

Return Address: SDS Co. LLC
PO Box 266
Bingen, WA 98605

Skamania County Community Development Department

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

Administrative Decision

**APPLICANT/
PROPERTY
OWNERS:**

SDS Co. LLC
Todd Mera and Rachael Horn
Luis, Andres and Enedina Perez

FILE NO.:

NSA-09-66

PROJECT:

Application for two boundary line adjustments.

One boundary line adjustment is proposed between SDS (lot #1200) and Mera/Horn (lot #1100), of which Mera would transfer 6,482 sq. ft. of land to SDS, and SDS would transfer 12,302 sq. ft. of land to Mera/Horn. This BLA involves land that the Mera/Horns use for access.

The second proposed boundary line adjustment is between SDS (lot #1200) and Perez (lot #1503). SDS would transfer 6,577 sq. ft. of land due to encroachment on SDS property.

LOCATION:

Little Buck Creek Road and Cook Underwood Road, Underwood; Section 16 of T3N, R10E, W.M. and identified as Skamania County Tax Lots #03-10-16-0-0-1200-00, #03-10-16-0-0-1100-00 and #03-10-16-0-0-1503-00.

LEGAL:

See attached page(s) 8-11.

ZONING:

General Management Area – Large Scale Agriculture (Ag-1) /Residential (R-5)

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DECISION:

Based upon the record and the Staff Report, the application by SDS Co. LLC, 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 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).

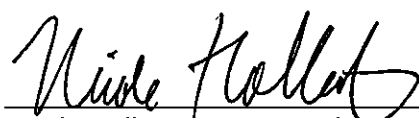
- 1) As per SCC §22.06.120(C)(2), this Administrative Decision shall be recorded by the applicant in the County deed records prior to commencement of the approved project.
- 2) All developments shall be consistent with the enclosed site plan, unless modified by the following conditions of approval. If 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

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 File NSR 09-10 (CNS Co. 110) Administrative Decision
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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.
- 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 2 day of February, 2010, at Stevenson, Washington.



Nicole Hollatz, 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 \$1,300.00 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.

WARNING

Skamania County Community Development Department
Hr: NSA 09 66 (SOS Co. L.C) Administrative Decision
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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:

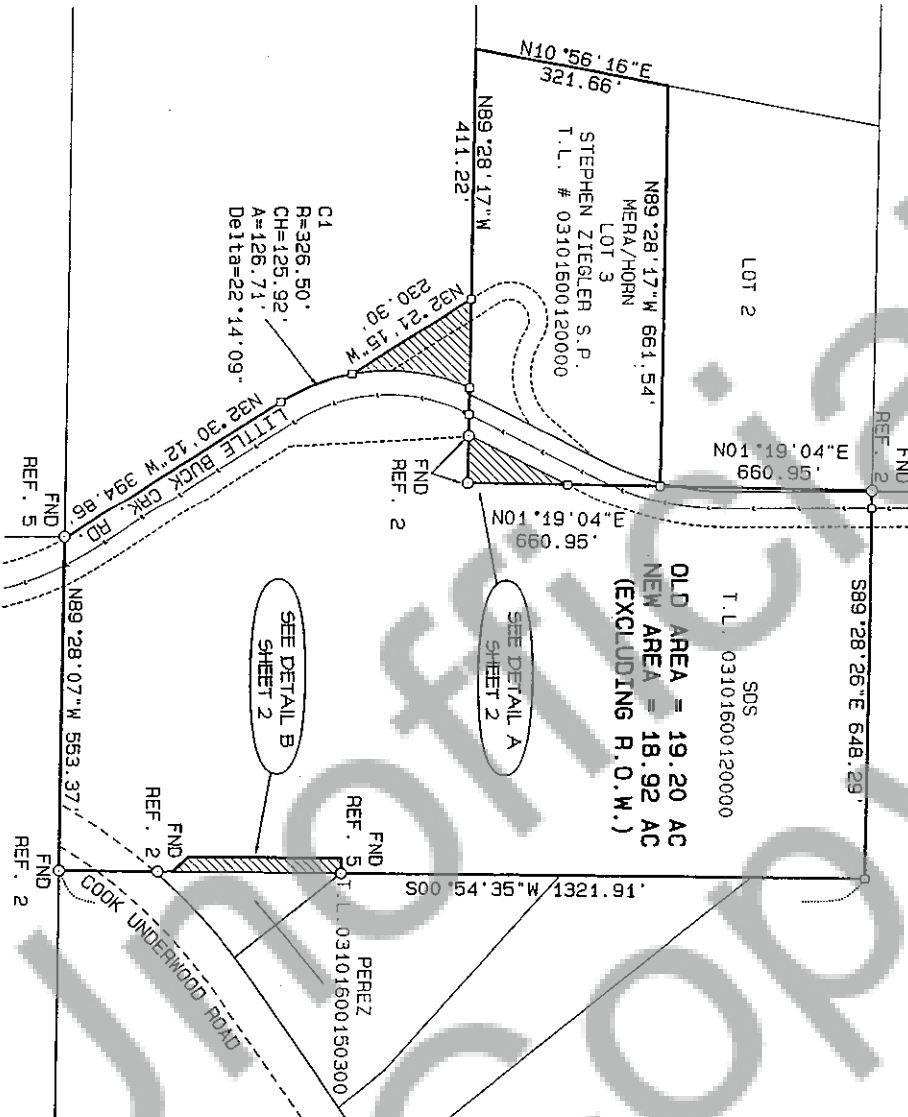
Adjacent Property Owners within 500 feet
Yakama Indian Nation
Confederated Tribes of the Umatilla Indian Reservation
Confederated Tribes of the Warm Springs
Nez Perce Tribe
Cowlitz Tribe
Department of Archaeology and Historic Preservation
Columbia River Gorge Commission
U.S. Forest Service - NSA Office
Board of County Commissioners
State of WA Department of Community Trade and Economic Development (electronic)
Department of Fish and Wildlife
Friends of the Columbia Gorge

