.

Skamania County Community Development Department
File: NSA-08-59 (Herman) Administrative Decision
Page 3

- 6) 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.
- 7) Planted vegetation shall be maintained to ensure survival.
- 8) The existing tree cover shall be retained as much as possible, except as is necessary for site development, safety purposes or as part of forest management practices. Tree removal within the Core Habitat Areas is not allowed.
- 9) Except as is necessary for site development or safety purposes, the existing tree cover screening the development from key viewing areas shall be retained. Tree removal within Core Habitat Areas is not allowed.
- 10) The applicant shall have the Amendment to the Wildlife Management Plan, dated July 1, 2009, recorded in the Skamania County Auditor's Office, and all conditions of this document shall be adhered to.
- 11) A site visit for Final Inspection shall be conducted by the Community Development Department once all work has been completed and conditions of approval have been met. The inspection may take up to four business days from the time of calling for the inspection. Inspections should be arranged by calling the Community Development Department at 509-427-3900.
- 12) 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

Skamania County Community Development Department
File: NSA-08-59 (Herman) Administrative Decision
Page 4

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.
- 13) 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 12th day of August, 2009, at Stevenson, Washington.



Jessica Davenport, Associate Planner
Skamania County Community Development Department

Skamania County Community Development Department
File: NSA-08-59 (Herman) Administrative Decision
Page 5

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.

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.

Skamania County Community Development Department
File: NSA-08-59 (Herman) Administrative Decision
Page 6

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 – Carrie Calleja
Department of Fish and Wildlife

