

Return Address: Steven Rosen
14505 NE 43rd St.
Vancouver, WA 98682

**Skamania County
Department of Planning and
Community Development**

Skamania County Courthouse Annex
Post Office Box 790
Stevenson, Washington 98648
509 427-9458 FAX 509 427-8288

**Modified Administrative Decision
On Remand from Board of Adjustment**

**APPLICANT/
PROPERTY
OWNER:**

Steven Rosen

FILE NO.:

NSA-04-11

PROJECT:

A 24' in diameter, 18' in height replacement single story cabin with daylight basement on an existing foundation and new septic system.

LOCATION:

Off of Mars Landing Road, Skamania; Section 28 of T2N, 6E, W.M., and identified as Skamania County Tax Lot #02-06-28-0-0-0104-00.

**LEGAL
DESCRIPTION:**

See attached Page 6.

ZONING:

Special Management Area -Forest (F).

DECISION:

Based upon the entire record, including particularly the Modified Staff Report, the application by Steven Rosen, described above, subject to the conditions set forth in this Modified Decision, is found to be consistent with Title 22 SCC 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 Department and the Skamania County Health Department.

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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 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 §22.06.050(C)(2).

- 1) As per SCC §22.06.050(C)(2), this Administrative Decision **SHALL BE RECORDED** by the applicant in the County deed records prior to commencement of the approved project. A copy of the first page of the recorded Administrative Decision must be submitted to the Planning Department prior to issuance of a building permit.
- 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 30 feet from the front property line, whichever is greater, **Side yard:** 20 feet, **Rear yard:** 25 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) All graded and disturbed areas are to be reseeded with a native vegetation mix prior to final inspection by the Planning Department.
- 5) The project applicant and future owners shall be responsible for the proper maintenance and survival of any vegetation required to be planted.
- 6) The colors for the replacement cabin, including roof, siding, trim, and doors should be dark earth-tone colors that are slightly darker than the surrounding background.
- 7) Only that grading which is necessary for site development (building pad, leach field) is permitted.
- 8) Exterior lighting shall be directed downward and sited, hooded and shielded such that it is not highly visible from key viewing areas. Shielding and hooding materials shall be composed of non-reflective, opaque materials. Opaque means that it does not allow light to pass through the shield or hood. All lights should be hooded and shielded so as to have a luminary with less than a 90-degree cutoff. See attached Lighting Brochure attached to the Staff Report.
- 9) Seasonal lighting displays shall be permitted on a temporary basis, not to exceed three months.

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- 10) The exterior of the proposed replacement cabin shall be composed of non-reflective material or materials with low reflectivity.
- 11) The use of plant species native to the landscape setting shall be encouraged and where non-native plants are used, they shall have native-appearing characteristics.
- 12) The creek buffer shall be maintained in a natural condition (i.e. no grading, no mowing, etc.), with no other development occurring within the buffer. Non-native species may be removed within the buffer area by hand removal only, so long as the buffer is kept in a natural appearance and does not appear manicured.
- 13) A 50' undisturbed buffer is required off of the unnamed creek on the property.
- 14) The applicant shall meet all conditions to achieve visual subordination prior to final inspection by the Planning Department. The applicant should coordinate all inspections with the Building Department. Final inspection and issuance of Occupancy for the replacement cabin will not be complete until compliance with all conditions, including the visual subordination criteria, has been verified.
- 15) The Planning Department shall conduct at least two site visits during construction. One will be to verify the location of the structure as stated by the Administrative Decision. Another will be conducted after all foundation preparation has been completed but prior to the applicant framing up the footers. 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 Department at 509-427-9484.
- 16) All authorizations for new developments or land uses shall require the immediate notification of the reviewing agency if cultural resources are discovered during construction or development. If cultural resources are discovered, particularly human bone or burials, work in the immediate area of discovery shall be suspended until a cultural resource professional can evaluate the potential significance of the discovery and recommend measures to protect and/or recover the resource. If the discovered material is suspected to be human bone or a burial, the following procedures shall be used:
 - a) The applicant shall stop all work in the vicinity of the discovery.
 - b) The applicant shall immediately notify the Forest Service, the applicant's cultural resource professional, the county coroner, and appropriate law enforcement agencies.
 - c) The Forest Service shall notify the tribal governments if the discovery is determined to be an Indian burial or a cultural resource.

Dated and Signed this 28th day of January, 2005, at Stevenson, Washington.


Stacey Borland, Associate Planner

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NOTES

Any new residential development, related accessory structures such as garages or workshops, and additions or alterations not included in this approved site plan, will require a new application and review.

As per SCC §22.06.050(C)(5), this 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.

APPEALS

The Director reserves the right to provide additional comment and findings of fact regarding this decision, if appealed.

This 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 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 Department
Skamania County Assessor's Office
Skamania County Health Department

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
Office of Archaeology and Historic Preservation
Columbia River Gorge Commission
U.S. Forest Service - NSA Office
Board of County Commissioners
State of Washington Office of Community Development

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US Army Corps of Engineers
Department of Fish and Wildlife
Gorge Reality, Inc.
Persons within 500 feet of property

Unofficial
Copy

BOOK 74 PAGE 562

86101

STATUTORY WARRANTY DEED

The grantors, ROYAL A. IVORY and CAROL JEAN IVORY, husband and wife, for and in consideration of fulfillment of a contract mentioned below by receipt of monies due and in hand paid, grant, convey and warrant to STEVEN B. ROSEN, a single man, the following described real estate, situated in the County of Skamania, State of Washington:

No. **5679**
TRANSACTION EXCISE TAX
 APR 10 1978
 Amount Paid \$1643
 Skamania County Treasurer
 By Betty Hallgren

The South Half of the South Half of the Northwest Quarter of the Northeast Quarter (S1/2 S1/2 NW1/4 NE1/4) and the North Half of the North Half of the Southwest Quarter of the Northeast Quarter (N1/2 N1/2 SW1/4 NE1/4) all in Section 28, Township 2 North, Range 6 E, W.M.



This deed is given in fulfillment of the real estate contract between the grantee herein and DEAN VOGT and LOIS VOGT, husband and wife dated July 3, 1972 and recorded under Skamania County Auditor's number 75470, Book 64, page 654 records of said county, the sellers' interest in which has heretofore been assigned and deeded to ROYAL A. IVORY and B. HARRIET IVORY, then husband and wife, by an instrument dated January 2, 1973 recorded under Skamania County Auditor's number 75635, Book 64, page 877 records of said county, and in which B. HARRIET IVORY'S interest was thereafter by Quit Claim Deed transferred to ROYAL A. IVORY on April 22, 1975, said instrument being recorded under Skamania County Auditor's number 79310, Book 68, page 298 records of said county, and which underlying contract is conditioned for the conveyance of the above described real property, and the covenants of warranty herein contained shall not apply to any title, interest or encumbrance

