

Return Address: Lexcom Development
7793 Bar Du Lane
Sacramento, CA 95829

Skamania County
Community Development Department
Building/Fire Marshal • Environmental Health • Planning
Skamania County Courthouse Annex
Post Office Box 1009
Stevenson, Washington 98648
Phone: 509-427-3900 Inspection Line: 509-427-3922

Administrative Decision

APPLICANT: Lexcom Development for AT&T

PROPERTY OWNER: Wood, Hardesty, Biddle Dick, et al., Trustee

FILE NO.: NSA-13-01

PROJECT: To install three new panel antennas and associated utilities on an existing communications tower.

LOCATION: At the end of Mt. Zion Road; Section 9 of T1N, R5E, W.M. and is identified as Skamania County Tax Lot Number 01-05-09-0-0-1300-00.

LEGAL: See attached page(s) 7 – 8.

ZONING: Special Management Area- Forest (F).

DECISION: Based upon the record and the Staff Report, the application by Lexcom Development for AT&T 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

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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 new antennas shall match the existing tower in color, which is steel gray.
- 5) The antennas shall be composed of non-reflective materials or materials with low reflectivity.
- 6) 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.

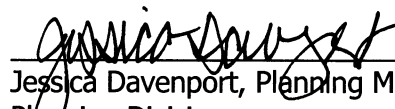
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- 7) The Community Development Department will conduct a site visit for Final Inspection to ensure that all conditions of approval have been met. Inspections may take up to four business days from the time of calling for the inspection. Inspections should be arranged by calling the Community Development Department inspection line at 509-427-3922 or through the permit center public portal at <https://co-skamania-wa.smartgovcommunity.com/portal/Public/Welcome>.
- 8) 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 the Section 22.30.030 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. A mitigation plan shall be prepared if the affected cultural 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 the Section 22.30.050 of this Chapter. Construction activities may recommence when the conditions in the mitigation plan have been executed.
- 9) 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. The human remains shall not be disturbed any further.

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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. Representative of the Indian tribal governments shall be contacted immediately.
- d) Jurisdiction. If the remains are modern, the appropriate law enforcement officials 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 the conditions set forth in Section 22.30.030(D) of this Chapter are met and the mitigation plan is executed.

Dated and Signed this 8th day of April, 2013, at Stevenson, Washington.


 Jessica Davenport, Planning Manager
 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

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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 1009, 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

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:

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Adjacent property owners within 500 feet of the subject property

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)

Unofficial
Copy

105159

BOOK 227 PAGE 707
BOOK 107 PAGE 492

WARRANTY DEED

THE TRUST FOR PUBLIC LAND, a nonprofit California public benefit corporation, for and in consideration of the sum of \$10.00 and other valuable consideration, the receipt of which is hereby acknowledged, does hereby convey and warrant unto ERSKINE B. WOOD, as to an undivided one-half interest, and HELENE BIDDLE DICK, ALICE BIDDLE BEEBE, CHRISTINE BIDDLE MARSHALL and LYDIA BIDDLE MIDDLETON, as trustees under that certain trust instrument dated December 29, 1976, entitled "Alice T. Biddle Irrevocable Trust," as to an undivided one-half interest, all of the following described real property situated in the County of Skamania, State of Washington:

Beginning at the Southeast corner of the parcel conveyed to the United States of America by Deed recorded under Auditor's File No. 45005, Skamania County Records; thence East 120 feet; thence North 190 feet; thence West 430 feet; thence South 190 feet; thence East 110 feet to the Southwest corner of the tract conveyed to the United States of America; thence North 150 feet; thence East 200 feet; thence South 150 feet to the point of beginning; all of said land lying within the SW1/4SW1/4, Sec. 9; and SE1/4SE1/4, Sec. 8, T. 1 N., R. 5 E., Willamette Meridian, Skamania County, Washington.

TOGETHER WITH all rights and benefits (subject to certain restrictions) pertaining to the above-described property as reserved by grantor in a Warranty Deed dated March 23, 1988 in favor of the United States of America, recorded in the Official Records of Skamania County, Washington, in Volume 108, pages 933-936, auditor's file 104899 on March 25, 1988.

SUBJECT TO:

1. Reservations in U.S. Patent.
2. Easement in favor of U.S.A. for Access recorded February 9, 1953, in Book 35, Page 138, Auditors File No. 45005, Skamania County Records.
3. Easement in favor of U.S.A. for a Beam Path recorded April 9, 1970, under Auditors File No. 72013, in Book 61, Page 627, Skamania County Records.
4. Easement in favor of Multnomah County for Access and Beam Path recorded August 22, 1977, Auditors File No. 84692, Book 73, Page 351, Skamania County Records.
5. The rights of the public in that portion of the above described real estate lying within Mt. Zion Road.

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- 6. Easement for roads and utilities in favor of MCI Telecommunications Corporation by instrument recorded January 24, 1986, in Book 100 at Page 226, Auditors File No. 100627 and by Amendment recorded February 12, 1987, in Book 104 at page 214, Auditors File No. 102657, Skamania County Records.

Dated this 27th day of April, 1988.

