

Return Address: John Walker & Sherry Busby
P.O. Box 532
Washougal, WA 98671

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/
PROPERTY
OWNER:** John Walker & Sherry Busby

FILE NO.: NSA-11-38

PROJECT: Proposal for a home occupation, opening a tea room, which includes tea service by reservation and tea education, On-Site Septic System expansion, and drilling a new well.

LOCATION: 22982 State Route 14, Washougal, Section 17 of T1N, R5E, W.M. and is identified as Skamania County Tax Lot Number 01-05-17-0-0-1600-00.

LEGAL: See Attached Page(s) 7-8.

ZONING: Special Management Area- Public Recreation (P).

DECISION: Based upon the record and the Staff Report, the application John Walker and Sherry Busby, 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:** 45 feet from the centerline of the street or road or 15 feet from the front property line, whichever is greater. **Side yard:** 5 feet. **Rear yard:** 15 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 home occupation shall only employ residents of the home.
- 5) No more than twenty-five percent (25%) of the total actual living space of the dwelling may be utilized for the home occupation.
- 6) There shall be no outside, visible evidence of the home occupation or cottage industry, including outside storage.
- 7) No retail sales may occur on the premises.

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- 8) One non-animated, non-illuminated sign, not exceeding two square feet in area shall be permitted on the subject structure as proposed by the applicant.
- 9) The potted arborvitae shall be retained and maintained in a health condition. Trimming and topping of these screening trees shall not be allowed.
- 10) Only that grading which is necessary for site development (on-site septic system expansion and drilling of the new well) is permitted. All graded areas shall be re-seeded with native vegetation prior to final inspection by the Community Development Department. Planted vegetation shall be maintained to ensure survival.
- 11) If a well house is constructed that is 60 square feet or less in area and ten (10) feet or less in height NSA review is not required, but the well house shall be dark earth tone in color. Any accessory structures (well house) beyond that size require a new NSA review.
- 12) All components of the on-site septic system (OSS) modifications shall be a minimum of 50 feet from the offsite stream located to the west of the subject property in order to meet NSA standards. However, Environmental Health standards for the OSS may require a further distance from the stream.
- 13) 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. 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>.
- 14) 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

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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.
- 15) 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 22.30.050 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 22.30.030(D) of this Chapter are met and the mitigation plan is executed.

Dated and Signed this 15th day of May, 2012, at Stevenson, Washington.



Jessica Davenport, Planning Manager

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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.

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

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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
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)

After Recording Return To:

David H. Schultz
430 NE Everett Street
Camas, WA 98607

Doc # 2006161968
Page 1 of 2
Date: 06/16/2006 11:43A
Filed by: KNAPP O'DELL & MACPHERSON
Filed & Recorded in Official Records
of SKAMANIA COUNTY
J. MICHAEL GARVISON
AUDITOR
Fee: \$33.00

REAL ESTATE EXCISE TAX

16035
JUN 16 2006

PAID EXEMPT
Audrey Nelson, Deputy
SKAMANIA COUNTY TREASURER
QUIT CLAIM DEED

SEP 12 2011

Grantor: Mary Elizabeth Walker, a widow
Grantees: John H. Walker and Sherry Busby, husband and wife.
Legal Desc.: 708.6 feet East, corner of Secs 17-20, T1N, R5E, W.M.
Assessor's Tax Parcel ID #0105170016-0000

RECEIVED
SKAMANIA COUNTY

OCT 12 2011

COMMUNITY DEVELOPMENT
DEPARTMENT

THE GRANTOR, MARY ELIZABETH WALKER, a widow, FOR LOVE AND
AFFECTION ONLY, conveys and quit claims to JOHN H. WALKER and SHERRY BUSBY,
husband and wife, all right, title and interest in and to the following described real property
including any title hereafter acquired by Grantor:

County of Skamania, State of Washington

Beginning at a point 708.6 feet East of the corner of Sections 17,
18, 19, 20, Township One (1) North, Range Five (5) East of the
Willamette Meridian; and running thence South 142.4 feet; thence
South 84°30' West 162 feet; thence North 73.45 feet, more or less,
to the South boundary of the Evergreen Highway right of way;
thence Northeasterly along the said South boundary to the point of
beginning, containing approximately .45 of an acre;

TOGETHER with an easement for the use of water from a certain
spring located 606 feet North and 90 feet East from the Southwest
corner of Section Seventeen (17), Township One (1) North, Range
Five (5) East of the Willamette Meridian, with an easement for a
¾" water line beginning at said spring and running thence South
38°27' East 616.2 feet; thence South 100 feet, more or less, to the
South line of said section, said easement to cover a strip of land not
to exceed five feet in width, of which the within described course
is the center line.

SUBJECT TO conditions and reservations contained in deed dated
September 9, 1948, executed by Mollie M. Miller, a widow, and
Lee M. Miller and Della B. Miller, husband and wife, as Grantors,
to W.C. McCall, Grantee, recorded April 14, 1949, at page 338 of
Book 32 of Deeds, records of Skamania County, Washington.

Gary H. Martin, Skamania County Assessor

Date 6-16-06 Parcel # 1-5-17-16-00
affm

SUBJECT TO restrictions and conditions regarding the use of the above described easement contained in Deed dated April 26, 1944, executed by the Federal Land Bank of Spokane, a corporation, as Grantor, to Mollie M. Miller, a widow, and Lee M. Miller and Della B. Miller, husband and wife, as Grantees, recorded March 14, 1945, at page 321 of Book 30 of Deeds, records of Skamania County, Washington.

DATED this 15th day of June, 2006.

Mary E Walker

Mary Elizabeth Walker, Grantor

STATE OF WASHINGTON)
) ss.
COUNTY OF CLARK)

This is to certify that on the 15th day of June, 2006, personally appeared before me MARY ELIZABETH WALKER, to me known to be the individual who executed the foregoing instrument, and acknowledged the same to be her free act and deed, for the uses and purposes therein mentioned.

WITNESS my hand and official seal the day and year in the certificate first above written.

DAVID H. SCHULTZ
NOTARY PUBLIC
STATE OF WASHINGTON
My Commission Expires
OCTOBER 10, 2007

[Signature]
Notary Public in and for the State of
Washington, Residing at Vancouver
My appointment expires: 10/10/07

RECEIVED
SKAMANIA COUNTY

JUN 12 2006

COMMUNITY DEVELOPMENT
DEPARTMENT

DOC # 2006161968
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- Flower pots with trees

01-69-17-b-0-1600-00
A/Alley / DMG/DX N5A-11-78

Robert Redwood 11-15-11