REFERENCES

1. STEPHEN ZIEGLER SHORT PLAT, BOOK 3 PAGE 227-230, AFN 117305, AFN 117453
2. LAWSON SURVEY, BOOK 2 PAGE 16-17
3. SKAMANIA COUNTY CRP 68-9, LITTLE BUCK CREEK ROAD - NO. 3097, DATED 1971
4. SKAMANIA COUNTY CLIMAX MILL ROAD, DATED 1920
5. TRANTON SURVEY, BOOK 2 PAGE 130

LITTLE BUCK CREEK ROAD - SDS - MERA/HORN - PEREZ - BOUNDARY LINE ADJUSTMENT

SCALE AS NOTED



NOTES

LITTLE BUCK CREEK R.O.W. AND PARCEL BOUNDARIES CALCULATED AS FOLLOWS:
 1) HELD LAWSON SURVEY (REF. 2) TIES TO CENTERLINE MON. AND APPLIED CRP #68-9 (REF. 3).
 2) HELD STA 10+11 ON CLIMAX ROAD PLANS (REF. 4) AS STA 11+76 ON CRP# 68-9 AND HELD TANGENT AS SAME BEARING.

SURVEY NARRATIVE

TRAVERSE PERFORMED BY BELL DESIGN COMPANY SEPT., 2009. FOUND MONUMENTS FROM REF. 2 AND 5 WITHIN ACCEPTABLE TOLERANCES.

LEGEND

- MARKER FOUND AS NOTED
- CALCULATED CORNER, NOT SET OR FOUND.

SCALE 1" = 200'



SDS BLA EXHIBIT
 SECTION 16, T3N, R10E, W.M.
 UNDERWOOD
 WASHINGTON



BELL DESIGN COMPANY
 CIVIL ENGINEERING LAND SURVEYING
 1000 EAST STEUBEN STREET, P.O.B. 308, BINGEN, WA. 98605
 PHONE (509) 493-3886, FAX (509) 493-3885

