

Skamania County, WA
Total: \$110.50
ADMIN
Pgs=8
Request of: EARL AND MARY DUNCAN
2021-001193
04/06/2021 02:18 PM
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RETURN ADDRESS:

LeAnne M. Bremer
Miller Nash Graham & Dunn LLP
500 Broadway, Suite 400
Vancouver, Washington 98600

Document Title: Administrative Decision (NSA-21-04)

Reference Number(s) of related documents:

Grantors: Zachary Franks; Earl and Mary Duncan

Grantees: Earl and Mary Duncan; David and Lourdes Little

Trustee: NA

Abbreviated Legal Description: SEC 34 T2N R6EWM

Assessor's Property Tax Parcel/Account Numbers: 02063414580000; 02063414580200;
02063414580100; 02063400150000; 02063414590000

ym 4/6/21

Return Address: Earl and Mary Duncan
6026 NE Sandy Blvd.
Portland, OR
97213

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: Earl and Mary Duncan

FILE NO.: NSA-21-04

DESCRIPTION: Boundary line adjustments between five tax parcels constituting four legal lots of record in order to correct lot line encroachments. Two legal lots will be combined into one.

LOCATION: 412 Skamania Landing Road, identified as Skamania County parcels 02-06-34-1-4-5800-00, 02-06-34-1-4-5801-00, and 02-06-34-1-4-5802-00.

372 Skamania Landing Road, identified as Skamania County parcel 02-06-34-0-0-1500-00.

432 Skamania Landing Road, identified as Skamania County parcel 02-06-34-1-4-5900-00.

LEGAL: See attached pages 5-7.

ZONING: GMA - Residential 1 (R-1)

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 boundary line adjustments shall be recorded with legal descriptions for each parcel matching the approved site plan.
3. The following are the minimum required setbacks for all structures except fences: FRONT YARD: forty-five (45) feet from the centerline of the street or road or fifteen (15) feet from the front property line, whichever is greater; SIDE YARD: five (5) feet, and REAR YARD: fifteen (15) feet.
4. 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.
5. 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 1st day of April, 2021, 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

Parcel nos. 02-06-34-1-4-5800-00 and 02-06-34-1-4-5801-00

Legal Description:

A tract of land in the Northeast Quarter of the Southeast Quarter of Section 34, Township 2 North, Range 6 East of the Willamette Meridian, in the County of Skamania, State of Washington, described as follows:

The East 100 feet of the following:

Beginning at a point on the West line of said Government Lot 1 marked by the Northeast corner of Government Lot 2 of said Section 34, thence south 313 feet, thence North 79° East 142 feet; thence North 313 feet, thence South 79° West 142 feet to the point of beginning.

Parcel no. 02-06-34-1-4-5802-00

Legal Description:

A tract of land in the Northeast Quarter of the Southeast Quarter of Section 34, Township 2 North, Range 6 East of the Willamette Meridian, in the County of Skamania, State of Washington, described as follows:

Beginning at a point on the West line of said Government Lot 1 marked by the Northeast corner of Government Lot 2 of said Section 34, thence south 313 feet, thence North 79° East 142 feet; thence North 313 feet, thence South 79° West 142 feet to the point of beginning. EXCEPT THE EAST 100 FEET THEREOF.

Parcel no. 02-06-34-0-0-1500-00

Legal Description:

Beginning at the Southwest corner of the Northeast Quarter of the Southeast Quarter of Section 34, Township 2 North, Range 6 East of the Willamette Meridian, in the County of Skamania, State of Washington, thence West 330 feet; thence South 540 feet; thence Northeasterly along the Meander line of the Columbia River to the East line of Government Lot 2 of said Section 34; thence North 380 feet to point of beginning.

Together with Shorelands of the second class conveyed by the State of Washington fronting and abutting upon the described real property.

Excepting therefrom the following:

1. That portion conveyed to W. Lindsey Hazard, et al, by instrument recorded in Book 77, Page 88.
2. That portion conveyed to Peggy R. Keith by instrument recorded in Book 227, Page 567.
3. That portion conveyed to R.C. Doolittle, et ux, by instrument recorded in Book 84, Page 317.
4. That portion thereof conveyed to Skamania County for right-of-way for relocation of County Road known and designated as Skamania Landing Road (County Road No. 1076), by instrument dated March 19, 1971, recorded March 23, 1971 in Book 62 of Deeds at Page 727, Auditor File No. 73256, Records of Skamania County, Washington.

Parcel no. 02-06-34-1-4-5900-00

Legal Description:

A TRACT OF LAND LOCATED IN GOVERNMENT LOT 1 OF SECTION 34, TOWNSHIP 2 NORTH, RANGE 6 EAST OF THE WILLAMETTE MERIDIAN, SKAMANIA COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY CORNER OF LOT 30 OF BLOCK ONE OF WOODARD MARINA ESTATES ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD AT PAGES 114 AND 115 OF BOOK "A" OF PLATS, RECORDS OF SKAMANIA COUNTY, WASHINGTON; THENCE WESTERLY 80 FEET ALONG A CURVE TO THE LEFT THE RADIUS OF WHICH IS 250 FEET AND THE RADIUS POINT OF WHICH BEARS SOUTH $02^{\circ} 53' 50''$ WEST FROM THE NORTHWESTERLY CORNER OF THE SAID LOT 30; THENCE NORTH 03° WEST 40 FEET, MORE OR LESS, TO A POINT ON THE SOUTHERLY LINE OF RIVERSIDE DRIVE AS SHOWN ON THE AFORESAID PLAT, SAID POINT BEING THE INITIAL POINT OF THE TRACT HEREBY DESCRIBED; THENCE IN A NORTHWESTERLY DIRECTION FOLLOWING THE SOUTHERLY LINE OF RIVERSIDE DRIVE AFORESAID 54.67 FEET TO A POINT NORTH OF THE NORTHEAST CORNER OF A TRACT OF LAND CONVEYED TO C.A. SAMS AND W.L. SAMS BY DEED DATED SEPTEMBER 3, 1936, AND RECORDED MARCH 1, 1937, AT PAGE 204 OF BOOK "Z" OF DEEDS, RECORDS OF SKAMANIA COUNTY, WASHINGTON; THENCE SOUTH $00^{\circ} 08'$ EAST 313.26 FEET; THENCE EAST 85.03 FEET TO A POINT SOUTH 08° EAST FROM THE INITIAL POINT; THENCE NORTH 08° WEST 290.94 FEET TO THE INITIAL POINT;

TOGETHER WITH ALL REAL PROPERTY LYING SOUTH OF SAID TRACT AND WITHIN THE EASTERLY AND WESTERLY LINES OF SAID TRACT EXTENDED SOUTHERLY TO THE MEANDER LINE OF THE COLUMBIA RIVER, AND SHORELANDS OF THE SECOND CLASS CONVEYED BY THE STATE OF WASHINGTON AND FRONTING AND ABUTTING UPON SAID REAL PROPERTY.