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**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:** Eric Eubank  
**FILE NO.:** NSA-19-36  
**DESCRIPTION:** Lot line adjustment transferring 12 acres.  
**LOCATION:** Berge Road, Home Valley, identified as Skamania County  
Parcel No. 03-08-22-7-4-0-1801-00.  
762 Kelley Henke Road, Home Valley, identified as Skamania County  
Parcel No. 03-08-22-4-0-0100-00.  
**LEGAL:** See attached page 4.  
**ZONING:** SMA – Forest (F), GMA – Small Woodland (F-3) 40, GMA – Small Woodland  
(F-3) 20, and GMA - Residential 5 (R-5).  
**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.

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. 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.
3. 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 22.22.050 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 28<sup>th</sup> day of July, 2020, at Stevenson, Washington.

*Mike Beck*

Mike Beck  
Planner

## **LEGAL DESCRIPTIONS**

Parcel No. 03-08-22-2-4-0-1801-00

A tract of land located in the eastern half of the southeast quarter of Section 22, Township 3 North, Range 8 East of the Willamette Meridian, Skamania County, Washington state, defined with a beginning point which is the northwest corner of the eastern half of the southeast quarter of Section 22, thence southward 1848.78 feet along the western border of the eastern half of the southeast quarter of Section 22, thence eastward 70 feet, thence northward 691 feet upon a line that is 70 feet to the east of the western border of the eastern half of the southeast quarter of Section 22, thence eastward 1259.49 feet to a point that is on the centerline of Berge Rd and 1206.89 feet to the south of the northeast corner of the eastern half of the southeast quarter of said Section 22, thence northward 1206.89 feet to a point that is the northeast corner of the eastern half of the southeast quarter of said Section 22, thence historically westward 1323.57 feet to a point that is the beginning of this tract.

With the exception of the water well located approximately 220 feet to the east of the western border of the eastern half of the southeast quarter of Section 22 and approximately 350 feet to the south of the northern border of the southeast quarter of said Section 22.

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Parcel No. 03-08-22-4-0-0100-00

Parcel I: The North 500 feet of the Northwest Quarter of the Southeast quarter of Section 22, Township 3 North, Range 8 East of the Willamette Meridian, County of Skamania, Washington

EXCEPT that portion conveyed to Skamania County by instrument recorded in Book 82, Page 620, Skamania County Records.

Parcel II: A tract of land in the Northwest quarter of the southeast quarter of Section 22, Township 3 North, Range 8 East of the Willamette Meridian, in the county of Skamania, State of Washington, described as follows:

Beginning at a point 500 feet South of the Northwest corner of the Northwest quarter of the Southeast quarter of said Section 22; thence East 1320 feet, more or less, to the East line of the Northwest quarter of the Southeast quarter of the said Section 22; thence south to a point 300 feet to the North of the Southeast corner of the Northwest quarter of the Southeast quarter of said Section 22; thence West 1,320 feet, more or less, to the West line of the Northwest quarter of the Southeast quarter of the said Section 22; thence North to the Point of Beginning, EXCEPT that portion thereof described as follows: Beginning at the Southeast corner of the Northwest quarter of the Southeast quarter, thence North along the East line of the Northwest Quarter of the Southeast quarter 300 feet to the beginning of said tract; thence North 250 feet, thence West 175 feet, thence South 250 feet, thence East 175 feet, more or less to the point of beginning.

**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