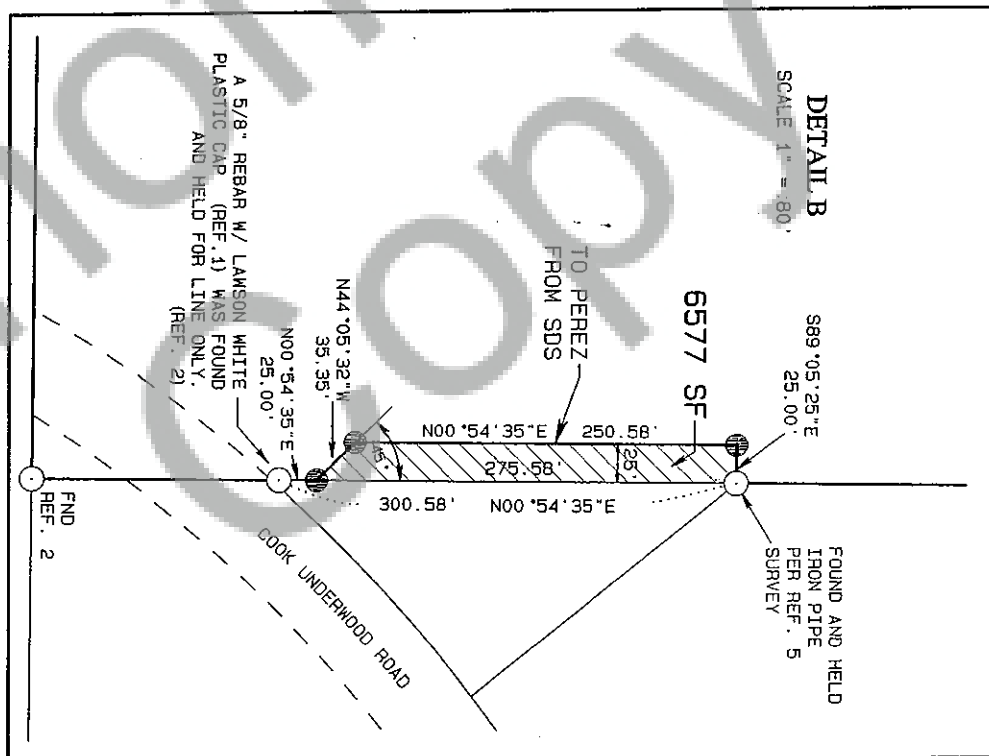
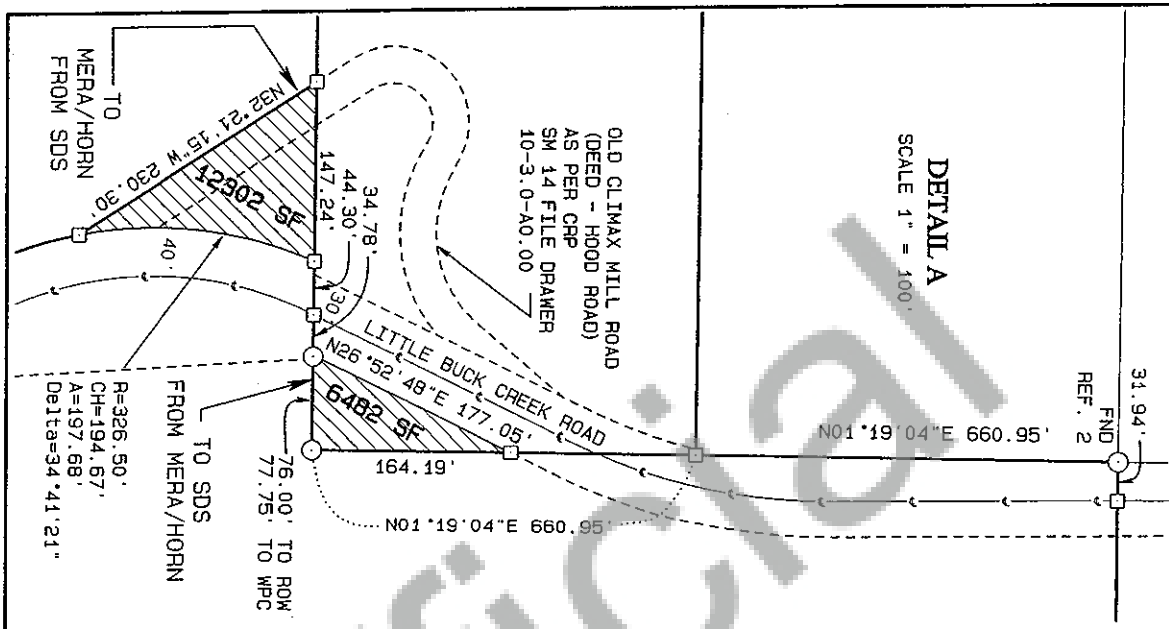
WA 5091605-0000
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LITTLE BUCK CREEK ROAD - SDS - MERA/HORN - PEREZ - BOUNDARY LINE ADJUSTMENT

