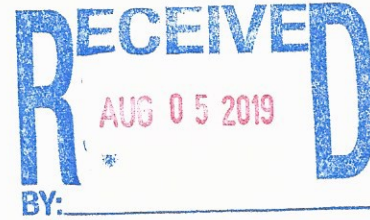


Community Development Department
C/O Shoreline Administrator
616 NE Forth Avenue
Camas WA 98607



Re: Shoreline Substantial Development Permit
Haley Short Plat (File#SHOR19-02)

Dear Ms. Hollenbeck

The undersigned have reviewed the Application and Documents submitted in the above referenced case and believe that they do not adequately address the requirements for the granting of the requested permit. Specifically we believe the Application and Documents do not adequately address:

- Maintenance of the existing private road
- Reduction of the conservation area and additional necessary conservation measures
- Potential issues with the current septic tank
- Impact on the assessed value of the property

The application does not adequately address the required maintenance of the private road to the property.

Approval for a short plat subdivision requires, as outlined in CMC Chapter 17.09.030 – Preliminary short plat approval, Paragraph D, item 7. “Provisions are made for the maintenance of commonly owned private facilities;”.

Access to the property is via a private road on an easement owned by the railroad. The property owners along SW 5th Avenue paved and maintain the road, with the exception of the applicant. The applicant refused to contribute to the cost of paving or maintaining the road.

The proposed short plat will substantially increase the wear and tear on the road during the new construction on Lot 2 as well as the additional wear and tear on the road by the addition of additional residence traffic. Since the applicant refused to pay for a proportionate share of the cost of paving and maintaining the road, the cost will unfairly fall on the remaining property owners with property adjacent to the road. The application has no provision for the maintenance of this commonly owned private facility as is required CMC Chapter 17.09.030 and, thus, is inadequate.

We propose that the applicant be required as a condition of the application to repave Viola, which runs approximately 250 feet from SW 6th Avenue to SW 5th Avenue. Since all of the construction vehicles will be required to use this road, it will receive significant wear and tear. In addition, we propose as a condition of the application that the applicant be required to contribute to the further maintenance of the road in proportion to the number of residences along the road. This is appropriate since the applicant through this application and his application “Application for Placement of a Mobile Home” Case# SEP 2008-0032; ARC 2008-00019; HAB2008-00016; MOH 2008-0008 has increased the number of residences that use the road from one to three, which is an increase from 10% to 25% of the residences along the road, tripling the wear and tear on the road for which he refused to contribute to the paving or maintenance. It will probably be

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like to review the covenant since we are likely to have to enforce it. The applicant has a history of disregarding his obligations under the covenant which was a condition of his prior application for this property and lacking any evidence to the contrary we expect that the property owners adjacent to the road will have to enforce the covenant in court.

The application requests an unwarranted reduction of the in the environmentally sensitive 150 foot buffer between the Ordinary High Water Mark and proposes no new conservation measures to protect this environmentally sensitive area.

Proposed Lot 2 borders the Columbia River. In order to protect native wildlife and flora along the Columbia River a 150 foot buffer has been established. We think it would be environmentally unsound to reduce this buffer by 50% potentially reducing the habitat along the Columbia River for native wildlife and flora.

The application states that “Per SMP Appendix C Section 16.61.040.D.2 the required 150-foot buffer from the Ordinary Highwater Mark is **proposed** to be reduced 50% to 75’”. However, SMP Appendix C Section 16.61.040 paragraph D, item 2.b. states that states that “The director may allow the base stream buffer area width to be reduced in accordance with a critical area port only if:” “(b) The stream buffer area width is not reduced by more than twenty-five percent in any one location;”. The application does not reconcile these two rules. If the applicant wishes to rely on a proposed rule, the applicant should withdraw his application and wait until the new rule is final.

The application states that the reduction in the buffer “will place the future residence on new lot 2 at the same distance from the Ordinary High Water Mark as neighboring properties.” According to the drawings submitted with the document, the future residence will not be the same distance as neighboring properties; it will be approximately 50’ closer to the Ordinary Highwater Mark than the neighboring property directly to the west and the same distance as the deck-on-stilts of the neighboring property to the east; approximately 25’ closer than the front wall of the residence itself which is 100’ from the Ordinary High Water Mark. It should be noted that the deck-on-stilts was built in the area that was supposed to be the location of the trees that were to be planted for habitat mitigation, potentially in violation of the covenant on the property. See, the applicant’s Application for Placement of a Mobile Home” Case# SEP 2008-0032; ARC 2008-00019; HAB2008-00016; MOH 2008-0008. The applicant is essentially using a violation of the required buffer to support his application.

