

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-L2

**APPLICANT/
PROPERTY
OWNER:**

SDS Company, LLC

FILE NO.:

2nd 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. Letter Amendment to Administrative Decision for NSA-08-31-L1, recorded on July 28, 2010 in the Auditor's records file no. 2010176052.

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. NSA-08-31-L1 approved minor changes to the agricultural building in size and location.

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)

December 1, 2010

Dear Mr. Backus,

The Community Development Department issued a final Administrative Decision on April 27, 2009 and a Letter Amendment to the Administrative Decision (NSA-08-31-L1) on July 7, 2010 for the above referenced application. On October 26, 2010 we received a letter from you requesting some changes to the approved decision. You have requested removal of condition of approval #14 from the Administrative Decision for file no. NSA-08-31, which requires SDS to maintain a 50 foot buffer around two designated off-site "potential" western gray squirrel nests. I will review the proposed change below to ensure that the recommended change will not create any additional impacts and that the development remains consistent with the findings and conclusions on the original application.

On October 19, 2010, Ted Labbe, Habitat Biologist for WDFW sent an email to the Community Development Department (see attached Exhibit A), that states, "WDFW no longer expect[s] SDS to protect the nest site. Our limited conservation resources would be better served safeguarding other active sites or habitat areas with less fragmented characteristics." The tree (#5 of Attached Exhibit B, page 9 of original Administrative Decision) in which a nest was documented during previous review has been retained along with designated buffer trees. However, SDS had WDFW verify that no nest is present either due to wind or other factors and therefore is requesting the condition be modified. Secondly, the other documented nest (#6) was located on the adjacent parcel, with the fifty foot buffer extending onto SDS property. The trees on the adjacent parcel were removed by the previous landowner, prior to SDS taking ownership (June, 2010) through a Lot Line Adjustment (NSA-09-66). The harvest of the nest trees was not included in the SDS Forest Practice Application (FPA) and it would have been the landowner's responsibility to contact DNR for any logging done on their property prior to removal.

The County is aware that the adjacent parcel was logged without regard to the potential squirrel habitat. However, there was no condition of approval on the parcel which required retention of those trees as the application was limited to the SDS parcel, and therefore the previous owners were not in violation of any County code. However, based on the letter amendment request and dialogue with the County, SDS has voluntarily agreed to plant 15 native trees as replacement to those buffer trees proposed to be removed. As per a phone conversation on November 10, 2010 with David Howe, Habitat Program Manager for WDFW, WDFW agreed that planting trees native to the area was acceptable replacement mitigation for the removal of the buffer trees, and left it up to the County to specify the number.

Condition of Approval number 14 shall be removed from the Administrative Decision:

- ~~14. The applicants and/or future land owners shall retain 50-foot wide buffers around the two potential western gray squirrel nest sites located at the southwest corner of the parcel (as shown on the attached site plan). No disturbance or removal of vegetation shall occur within these buffer 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 amendment is hereby approved.

All of the original conditions, excluding 14, as listed in the Administrative Decision and Letter Amendments are still valid and shall be complied with. As a reminder, **this letter amendment needs to be recorded at the County Auditor's office.** If you have any questions, please give me a call at 509-427-3900.

Sincerely,



Nicole Hollatz
Associate Planner

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)
WA Dept. of Fish & Wildlife (David Howe)

Attached: Letter request for Amendment
WDFW Email (Exhibit A)
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.

SKAMANIA COUNTY

OCT 25 2010

NATIONAL SCENIC AREA LETTER AMENDMENT

(Please complete application in ink)

COMMUNITY DEVELOPMENT
DEPARTMENT

Applicant: SDS Co LLC E-mail: frank@sdslumber.com
 Address: Box 266 Home: ()
Bingen, WA Work: (509) 493-6101
 Property Owner: SAME E-mail:
 Address: Home: ()
 Work: ()
 Site Address:
 Tax Lot/Parcel # 031016 00120000
 Location of Property: W 1/2 SW 1/4 Section 16 T3N R10E

Minor Modification Project Description (Attach additional sheets if necessary):

Remove Condition of Approval #14 of the Administrative
Decision NSA-08-31 which requires SDS to maintain a
50-foot buffer around a potential Western Gray Squirrel
nest.

