

Return Address: Mark VanderZanden
150 SW Harrison St
Portland, OR
97201

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: Mark VanderZanden for Eric and Jamie Reimer

FILE NO.: NSA-22-28

DESCRIPTION: Construction of Single-family dwelling in conjunction with agricultural use, two accessory buildings and 3.75 vineyard. Six subject parcels will be consolidated into one.

LOCATION: 72 Sharleen Rd
01-05-18-0-0-0403-00
01-05-18-0-0-0404-00
01-05-18-0-0-0400-00
01-05-18-0-0-0300-00
01-05-18-0-0-0800-00
01-05-17-0-0-0801-00

ZONING: GMA – Large-Scale Agriculture (Ag-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. New legal descriptions for each parcel consistent with the approved site plan shall be recorded by the applicant in the County deed records.
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 day-to-day activities of one or more residents of the farm dwelling shall be principally directed to the agricultural use of the property.
5. Farming of the property must produce at least \$40,000 in gross annual income each year, unless an "emergency/disaster" as the term is defined in the Skamania County National Scenic Area Code prevents the production of the income level for any year.
6. By May 1st of each year the applicants/owners and their successors in interest shall provide proof to the Skamania County Community Development Department either that at \$40,000 in gross income was produced from agricultural uses on the site during the preceding calendar year, or that an emergency/disaster prevented production of that income level for that calendar year.
7. If the use of the dwelling and/or agricultural uses are not in compliance with the conditions of approval set forth and/or the Skamania County Code, then the dwelling shall be deconstructed, removed from the property, or converted from a farm dwelling to another lawful use via the land use application review process.
8. The site shall be permanently limited to only one dwelling.
9. The proposed home and accessory structures must remain OUTSIDE of the proposed vineyard agricultural buffer zone.
10. Only that grading which is necessary for site development (building pads, utilities, etc.) is permitted. All graded areas shall be re-seeded with native vegetation prior to final inspection by the Community Development Department.

11. The applicant shall meet all conditions of approval enacted to achieve visual subordination prior to final inspection by the Community Development Department. The applicant is to coordinate all inspections with the Building Division. A final inspection approval will not be issued until compliance with all conditions of approval; including visual subordination criteria have been verified.
12. The Community Development Department will conduct at least two site visits during construction, one siting inspection to verify the staked location of the home 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.
13. At least eight (8) trees shall be planted east and south of the home as shown on the approved site plan. Additional vegetative plantings are encouraged. New vegetation shall be sized to provide sufficient screening to make the development visually subordinate within five years or less from the commencement of construction.
14. All required vegetation shall be selected from the recommended plants list found in the Scenic Resources Implementation Handbook and sized at least as large as the minimum sizes recommended in the handbook. Landscaping shall be installed as soon as practicable, and prior to project completion.
15. Applicants and successors in interest for the subject parcel are responsible for the proper maintenance and survival of planted vegetation, and replacement of such vegetation that does not survive.
16. the exterior of all structures shall be dark earth-tones in color. The exterior includes, but is not limited to, siding, accents, decking, roofs, decking, and trim. The following colors are consistent with this condition and are hereby approved:

Siding: Stained Cedar Siding - Cabot Stain- Spanish Moss (appears Grey/Green)
Trim: Stained Cedar Trim - Cabot Stain- Spanish Moss (appears Grey/Green)
Accents: Stained Wood - Cabot Stain- Spanish Moss (appears Grey/Green)
Roofing: EverGuard TPO Membrane - Dark Bronze 220 (appears Dark brown)


Any proposed changes to these colors shall be submitted for review by the Community Development Department prior to application.

17. The exterior of buildings on lands seen from key viewing areas shall be composed of nonreflective materials or materials with low reflectivity. Stained wood siding, trim and accents, and non-reflective membrane roofing satisfies this condition, and are approved. Any proposed changes to the approved materials list shall be submitted to the Community Development department for review and approval prior to installation.

18. 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.
19. existing tree cover screening the development from key viewing areas shall be retained except as is necessary for site development or safety purposes.
20. The removal of Oregon White Oak is prohibited.
21. 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.
22. 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 February 2024, at Stevenson, Washington.



Joshua Neblock
Planner II

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

December 14, 2023

Joshua Neblock, Planner II
Skamania County Department of Planning and Community Development
P.O. Box 1009
Stevenson, Washington 98648
Via email to: permitcenter@co.skamania.wa.us

Re: Letter regarding file NSA-22-28

Dear Mr. Neblock:

Friends of the Columbia Gorge (Friends) and Eric and Jamie Reimer jointly submit this letter requesting the County to render a decision on file NSA-22-28 with the conditions outlined below. Friends and the Reimers have reached a settlement in this matter and the conditions below effectuate the agreement and comply with and implement criteria in the Skamania County Code.

The requested conditions of approval are:

- The day-to-day activities of one or more residents of the farm dwelling shall be principally directed to the agricultural use of the property.
- Farming of the property must produce at least \$40,000 in gross annual income each year, unless an "emergency/disaster" as that term is defined in the Skamania County National Scenic Area Code prevents the production of that income level for any year. By May 1 of each year, the Applicants and their successors in interest shall provide proof to the Skamania County Community Development Department either that at least \$40,000 in gross income was produced from agricultural uses on the Site during the preceding calendar year, or that an emergency/disaster prevented production of that income level for that calendar year.
- If the use of the dwelling and/or the agricultural uses on the property are not in compliance with the conditions of approval set forth above and/or the Skamania County Code, then the dwelling shall be deconstructed, removed from the property, or converted from a farm dwelling to another lawful use via the land use application review process.
- The Site shall be permanently limited to only one dwelling.

In addition, Friends withdraws its assertions in its comment letters pertaining to file NSA-22-28 that the application is not complete. Friends hereby drops this argument.

Thank you for your attention to this matter.

Sincerely,
/s/Steve McCoy
Steven D. McCoy
Staff Attorney – Friends of the Columbia Gorge

Eric Reimer



Jamie Reimer

