

Return Address: Jason Spadaro
123 Industrial Way
Bingen, WA 98605

Skamania County
Community Development Department

Skamania County Courthouse Annex
Post Office Box 790
Stevenson, Washington 98648
509 427-3900 FAX 866 266-1534

Administrative Decision

APPLICANT: Jason Spadaro

PROPERTY OWNER: Broughton Lumber Co.

FILE NO.: NSA-09-44

PROJECT: To replace the single-family dwelling, detached garage and barn that were destroyed in a fire dated September 20, 2007.

LOCATION: 92 Office Road, Underwood, Section 28 of T3N, R10E, W.M. and is identified as Skamania County Tax Lot Number 03-10-28-0-0-0200-00.

LEGAL: See attached page(s) 8-11.

ZONING: General Management Area- Commercial Recreation (CR) and Open Space (OS), the proposed development is taking place in the Commercial Recreation (CR) zone only.

DECISION: Based upon the record and the Staff Report, the application Jason Spadaro, 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) Only that grading which is necessary for site development (building pads, utilities, etc.) is permitted. All graded areas shall be re-seeded with native vegetation prior to final inspection by the Community Development Department.
- 5) The applicant is responsible for the proper maintenance and survival of planted vegetation, and replacement of such vegetation that does not survive.
- 6) The above ground wall height of the replacement dwelling shall not exceed 12' – 8", matching the original dwelling wall height to the maximum extent practicable while meeting building code. The overall height of the replacement structure shall not exceed

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25 feet, as measured from top of grade to roof peak. The wall height of the replacement detached garage and the barn shall not exceed 10 feet.

- 7) The applicant shall use nonreflective or materials with low reflectivity. The barn shall not be composed of metal roofing and/ or siding, but shall be composite roofing, and T-111 siding.
- 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 exterior of the proposed structures shall be dark earth-tone in color. The exterior includes, but is not limited to, sides, doors, garage doors, decks, gutters, roofs and trim. The following colors as submitted by the applicant are consistent with this condition and are hereby approved: for the exterior walls and trim –dark brown; and roofing – dark brown composite shingles. Any proposed changes to these colors shall be submitted for review by the Community Development Department prior to construction.
- 10) The line of California Black Walnut and Douglas Fir trees screening the house and the detached garage shall be retained for screening purposes.
- 11) A line of 15 native deciduous trees shall be planted east of the barn as proposed by the applicant in order to replace the trees that were destroyed by the fire. The use of Big Leaf Maple trees as proposed by the applicant will meet this criterion. If the applicant chooses to use coniferous trees in place of the deciduous trees this shall be allowed.
- 12) The applicant shall plant a row of 16 shrubs between the replacement structures and the railroad for screening purposes. The applicant shall be responsible for ensuring that the shrubs are planted outside of the railroad right-of-way.
- 13) The replacement screening trees shall be between three feet and five feet in height, from top of root wad, when planted.
- 14) The time frame for achieving visual subordination of the project shall be ten (10) years or less from the commencement of construction.
- 15) 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.
- 16) 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

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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 at 509-427-3920.

- 17) The applicant shall notify the Yakama Nation Cultural Resources Department, (509) 865-5121, and the US Forest Service, (541) 308-1700, when excavation for the foundations and drainfield is scheduled so that they will be given the opportunity to monitor/inspect the excavated areas.
- 18) 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.
- 19) 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.

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- 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 24th day of June, 2010, at Stevenson, Washington.

Jessica Davenport
 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.

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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 \$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

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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

Unofficial
Copy

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PARTIAL AND FULL BOND

The Grantors, HAROLD E. BROUGHTON and D. M. STEVENSON, co-partners heretofore doing business under the firm name of BROUGHTON LUMBER COMPANY, and RITA E. BROUGHTON and ANGELINE STEVENSON, their respective wives, for and in consideration of One (\$1.00) Dollar in hand paid, hereby grant, bargain, sell and convey to the Grantee, BROUGHTON LUMBER COMPANY, a corporation, all real property in Skamania County, Washington, owned, acquired and standing of record in the partnership name of Broughton Lumber Company, including the following described real property and all easements, flumes, and water rights appurtenant thereto:

Township 3 North; Range 9 E. W. M.

