

Return Address: Paul and Melanie Leal
52 Dillon Road
Stevenson, WA 98648

Skamania County
Community Development Department
Building/Fire Marshal • Environmental Health • Planning
Skamania County Courthouse Annex
Post Office Box 790
Stevenson, Washington 98648
Phone: 509-427-3900 Inspections: 509-427-3922 Fax: 866-266-1534

Administrative Decision

APPLICANT: Paul and Melanie Leal

PROPERTY OWNER: Paul and Sandra M. Leal
Lauretta Dillon

FILE NO.: NSA-11-31

PROJECT: Application to construct a new 36' x 40' pole barn on an existing flat area, and to conduct a boundary line adjustment with the adjacent property, transferring 2.5 acres from tax lot #03-08-23-0-0-0700-00 to lot #03-08-23-0-0-0500-00.

LOCATION: For the Pole Barn and Boundary Line Adjustment; 52 Dillon Road Scenic Heights Road, Home Valley, Section 23 of T3N, R8E, W.M. and is identified as Skamania County Tax Lot Number 03-08-23-0-0-0500-00. For the Boundary Line Adjustment; 3762 Berge Road, Home Valley, Section 23 of T3N, R8E, W.M. and is identified as Skamania County Tax Lot Number 03-08-23-0-0-0700-00.

LEGAL: Paul and Melanie Leal, see attached page(s) _____.
Lauretta Dillon, see attached page(s) _____.

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ZONING: General Management Area – Small Woodland (F-3).

DECISION: Based upon the record and the Staff Report, the application by Paul and Melanie Leal, 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.

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4) **Fire Safety Provisions**

- a) All buildings shall be surrounded by a maintained fuel break of fifty (50) feet. Irrigated or fire resistant vegetation may be planted within the fuel break, including green lawns and low shrubs (less than twenty-four (24) inches in height). Trees should be placed greater than fifteen (15) feet between the crowns and pruned to remove dead and low (less than eight (8) feet) branches. Accumulated leaves, needles and other dead vegetation shall be removed from beneath trees.
- b) Hazardous fuels shall be removed within the fuel break area.
- c) Buildings with plumbed water systems shall install at least one (1) standpipe at a minimum of fifty (50) feet from the structure(s).
- d) A pond, stream, tank or sump with storage of not less than 1,000 gallons, or a well or water system capable of delivering twenty (20) gallons per minute shall be provided. If a well pump is located on-site, the electrical service shall be separate from the dwelling.
- e) Access drives shall be constructed to a minimum of twelve (12) feet in width and not exceed a finished grade of twelve percent (12%). Turnouts shall be provided at a minimum of every 500 feet. Access drives shall be maintained to a level that is passable to fire equipment. However, variances to road provisions may be made after consultation with the local fire marshal and the Washington State Department of Natural Resources.
- f) Within one (1) year of the occupancy of a dwelling, the Administrator shall conduct a review of the development to assure compliance with these this section.
- g) Telephone and power supply shall be underground whenever possible.
- h) Roofs of structures should be made of fire-resistant materials, such as fiberglass shingle or tile. Roof materials such as cedar shake and shingle should not be used.
- i) Any chimney or stovepipe on any structure for use with a wood stove or fireplace should be screened with no coarser than a quarter (1/4) inch mesh metal screen that is noncombustible and corrosion resistant and should be equipped with a spark arrestor.
- j) All structural projections such as balconies, decks and roof gables should be built with fire resistant materials equivalent to that specified in the Uniform Building code.
- k) Attic openings, soffit vents, foundation louvers or other ventilation openings on dwellings and accessory structures should be screened with no coarser than a quarter (1/4) inch mesh metal screen that is noncombustible and corrosion resistant.

5) **Siting Criteria.** The approval of new dwellings and new accessory buildings and structures on forest lands shall comply with the following standards:

- a) Dwellings and accessory buildings and structures shall be sited so that they will have the least impact on nearby or adjoining forest operations. Clustering or locating proposed development closer to existing development on adjacent lands may minimize impacts on nearby or adjacent forest operations.
- b) The amount of forest land used to site dwellings, accessory buildings, accessory structures, access roads and service corridors shall be minimized. This can include locating new dwellings and structures as close to existing public roads as possible, thereby minimizing the length of access roads and utility corridors; or locating the dwelling, access road, and service corridors on portions of the parcel that are least or poorly suited for

