

Skamania County, WA
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2022-000431

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Request of: USDA FOREST SERVICE



00012349202200004310050053

Return Address: USDA Forest Service
902 Wasco Avenue, Suite 200
Hood River, OR
97031

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: USDA Forest Service
FILE NO.: NSA-22-03
DESCRIPTION: Boundary line adjustment.
LOCATION: 181 Salmon Falls Road, identified as Skamania County parcel no. 01-05-10-0-0-0400-00.
Cape Horn Road, identified as Skamania County parcel no. 01-05-10-0-0-1202-00.
LEGAL: See attached page 5.
ZONING: GMA – Small Woodland (F-3) 20
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 adjustment shall be recorded with legal descriptions for each adjusted parcel that match the approved site plan.
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. 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 10th day of February, 2022, at Stevenson, Washington.

Mike Beck

Mike Beck, AICP
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
Property owners within 500 feet
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 no. 01-05-10-0-0-0400-00

Legal Description:

That portion of the Northeast quarter of the Northwest quarter of Section 10, Township 1 North, Range 5 East of the Willamette Meridian, Skamania County, Washington, lying to the West of the County Road known as Salmon Falls Road and formerly known as Cape Horn Cut-off.

Parcel no. 01-05-10-0-0-1202-00

Legal Description:

T. 1 N., R 5 E., WM Sec. 10, SE $\frac{1}{4}$ NW $\frac{1}{4}$; EXCEPTION THEREFROM, the following described tract:

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 the intersection of the New Cape Horn Landing Road with the North line of State Road No. 8 (Now State Road no. 14); thence following said North line of said State Road No 8 Westerly to the East line of the Old Cape Horn Landing Road; thence Northerly on said East line 200 feet; thence Easterly parallel with the North Line of said State Road no. 8 to the West line of said New Cape Horn Landing Road; thence Southerly on said West line 200 feet more or less, to the North line of said State Road no. 8, being the point of beginning;

ALSO EXCEPTING: a tract of land beginning at a point 300 feet West of the center of Section 10, Township 1 North, Range 5 East of the Willamette Meridian on the South line of the Northwest quarter of said Section 10; Thence North 500 feet to the intersection with the South right of way line of Cape Horn Road (County Road #10050), as it existed on November 23, 1986; Thence following said right of way line West and South to the intersection with the South line of the Northwest Quarter of Section 10, Township 1 North, Range 5 East of the Willamette Meridian; thence 825 East to the point of Beginning.

ALSO, Sec. 10, S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ and S $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$; EXCEPTING THEREFROM the following tract of land:

Beginning at the Southeast corner of the Northwest quarter of the Northeast quarter of Section 10, Township 1 North, Range 5 East of the Willamette Meridian; thence South 440 feet to the initial point of the tract thereby conveyed; thence North 80 degrees 5' West 665.4 feet; thence South to the center line of said Section 10; thence East 660 feet to the Southeast corner of the Southwest Northeast quarter of said Section 10; thence North 880 feet to the point of beginning.