

Lauren Hollenbeck

From: Miriam van Gerpen <miriamvangerpen@gmail.com>
Sent: Tuesday, August 6, 2019 12:18 PM
To: Lauren Hollenbeck
Subject: Haley Short Plat (File #SHOR19-02)
Attachments: Anderson family mobile home application.pdf

Hello Lauren,

Thanks much for taking the time to chat with me today.

Attached is the document I was referencing about the prior subdivision. The area of Public Comments with Staff Responses starts on page 22 of the attached document. My question about how is "family" defined was raised in the Staff Response that starts at the top of page 23 of this document - in the second paragraph.

I look forward to meeting with you and the others when you can schedule a time.

Thanks much,
Miriam van Gerpen



P.O. Box 9810
 Vancouver, Wa
 98666-9810
 1300 Franklin Street
 Phone: 360-397-2375

PERMIT Habitat Review

HAB2008-00016

File No.: **FIL-0106931**
 Fire District: **5**
 Received: **1/31/2008**
 TC/FC: **3/21/2008**
 Decision: **9/2/2009**
 Finaled:
 Expired:
 Status: **APR**

INSPECTION REQUEST LINE:

Applicant: PLANNING SOLUTIONS	Phone: 360-750-9000
1601 BROADWAY	
VANCOUVER WA 98663	
Owner: DALE & LETA ANDERSON	Phone: 360-896-9000
21111 SE EVERGREEN HY	
CAMAS WA 98607	
Financing Lender:	
Bonding Firm:	

Team: **RURAL** Inspector 1: **5** Inspector 2: Project Name: Project #:
 Parcel #: **1271550050** **DALE ANDERSON** **FIL-0106931**
 Site Address: **21119 SE EVERGREEN HWY CAM 98607**
 Scope of Work: **CLEAR** Review Type: **2** Cross Reference: **MOH2008-00008**

Project Description:

PLACING MOH IN HABITAT AREA - MOVING MOH FROM LOT ABUTTING TO THE WEST - SHORT PLAT INDICATES THAT TREES TO BE RETAINED

License Type:	License # :	Expire Date:	Phone:
License Type:	License # :	Expire Date:	Phone:

*******Be Advised*******

- 1.) This permit is valid for 2 years (24 months) from issuance date. Work must be completed within permit period. Inspections do not extend the permit period. I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction.
 CODE: 20 ____ Ed. I.R.C.
- 2.) 1. The applicant shall not remove any trees greater than 6" diameter on the property. Clearing shall be limited to grasses only. This includes no clearing, limbing, or pruning of native vegetation, including dead trees, for purposes of additional yard or view.
- 3.) The applicant shall install tree protection fencing along the dripline of protected trees within the habitat area prior to any groundbreaking activities. Any excavation necessary within the dripline of protected trees will require a report from a certified arborist ensuring future tree survival.
- 4.) 3. Prior to placement of the mobile home, the applicant shall hire a certified arborist to assess the health of any black cottonwood tree that might pose a hazard to the new mobile home and submit that report to the county habitat biologist for review.
- 5.) 4. Prior to issuance of the Final Occupancy Permit, the applicant shall implement the "Anderson Mitigation Plan" dated May 22, 2008 (see attached mitigation plan), which calls for the planting of thirty (30) Western redcedar, grand fir, or Douglas-fir seedlings using 10-12 foot spacing between the mobile home and the existing treeline. All planting shall take place between November 1 and March 31. Any deviation from this planting requirement will need to be approved by the County Habitat Biologist.
- 6.) 5. The applicant shall ensure 80% survival of plantings after 3 years. To ensure survival the applicant shall remove non-native vegetation such as blackberries that threaten these plantings, protect the plantings from animal browse, and water the plantings during the dry summer and fall months (July through September).

Team: **RURAL** Inspector 1: **5** Inspector 2: Project Name: Project #:
Parcel #: **1271550050** **DALE ANDERSON** **FIL-0106931**
Site Address: **21119 SE EVERGREEN HWY CAM 98607**
Scope of Work: **CLEAR** Review Type: **2** Cross Reference: **MOH2008-00008**

- 7.) 6. Prior to issuance of the Final Occupancy Permit, the applicant shall record a conservation covenant with the County Auditor's Office. A copy of the recorded covenant shall be provided to the County Habitat Biologist prior to release of the Final Occupancy Permit.
- 8.) 7. The applicant shall not remove native vegetation and/or conduct construction activity other than what is approved herein. Any further construction and/or clearing activity within the riparian HCZ not indicated on the attached site plan will be subject to additional county review.

I have read the above and will comply with requirements.

Signature of Contractor or Authorized Agent

Date

This permit, the inspection record and approved plans must be posted on site.



