

Return Address: SDS Company, 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 Fax 866 266 1543

Letter Amendment to Administrative Decision NSA-08-31-L1 Replacing Letter Amendment NSA-08-38-L1 dated June 30, 2010

APPLICANT: Nathan Ziegler

PROPERTY OWNER: SDS Company, LLC

FILE NO.: Amendment to NSA-08-31

REFERENCE NO.: Administrative Decision for NSA-08-31, recorded on April 30, 2009 in the Skamania County Auditor's records file no. 2009172729.

PROJECT: Application to clear timber and cultivate a new 20-acre vineyard with trellis system and 10 foot deer fencing to enclose the vineyard, a 14' wide agricultural road, construction of a 32'x40'x16' agricultural building and associated utilities.

LOCATION: Cook-Underwood Road & Little Buck Creek Road, Underwood; Section 16 of T3N, R10E, W.M., and is identified as Skamania County Tax Lot Number 03-10-16-0-0-1200-00.

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

July 7, 2010

Dear Mr. Ziegler,

The Community Development Department issued a final Administrative Decision on April 27, 2009 for the above referenced application. On June 7, 2010 we received a letter from you requesting some changes to the approved decision. The Community Development Department issued a Letter Amendment on June 30, 2010 in response to your June 7, 2010 letter; however, information was inadvertently left out of that Letter Amendment. Therefore, this Letter Amendment shall replace the Letter Amendment NSA-08-31-L1 dated June 30, 2010.

You are requesting to relocate the approved agricultural bar, increase the height of the barn from 16 to 18 feet, and to modify the location of the main access road. I will individually review the proposed changes below to ensure that the changes will not create any additional impacts and that the development remains consistent with the findings and conclusions on the original application.

Siting of Agricultural Barn

You have requested to relocate the approved barn from a site along the northern boundary line to the lower third of the 20-acre parcel. The structure will be moved to a site that has less productive soil and which will be easier for trucks and maintenance equipment to access. The proposed site is surrounded on the south and west by a berm (see figure 1-1 below). Staff completed a site visit on June 10, 2010 and verified that the proposed siting is located such that it will meet the applicable scenic standard of visually subordinate to the landscape setting as seen from key viewing areas. The site will be less visible from KVAs, such as the Columbia River, I84, and Panorama Point than the approved siting. The applicant had 18 foot tall markers set up behind the berm with orange flagging to demark the top of roof peak. Only the very top of the marker was visible from locations along Cook Underwood Road.

The condition of approval number 8 that required a ten foot wide vegetative screen along the approved barn shall be modified as follows:

- 8) The applicant and/or future owner shall ~~retain an approximately 10 foot wide vegetative screen along the west, east and south aspects of the proposed agricultural barn for screening purposes, consistent with the attached site plan~~ plant approximately 4 conifer trees and 8 large shrubs on the screening berm along the south and east aspect of the barn. The screening trees shall be at least 5 feet in height at the time of planting and shall reach a mature height of at least 15 feet or more. The berm shall be maintained permanently with a two to one slope to provide screening from key viewing areas.

The altered location of the barn modifies the agricultural buffer required along the north property line. In order to have the original location of the proposed barn a natural vegetation barrier along the north property line was required to be retained in order to allow for the agricultural buffer to be 50 feet as opposed to the required 150 feet when there is no barrier involved. The new location of the barn is over 150 feet from the north property line and therefore the need to retain the natural vegetation buffer is not required and the north buffer will be modified from 50 feet to 150 feet.

Condition of approval number three shall be modified as follows:

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.

The agriculture setbacks are as follows: the proposed development or any future development shall be setback 150 feet from the west, and 50 feet from and the north property lines.

Condition of approval number four shall be deleted:

~~4) The applicant and/or future landowner shall retain a natural vegetation barrier along the north property line. The vegetation buffer shall be at least 100 feet in length (centered on the agricultural barn). The vegetation buffer shall be maintained in good condition and dead or dying trees shall be replaced in kind.~~

Height of Agricultural Barn

You have requested to increase the height of the approved barn from 16 feet to 18 feet. This height increase allows for 10 foot tall doors that can accommodate farm equipment, while maintaining a low to medium pitched roof (5x12). The door height was not calculated in the original design and the two feet height increase will have no added impact and constitutes a minor change to an approved structure.

Access Roads

You have requested to modify the internal roads on the subject parcel consistent with the attached site plan. The original application approved a main road running up the east property line and along the north property line. With the modified location of the agricultural barn, large trucks will have easier access to the site with an approach off Cook-Underwood. Also due to the steep slope that bisects the parcel, the majority of the work and maintenance will occur on the lower part of the parcel. The modification of the internal roads will have no added impact and constitutes a minor change to the approved plan.

