

Return Address: Dan Huntington
72 Patrick Lane
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: Dan Huntington

PROPERTY OWNER: Errol Station Partners and Dolores Filer

FILE NO.: NSA-10-22

PROJECT: To remove the remains of an abandoned underground barn (on lot #0600) that is collapsing and to conduct a boundary line adjustment to transfer portions of the property due to an encroachment.

LOCATION: Off of Marble Road and 441 Marble Road, Washougal; Section 19 of T1N, R5 E, W.M., and identified as Skamania County Tax Lots #01-05-19-0-0-0600-00 and #01-05-19-0-0-0500-00.

LEGAL: See attached page(s) 0-7.

ZONING: Tax Lot #01-05-19-0-0-0600-00 – General Management Area – Large Scale Agriculture (Ag-1).

Tax Lot #01-05-19-0-0-0500-00 – Special Management Area – Forest (F) and Agriculture (A).

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DECISION: Based upon the record and the Staff Report, the application Dan Huntington, 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) Only that grading which is necessary to return the land to its natural contours is allowed. All graded areas shall be re-seeded with native vegetation prior to final inspection by the Community Development Department.
- 4) Planted vegetation shall be maintained to ensure survival.
- 5) Except as is necessary for site development or safety purposes, the existing tree cover screening the development from key viewing areas shall be retained.
- 6) Vegetative landscaping shall, where feasible, retain the open character of existing pastures and fields.
- 7) The applicant shall meet all conditions of approval enacted to achieve visual subordination prior to final inspection by the Community Development Department. A final inspection approval will not be issued until compliance with all conditions of approval; including visual subordination criteria have been verified.

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- 8) The Community Development Department shall conduct a site visit for Final Inspection. Inspections may take up to four business days from the time of calling for the inspection. Inspections should be arranged by calling the Community Development Department at 509-427-3900.
- 9) 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.
- 10) 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.

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- 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 4th day of November, 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

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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

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 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 (electronic)
State of Washington Department of Commerce – Paul Johnson (electronic)
Department of Fish and Wildlife

LEGAL DESCRIPTION
ERROL STATION PARCEL
PARCEL # 01-05-19-0-0-0600-00

That portion of the Northwest quarter of the Northeast quarter of Section 19, Township 1 North, Range 5 East of the Willamette Meridian, Skamania County, Washington, described as follows:

BEGINNING at a point 1671.78 feet West from the Northeast corner of said Section 19, said point being located on the Westerly bank of an unnamed stream; thence following the Westerly bank of said stream South 27 feet to a point marked by an iron pipe; thence South 01°44' East 50.66 feet; thence South 43°24' West 41.39 feet; thence South 21°20' West 124.85 feet; thence South 39°25'30" East 102.21 feet; thence South 13°45'30" East 199.68 feet; thence South 28°17' West 126.26 feet; thence South 16°13' East 215 feet, more or less, to the intersection of the Westerly bank of said stream with the Northerly right of way line of Primary State Highway No. 14; thence in a Southwesterly direction following the Northerly right of way line of said highway to intersect the West line of the Northwest quarter of the Northeast quarter of said Section 19; thence North 1030 feet, more or less, along said West line to the North quarter corner of said Section 19; thence along the North line of said Section 19, 968.22 feet, more or less, to the Point of Beginning.

EXCEPT those portions thereof, conveyed to E. Marion Filer and Dolores Mae Filer, husband and wife, by instrument dated September 28, 1973 and January 29, 1976 and recorded October 19, 1973 and July 1, 1976, in Book 65 of Deeds, at pages 812 and 813 and in Book 71 of Deeds, at pages 178 and 179, under Auditor's File Nos. 76764 and 82438, respectively.

PARCEL # 01-05-19-0-0-0500'00

A tract of land in the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 19, Township-1 North, Range-5 E.W.M., described as follows:

Beginning at a point 1,671.78 feet west from the northeast corner of the said Section 19, said point being located on the westerly bank of an unnamed stream; thence following the westerly bank of said stream south 27 feet to a point marked by an iron pipe; thence south 01°44' east 50.66 feet; thence south 43°24' west 41.32 feet; thence south 21°20' west 124.83 feet; thence south 39°25'30" east 102.21 feet; thence south 13°45'30" east 199.68 feet; thence south 28°17' west 126.26 feet; thence south 16°13' east 215 feet, more or less, to intersection of the westerly bank of said stream with the northerly right of way line of State Road 14, said point being the initial point of the tract hereby described and the southeast corner of a tract of land conveyed to Bernard Newby and Dorothy Newby, husband and wife, by deed dated May 12, 1966, and recorded at page 1 of Book 56 of Deeds, Records of Skamania County, Washington; thence along the northerly right of way line of said State Road 14 south 68° 57' west 304 feet; thence north 01°17' west 394.03 feet; thence east 253.95 feet to the easterly line of said tract conveyed to Bernard Newby et ux, by deed dated May 12, 1966; thence southerly following the easterly line of said tract to the initial point;