SCALE AS NOTED



- LEGEND**
- MARKER FOUND AS NOTED
 - CALCULATED CORNER, NOT SET OR FOUND.
 - SET RED PLASTIC CAP (RPC) ON 5/8" REBAR

0:\2004\B103\04\B103.pro

\$1.1

SDS BLA EXHIBIT
SECTION 16, T3N, R10E, W.M.
UNDERWOOD
WASHINGTON



BELL DESIGN COMPANY
CIVIL ENGINEERING LAND SURVEYING
1000 EAST STEUBEN STREET, P.O.B. 308, BINGEN, WA, 98605
PHONE (509) 443-3886, FAX (509) 443-3885

DESIGN: 300
DATE: 10/02/03
BY: J. BELL
CHECKED: J. BELL
APPROVED: J. BELL
THIS DRAWING IS THE PROPERTY OF BELL DESIGN COMPANY, INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF BELL DESIGN COMPANY, INC.

Doc # 2007168129
 Page 1 of 1
 Date: 11/1/2007 09:34A
 Filed by: BOARD OF COUNTY COMMISSIONERS
 Filed & Recorded in Official Records
 of SKAMANIA COUNTY
 SKAMANIA COUNTY AUDITOR
 J MICHAEL GARVISON
 Fee: \$40.00

REAL ESTATE EXCISE TAX

Filed for Record at request of:

SDS COMPANY LLC
 PO BOX 266
 BINGEN, WA 98605

NOV - 1 2007

PAID

EXEMPT

Shirley Tabara Deputy
 SKAMANIA COUNTY TREASURER

STATUTORY WARRANTY DEED

THE GRANTOR, SKAMANIA COUNTY, a municipal corporation, for and in consideration of TEN DOLLARS (\$10.00), in hand paid, conveys and warrants to SDS COMPANY LLC the following described real estate, situated in the County of Skamania, State of Washington:

The West half of the Southeast Quarter of the Southeast Quarter and the South half of the Southwest Quarter of the Southeast Quarter of Section 16, Township 3 North, Range 10 East of the Willamette Meridian, in the County of Skamania, State of Washington Lying Easterly of the Westerly line of Hood Road as described by instrument Recorded in Book 31, Page 514.

Except that portion conveyed to Skamania County for Road purposes by instrument Recorded in Book 59, Page 46.

Skamania County Assessor
 Date 11/1/07 Parcel# 3-10-16-1200

Assessor's Property Tax Parcel/Account Number: 03-10-16-0-0-1200-00 *Trm*

DATED this 30th day of October, 2007

Paul Pearce
 PAUL PEARCE, CHAIRMAN
 Skamania County Board of Commissioners

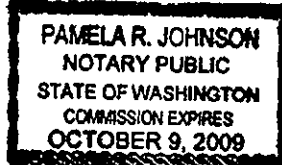
STATE OF WASHINGTON)

County of Skamania)

) ss.

I certify that I know or have satisfactory evidence that Paul Pearce is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in this instrument.

Dated this 30th day of October, 2007.



Pamela R. Johnson
 Notary Public for the State of Washington

Residing at Carson

My commission expires 10/9/09

BOOK 240 PAGE 706

Exhibit A

A TRACT OF LAND IN THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHERN QUARTER OF SECTION 16, TOWNSHIP 3 NORTH, RANGE 10 EAST OF THE WILLAMETTE MERIDIAN IN THE COUNTY OF SKAMANIA, STATE OF WASHINGTON, DESCRIBED AS FOLLOWS: LOT 3 OF THE STEPHEN ZIEGLER SHORT PLAT, RECORDED IN BOOK 3 OF SHORT PLATS, PAGE 227, ALSO RECORDED IN BOOK 3 OF SHORT PLATS, PAGE 230, SKAMANIA COUNTY RECORDS.

SUBJECT TO: TAXES FOR PARCEL NO. 03-10-16-0-0-1100-00

RIGHTS OF THE PUBLIC IN AND TO THAT PORTION LYING WITHIN THE ROAD.