The need for an adequate buffer is further evidenced in this case by the fact that an osprey nest with parents and 2 chicks is located in very close proximity to the property and a pair of Great Blue Herons regularly use the shoreline as a fishing ground and a movement corridor. This riverfront is also frequented by several species of ducks, including wood ducks and mallards, geese and other waterfowl; river otters, etc. Not maintaining an adequate buffer could impact this nesting area of the osprey as well as the fishing grounds and movement corridor of the wildlife. We are very concerned about the sensitivity of the shoreline on the proposed subdivision – the following photos taken on August 2, 2019 show the level of erosion that is occurring.





We note that the City of Camas required a tree buffer between the proposed mobile home and the river when approving the applicant's Application for Placement of a Mobile Home" Case# SEP 2008-0032; ARC 2008-00019; HAB2008-00016; MOH 2008-0008. Even though the applicant does not appear to have complied with the covenant requiring the installation and maintenance of the buffer, we believe a covenant requiring a similar buffer should be included in any approval of the application with at least with respect to Lot 1.

We are very concerned about the applicant's intentions with respect to the current old growth trees growing on Lot 2. From the drawings provided as part of the application it appears that 1 old growth tree is within 1' of the proposed river-side wall and another within 5'. The root system of these trees will likely be impacted and consequently their health could be jeopardized.

In the applicant's Application for Placement of a Mobile Home" Case# SEP 2008-0032; ARC 2008-00019; HAB2008-00016; MOH 2008-0008, the applicant was prohibited from cutting down any

trees along the river bank. It appears that the applicant disregarded this requirement. We request that any approval require the maintenance of the currently growing trees on Lot 1 and 2 and adequate protection of the trees during the construction phase in the strongest possible language with significant penalties for failing to abide by the requirement. Once a tree is cut true mitigation takes 50 years.

We would like the appropriate body to consider, as a condition of the application, requiring additional flow control and stabilization of the land between the road and the current and proposed structures on Lots 1 and 2. The land slopes significantly from the road to the Columbia River with an especially steep drop between the private road and the north end of the lots. We note that a bioretention is planned but we would like the appropriate body to consider requiring additional flow control and stabilization of the land by requiring a natural buffer with a strong root system between the road and the existing and proposed structures on Lots 1 and 2.

Septic Tank on Proposed Lot 1

In the past, we understand that the existing septic tank on proposed Lot 1 did not work properly on several occasions. We request that sufficient tests are undertaken to insure that the septic tank is in proper working condition and is adequate for the current dwelling.

Proposed impact on the assessed value of the property as currently configured.

The applicant's proposal states that "The development goals for the site will be fulfilled resulting in a broader tax base that will help furnish funding for projects enjoyed by the public as a whole". It is not clear that the proposal will increase the tax base and may actually reduce it.

The current assessed value of the land and building on the property is \$675,690 for the land and \$20,962 for the building for a total assessed value of \$696,642. The total assessed value of the property is similar to the assessed value of the land for other properties in the neighborhood that have very significant valuable improvements. Under Clark County rules the land must be assessed at its highest and best use. As a practical matter, in order to justify the land value, Clark County must have assumed that a buyer would construct improvements with a value of between \$1-1.5 million on the current lot. This would be consistent with the rest of the values in the neighborhood. No one would argue that the current structure would support a land value of \$675,690.

Proposed Lot 2 eliminates the river access for Proposed Lot 1. Eliminating river access for proposed Lot 1 is likely to substantially reduce the land value of proposed Lot 1 and its resultant assessed value. In addition, it is unclear how large the building envelope is for Proposed Lot 1. If the building envelope is approximately the same as the current structure, it may be impossible to make improvements sufficient to support a robust assessed value for the land thereby further reducing the assessed value of lot 1.