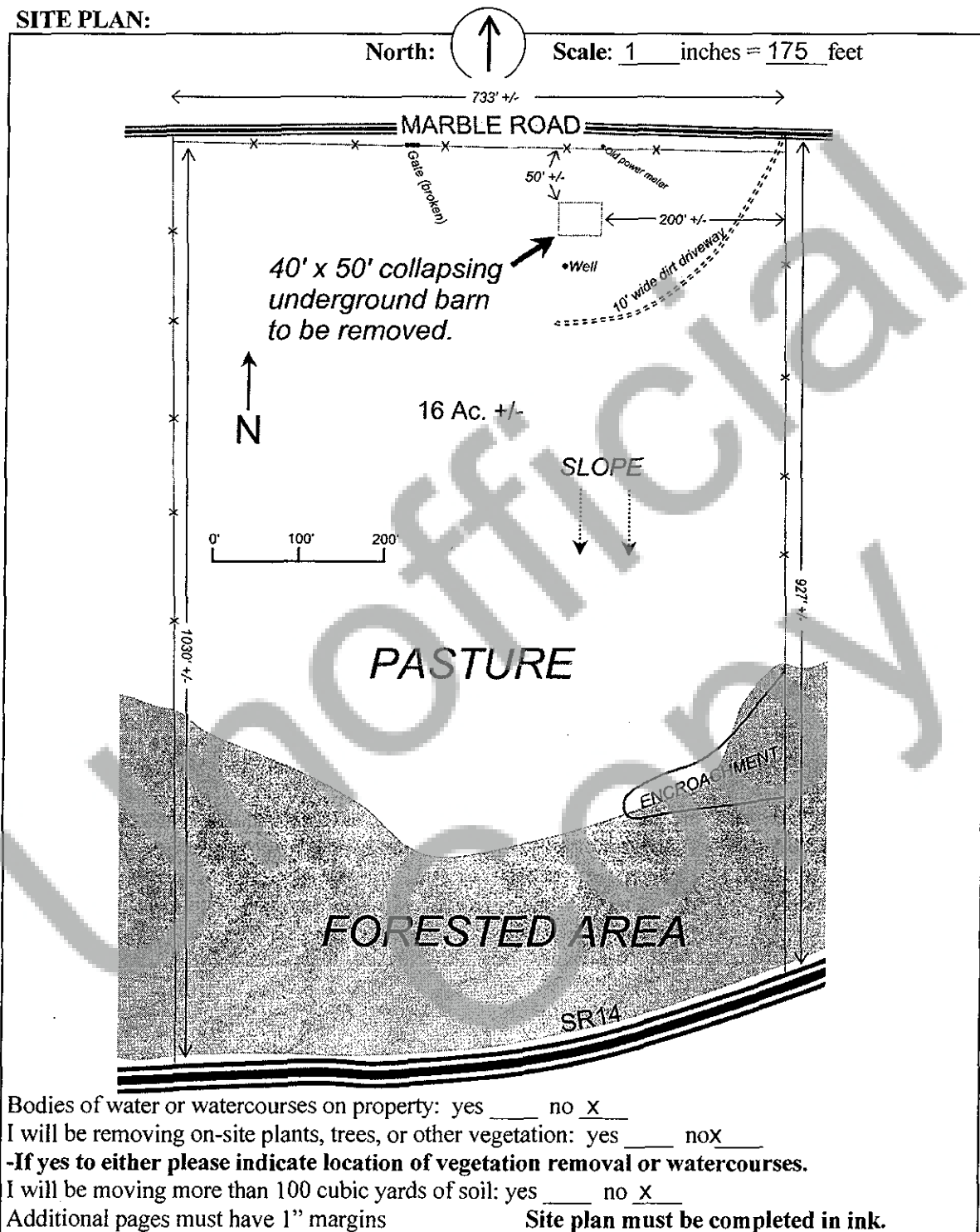
TOGETHER WITH a non-exclusive easement for a roadway approximately 20 feet in width as presently established, extending from the north line of the above described real property to the County Road;

SUBJECT TO easements of record and SUBJECT TO an easement and right of way for a water pipeline and the exclusive right to take water from a certain spring reserved by grantors, RICHARD E. YARNELL and SUSAN D. YARNELL, husband and wife, and ROBERT D. COLLINS and MAXINE COLLINS, husband and wife, their heirs, administrators and assigns, as more particularly described in Statutory Warranty Deed recorded at page 812 of Book 65 of Deeds, Records of Skamania County, Washington.

~~1 inch = 1/5 feet~~
reduced gD

COMMUNITY DEVELOPMENT
DEPARTMENT

SITE PLAN:



NOTICE: This is a proposed site plan, it may be revised as required to be in compliance with the Columbia River Gorge National Scenic Area.