



Return Address: Neil and Heather Hoffberger
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98639

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: Neil and Heather Hoffberger

FILE NO.: NSA-22-08

DESCRIPTION: Construct single-family residence with attached garage and associated site improvements on a parcel with existing accessory building, well, power, and septic. Decommission unauthorized residence in accessory building.

LOCATION: 2732 Duncan Creek Road, identified as Skamania County parcel no. #02-06-28-0-0-0400-00.

LEGAL: See attached page 7.

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.

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. Prior to the release of the building permit the parcel shall either be recorded in the forest tax classification program or a letter shall be provided by the applicant to the Community Development Department from the Skamania County Assessor stating the property is not eligible for the forest tax classification program.
3. 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.
4. 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. All development shall be consistent with the approved site plan on file with the Community Development Department, unless modified by conditions of approval. If modified, the site plan shall be consistent with conditions of approval.
5. A 92-foot variance to the 200-foot forestland setback for dwellings established in SCC 22.14.050(B)(1) is granted to allow the dwelling to be built 108 feet from the south property line as depicted on the approved site plan.
6. A 100-foot water resource buffer is required to protect the Duncan Creek water resource zone. The buffer shall be measured from the ordinary high-water mark of Duncan Creek. All new construction and development shall occur outside of the Duncan Creek buffer.
7. The 100-foot water resource buffer shall be conspicuously demarcated with stakes and flagging prior to the commencement of project activities, and shall remain flagged until final approval is granted.
8. The water resource buffer on the property shall be retained in its natural condition. Where buffer disturbance occurs or has occurred, revegetation with native vegetation shall be required and shall provide and maintain habitat diversity beneficial to the fish, wildlife and native plants. New uses and further encroachment in the water resource buffer are prohibited unless reviewed and approved in a subsequent administrative decision.

9. Equipment, refueling stations and building materials shall be stored and yarded outside of the water resource buffer area.
10. Best management practices to control erosion such as sediment fencing, distributing straw mulch on exposed soils, and reseeding denuded soils, etc. shall be promptly deployed as needed to prevent erosion of sediment into the buffer area.
11. Development shall comply with the fire safety provisions for the Small Woodland (F-3) Zone listed in Skamania County Code Section 22.14.050(A). These provisions are listed as conditions of approval nos. 12-22.
12. All buildings shall be surrounded by a maintained fuel break of fifty feet. Irrigated or fire resistant vegetation may be planted within the fuel break, including green lawns and low shrubs (less than twenty-four inches in height). Trees should be placed greater than fifteen feet between the crowns and pruned to remove dead and low (less than eight feet) branches. Accumulated leaves, needles and other dead vegetation shall be removed from beneath trees.
13. Hazardous fuels shall be removed within the fuel break area.
14. Buildings with plumbed water systems shall install at least one standpipe at a minimum of fifty feet from the structure(s).
15. A pond, stream, tank or sump with storage of not less than one thousand gallons, or a well or water system capable of delivering twenty gallons per minute shall be provided. If a well pump is located on-site, the electrical service shall be separate from the dwelling.
16. Access drives shall be constructed to a minimum of twelve feet in width and not exceed a grade of twelve percent. Turnouts shall be provided at a minimum of every five hundred feet. Access drives shall be maintained to a level that is passable to fire equipment. However, variances to road provisions may be made after consultation with the local fire marshal and the Washington State Department of Natural Resources.
17. The administrator shall conduct a review of the development within one year of project completion to assure compliance with the fire safety provisions found in SCC 22.14.050(A).
18. Telephone and power supply shall be underground whenever possible.
19. Roofs of structures should be made of fire-resistant materials, such as fiberglass shingle or tile. Roof materials such as cedar shake and shingle should not be used.
20. Any chimney or stovepipe on any structure for use with a wood stove or fireplace should be screened with no coarser than one-fourth inch mesh metal screen that is noncombustible and corrosion resistant and should be equipped with a spark arrestor.
21. All structural projections such as balconies, decks and roof gables should be built with fire resistant materials equivalent to that specified in the Uniform Building Code.

22. Attic openings, soffit vents, foundation louvers or other ventilation openings on dwellings and accessory structures should be screened with no coarser than one-fourth inch mesh metal screen that is noncombustible and corrosion resistant.
23. The accessory building cannot contain a cooking area or kitchen and cannot be used to establish a second dwelling. The cooking area and kitchen shall be removed within 30 days of issuance of the certificate of occupancy for the dwelling approved in this decision. The accessory building is subject to inspection by the Community Development Department. Community Development Staff shall also inspect the property for compliance with this condition concurrent with the one-year fire safety inspection.
24. A negative covenant restricting the parcel to single-family residential occupancy shall be recorded in the Skamania County Auditor's Deed records prior to the release of the building permit.
25. Only that grading which is necessary for site development (building pads, utilities, etc.) is permitted. Grading activities shall be limited to the maximum extent practicable. All graded areas left bare shall be re-seeded with native vegetation promptly and prior to final inspection by the Community Development Department.
26. The applicant shall be responsible for the proper maintenance and survival of any required planted vegetation.
27. The Community Development Department shall conduct at least two site visits during construction, one siting inspection to verify the staked location of the structure and Duncan Creek buffer prior to any ground disturbance taking place; and a second to be conducted after all foundation excavation has been completed including framing footers, but prior to pouring the foundation. A site visit for Final Inspection shall also be conducted. Each inspection may take up to four business days from the time of calling for the inspection. Inspections should be arranged by calling the Community Development inspection line at 509-427-3922 or by emailing permitcenter@co.skamania.wa.us.
28. An Inadvertent Discovery Plan embodying the provisions of SCC 22.22.060 (Condition #29) and SCC 22.22.070 (Condition #30) shall be prepared and posted in a conspicuous place at the development site and shall remain posted until all project activities are concluded.
29. 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.

