

Return Address: Ryan Ojerio, WTA
5725 NE 29th Ave.
Portland, OR 97211

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

Administrative Decision

APPLICANT: Ryan Ojerio, WTA

PROPERTY OWNER: Dan Twain and Lee Ann Moore

FILE NO.: NSA-11-24

PROJECT: Improvements to the Cape Horn Trail, reinforcing the trail with wood cribbing and surfaced with gravel. Approximately 50 yards of new trail will be constructed, including a staircase, to connect with the new SR 14 underpass. Approximately ¼ mile of trail will be rerouted and the abandoned section will be allowed to re-vegetate.

LOCATION: 181 Salmon Falls Road, Washougal, Section 10 of T1N, R5E, W.M. and is identified as Skamania County Tax Lot Number 01-05-10-0-0-0400-00.

LEGAL: See attached page(s) 8.

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

DECISION: Based upon the record and the Staff Report, the application Ryan Ojerio, described above, **subject to the conditions set forth in this Decision**, is found to be consistent with SCC Title 22 and **is hereby approved.**

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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) A variance shall be granted to allow for the proposed trail to intrude upon the 50-foot buffer as shown on the site plan.
- 5) Only that grading which is necessary for the proposed trail improvements is permitted. All graded areas outside of the trail bed shall be re-seeded with native vegetation prior to final inspection by the Community Development Department.
- 6) Planted vegetation shall be maintained to ensure survival.

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- 7) The proposed structures including, but not limited to, the cribbing and staircase shall be composed of nonreflective or materials with low reflectivity.
- 8) All exterior lighting shall be hooded and shielded at a 90-degree angle. Hoods/ shields shall be made of nonreflective, opaque material, which does not allow light to pass through.
- 9) The proposed structures including, but not limited to, the cribbing and staircase shall be dark earth-tone in color. The dark brown wood samples submitted by the applicant are consistent with this condition and are hereby approved. Any proposed changes to these colors shall be submitted for review by the Community Development Department prior to construction.
- 10) 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.
- 11) Best Management Practices shall be used during the construction of the trail. The applicant shall utilize erosion control measures such as the installation of sediment fencing, distributing straw mulch on exposed soils, and reseeded denuded soils, in order to prevent erosion of sediment into the stream during construction.
- 12) All natural vegetation, especially woody vegetation, shall be retained to the greatest extent practicable, including aquatic and riparian vegetation.
- 13) The applicant shall rehabilitate the riparian area to the original configuration including slope and contour to the maximum extent practicable.
- 14) The rehabilitation and enhancement should be completed no later than 90 days after the buffer zone has been altered, or as soon thereafter as practicable. And the applicant shall monitor and take corrective measures to ensure that within three years after the buffer zone to the onsite stream is rehabilitated that at least 75% of the replacement vegetation has survived.
- 15) Except as allowed for by the variance granted, water resource buffers shall be retained in their natural condition. Where buffer disturbance occurs during project development, revegetation with native vegetation shall be required and shall provide and maintain habitat diversity beneficial to the fish, wildlife and native plants.
- 16) The applicant shall meet all conditions of approval enacted to achieve visual subordination prior to final inspection by the Community Development Department. The applicant is to coordinate all inspections with the Building Division. 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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- 17) The Community Development Department will conduct at least two site visits during construction, one to verify the location of the structures as stated by the Administrative Decision and a second to be conducted after all foundation excavation has been completed including framing 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 or through the permit center public portal at <https://co-skamania-wa.smartgovcommunity.com/portal/Public/Welcome>.
- 18) 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. The resulting monitor's report shall be submitted to the Yakama National Cultural Resources Program for review.
- 19) A declaration shall be signed by the project applicant or owner and recorded, by the applicant, with the Skamania County Auditor's office specifying that the applicant or owner is aware that surrounding landowners, agents and operators are entitled to carry on accepted forest or farm practices on resource lands.
- 20) 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.

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- 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.
- 21) 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.
 - 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 9th day of May, 2012, at Stevenson, Washington.


 Jessica Davenport, Planning Manager
 Planning Division

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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.

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 \$2,450.00 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

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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
Yakama Indian Nation
Confederated Tribes of the Umatilla Indian Reservation
Confederated Tribes of the Warm Springs (electronic)
Nez Perce Tribe
Cowlitz Tribe
Department of Archaeology and Historic Preservation
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)
Washington Natural Heritage Program (electronic)



First American Title Insurance Company

THIS SPACE PROVIDED FOR RECORDERS USE:

FILED FOR RECORD
BY SKAMANIA CO. TITLE
MAR 21 2 23 PM '95
GARY H. OLSON

Filed for Record at Request of:

Name Daniel Twain
Address MPO 181 Salmon Falls Road
City and State Washington WA 98671

SCR 19232
121919

CONTACT COUNTY AUDITOR FOR OFFICIAL COPY

Statutory Warranty Deed

THE GRANTOR ~~XXXXXXXXXXXXXXXXXXXX~~ BARBARA J. CARPER

for and in consideration of FULFILLMENT OF CONTRACT

in hand paid, conveys and warrants to DANIEL TWAIN

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

All that portion of the Northeast quarter of the Northwest quarter of Section 10, Township 1 North, Range 5 East of the Willamette Meridian, in the County of Skamania, State of Washington, lying Westerly of County Road Cape Horn Cutoff Road.