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- forestry. Areas may not be suitable for forestry because of existing nonforest uses, adjacent dwellings, or land productivity.
- c) Dwellings and accessory buildings and structures should be located on gentle slopes and in no case on slopes which exceed forty percent (40%).
 - d) Narrow canyons and draws should be avoided.
 - e) Dwellings and accessory buildings and structures should be located to minimize the difficulty of gaining access to the structure in case of fire.
 - f) Dwellings and accessory buildings and structures should be located to make access roads as short and flat as possible.
- 6) The pole barn shall not exceed 36' x 40' or a height of 24' above grade.
 - 7) The pole barn shall not accommodate a cooking area or kitchen facility. Building plans shall be evaluated to ensure that pole barn shall not be provided with any provisions to accommodate a future kitchen facility (venting, range hood, etc...).
 - 8) Project applicants shall be responsible for the proper maintenance and survival of any planted vegetation required under this chapter.
 - 9) Screening trees shall not be limbed up or topped off, except as required to meet the Fire Safety Provisions.
 - 10) New screening trees shall be planted to the southwest of the pole barn to augment the single fir tree on the KVA side of the barn. These trees shall be a single row of trees planted randomly on 12-15 foot centers. These trees shall be planted between the pole barn and Dillon Road. The row of trees shall be about 100 feet in length and extend from the existing fir tree and continue to where the access driveway meets Dillon Road.
 - 11) The applicant to meet all conditions of approval enacted to achieve visual subordination prior to final inspection by the Community Development Department.
 - a) The applicant is to coordinate all inspections with the Building Division.
 - b) A final inspection approval will not be issued until compliance with all conditions of approval, including visual subordination criteria, have been verified.
 - c) The Community Development Department shall conduct at least two site visits during construction, one to verify the location of the structure as stated by the Administrative Decision and a second to be conducted after all foundation excavation has been completed including framed footers, but prior to pouring the foundation. A site visit for Final Inspection shall also be conducted. Each inspection may take up to four business days from the time of calling for the inspection. Inspections should be arranged by calling the Building Division inspection line at 509-427-3922.

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- 12) The landscaping required by this Administrative Decision shall be installed as soon as practicable, and prior to project completion. Applicants and successors in interest for the subject parcel are responsible for the proper maintenance and survival of planted vegetation, and replacement of such vegetation that does not survive. All dead and dying vegetation shall be replaced in kind and as near as practical in the same place.
- 13) The exterior of the proposed structure shall be dark earth-tone in color. The exterior includes, but is not limited to, sides, doors, garage doors, decks, gutters, and roofs. The following colors submitted by the applicant are consistent with this condition and are hereby approved: for the pole barn exterior walls – Behr brand Roasted Nuts; trim – Behr brand Antique Leather; and roofing – is a three tab type with Black and Gray granules. Any proposed changes to these colors shall be submitted for review by the Community Development Department prior to construction.
- 14) The pole barn shall be composed of nonreflective materials or materials with low reflectivity. All exterior surfaces, including the garage door shall be painted the approved colors.
- 15) All exterior lighting shall be hooded or shielded at a 90° angle. Hoods/shields shall be made of a non-reflective, opaque material, which does not allow light to pass through. Please see the enclosed lighting brochure for examples.
- 16) At least half (1/2) of any trees planted for screening purposes shall be species native to the setting. Such species include Douglas fir, grand fir, western red cedar, western hemlock, big leaf maple, vine maple, red alder, ponderosa pine, Oregon white oak and various native willows (for riparian areas).
- 17) Except as necessary for construction of access roads, building pads, leach fields, etc., the existing tree cover screening the development from key viewing areas shall be retained.
- 18) The existing tree and brush cover within 75 feet of the pole barn shall be retained in order to screen the pole barn from key viewing areas. This includes the retention of all trees and brush located on the southwest side (river side of the pole barn) as well as the northeast side (Berge Road side) of the pole barn. The single fir tree located southwest of the pole barn is included within this 75 tree and brush retention area.
- 19) At least half (1/2) of any trees planted for screening purposes shall be coniferous to provide winter screening.
- 20) The Intermittent stream located in the northwest corner of the property shall be protected by a 50 foot buffer area on both sides of the stream. This 100 foot wide buffer area shall not be disturbed.

