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Skamania County Community Development Department

Building/Fire Marshal • Environmental Health • Planning

Skamania County Courthouse Annex

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Stevenson, Washington 98648

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ADMINISTRATIVE DECISION

APPLICANT: Kyle Vander Borcht

FILE NO.: NSA-19-29

DESCRIPTION: Lot line adjustment transferring .34 acres (8,559 sq. ft.) to reduce encroachments and 162 square foot accessory building.

LOCATION: 112 Kelly-Henke Road, Home Valley, and identified as Skamania County parcel no. #03-08-27-0-0-0202-00
101 Spirea Way, Home Valley, and identified as Skamania County parcel no. PID #03-08-26-0-0-0380-00

LEGAL: See attached pages 4-5.

ZONING: GMA - Residential 5 (R-5); Home Valley Urban Area – Residential 1 (R1)

DECISION: Based upon the record and the Staff Report, the applicant's proposal, described above, is found to be consistent with SCC Title 22 and is hereby **APPROVED** subject to the conditions set forth below.

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 development shall be consistent with the approved site plan on file with Skamania County Community Development, unless modified by the following conditions of approval. If modified, the site plan shall be consistent with the conditions of approval.
3. The following are the minimum required setbacks for all structures except fences: FRONT YARD: fifty (50) feet from the centerline of the street or road or twenty (20) feet from the front property line, whichever is greater; SIDE YARD: twenty (20) feet, and REAR YARD: twenty (20) feet.
4. A variance is granted to the 20-foot side yard setback required by SCC 22.10.070(B)(2) to allow development as shown on the approved site plan.
5. The accessory building shall be dark earth-tone in color. The exterior includes, but is not limited to, sides, doors, roof and trim. The following colors submitted by the applicant are consistent with this condition and are hereby approved: Exterior – Sherwin Williams 7622 Homburg Grey (appears dark grey); Roofing - dark grey. Any proposed changes to these colors shall be submitted for review by the Community Development Department prior to application. All exterior lighting shall be hooded or shielded at a 90° angle. Hoods/shields should be made of a non-reflective, opaque material, which does not allow light to pass through.
6. 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.
7. 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.
- Halt of Activities. All survey, excavation and construction activities shall cease.
 - Notification. Local law enforcement officials, the Administrator, the Gorge Commission, and the Indian tribal governments shall be contacted immediately.
 - 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.
 - Jurisdiction. If the remains are modern, the appropriate law enforcement official shall assume jurisdiction and the cultural resource protection process may conclude.
 - 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 26th day of February, 2020, at Stevenson, Washington.

Mike Beck

Mike Beck
Planner

NOTE:

Any new development not included in the approved site plan on file with the Skamania County Community Development department 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 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.

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 Reservation
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
State of Washington Department of Commerce – Paul Johnson
Department of Fish and Wildlife

Legal Description

Parcel No. 03-08-27-0-0-0202-00

A tract of land located in the Joseph Robbins D.L.C. in Section 27, Township 3 North, Range 8 of the Willamette Meridian, in the County of Skamania, Washington, described as follows:

Beginning at the Northwest corner of the Robbins D.L.C. aforesaid; thence East 20 chains; thence South 20 chains; thence West 20 chains; thence North 20 chains to the point of beginning.

EXCEPT that portion thereof lying Southerly of County Road No. 3036 designated as the Berge Road;

Except the following described tract:

Beginning at the Northwest corner of the Robbins D.L.C. aforesaid; thence East 607.8 feet; thence South $1^{\circ} 51'$ West 763.5 feet to the centerline of the County Road known and designated as the Berge Road; thence along the centerline of said road $64^{\circ} 36'$ West 552.8 feet; thence Westerly along the centerline of said road on a 30° curve to the right 90 feet to the West line of the Robbins D.L.C.; thence North along said West line 1021.4 feet to the point of beginning.

AND EXCEPT the following described tract:

Beginning at the Northwest corner of the Robbins D.L.C. aforesaid; thence East 20 chains; thence South to intersection with the centerline of the County Road known as Berge Road, said point being the initial point of the tract hereby excepted; thence Westerly following the centerline of said road 416 feet; thence North 238 feet; thence Easterly parallel to the centerline of said road to a point North of the initial point; thence south 238 feet, more or less, to the initial point.

Legal Description

Parcel No. 03-08-26-0-0-0380-00

A tract of land located in the Joseph Robbins D.L.C. in Section 27, Township 3 North, Range 8 of the Willamette Meridian, in the County of Skamania, Washington, described as follows:

Beginning at the Northeast corner of the said section 27; thence South $01^{\circ}58'25''$ East along the Section line 660 feet; thence South $01^{\circ}58'25''$ East 660 feet, more or less, to the North line of the said Robbins D.L.C.; thence West along said 323.96 feet to the true point of beginning; thence West along said D.L.C. line 609.54 feet to a point 1,320 feet East of the Northwest corner of the said D.L.C.; thence South 766 feet to the Northerly right-of-way line of Berge Road; thence along said Northerly right-of-way line to a point 60 feet distant from the West line of said tract extended South; thence North parallel and 60 feet distant from said West line 400 feet, more or less; thence North $88^{\circ}01'35''$ East 245.37 feet, more or less, to a point which is South $01^{\circ}58'25''$ East 1,686.00 feet and South $88^{\circ}01'35''$ West 699.13 feet from the Northeast corner of said Section 27; thence South $56^{\circ}16'26''$ East 448.44 feet; thence North $01^{\circ}58'25''$ West 627.68 feet, more or less, to the North line of said Robbins D.L.C. and the true point of beginning.

ALSO, a 30-foot strip of land being 15 feet on either side of the following center line description:

Beginning at the Northeast corner of Section 27, Township 3 North, Range 8 East of the Willamette Meridian; thence South $01^{\circ}58'25''$ East 1,929.21 feet along the section line; thence South $88^{\circ}01'35''$ West 323.96 feet to the true point of beginning; thence South $56^{\circ}16'26''$ East 109.33 feet; thence South $50^{\circ}17'51''$ East 163.76 feet; thence South $25^{\circ}08'01''$ East 36 feet, more or less, to the Northerly right-of-way line of Berge Road.