EXCEPT that portion conveyed to Skamania County recorded in Book 59, Page 231

Registered ☒
Indexed, Dir ☒
Indexed ☒
Filed ☒
Mailed ☒

This deed is given in fulfillment of that certain real estate contract between the parties hereto, dated August 13th, 1987, and conditioned for the conveyance of the above described property, and the covenants of warranty herein contained shall not apply to any title, interest or encumbrance arising by, through or under the purchaser in said contract, and shall not apply to any taxes, assessments or other charges levied, assessed or becoming due subsequent to the date of said contract.

Real Estate Sales Tax was paid on this sale on September 2, 1987, Rec. No. 11513
Dated March 6, 1995

~~XXXXXXXXXXXXXXXXXXXX~~ Barbara J. Carper

REAL ESTATE EXCISE TAX
MAR 27 1995
PAID 1512.16

Arizona
STATE OF WASHINGTON
COUNTY OF Yuma

On this day personally appeared before me Barbara J. Carper

to me known to be the individual(s) described in and who executed the within and foregoing instrument, and acknowledged that she signed the same as her free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 17th day of March, 1995

Isabel C. Geronimo
Notary Public in and for the State of Arizona, residing at Yuma, Arizona

STATE OF WASHINGTON
COUNTY OF _____

On this _____ day of _____, 19____, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared _____ and _____

to me known to be the _____ President and _____ Secretary, respectively, of _____ the corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that _____ authorized to execute the said instrument and that the seal affixed is the corporate seal of said corporation.

Witness my hand and official seal hereto affixed the day and year first above written.

OFFICIAL SEAL
FRANCIS G. GERONIMO
Notary Public - State of Arizona
YUMA COUNTY
My Comm. Expires July 24, 1999

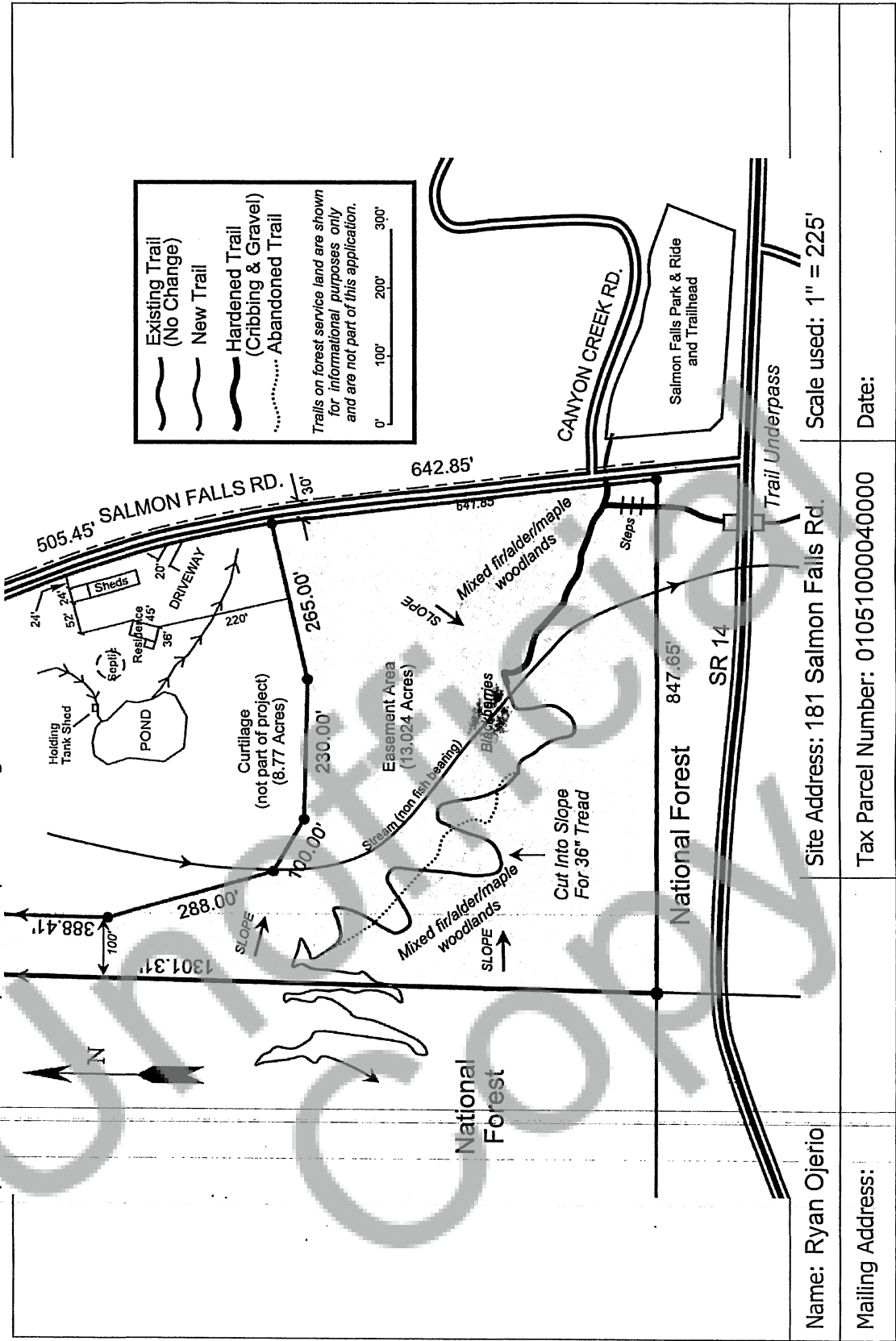
LFB-11 (6/84)