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- 21) It has been recommended by the Confederated Tribes and Bands of the Yakama Nation that a professional archaeologist monitor all ground disturbances associated with this project. Skamania County Community Development recommends, but does not require, that the property owners obtain a professional archaeologist for monitoring.
- 22) 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.
- 23) 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.

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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 20th day of December, 2011, at Stevenson, Washington.


Mark J. Mazeski
Land Use Planner
Planning Division

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.

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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

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

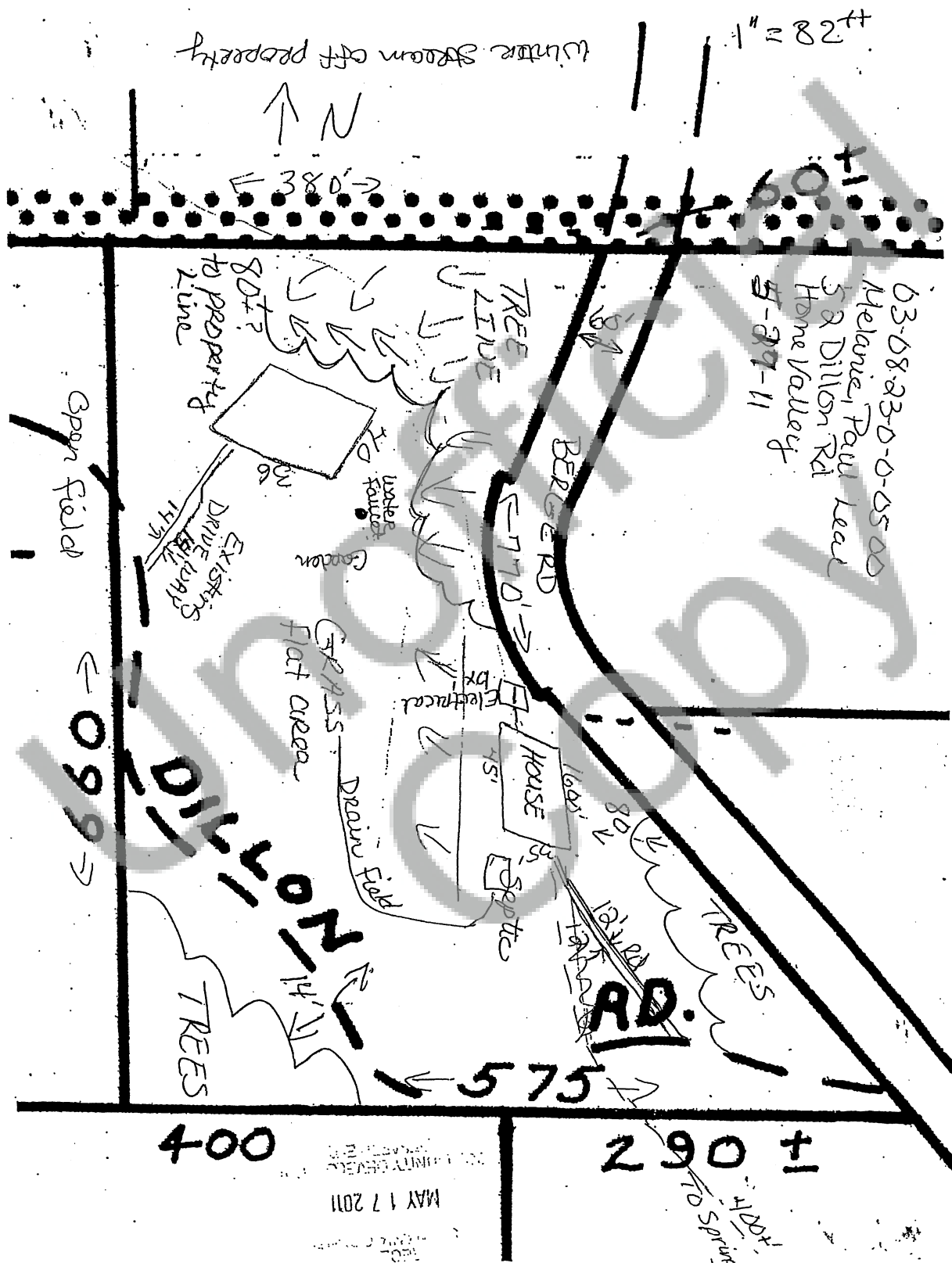
A copy of this Decision, including the Staff Report, was sent to the following:

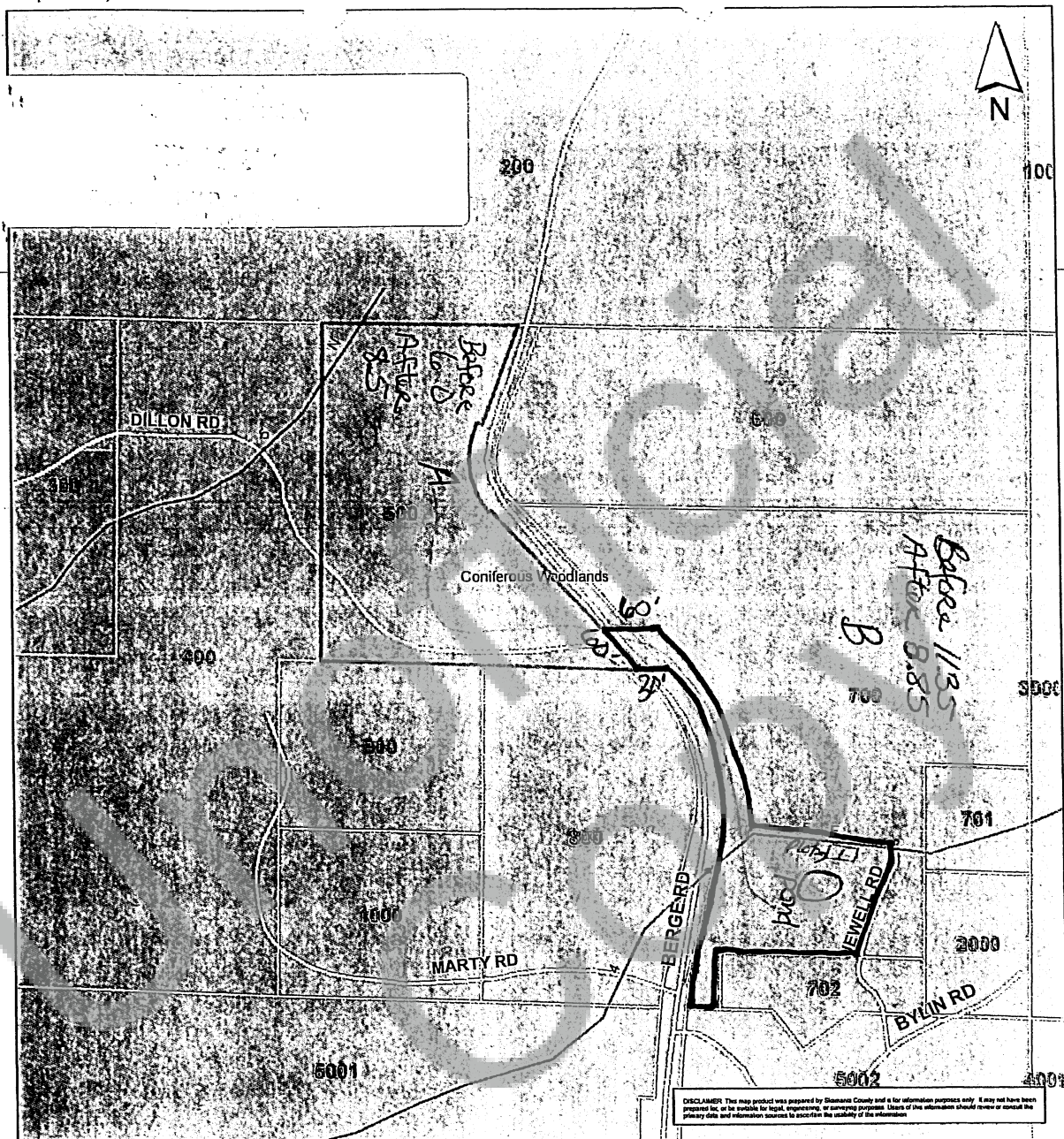
Persons submitting written comments in a timely manner
Friends of the Columbia River Gorge
Yakama Indian Nation
Confederated Tribes of the Umatilla Indian Reservation
Confederated Tribes of the Warm Springs (electronic)
Nez Perce Tribe

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Cowlitz Tribe
Columbia River Gorge Commission (electronic)
U.S. Forest Service - NSA Office (electronic)
Board of County Commissioners (electronic)
State of Washington Department of Commerce – Paul Johnson (electronic)
Department of Fish and Wildlife (electronic)