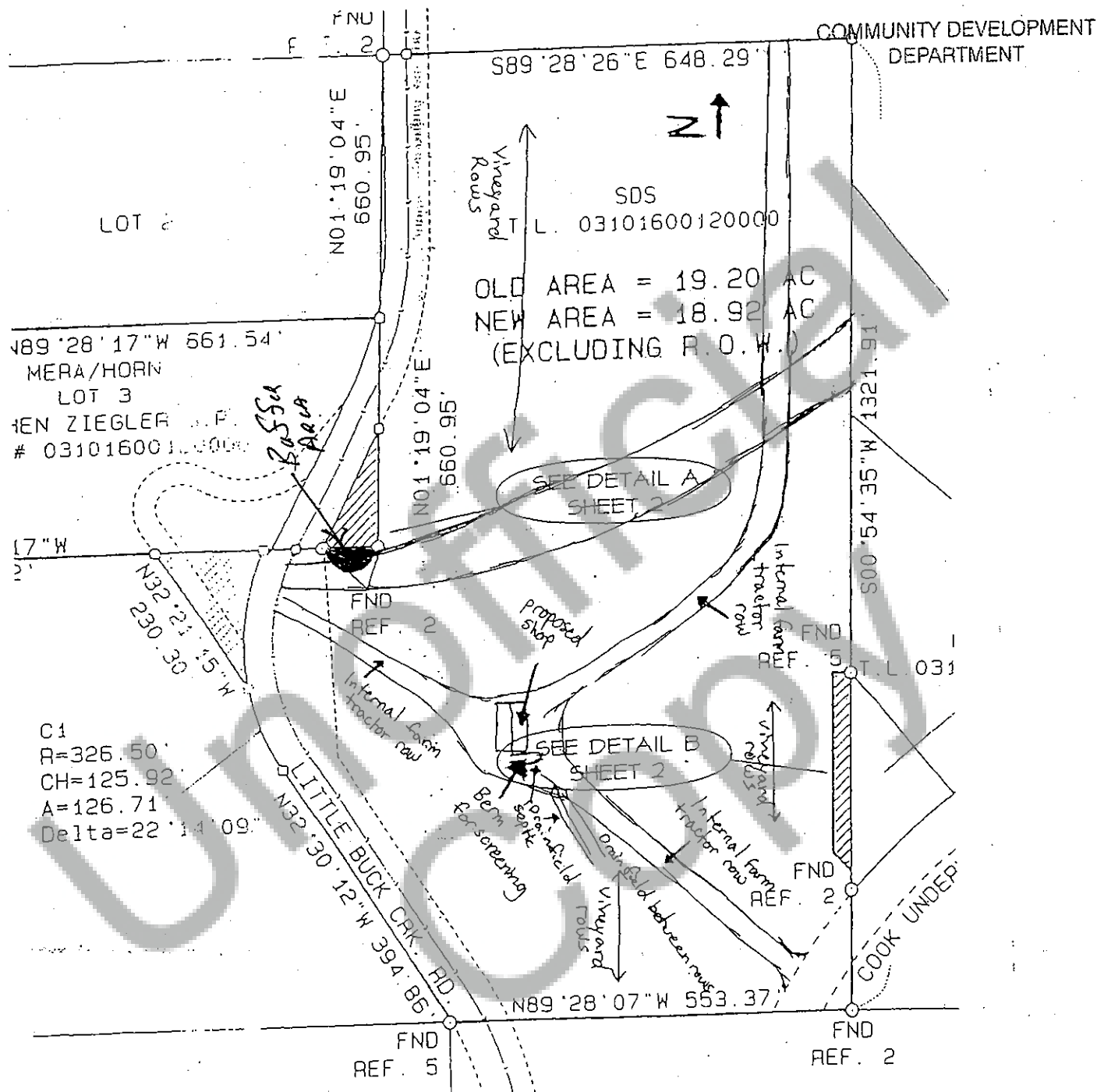
Attached Plans (if applicable): ☐ Modified Site Plan ☐ Modified Elevation ☐ OtherApplicant signature(s): Frank J. Backus Date: 10-25-10Owner signature(s): Frank J. Backus Date: 10-25-10

Signature of the property owner(s) authorizes the Community Development Department and other Agency personnel reasonable access to the site in order to evaluate the application.

FOR DEPARTMENT USE ONLY	
Legal description attached: Yes / <u>NO</u>	
Date received <u>10/26/10</u>	Date complete <u>10/26/10</u>
Receipt # <u>007225 \$300.00</u>	File # <u>NSA-08-31-L2</u>

RECEIVED
SKAMANIA COUNTY

007 20 000



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

RECEIVED
SKAMANIA COUNTY

Frank B

OCT 23 2010

From: Labbe, Theodore R (DFW) [Ted.Labbe@dfw.wa.gov]
Sent: Tuesday, October 19, 2010 3:37 PM
To: Mark Mazeski
Cc: Frank B; Howe, David (DFW); Anderson, David P (DFW)
Subject: SDS Underwood vineyard off Cook-Underwood Rd

COMMUNITY DEVELOPMENT
DEPARTMENT

Hello Mark:

I recently conducted a field visit to the former location of a western gray squirrel nest site on SDS' Underwood vineyard site with Frank Backus. The nest, which was previously identified by Bill Weiler and Steve Manlow, is no more. It bordered the vineyard site on the west side but was apparently blown out of the tree this past winter. This note is to let you know that we (WDFW) no longer expect SDS to protect the nest site. Our limited conservation resources would be better served safeguarding other active sites or habitat areas with less fragmented characteristics.