RECEIVED
SKAMANIA COUNTY
JUN 01 2011

COMMUNITY DEVELOPMENT
DEPARTMENT

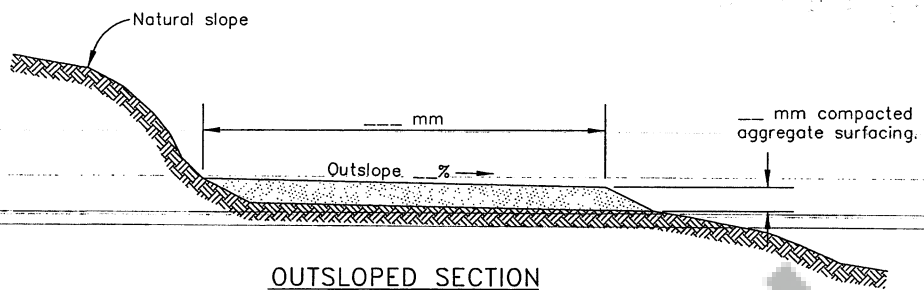
SITE PLAN

*Use this template or attach a separate site plan drawing.

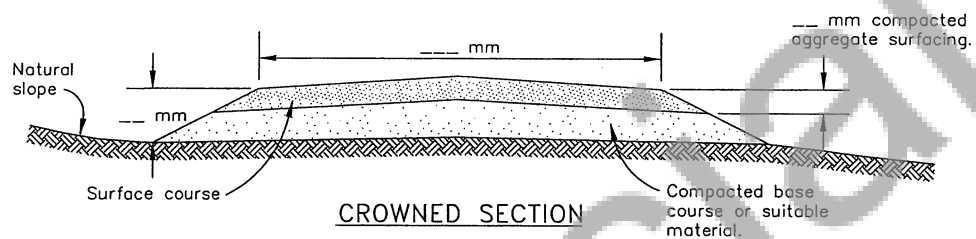


AGGREGATE SURFACING

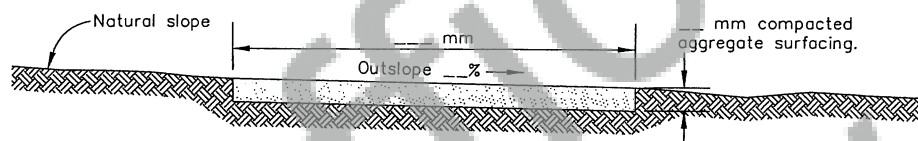
NOT TO SCALE



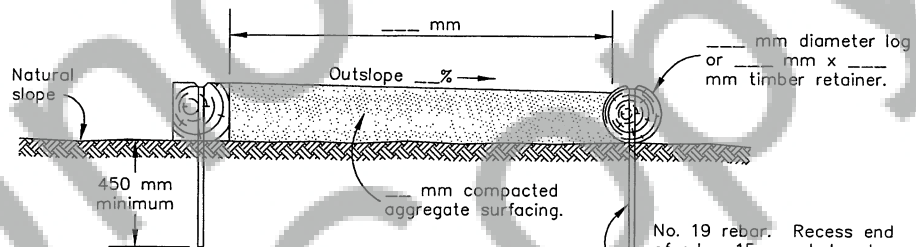
OUTSLOPED SECTION



CROWNED SECTION



EXCAVATED SECTION



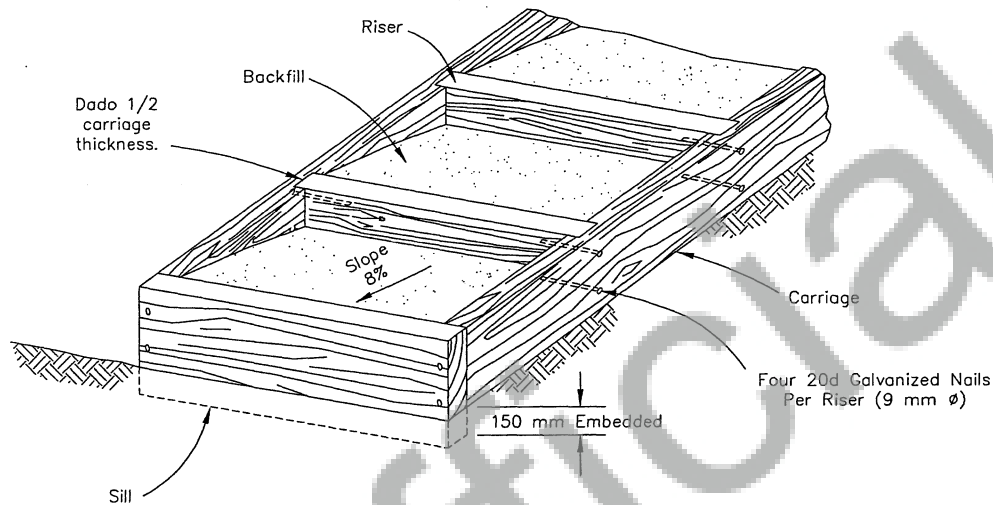
RETAINER SECTION

No. 19 rebar. Recess end of rebar 15 mm below top of log/timber. Place rebar 150 mm from each end of log/timber with maximum rebar spacing of 1 m.