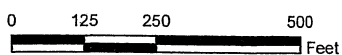
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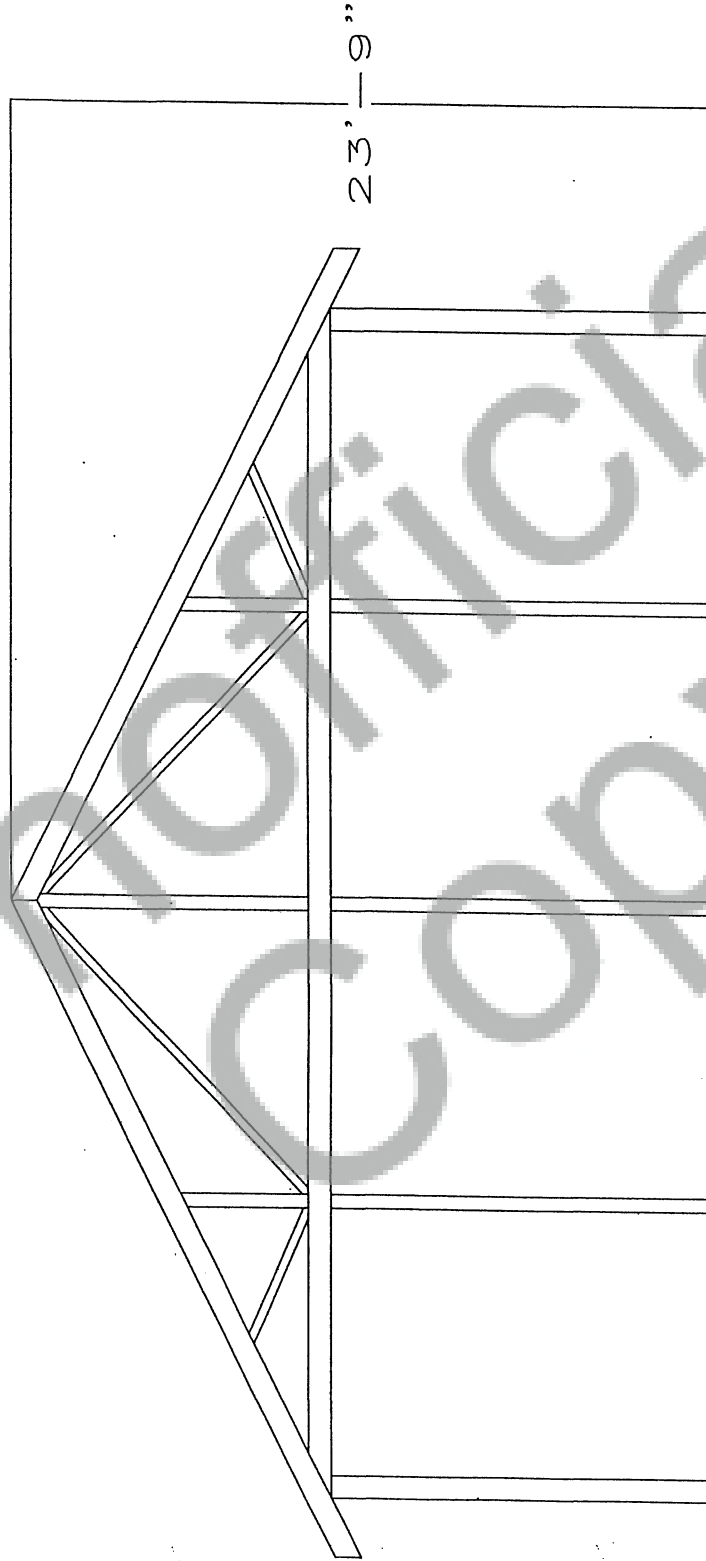
SKAMANIA COUNTY
Department of Community Development