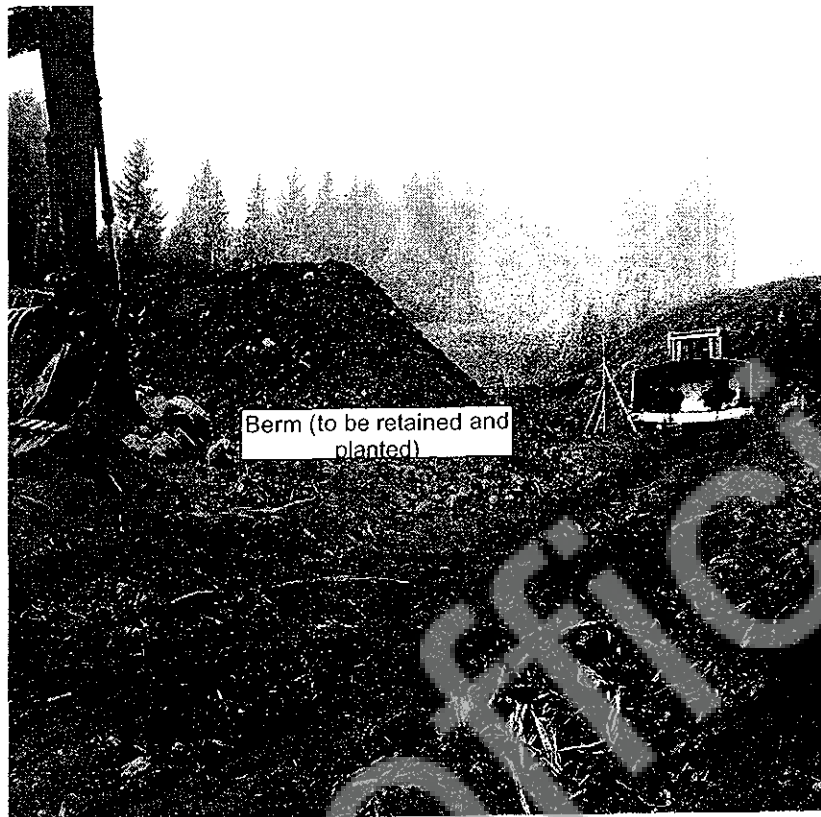


Figure 1-1

The Berm will be conditioned to be maintained with a two to one slope to provide screening from key viewing areas.

Pursuant to SCC §22.06.080(B), a change or alteration to an approved action, if determined to be minor by the Director, may be "deemed consistent with the provisions of this Title and the findings and conclusions on the original application." The proposed request constitutes a minor change; therefore, the original decision shall be amended as stated above.

The revised site plan and elevation drawings (see attached pages 7-9) to this Letter Amendment shows the modified location and height of the approved agricultural building. The amendment is hereby approved.

All of the original conditions in the Administrative Decision are still valid and shall be complied with. As a reminder, **this letter amendment needs to be recorded at the County Auditor's office prior to release of a building permit. The letter amendment dated June 30, 2010 is not required to be recorded as it is void and replaced with this document. Please contact the Building Division for a final inspection after all conditions of approval have been met.** If you have any questions, please give me a call at 509-427-3900.

Sincerely,

Nicole Hollatz
Nicole Hollatz
Associate Planner *by gnd*

cc: Skamania County Building Division
Persons w/in 500 feet
Yakama Indian Nation
Confederated Tribes of the Umatilla Indian Reservation
Confederated Tribes of the Warm Springs
Nez Perce Tribe
Cowlitz Indian Tribe
Columbia River Gorge Commission
U.S. Forest Service - NSA Office
Board of County Commissioners (electronic)
Friends of the Columbia Gorge
Department of Archaeology and Historic Preservation
Washington Department of Commerce (electronic)

Attached: Letter request for Amendment
Amended Site Plan
Amended Elevation Drawings
Vicinity Map

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.

