

Return Address: PUD No. 1 of Skamania County
P.O. Box 500
Carson, WA 98610

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: PUD No. 1 of Skamania County

PROPERTY OWNER: PUD No. 1 of Skamania County and Harley & Bonnie Ternahan, Ternahan Living Trust

FILE NO.: NSA-09-59

PROJECT: To conduct a lot line adjustment, transferring approximately 5,601 square feet from lot #0400 to lot #0900, in order to correct the encroachment of PUD infrastructure on the Ternahan's property.

LOCATION: 41 Scenic Heights Road, Underwood, Section 20 of T3N, R10E, W.M. and is At the end of Wess Road, Underwood; Section 21 of T3N, R10E, W.M., and identified as Skamania County Tax Lots #03-10-21-2-0-0400-00 (Ternahan) and 03-10-21-2-0-0900-00 (PUD).

LEGAL: See page(s) 6-7.

ZONING: General Management Area- Large-Scale Agriculture (Ag-1)

DECISION: Based upon the record and the Staff Report, the application PUD No. 1 of Skamania County, described above, **subject to the conditions set forth**

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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.

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) No grading or ground disturbing activity is approved by this application.
- 4) 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

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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.
- 5) 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 15th day of December, 2009, at Stevenson, Washington.


Jessica Davenport, Associate Planner
Skamania County Community Development Department

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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.

The final determination of the Environmental Threshold Determination related to this underlying government action can be appealed to a court of competent jurisdiction, along with the underlying government action, only by the parties with standing to the Environmental Threshold Determination. If the underlying government action was exempt from SEPA review, this section does not apply.

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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 Washington Department of Community Trade and Economic Development – Carrie Calleja

Department of Fish and Wildlife

TAX LOT #03-10-21-2-6-0400-00

EXHIBIT "A"

BOOK 152 PAGE 558

The southwest quarter of the northwest quarter (SW 1/4 NW 1/4), and the east half of the northwest quarter of the southwest quarter (E 1/2 NW 1/4 SW 1/4) of Section 21, Township 3 North, Range 10 E.W.M.

EXCEPTING THEREFROM: The north 475 feet of the east 428 feet of the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of Section 21, Township 3 North, Range 10 E.W.M.

ALSO EXCEPTING THEREFROM: The south 475 feet of the north 950 feet of the east 428 feet of the Southwest Quarter of the Northwest Quarter (SW 1/4 NW 1/4) of Section 21, Township 3 North, Range 10 E.W.M.

ALSO EXCEPTING THEREFROM: The north 100 feet of the south 580 feet of the west 100 feet of the Southwest Quarter of the Southwest Quarter of the Northwest Quarter (SW 1/4 SW 1/4 NW 1/4) of Section 21, Township 3 North, Range 10 E.W.M.

ALSO EXCEPTING THEREFROM: A right of way as required for the reconstruction of the County Road known and designated Cook Underwood Road, (County Road No. 3041) located in the S.W. 1/4 of Section 21, Township 3 North, Range 10 E.W.M. in Skamania County, Washington:

CENTERLINE DESCRIPTION

Beginning at centerline Sta. 95+00 on the Cook Underwood Road, said point being 3 56° 9' 59" E 253.97 ft. from an iron pipe marking the SW corner of the NW 1/4 of the SW 1/4 of Section 21, T3N, R10E, W.M. Thence N 68° 40' 38" E 194.54 ft. to PC Sta. 96+94.54. Thence on a 600 ft. radius curve to the left 215.31 ft. Thence N 48° 6' 58" E 90.15' to P.O.T. Sta. 100+00 back which equals Sta. 100+01.70 ahead; thence N 48° 6' 58" E 56.68 ft. to P.C. Sta. 100+58.38. Thence on a 1000 ft. radius curve to the right 343.54 ft., thence N 67° 47' 58" E 443.54' to P.C. Sta. 108+45.46 Thence on a 1000 ft. radius curve to the left 152.47 ft., thence N 59° 03' 49" E 112.10 ft. to P.C. Sta. 111+10.03, thence on an 800 ft. radius curve to the right 183.65 ft. thence N 72° 21' 37" E 254.32 ft. to Sta. 115+50.

RIGHT OF WAY DESCRIPTION

1. A strip of land lying northerly of and contiguous to the above described centerline, said strip of land being 30 ft. in width from Sta. 100+60 to 101+00, thence tapering to 35 ft. in width at Sta. 102+50, thence 35 ft. in width to Sta. 106+00, thence tapering to 30 ft. in width at Sta. 107+00, thence tapering to 32 ft. in width at Sta. 107+50, thence tapering to 25 ft. in width at Sta. 108+00.

2. A strip of land lying southerly of and contiguous to the above described centerline, said strip of land being 30 ft. in width from Sta. 100+00 to Sta. 107+50

The above described parcels of land containing a total acreage of
 .99 acres less existing rights of way, being a net acreage of
 .90 acres more or less

HORENSTEIN & DUGGAN P.S.
 ATTORNEYS AT LAW
 900 Washington Street, Suite 900
 P.O. Box 884
 Vancouver, Washington 98666
 (360) 566-4771 • (360) 288-2843

TAX LOT 03-10-21-2-0-0900-00 68340

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Harley A. Ternaahan

TO

Filed for Record at Request of

P. U. D. No. 1

Name.....

Address.....

City and State.....

REGISTERED	6
INDEXED, DIR.	6
INDIRECT	6
RECORDED	6
COMPARED	6
MAILED	6

STATE OF WASH.
COUNTY RESERVE FOR RECORDER'S USE.

I HEREBY CERTIFY THAT THE WITHIN

INSTRUMENT OF WRITING, FILED BY

OF

AT 9:30 A.M. MAR 27 1967

RECORDED IN BOOK 57

OF

RECORDS OF SKAMANIA COUNTY, WASH.

COUNTY AUDITOR

E. M. M. M.

E. M. M. M.

E. M. M. M.

E. M. M. M.

Statutory Warranty Deed

68340

Form 467-1-REV

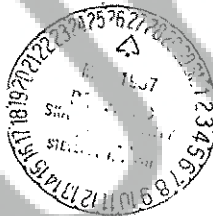
THE GRANTORS HARLEY A. TERNAHAN and BONNIE F. TERNAHAN, husband and wife,

for and in consideration of TEN DOLLARS

in hand paid, conveys and warrants to PUBLIC UTILITY DISTRICT NO. 1 OF SKAMANIA COUNTY,
WASHINGTON, a municipal corporation,

the following described real estate, situated in the County of Skamania, State of Washington:

The north 100 feet of the south 580 feet of the west 100 feet of
the Southwest Quarter of the Southwest Quarter of the Northwest
Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 21, Township 3 North, Range 10
E. W. M.

TRANSACTION EXCISE TAX
MAR 27 1967Amount Paid \$10.00
By *Harley A. Ternaahan*
Skamania County Treasurer

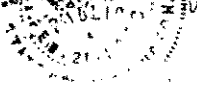
Dated this 22nd day of March, 1967.

Harley A. Ternaahan (SEAL)*Bonnie F. Ternaahan* (SEAL)STATE OF WASHINGTON, }
County of Skamania }

On this day personally appeared before me HARLEY A. TERNAHAN and BONNIE F. TERNAHAN,

to me known to be the individual s described in and who executed the within and foregoing instrument, and
acknowledged that they signed the same as their free and voluntary act and deed, for the
uses and purposes therein mentioned.

GIVEN Under my hand and official seal this 22nd day of March, 1967.

*Quentin Meyer*
Notary Public in and for the State of Washington,
residing at Stevenson