30. 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 14th day of September, 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
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 02-06-28-0-0-0400-00

Legal Description:

A portion of the Northwest Quarter of the Northwest Quarter of Section 28 and the Northeast Quarter of the Northeast Quarter of Section 29, Township 2 North, Range 6 East of the Willamette Meridian, in the County of Skamania, State of Washington, described as follows:

Beginning at a 1 inch iron pipe with brass cap at the Northwest corner of Section 28; thence South $00^{\circ} 17' 48''$ West, along the West line of the Northwest quarter of the Northwest Quarter of Section 28, for a distance of 298.23 feet to the Northwest corner of Parcel "2" of the "Paz Tract" as described in Book 194 of Deeds, Page 477, Skamania County Auditor's Records; thence South $89^{\circ} 16' 11''$ East, along the South right-of-way line of the BPA right-of-way, 150.00 feet to a 5/8 inch iron rod set in a 2000 "Hagedorn Inc. Survey" and the True Point of Beginning; thence South $34^{\circ} 02' 09''$ East, 618.21 feet to a 5/8 inch iron rod (2000 "Hagedorn, Inc. Survey") on the South line of another "Paz Tract" as described in Book 186 of Deeds, page 878; thence North $89^{\circ} 27' 15''$ West, 648.36 feet to a 5/8 inch iron rod (2000 "Hagedorn, Inc. Survey") on the centerline of the Duncan Creek County Road at the Southwest corner of the latter "Paz tract"; thence following said centerline Northwesterly, along the arc of a 250 foot radius curve to the left, (the radial bearing of which is South $19^{\circ} 16' 30''$ West), through a central angle of $09^{\circ} 16' 30''$, for an arc distance of 40.47 feet; thence North $80^{\circ} 00' 00''$ West, 46.00 feet; thence along the arc of a 240 foot radius curve to the right, through a central angle of $50^{\circ} 30' 00''$, for an arc distance of 211.53 feet; thence North $29^{\circ} 30' 00''$ West, 46.00 feet; thence along the arc of a 150 foot radius curve to the left, through a central angle of $30^{\circ} 30' 00''$, for an arc distance of $79^{\circ} 85'$; thence North $60^{\circ} 00' 00''$ West, 75.00 feet; thence along the arc of a 125 foot radius curve to the right, through a central angle of $40^{\circ} 57' 16''$, for an arc distance of 89.35 feet to the Northwest corner of the latter "Paz tract"; thence leaving said centerline, South $87^{\circ} 35' 40''$ East; along the North line of the latter "Paz tract", 33.06 feet to the Southwest corner of Parcel 3 of the first mentioned "Paz tract" at a point on the East right-of-way line of the County Road; thence following said East right-of-way line, along the arc of a 95 foot radius curve to the right, (the radial bearing of which is North $63^{\circ} 38' 31''$ East), through a central angle of $16^{\circ} 21' 29''$, for an arc distance of 27.12 feet; thence North $10^{\circ} 00' 00''$ West, 17.00 feet; thence along the arc of a 190 foot radius curve to the right, through a central angle of $10^{\circ} 03' 00''$, for an arc distance of 33.33 feet to the Northwest corner of Parcel 3; thence leaving the East right-of-way line of the County Road, South $87^{\circ} 35' 40''$ East, along the North line of Parcel 3 and its Easterly extension, 585.14 feet to a 5/8 inch iron rod, (2000 "Hagedorn, Inc. Survey") at the Northeast corner of Parcel 1 of the first mentioned "Paz tract"; thence North $00^{\circ} 17' 48''$ West, along the East line of the Northeast Quarter of the Northeast Quarter of Section 29, for a distance of 120.99 feet to a 5/8 inch iron rod, (2000 "Hagedorn, Inc. Survey") at the Northwest corner of Parcel 2, above described; thence South $88^{\circ} 16' 11''$ East, 150.00 feet to the True Point of Beginning.

EXCEPT County Roads.

DECLARATION

The undersigned, on behalf of his/herself, his/her heirs, successors and assigns, declares that the real property described below is permitted to have only one single-family dwelling. The accessory building shall not contain a cooking area or a kitchen and shall not be used as a single-family dwelling, but is an accessory building with a use incidental and subordinate to the main residential use of the property.

This Declaration constitutes a negative covenant running with the following described property:

2732 Duncan Creek Road, known as Skamania County Parcel no. 02-06-28-0-0-0400-00 and described as SKA CO ORDINANCE 1998-03 SMA TO GMA 8(o) PROCESS .41 AC ROAD R/W REMOVED -DUNCAN CREEK ROAD. Full legal attached page 2.

Signed: [Signature]

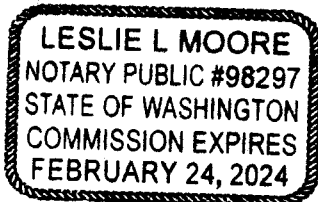
Print name: Heather Hoffberger

STATE OF Washington) ss.

County of Skamania)

I certify that I know, or have satisfactory evidence that Heather Hoffberger is/are the person(s) who appeared before me, and said person(s) acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

Dated this 11th day of October, 2022.



[Signature]

Notary Public in and for the State of

Washington

My Commission expires: 2/24/2024

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