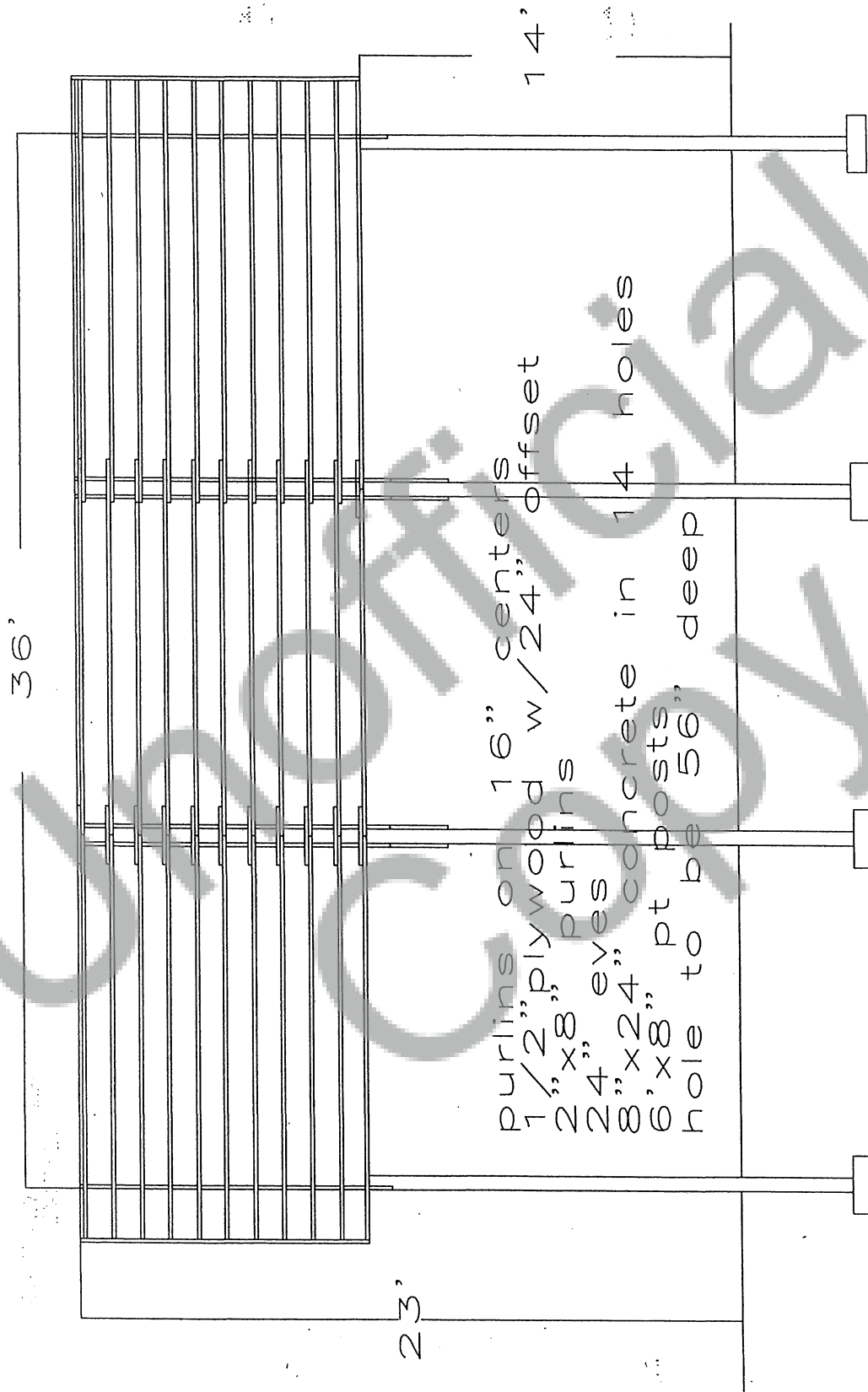
Project name: Leal SALII-11-89
Created by: J. Davenport
Creation date: 5/19/2011
Landscape Setting



Legend

- Parcel
- Streams
- Wetlands (NWI)
- Roads - Public
- Roads - Private





WARRANTY DEED

72717

Lot: B

4030

BOOK 62 PAGE 241

MAIL TO Cornelius & Cornelius, Paulsen Bldg.

—This deed is statutory form for use in State of Washington only—

WARRANTY DEED

The Grantor R. J. Hilton, a widower

of Spokane County Spokane State of Washington
for and in consideration of One Dollar and other valuable considerations Dollars,
in hand paid, convey and warrant to Huston K. Dillon and Lauretta B. Dillon,
husband and wife whose address is

the following described real estate, situated in the County of Skamania State of Washington:

The South Half of the Northwest Quarter of Section 23,
Township 3 North, Range 8, E.W.M.; excepting public roads
and rights of way on, over and across the said real property.

Also, covering all easements, water rights, and appurtenances
thereunto belonging or in any wise appertaining, including
surface water permit #7963, for the State of Washington.