[illegible]

CRIB LADDER STAIRWAY

NOT TO SCALE



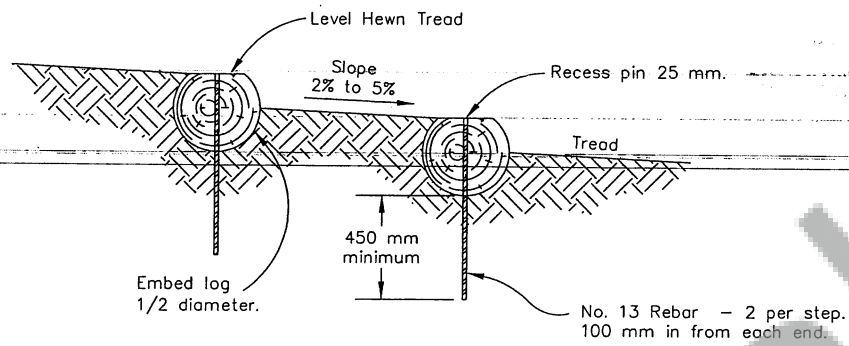
Preservative Treatment: _____
Net Retention _____ kg/m³

STAIRWAY DIMENSIONS

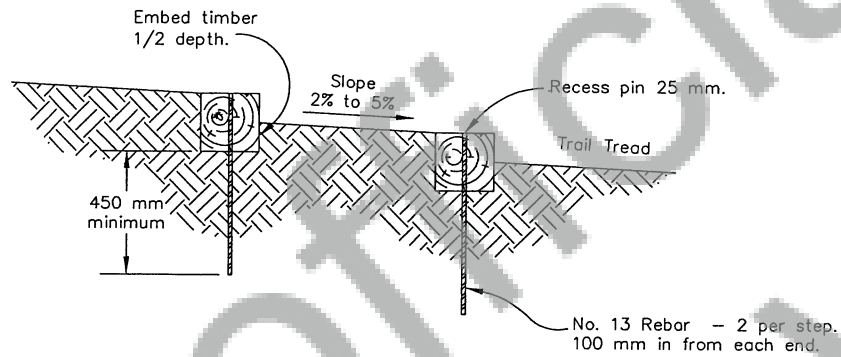
Location	Step Rise	Step Run	Width	Carriage Length	Carriage/Plank Step Dimensions	Sill Dimensions	Species

LOG AND TREATED TIMBER RISER STAIRWAY

NOT TO SCALE



LOG RISER STAIRWAY



TREATED TIMBER RISER STAIRWAY

Preservative Treatment:

Net Retention _____ kg/m³

Location	Step Rise	Step Run	Step Width	Riser Material Type	Riser Material Dimensions	Species

3/97

933-5