

Return Address: Richard Oberst
351 Brier Road
Washougal, WA 98671

Skamania County Community Development Department

Skamania County Courthouse Annex
Post Office Box 790
Stevenson, Washington 98648
509 427-3900 FAX 866 266-1534

Administrative Decision

APPLICANT: Richard Oberst

PROPERTY OWNER: Richard and Michelle Oberst

FILE NO.: NSA-09-40

PROJECT: Boundary Line Adjustment between tax lot nos. 01-05-07-0-0-0104-00 (currently 20.25 acres) and 01-05-08-0-0-0808-00 (currently 28.11 acres). The resulting lot #0104 will be 20.04 acres in size and lot #0808 will be 28.32 acres in size, in a 20-acre minimum lot size Ag-2 land use designation. This application does not involve any ground disturbing activities.

LOCATION: 351 Brier Road, and the end of Meko Way, Washougal, Sections 7 and 8 of T1N, R5, W.M., and identified as Skamania County Tax Lots # 01-05-07-0-0-0104-00 and 01-05-08-0-0-0808-00.

LEGAL: See attached page(s) 6.

ZONING: General Management Area- Small-Scale Agriculture (Ag-2).

DECISION:

Based upon the record and the Staff Report, the application Richard Oberst, 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 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 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 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.

Skamania County Community Development Department
 1000 1st St. SE, Ste. 100, Skamania, WA 98581
 509.835.4400

- 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 26th day of May, 2010, at Stevenson, Washington.


 Jessica Davenport, Associate Planner
 Skamania County Community Development Department

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.

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

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.

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 Building Division

A copy of this Decision, including the Staff Report, was sent to the following:

Adjacent Property Owners within 500' and other Interested Parties
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 (electronic)
State of Washington Department of Commerce – Paul Johnson (electronic)
Department of Fish and Wildlife

PARCEL # 01-05-08-D-D-0808-00

EXHIBIT 'A'

PARCEL I

A parcel of land located in the North Half of the South Half of the Northwest Quarter of Section 8, Township 1 North, Range 5 East of the Willamette Meridian, Skamania County, Washington, described as:

Commencing at the Northwest corner of Lot 1 of the Robert D. Ferguson Short Plat No. 3 as recorded in Book 2 of Short Plats, Page 74, Skamania County Records; thence West along the North line of the South Half of the Northwest Quarter of said Section 8 to the West line of said Section; thence South along said West line 669.52 feet to the South line of the North Half of the South Half of the Northwest Quarter of said Section 8; thence East along said South line 900 feet, more or less, to the Southwest corner of Lot 2 of said Short Plat No. 3; thence North along the West line of said Lots 2 and 1 to the point of beginning.

Also known as Lots 3 and 4 of the Short Plat recorded in Book 2 of Short Plats, Page 74.

PARCEL II

The West 13 Acres of the South Half of the South Half of the Northwest Quarter of Section 8, Township 1 North, Range 5 East of the Willamette Meridian, in the County of Skamania, State of Washington.

PARCEL # 01-05-07-D-D-0104-00

Legal Description:

The East Half of the South Half of the East Half of the Northeast Quarter of Section 7, Township 1 North, Range 5 East of the Willamette Meridian in the County of Skamania, State of Washington.

Abbreviated Legal Description:

NE 1/4 Sec 7 T1N R6E

Assessor's Property Tax Parcel or Account No.:

01-05-07-D-D-0104-00

BOUNDARY LINE ADJUSTMENT

LOCATED IN THE 1/4 OF SECTION 7, T. 1N., R. 5E., W.M.
AND THE NW 1/4 OF SECTION 8, T. 1N., R. 5E., W.M.
SKAMANIA COUNTY, STATE OF WASHINGTON

NARRATIVE
THESE LINES ARE BEING SURVEYED AND ADJUSTED AS
SHOWN ON THIS SURVEY

AUDITOR'S CERTIFICATE

FOR THE RECORDING OF THIS SURVEY
I HAVE REVIEWED THE RECORDS OF THE SURVEY
AND THE RECORDS OF THE SURVEY
AND I HAVE FOUND THAT THE SURVEY
IS IN ACCORDANCE WITH THE
REQUIREMENTS OF THE
RECORDING ACT OF 1909

LEGEND

FOUND 177.10' IN THE N.W. CORNER OF SECTION 7, T. 1N., R. 5E., W.M.
FOUND 177.10' IN THE N.W. CORNER OF SECTION 8, T. 1N., R. 5E., W.M.
FOUND 177.10' IN THE N.W. CORNER OF SECTION 9, T. 1N., R. 5E., W.M.
FOUND 177.10' IN THE N.W. CORNER OF SECTION 10, T. 1N., R. 5E., W.M.



PROCEDURES

THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE
REQUIREMENTS OF THE RECORDING ACT OF 1909
AND THE SURVEY WAS FOUND TO BE IN ACCORDANCE
WITH THE REQUIREMENTS OF THE RECORDING ACT OF 1909

OWNERS

THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE
REQUIREMENTS OF THE RECORDING ACT OF 1909
AND THE SURVEY WAS FOUND TO BE IN ACCORDANCE
WITH THE REQUIREMENTS OF THE RECORDING ACT OF 1909

REFERENCE DEEDS

DEED OF TRUST DATED 2008 11/14/08 RECORDED IN BOOK 13
PAGE 137
DEED OF TRUST DATED 2008 11/14/08 RECORDED IN BOOK 13
PAGE 137

REFERENCE SURVEYS

DEED OF TRUST DATED 2008 11/14/08 RECORDED IN BOOK 13
PAGE 137
DEED OF TRUST DATED 2008 11/14/08 RECORDED IN BOOK 13
PAGE 137

SURVEYOR'S CERTIFICATE

I HAVE CONDUCTED THIS SURVEY IN ACCORDANCE WITH THE
REQUIREMENTS OF THE RECORDING ACT OF 1909
AND I HAVE FOUND THAT THE SURVEY
IS IN ACCORDANCE WITH THE
REQUIREMENTS OF THE
RECORDING ACT OF 1909

Klein & Associates, Inc.
LAND SURVEYING
1000 1st Ave. S.W.
Seattle, WA 98101

PRELIMINARY
DATED 11/14/08
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