Subject to 1959 taxes

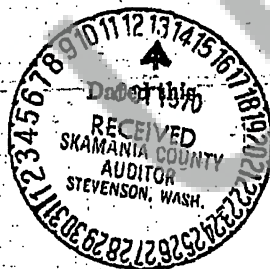


No. 2676

TRANSACTION EXCISE TAX

FEB 24 1959

Amount Paid \$1.00
Paid to Skamania County Treasurer
By Beverly J. Hilling, Secy.



13

day of February

1959

R. J. Hilton (Seal)
____ (Seal)
____ (Seal)
____ (Seal)

STATE OF WASHINGTON, }
County of Spokane } ss.

I, the undersigned, a Notary Public in and for the above-named County and State, do hereby certify
that on this 13 day of February 1959 personally appeared before me

R. J. Hilton, a widower

to me known to be the individual described in and who executed the within instrument, and acknowledged
that he signed and sealed the same as his free and voluntary act and deed, for the uses and
purposes therein mentioned.

Given under my hand and official seal the day and year last above written.

Huston K. Dillon
Notary Public for State of Washington,

Residing at Spokane

86777

BOOK 75 PAGE 73

Transamerica Title Insurance Co



A Service of
Transamerica Corporation

Filed for Record at Request of

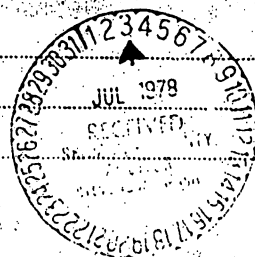
Name.....

Address.....

City and State.....

No. 5968

TRANSACTION EXCISE TAX



REGISTERED	<i>d</i>
INDEXED: DIR	<i>d</i>
INDIRECT	<i>d</i>
RECORDED	
COMPARED	
MAILED	

THIS INSTRUMENT IS FOR RECORD IN THE
COUNTY OF SKAMANIA

I HEREBY CERTIFY THAT THE WITHIN

INSTRUMENT OF WRITING, FILED BY

Paul Leal

OF *Bozeman, Montana*

AT *4:15 P.M. July 3 1978*

WAS RECORDED IN BOOK *75*

OF *Volume* AT PAGE *73*

RECORDS OF SKAMANIA COUNTY, WASH.

COUNTY AUDITOR

Amount Paid

Example

Quit Claim Deed

86777

Skamania County, Washington
County of Skamania

THE GRANTOR S, HUSTON K. DILLON and LAURETTA B. DILLON, husband and wife,

for and in consideration of Love and Affection

conveys and quit claims to PAUL LEAL and SANDRA MELANIE LEAL, husband and wife,

the following described real estate, situated in the County of Skamania State of Washington,
together with all after acquired title of the grantors therein:

A parcel of land defined as LOT 1 in the South 1/2 of the North-west 1/4 of Section 23 of Township 3 North, Range 8 E.W.M. in Skamania County, Washington, more particularly described as:

Beginning at the Northwest corner of the South Half of the North-west 1/4 of Section 23 of T3N, R8 E.W.M.; thence East along the North line of the S 1/2 of the NW 1/4 of said Section 23 for 1673 feet more or less to the West right-of-way of the Berge Road (County Road Number 3036), this point being the true point of beginning; thence W along the N line of the S 1/2 of the NW 1/4 of said Section 23, 380 ft.; thence southerly parallel to the West line of the S 1/2 of the NW 1/4 of said Section 23, 660 feet more or less to the mid-east west line of the S 1/2 of the NW 1/4 of said Section 23; thence easterly along said mid line 575 feet more or less to its intersection with the West right-of-way line of the Berge Road (County Road Number 3036); thence northerly along said West right-of-way line 770 feet more or less to the true point of beginning.

EXCEPT a private road easement granted to Lot #3 of the Huston Dillon Short Plat for access, said easement being 15' in width.

Said parcel containing 6.00 Ac more or less.

Dated this *twenty ninth* day of June, 1978.

Huston K. Dillon
Lauretta B. Dillon

STATE OF WASHINGTON

County of Skamania

On this day personally appeared before me HUSTON K. DILLON and LAURETTA B. DILLON, husband and wife,

to me known to be the individual S described in and who executed the within and foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this *29* day of June, 1978

Robert A. Stevenson
Notary Public in and for the State of Washington,
residing at Stevenson