Government Lots 1, 2, 3, and 4; the Southwest Quarter (SW $\frac{1}{4}$); the South Half of the Northwest Quarter (S $\frac{1}{2}$ NW $\frac{1}{4}$); the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$); and the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$); of Section 1;

All of Section 2 EXCEPT Lots 1 and 3 of Block One of Manzanola Orchard Tracts according to the official plat thereof;

All of Section 3 EXCEPT Lots 2 and 4 of Block Two of Manzanola Orchard Tracts according to the official plat thereof;

All of Sections 4 and 5;

Government Lot 1; and the South Half of the Southeast Quarter (S $\frac{1}{2}$ SE $\frac{1}{4}$); of Section 6;

The North Half of the Northeast Quarter (N $\frac{1}{2}$ NE $\frac{1}{4}$) of Section 7;

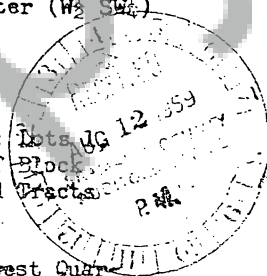
All of Section 8 EXCEPT the West Half of the Southwest Quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$) thereof;

All of Section 9;

Lots 1 and 3 of Block Three; Lots 1, 3, and 4 of Block Five; Lots 2, and 3 of Block Six; Lots 1 and 3 of Block Seven; Lot 3 of Block Nine; and Lots 2 and 3 of Block Twelve; of Manzanola Orchard Tracts according to the official plat thereof in Section 10;

The North Half of the Northwest Quarter (N $\frac{1}{2}$ NW $\frac{1}{4}$); the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$); and the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$); of Section 10;

Block Four of Manzanola Orchard Tracts according to the official plat thereof; the East Half of the Northwest Quarter (E $\frac{1}{2}$ NW $\frac{1}{4}$) EXCEPT the Southeast Quarter of the Southeast Quarter of the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$); the West Half of the Northeast Quarter (W $\frac{1}{2}$ NE $\frac{1}{4}$); and the Southeast Quarter (SE $\frac{1}{4}$); of Section 11;



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The West Half ($W\frac{1}{2}$); and the West Half of the East Half ($W\frac{1}{2} E\frac{1}{2}$); of Section 12;

The North Half ($N\frac{1}{2}$); the Southwest Quarter ($SW\frac{1}{4}$); and the Northwest Quarter of the Southeast Quarter ($NW\frac{1}{4} SE\frac{1}{4}$); of Section 13;

The East Half of the East Half ($E\frac{1}{2} E\frac{1}{2}$); the West Half of the Southeast Quarter ($W\frac{1}{2} SE\frac{1}{4}$); the Southwest Quarter of the Northeast Quarter ($SW\frac{1}{4} NE\frac{1}{4}$); and the North Half of the Northwest Quarter ($N\frac{1}{2} NW\frac{1}{4}$); of Section 14;

Block Thirteen of Manzanola Orchard Tracts according to the official plat thereof; and the Northeast Quarter of the Northeast Quarter ($NE\frac{1}{4} NE\frac{1}{4}$); of Section 15;

The East Half of the Southwest Quarter ($E\frac{1}{2} SW\frac{1}{4}$); and the Northwest Quarter of the Southeast Quarter ($NW\frac{1}{4} SE\frac{1}{4}$); of Section 15; EXCEPT that portion thereof lying southerly of county road;

Lots 3 and 4 of Block Seventeen of Manzanola Orchard Tracts according to the official plat thereof in Section 15, EXCEPT that portion of the said Lot 3 described as follows: Beginning at the northeast corner of said Lot 3; thence west to the northwest corner thereof; thence south 10 rods; thence in a straight line northeasterly to the point of beginning;

The East Half of the East Half ($E\frac{1}{2} E\frac{1}{2}$); and the Northwest Quarter of the Northeast Quarter ($NW\frac{1}{4} NE\frac{1}{4}$); of Section 23;