The applicant's development goals for Proposed Lot 2 are unclear. We note the current structures on the parcel including the previously subdivided parcel at 4420 5th Ave. are \$20,962 and \$82,201. The structure the applicant recently constructed at 4420 5th Ave has a value of \$82,201. If the applicant would construct a similar structure on proposed lot 2, it is unlikely that the development would support additional value. If we assume the assessed value of proposed lot 2 is two-thirds of the current value or between \$450,000 and \$465,000, a buyer would only pay that amount for land if they intended to demolish the existing structure and build a significantly more valuable property on the land. Therefore, the highest and best use of the property would relate only to the

value of the land and the improvements will not increase the assessed value of the property if the applicant is considering a similar type of structure on the proposed lot 2.

We would like to discuss our concerns with the staff at a convenient time. Please call Alan Shapiro at (360) 844-0063 or Miriam van Gerpen at (360) 216-9266.

Thank you for your consideration.

Alan Shapiro and Miriam van Gerpen
4442 SW 5th Avenue, Camas WA 98607

Keith and Krystal Scott
3920 SW 5th Avenue, Camas WA 98607

Steve Crook and Minou Chau
4110 SW 5th Avenue, Camas WA 98607

Skip and Carol Collier
4308 SW 5th Avenue, Camas WA 98607

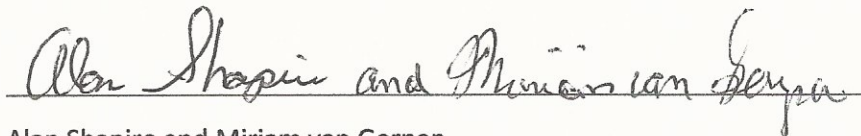
Vincent and Helen Do
4412 SW 5th Avenue, Camas WA 98607

/s/ Jordan Naydenov – see attached email of authorization
5030 SW 5th Avenue, Camas WA 98607.

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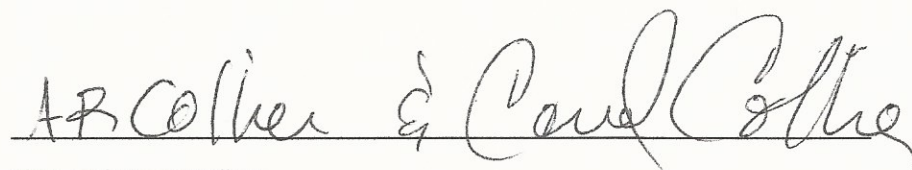
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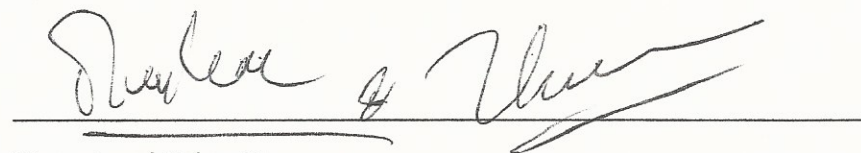
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Van Gerpen, Miriam - FPAC-BC, Portland, OR

From: Miriam van Gerpen <miriamvangerpen@gmail.com>
Sent: Sunday, August 4, 2019 1:04 PM
To: Van Gerpen, Miriam - FPAC-BC, Portland, OR
Subject: Fwd: Anderson subdivision application

----- Forwarded message -----

From: **Jordan Naydenov** <jordan@milarasmt.com>
Date: Thu, Aug 1, 2019 at 12:16 PM
Subject: Re: Anderson subdivision application
To: Miriam van Gerpen <miriamvangerpen@gmail.com>

I am in Alaska until August 10 but I will share the attorneys costs and you can use my name as needed
Jordan

Sent from my iPhone

On Jul 31, 2019, at 11:47 AM, Miriam van Gerpen <miriamvangerpen@gmail.com> wrote:

Hi Jordan,

Last night the group of neighbors got together to discuss our potential objections to the Anderson lot division. We developed a list and agreed to hire an attorney with expertise in land use law to prepare an objection. If you would like to share in the attorney's costs, please let me know and we'll include you in the objection.

If you don't want to share in the attorney's costs, please feel free to use the topics we discussed as a basis for your objection.

The objection can be made by sending an email to "communitydevelopment@cityofcamas.us" and note the objection is to the Haley Short Plat application, file #SHOR19-02. The objection must be received by the city no later than 5 p.m. on August 5.