1988
REAL ESTATE EXCISE TAX
PAID

THE TRUST FOR PUBLIC LAND, a
nonprofit California public
benefit corporation.
By: Martin J. Rosen
Title: President

ACKNOWLEDGEMENT

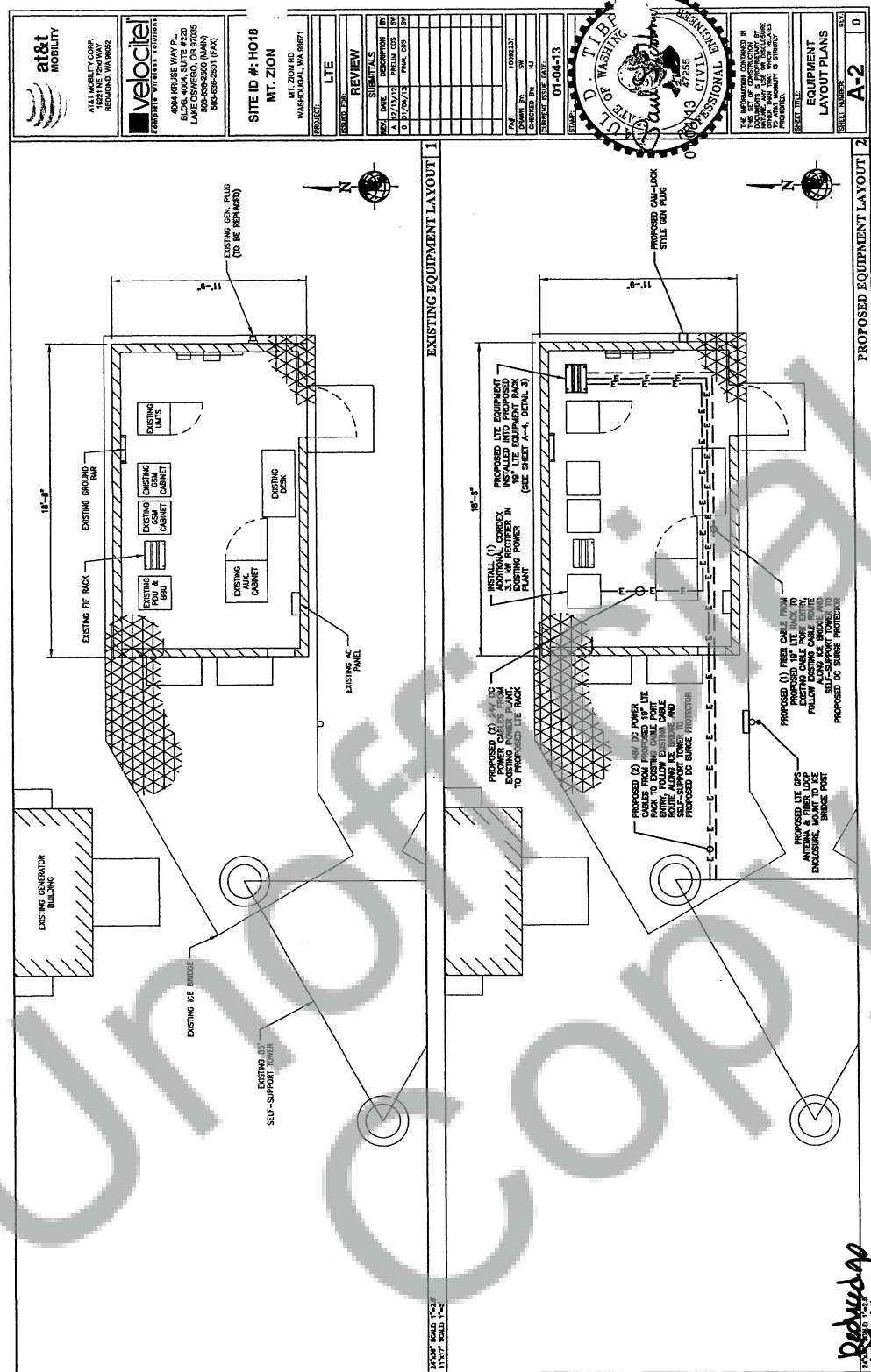
State of California) ss.
County of San Diego

On this 27th day of April, 1988, before me
Ellen V. Meehan, the undersigned Notary Public, personally
appeared Martin J. Rosen, personally known to me (or
~~proved to me on the basis of satisfactory evidence~~) to be the
person(s) who executed the within instrument as President,
on behalf of the corporation therein named and
acknowledged to me that the corporation executed it.



Ellen V. Meehan
My commission expires 1/17/89

FILED FOR RECORD
SKAMANIA COUNTY
APR 17 4 22 PM '88
BY CLERK
CARYN OLSON



**NOTICE OF DECISION AND OPPORTUNITY TO APPEAL
for
Expedited Development Review**

Enclosed is the Staff Report including the findings and conclusions, and the Administrative Decision including the conditions of approval for the application by Lexcom Development for AT&T to install three new panel antennas and associated utilities on an existing communications tower.

Any person shall be allowed to appeal a decision issued under the expedited review process. To appeal this decision, a written Notice of Appeal form must be filed within **20 days** from the date the Administrative Decision is issued. Appeals are to be made to the Skamania County Hearing Examiner, P.O. Box 1009, Stevenson, WA 98648. Notice of Appeal forms are available at the Skamania County Community Development Department Office and must be accompanied by a \$2,450.00 nonrefundable-filing fee and certificate of mailing. The appellant shall mail the Notice of Appeal to all Parties of Record. Proof of service must be submitted by the appellant in the form of a Certificate of Mailing.

April 8, 2013

Date

Jessica Davenport
Jessica Davenport, Planning Manager
Planning Division

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