The Northwest Quarter ($NW\frac{1}{4}$); the West Half of the Northeast Quarter ($W\frac{1}{2} NE\frac{1}{4}$); the Southwest Quarter of the Southwest Quarter ($SW\frac{1}{4} SW\frac{1}{4}$); and that portion of the Northwest Quarter of the Southwest Quarter ($NW\frac{1}{4} SW\frac{1}{4}$) lying westerly of flume as described in deed dated May 17, 1947, and recorded at page 381 of Book 31 of Deeds, Records of Skamania County, Washington; of Section 24; EXCEPT the West Half of the Southwest Quarter of the Northeast Quarter of the Northwest Quarter ($W\frac{1}{2} SW\frac{1}{4} NE\frac{1}{4} NW\frac{1}{4}$) thereof;

Government Lots 1, 2, and 4, and shorelands fronting thereon; and the Southeast Quarter of the Northwest Quarter ($SE\frac{1}{4} NW\frac{1}{4}$); of Section 25;

Government Lot 1 of Section 26 and shorelands fronting thereon;

Government Lot 1 of Section 36 and shorelands fronting thereon.

Township 3 North; Range 10 E. W. V.

The West Half of the Northwest Quarter ($W\frac{1}{2} NW\frac{1}{4}$) of Section 4;

The Northwest Quarter ($NW\frac{1}{4}$) of Section 6;

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The West Half of the Northwest Quarter ($W\frac{1}{2} NW\frac{1}{4}$); the Southeast Quarter of the Northwest Quarter ($SE\frac{1}{4} NW\frac{1}{4}$); the East Half of the Southwest Quarter ($E\frac{1}{2} SW\frac{1}{4}$); and the Southwest Quarter of the Southwest Quarter ($SW\frac{1}{4} SW\frac{1}{4}$); of Section 7;

The Northwest Quarter ($NW\frac{1}{4}$) of Section 18;

That portion of the West Half of the Northwest Quarter ($W\frac{1}{2} NW\frac{1}{4}$) of Section 19 described in deed dated July 16, 1952, and recorded at page 342 of Book 35 of Deeds, Records of Skamania County, Washington;

The Southeast Quarter of the Southwest Quarter ($SE\frac{1}{4} SW\frac{1}{4}$); the South Half of the Southwest Quarter of the Southwest Quarter ($S\frac{1}{2} SW\frac{1}{4} SW\frac{1}{4}$); and the west 1,156 feet of the West Half of the Southeast Quarter ($W\frac{1}{2} SE\frac{1}{4}$) EXCEPT the north 466.6 feet of the west 466.6 feet thereof; of Section 21;

All of Section 28 EXCEPT that portion thereof conveyed to Ivan K. Fink by deed dated July 10, 1957, and recorded at page 5 of Book 44 of Deeds, Records of Skamania County, Washington;

All of Section 29 EXCEPT that portion of Government Lot 2 thereof conveyed to Mary V. Lane by deed dated February 24, 1944, and recorded at page 94 of Book 30 of Deeds, Records of Skamania County, Washington.

Township 4 North; Range 9 E. W. M.

Government Lots 2, 3, 6, 7, 10, and 11; the North Half of the Northeast Quarter of the Southwest Quarter ($N\frac{1}{2} NE\frac{1}{4} SW\frac{1}{4}$); the North Half of the Northwest Quarter of the Southeast Quarter ($N\frac{1}{2} NW\frac{1}{4} SE\frac{1}{4}$); and the Northwest Quarter of the Northeast Quarter of the Southeast Quarter ($NW\frac{1}{4} NE\frac{1}{4} SE\frac{1}{4}$); of Section 2;

The Southwest Quarter of the Southeast Quarter ($SW\frac{1}{4} SE\frac{1}{4}$) of Section 3;

The West Half of the East Half ($W\frac{1}{2} E\frac{1}{2}$); the Southeast Quarter of the Southwest Quarter ($SE\frac{1}{4} SW\frac{1}{4}$); and the West Half of the Southwest Quarter of the Northeast Quarter of the Northeast Quarter ($W\frac{1}{2} SW\frac{1}{4} NE\frac{1}{4} NE\frac{1}{4}$); of Section 10;

The Southwest Quarter ($SW\frac{1}{4}$) of Section 14;

The Southwest Quarter of the Southwest Quarter ($SW\frac{1}{4} SW\frac{1}{4}$) of Section 15;

The Northwest Quarter ($NW\frac{1}{4}$); the East Half of the Southeast Quarter ($E\frac{1}{2} SE\frac{1}{4}$) EXCEPT interest of record owner in the Southeast Quarter of the Northeast Quarter of the Southeast Quarter ($SE\frac{1}{4} NE\frac{1}{4} SE\frac{1}{4}$); of Section 22;