There is one observation I would like to make with regards to this site. It appears as though the north portion of the nest tree buffer was cut recently. I presume this occurred prior to SDS taking ownership of the portion of the vineyard site that borders Little Buck Creek Rd through a boundary line adjustment with a neighbor this past year. I do not know what to think of this or how to handle it, but it is worth noting that sometimes squirrel conservation areas have protected zones that extend onto neighboring properties, and these can be missed under certain land use reviews. I, myself, missed this when I reviewed the application last year because the nest was not mapped in our system and I did not know the site well. This underscores our need to make sure nest tree sites are all mapped and in our PHS/wildlife heritage mapping system.

Thanks,

Ted

Ted Labbe, Biologist
Priority Habitats and Species/
Growth Management Assistance
Region 5 - Washington Dept. of Fish and Wildlife
2108 Grand Blvd
Vancouver, WA 98661

PH: 360-906-6731
FAX: 360-906-6777
ted.labbe@dfw.wa.gov

<http://wdfw.wa.gov/hab/phspage.htm>

EXHIBIT A

Nests 5 & 6

Staff Revised:

Wgs nest sites (approximate locations)

50' buffers

* See location map for vicinity

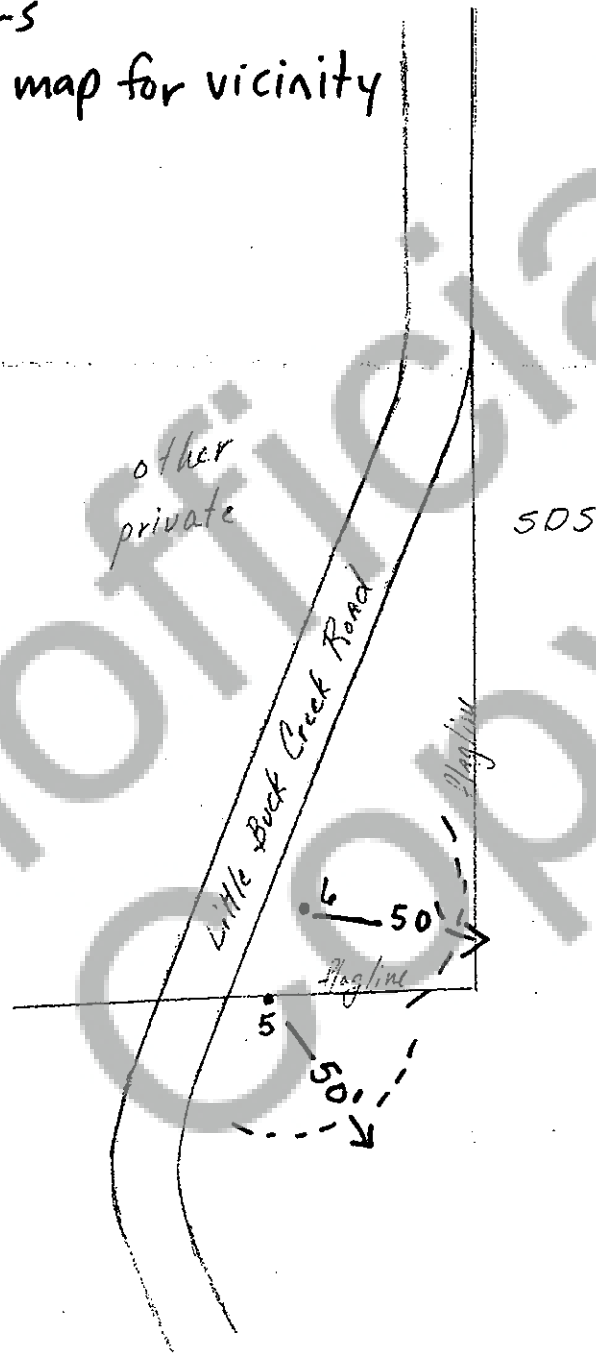


EXHIBIT B

Not to scale

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 GARVISOR
 Fee: 140.00

REAL ESTATE EXCISE TAX

Filed for Record at request of:

SDS COMPANY LLC
 PO BOX 266
 BINGEN, WA 98605

NOV - 1 2007

PAID

EXCISE TAX

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

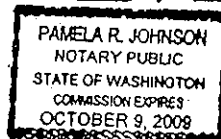
Assessor's Property Tax Parcel/Account Number: 03-10-16-0-0-1200-00 Jm

DATED this 30th day of October 2007

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