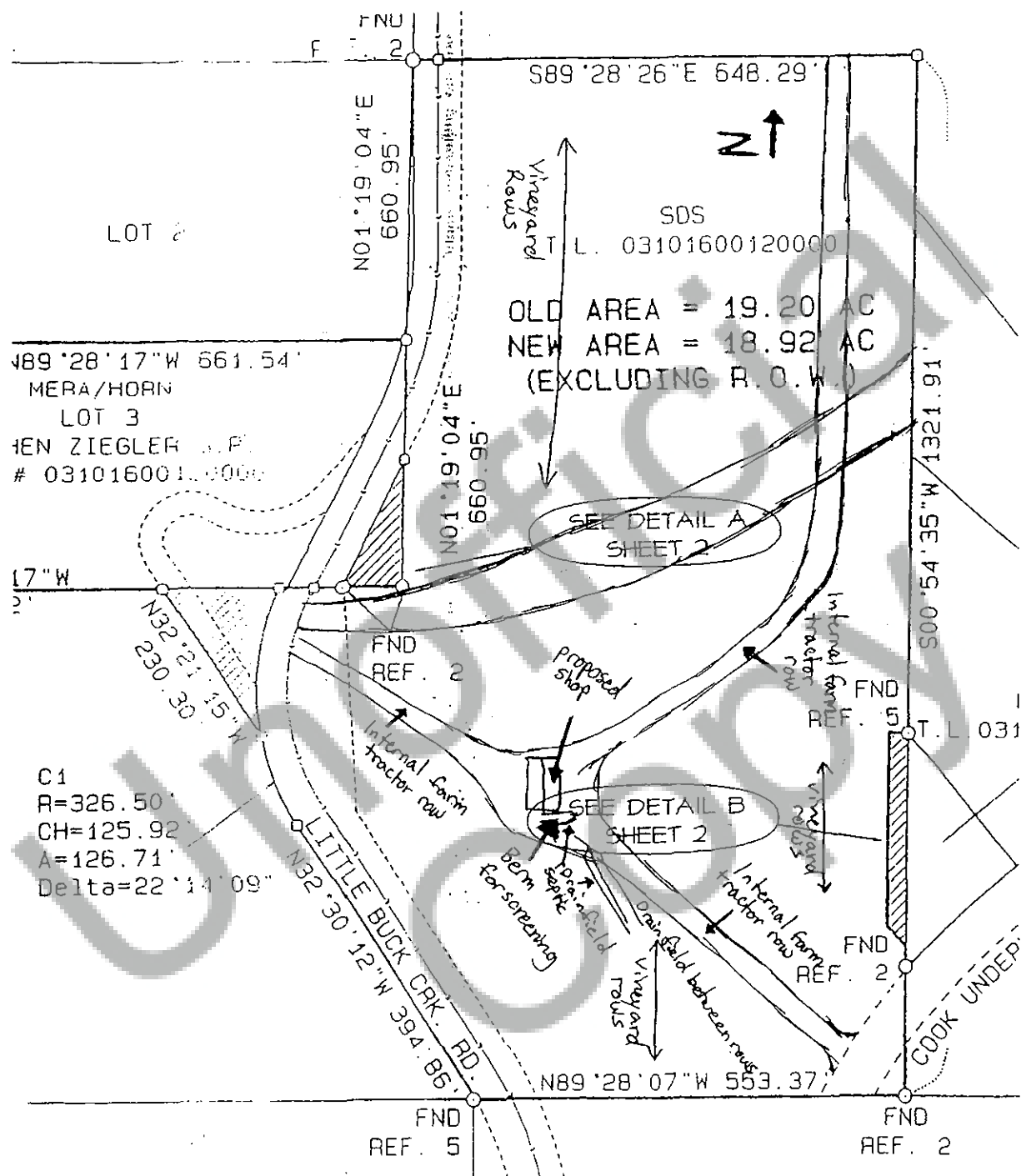
This letter is to amend SDS Lumber Company's vineyard application to relocate the shop (that's been approved) on Little Buck Creek Road. SDS has asked Clark Ziegler and myself (Nathan Ziegler) to manage, design and build the structure on this property and redesign the layout of the vineyard including internal farm tractor rows. The shop location needs to be moved to less productive soil and closer to the landing during harvest. The new location is in rocky, unusable soil and will allow the shop to be built into a berm so minimal exposure will be seen. The berm will screen the front and the earth will screen the south, west and north sides. The three sides will be poured concrete to retain dirt so that only the roof will show on those sides. The road on the original application will be replaced by internal farm tractor rows. The shop will be 40' x 32' x 18' to accommodate tractors, machinery, sprayers, mowers, netting, supplies and a work bench. A bathroom for all workers involved in vineyard daily work will be installed with a septic and approved drain field. The doors for tractors etc. need to be 10' tall and 1' for header above door leaving the roof pitch of only 5in12. Thank you.