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The South Half of the Southeast Quarter of the Southeast Quarter of the Northeast Quarter ($S\frac{1}{2} SE\frac{1}{4} SE\frac{1}{4} NE\frac{1}{4}$); the Northeast Quarter of the Southeast Quarter ($NE\frac{1}{4} SE\frac{1}{4}$); the East Half of the East Half of the Northwest Quarter of the Southeast Quarter ($E\frac{1}{2} E\frac{1}{2} NW\frac{1}{4} SE\frac{1}{4}$); the Southwest Quarter of the Northeast Quarter of the Northwest Quarter of the Southeast Quarter ($SW\frac{1}{4} NE\frac{1}{4} NW\frac{1}{4} SE\frac{1}{4}$); the West Half of the Southeast Quarter of the Northwest Quarter of the Southeast Quarter ($W\frac{1}{2} SE\frac{1}{4} NW\frac{1}{4} SE\frac{1}{4}$); the Northwest Quarter of the Southeast Quarter of the Southeast Quarter ($NW\frac{1}{4} SE\frac{1}{4} SE\frac{1}{4}$); the Northwest Quarter of the Southeast Quarter of the Southeast Quarter of the Southeast Quarter ($NW\frac{1}{4} NE\frac{1}{4} SE\frac{1}{4} SE\frac{1}{4}$); the Northeast Quarter of the Southwest Quarter of the Southeast Quarter ($NE\frac{1}{4} SW\frac{1}{4} SE\frac{1}{4}$); of Section 25, Township 4 North, Range 9 E. W. M.;

The South Half of the Northeast Quarter ($S\frac{1}{2} NE\frac{1}{4}$) of Section 26;

The Northeast Quarter ($NE\frac{1}{4}$) of Section 34;

The South Half of the Northeast Quarter ($S\frac{1}{2} NE\frac{1}{4}$); the North Half of the Southeast Quarter ($N\frac{1}{2} SE\frac{1}{4}$); and the South Half of the Northwest Quarter ($S\frac{1}{2} NW\frac{1}{4}$); of Section 35;

The Southeast Quarter of the Northwest Quarter ($SE\frac{1}{4} NW\frac{1}{4}$); and the North Half of the Southwest Quarter ($N\frac{1}{2} SW\frac{1}{4}$); of Section 36;

Township 5 North; Range 9 E. W. M.

That portion of Section 35 described in deed dated August 11, 1945, and recorded at page 460 of Book 30 of Deeds, Records of Skamania County, Washington; said tract containing 16.03 acres, more or less.

TO HAVE AND TO HOLD to the Grantees, its successors and assigns, forever.

Dated this 10th day of July, 1959.

Harold C. Broughton (SEAL)
Harold J. Broughton

Rita E. Broughton (SEAL)
Rita E. Broughton

D. H. Stevenson (SEAL)
D. H. Stevenson

996
TRANSACTION EXCISE TAX

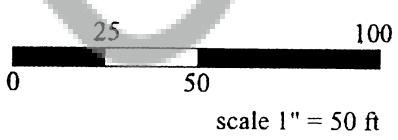
Angeline W. Stevenson (SEAL)
Angeline Stevenson

Notary Public
M. J. [illegible]
[illegible]









Broughton Lumber Company
Skamania County, WA
92 Office Road, Underwood, WA
Parcel No. 03-10-28-200

LANDSCAPE PLAN



KEY

-  Parcel Boundary
-  Former Structures
Pre - 09/20/2007
(Approximate locations)
-  Proposed Structures
-  Existing Vegetation to be Retained
-  Proposed Trees
Big Leaf Maple
Acer macrophyllum
Qty: 15; Size: min. 2" caliper
-  Proposed Shrubs
Red-Flowering Currant
Ribes sanguineum
Qty: 8; Size: min. ht. 18"

Context Placemaking Strategies, LLC
August 18, 2009 (Updated December 15, 2009) (Updated May 18, 2010)

[illegible]

PRELIMINARY - NOT
 FOR CONSTRUCTION
 SEE PROPRIETARY
 WORKSTATEMENT ON