132799

BOOK 181 PAGE 171

AFTER RECORDING MAIL TO:

LUIS G. PEREZ

POB 1817

Mile. Salmon, WA
98072FILED IN RECORDS
SKAMIA COUNTY WASH
31 SKAMIA CO. TITLE

SEP 10 1 40 PM '99

GARY H. OLSON
AUDITORFiled for Record at Request of
Columbia Title Company
Escrow Number: 21984

Statutory Warranty Deed

Grantor(s): MARVIN A. WAYNE, Read and Approved, JOAN A. WAYNE, Read and Approved
Grantee(s): LUIS G. PEREZ, ANDRES PEREZ, ENEDINA PEREZAbbreviated Legal: PORT. E2SB4SE4 SEC16, T3N, R10E, WM, records of SKAMIA
County, WA

Additional legal(s) on page 2

Assessor's Tax Parcel Number(s): 03-10-16-0-0-1503-00

THE GRANTOR MARVIN A. WAYNE and JOAN A. WAYNE, husband and wife
for and in consideration of Ten Dollars and Other Good and Valuable Consideration
paid to an accomodator pursuant to an IRC 1031 Tax Deferred Exchange
in hand paid, conveys and warrants to ANDRES PEREZ, and ENEDINA PEREZ, husband and wife,
and LUIS PEREZ

the following described real estate, situated in the County of SKAMIA, State of Washington;
Please see Page 2 Attached

Together with 91977 HILL 60/24 Vin # 02910949K

Gary H. Martin, Skamania County Assessor

Date 9-10-99 Parcel # 03-10-16-1503

Van

Dated this 8 day of Sep 1999

By

By

MARVIN A. WAYNE

By

By

JOAN A. WAYNE

STATE OF WASHINGTON

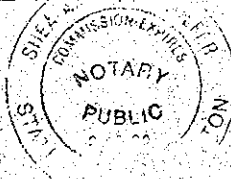
County of WASHINGTON

SS:

I certify that I know or have satisfactory evidence that Marvin A Wayne
and Joan A. Wayne
the person who appeared before me, and said person acknowledged that they
signed this instrument and acknowledge it to be their free and voluntary act for the uses and purposes
mentioned in this instrument.

Dated: September 8, 1999

Notary Public in and for the State of Washington
Residing at Bellingham
My appointment expires 2-10-99

REAL ESTATE EXCISE TAX
19758

SEP 13 1999

PAID \$1034.00

By Gordon Ripley

SKAMIA COUNTY TREASURER

SEP 10

BOOK 181 PAGE 172

EXHIBIT A

That portion of the East Half of the Southeast Quarter of the Southeast Quarter of Section 16, Township 3 North, Range 10 East of the Willamette Meridian, lying Northerly of County Road No. 3041 designated as the Cooks-Underwood Highway, described as follows:

BEGINNING at the Southwest Corner of the East Half of the Southeast Quarter of the Southeast Quarter of the said Section 16; thence North along the West Line of said subdivision 1138 feet; thence South 40°45' East 753 feet to the Northwestern right-of-way line of said Cooks-Underwood Highway; thence South 51°30' West along the Northwestern right-of-way line 436 feet to the initial point of the tract hereby described; thence North 40°30' West 236 feet, more or less, to intersection with the West Line of the East Half of the Southeast Quarter of the Southeast Quarter of the said Section 16; thence South along said West Line of 320 feet, more or less, to intersection with the Northwestern right-of-way line of said Cooks-Underwood Highway; thence following said Northerly right-of-way line Northeasterly to THE INITIAL POINT.

Subject To:

4. Statutory Mineral Reservation pursuant to Chapter 256, Laws of 1907, arising by fact that the chain of title begins with deeds from the State of Washington, which deeds were dated after June 11, 1907, the date when said Chapter 256 took effect.
5. Reservation of a right of way for logging railroad or road and purposes incident thereto, as contained in deed from J.P. Porter, et.al., to E.C. Godde, recorded May 31, 1909 in Book 6, Page 441, Skamania County Deed Records.
6. Reservation of the right of Skamania County to construct highways on or through said property, free from all claims from damages or compensation, as contained in deed from Skamania County to J.C. Guyer, recorded November 7, 1947 in Book 31, Page 324, Auditor's File No. 37234, Skamania County Deed Records.
7. Right of Way Easement for Utilities, including the terms and provisions thereof, in favor of Public Utility District No. 1 for Skamania County, recorded JUNE 25, 1956 in Book 42, Page 46, in Auditor File No. 59739, Skamania County Deed Records.