

Return Address: Shawn Ohki  
2532 Berge Road  
Stevenson, WA 98648

**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:** Shawn Ohki

**PROPERTY OWNER:** Tatsunoshin & Miyoko Ohki, and Nihon Ido Kyoshitsu Kyokai

**FILE NO.:** NSA-13-24

**PROJECT:** For the land division of parcel no. 03-08-23-0-0-5000-00 into two parcels, 20.01 acres and 68.02 acres in size.

**LOCATION:** 2532 Berge Road, Stevenson; Section 23 of T3N, R8E, W.M., and identified as Skamania County Tax Lot #03-08-23-0-0-5000-00.

**LEGAL:** See attached page(s) 6.

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

**DECISION:** Based upon the record and the Staff Report, the application by Shawn Ohki, 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) An access easement providing legal access for Proposed Lot B owners, successors, assignees, and heirs, through Proposed Lot A (as labeled on the site plan) shall be recorded in the Skamania County Auditor's Office before Community Development staff signs off on the recording of the new deeds for the recording of the land division. The owners of Proposed Lot B shall apply for an approach permit with Skamania County Public Works.
- 5) The following procedures shall be effected when cultural resources are discovered during construction activities:


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- 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.
- 6) 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.

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- 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 21<sup>st</sup> day of January, 2014, at Stevenson, Washington.

  
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 Jessica Davenport, AICP  
 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 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.

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### **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:

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)

Tatsunoshin & Miyoko Ohki, and Nihon Ido Kyoshitsu Kyokai



BOOK 149 PAGE 819

## ATTACHMENT TO STATUTORY WARRANTY DEED

PARCEL 1

All that portion of the Southwest Quarter of Section 23, Township 3 North, Range 8 East of the Willamette Meridian, in the County of Skamania, State of Washington, which lies South and East of Berge Road; EXCEPTING THEREFROM that portion conveyed to the public by deed recorded March 18, 1908 in Book 1, Page 51, Skamania County Deed Records; ALSO EXCEPTING THEREFROM that portion conveyed to Skamania County by deed recorded May 28, 1980 in Book 78, Page 269, Auditor's File No. 90809, Skamania County Deed Records; ALSO EXCEPTING THEREFROM that portion lying Northerly of an unnamed stream channel, as sold to Leroy Anderson, et. al., by contract recorded December 31, 1984 in Book 84, Page 218, Auditor's File No. 98749, Skamania County Deed Records; ALSO EXCEPTING THEREFROM Lot 1 of BERNICE BERGE SHORT PLAT, according to the Plat thereof, recorded May 14, 1986, in Book 3, Page 93, Auditor's File No. 101131, Skamania County Plat Records; and ALSO EXCEPTING THEREFROM that portion conveyed to Skamania County Cemetery District by deed recorded 5-17-93 in Book 135, Page 360, Auditor's File No. 116248, Skamania County Deed Records; and SUBJECT TO An easement of 30 feet in width for ingress and egress within a portion of the Southwest quarter of the Southwest quarter of Section 23, T3N, R8E, W.M., in the County of Skamania and the State of Washington, described more particularly as follows:

An easement of 30 feet in width along an existing roadway which lies within the circumference of a circle having a radius of 30 feet, the center of said circle being the southeast corner of Lot 1 of the Bernice Berge Short Plat, according to the plat thereof recorded in Book 3 at Page 93 of Short Plats, Skamania County Auditors No. 101141, bounded by the east edge of aforesaid Lot 1 of the Bernice Berge Short Plat and the north edge of the parcel described in that particular document recorded in Book 135 at Page 360 of Deeds, Skamania County Auditor Number 116248, wherein Robert & Claudia Beebe granted to Skamania County Cemetery District.

PARCEL 2

The North Half of the Southeast Quarter of Section 23, Township 3 North, Range 8 East of the Willamette Meridian in the County of Skamania, State of Washington, EXCEPTING THEREFROM that portion lying Northwesterly of the center of an unnamed stream, as described in contract to Leroy Anderson, et.al., recorded December 31, 1984 in Book 84, Page 218, Auditor's File No. 98749, ~~Klickitat~~ <sup>Skamania</sup> County Deed Records.

