



City of Stevenson

Planning Department

(509)427-5970

7121 E Loop Road, PO Box 371
Stevenson, Washington 98648

TO: City Council
FROM: Ben Shumaker, Community Development Director
DATE: June 20th, 2019
SUBJECT: BLD2018-091 Miller Garage—ADU Release

Issue

In late 2018, Chad and Sophie Miller submitted an application for a building permit to construct an Accessory Dwelling Unit (ADU) attached to their existing home. The Millers complied with SMC 17.40.040(D) and recorded a deed covenant using the City's standard form.

In early 2019, the Millers experienced complications obtaining Skamania County Environmental Health Department approval for the additional load the ADU was expected to add to their septic system. They have since modified their application to request construction of a garage and elimination of the ADU. As a result compliance with SMC 17.40.040(D) is not necessary.

To resolve this issue, staff consulted with the City Attorney, who prepared the draft "Release of Covenant" form for approval by the City and the Millers. As this release is considered a conveyance of an interest in real property, it requires City Council approval.

Request

Staff requests ratification of the attached "Release of Covenant" as signed by the Mayor. This release will clear any potential future confusion regarding the covenant's requirements related to an ADU that never actually existed. The "Release of Covenant" has been

Next Steps

If approved, the "Release of Covenant" will be recorded with the County Auditor at the City's expense.

Prepared by,

Ben Shumaker

Attachment

- Signed "Release of Covenant"

After Recording Mail To:

**City of Stevenson
PO Box 371
Stevenson, WA 98648**

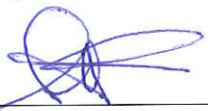
RELEASE OF COVENANT

City of Stevenson, covenantee of that certain covenant from **Chad William Miller and Sophie A. Miller, Husband and Wife**, as covenantor, recorded May 2, 2019 and recorded as AFN#2019000653 does hereby release the referenced covenant. The covenant agreed that certain land which he/she/they own and which is hereinafter described shall be subject to the conditions herein set forth therein, relating to the placement of an Accessory Dwelling Unity ("ADU") on the property. The covenant is being released because the property owners are unable to secure septic permitting to place an ADU on the property.

That Chad William Miller and Sophie A. Miller, Husband and Wife, property owner, hereby acknowledge that the property is not permitted for an ADU placement without seeking a new ADU permit and fully complying with its requirements. The land subject to the covenant is described as:

Full Legal Description: A tract of land located in Lot 12 of Stevenson Park Addition, according to the official plat thereof as more fully described in Exhibit 'A'
Tax Parcel Number: **03-07-36-1-4-1600**
Address: **450 NW Frank Johns Road**


Covenantee:
City of Stevenson:



By Scott Anderson, its Mayor

Date May 31, 2019

Approved as to form:



Ken Woodrich, City Attorney

STATE OF WASHINGTON)
) ss:
COUNTY OF SKAMANIA)

I hereby certify that I know or have satisfactory evidence that Scott Anderson signed this instrument as Mayor of the City of Stevenson and acknowledged that he/she/they is/are authorized to execute such, and acknowledged it to be a free and voluntary act for the uses and purposes mentioned in this instrument.

Dated this 31st day of May, 20 19.

Mary E. Corey
Notary's Signature

My appointment expires: 9-19-2022



Covenantor:

[Signature] 6/3/2019
Chad William Miller Date

[Signature] 6/3/19
Sophie A. Miller Date

STATE OF WASHINGTON)
) ss:
COUNTY OF SKAMANIA)

I hereby certify that I know or have satisfactory evidence that Chad William Miller Sophie A. Miller signed this instrument and acknowledged that he/she/they is/are authorized to execute such, and acknowledged it to be a free and voluntary act for the uses and purposes mentioned in this instrument.

Dated this 3rd day of June, 20 19.

Mary E. Corey
Notary's Signature

My appointment expires: 9-19-2022



EXHIBIT 'A'

A tract of land located in Lot 12 of Stevenson Park Addition, according to the official plat thereof on file and of record in the office of the Auditor of Skamania County, Washington, more particularly described as follows:

Beginning at a point marking the intersection of the Westerly right of way line of the county road known and designated as Strawberry Road with the center line of the County road known and designated as Frank Johns Road; thence following the center line of the said Frank Johns Road North 42° 44' West 189.13 feet; thence North 17° 44' West 159.87 feet; thence North 19° 18' West 21.3 feet to the initial point of the tract hereby described; thence North 19°18' West 125 feet; thence North 76° 40' East to the intersection with an unnamed creek and the Northeasterly line of the said Lot 12; thence following the Easterly line of the said Lot 12 in a Southeasterly direction to a point North 76° 40' East of the initial point; thence South 76°40' West to the initial point.

EXCEPT right of way for said Frank Johns Road.