Sincerely,

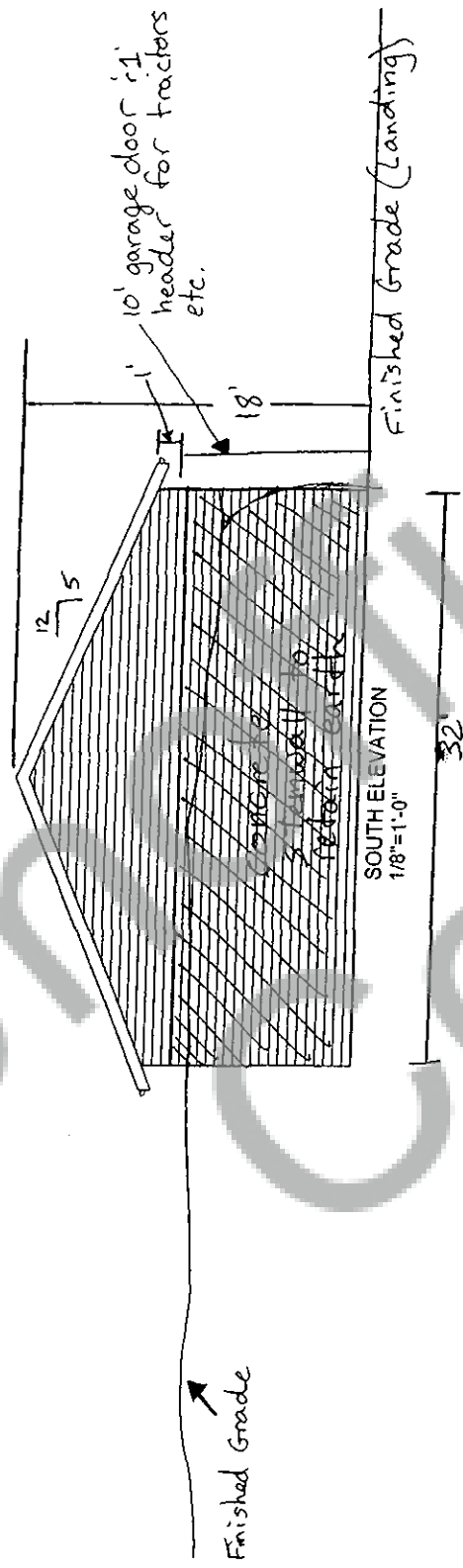


Nathan Ziegler
Ziegler Vineyards Estate

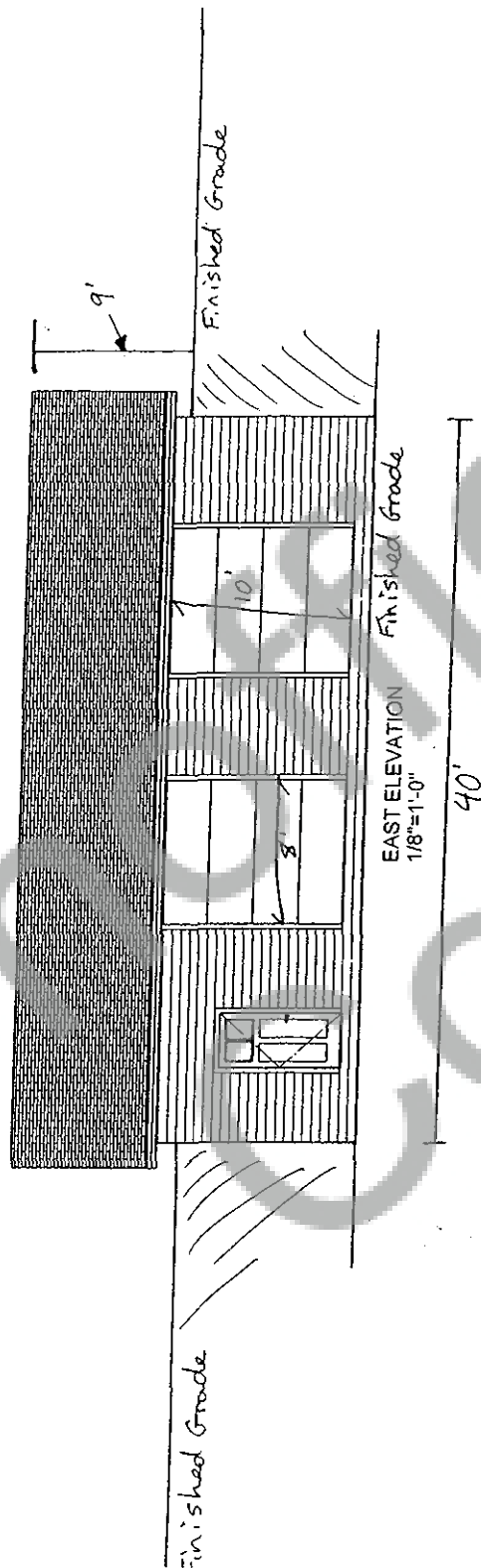
6/7/10 Receipt # 006846



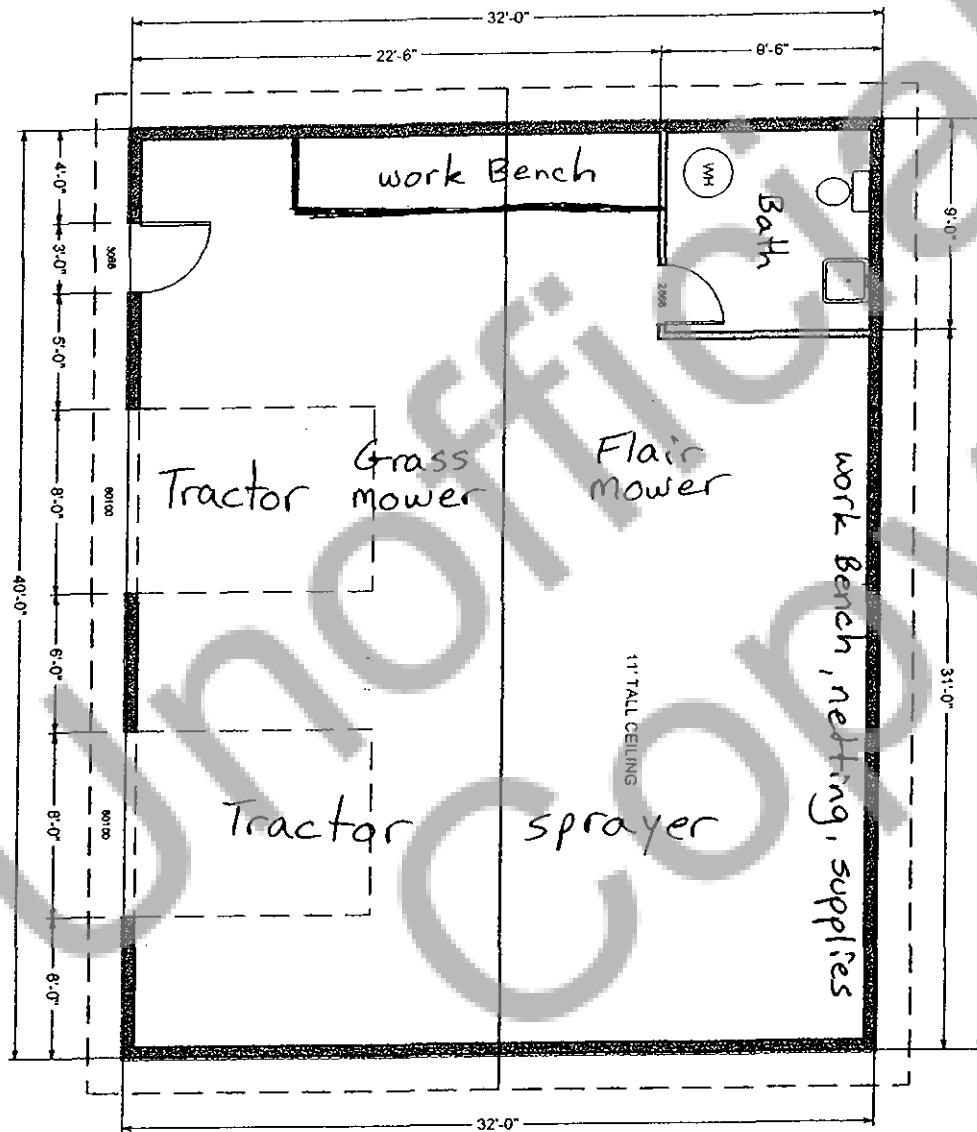
SHORT PLAT BOB 3 PAGE 227-230. AFN 117306. AFN 117453
OK 3 PAGE 17-18



SDS Shop
Nathan Ziegler
541-806-0153



SDS Shop
Nathan Ziegler
541-806-0153



SDS Shop
Nathan Ziegler
571-806-0153

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 GARRISON
 Fee: \$48.00

REAL ESTATE EXCISE TAX

Filed for Record at request of: SDS

SDS COMPANY LLC
 PO BOX 266
 BINGEN, WA 98605

NOV - 1 2007

PAID

EXEMPT

Michael Garrison
 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 2m

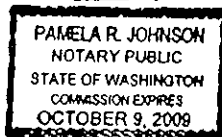
DATED this 30th day of October, 2007.

Paul Pearce
 PAUL PEARCE, CHAIRMAN
 Skamania County Board of Commissioners

STATE OF WASHINGTON)
) ss.
 County of Skamania)

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