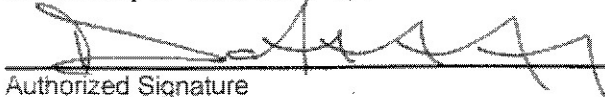
DEVELOPMENT REVIEW APPLICATION FORM

(Form DS1000-Revised 1/17/08)

PROJECT NAME: ANDERSON MOBILE PLACEMENT		
TYPE(S) OF APPLICATION (See Reverse Side): HABITAT		
DESCRIPTION OF PROPOSAL: MOVE MOBILE HOME FROM LOT # 127155000 to LOT # 127155-005		
APPLICANT NAME: DALE ANDERSON	Mailing Address: 14707 SE RIVERSHORE DRIVE VAN. WA. 98683	
E-mail Address: cleaproperlymgr@yahoo.com	Phone and Fax: (360) 896-9000	
PROPERTY OWNER NAME (list multiple owners on a separate sheet): DALE ANDERSON	Address: 14707 SE RIVERSHORE DRIVE VAN. WA. 98683	
E-mail Address: cleaproperlymgr@yahoo.com	Phone and Fax: (360) 896-9000	
CONTACT PERSON NAME (list if not same as APPLICANT): DAVID WESTON	Address: 1601 BROADWAY VAN. WA 98663	
E-mail Address: DAVIDW@PLANNINGSOLUTIONSINC.COM	Phone and Fax: (360) 750-7000	
PROJECT SITE INFORMATION: Site Address: SE EVERGREEN #4	Comp Plan Designation: UL	
Cross Street: /	Zoning: R1-10	Serial #'s of Parcels: 127155-000
Overlay Zones: UH-20	Legal: LT 2 SP 3-253	Acreage of Original Parcels: 1.05
Township: T1N.	Range: R3 E. W.M.	1/4 of Section: SE 1/4 SEC 08

AUTHORIZATION

The undersigned hereby certifies that this application has been made with the consent of the lawful property owner(s) and that all information submitted with this application is complete and correct. False statements, errors, and/or omissions may be sufficient cause for denial of the request. This application gives consent to the County to enter the properties listed above.


Authorized Signature

1/31/08
Date

For Staff Only:

CASE NUMBER:	
WORK ORDER NUMBER:	

APPLICATION TYPES


If you have any questions regarding the type of application being requested, our Permit Service Center will be happy to assist you. They are located at Public Service Center, 1st Floor, 1300 Franklin Street P.O. Box 9810 Vancouver, WA 98666-9810; Phone: (360) 397-2375. Complete applications must be submitted to the Permit Services Center, together with any required submittal items and review fees.

- Annual Review
- Appeal
- Boundary Line Adjustment and Lot Reconfiguration
- Conditional Use

Miscellaneous:

- Addressing
- Accessory Dwelling
- Covenant Release
- Garden Shed Setback Waiver
- Home Business
- Legal Lot Determination & Innocent Purchasers Determination
- Non-Conforming Use Determination
- Reconstruct Letter
- Sewer Waiver
- Shooting Range
- Sign

Environmental/Critical Areas:

- Archaeological - *indicate disturbed acreage:*  Acres
- Critical Aquifer Recharge Area (CARA)
- Columbia River Gorge
- Forestry + (Moratorium Waiver, Moratorium Removal, Class I, Class IVG or COHP)
- Floodplain
- Geological
- Habitat
- Historic
- SEPA
- Shoreline
- Wetland
- Mitigation Monitoring

Planning Director Review:

- Post Decision
- Pre-Application Conference
- Pre-Application Waiver
- Public Interest Exception
- Similar Use
- Temporary Use
- Other
- Planned Unit Develop
- Mixed Use/Master Plan
- Road Modification
- Site Plan
- Variance
- Zone Change

Land Division:

- Binding Site Plan
- Final Plat
- Plat Alteration
- Short Plat (___ Infill)
- Subdivision (___ Infill)



Anderson

SE 1/4 of Section 08 T1R3E WM

Serial Number: 127155-005
Owner: ANDERSON DALE E & LITA TRST
Address: 0

entire parcel covered w/ Columbia River HCZ
- also a spray buffers extend onto SW corner of property
- site plan shows 120' from PL - does this get them into the trees on-site

lots of parcel cleared - left majority of larger dbh POBA but did clear some smaller DBH POBA
- 70% or so of clearing was blackberry

Development Services



check out live search photos

Plot Date: Feb 5, 2008
Map produced by:

on hold SEPA / share line

Information shown on this map was collected from several sources. Neither Clark County or the agency producing this document accept responsibility for any inaccuracies that may be present.



(Scale 1:1200) 50 0 50 100 Feet

896-9000

RETURN ADDRESS

Dale & Leta Anderson _____

14707 SE Rivershore Drive _____

Vancouver, WA 98684 _____

CONSERVATION COVENANT RUNNING WITH THE LAND

Grantor (owner): Dale & Leta Anderson _____
Grantee: Clark County
Abbreviated Legal Description: SE ¼ of Sect. 8 T1 R3E of W.M. _____
Assessor's Property Tax Parcel/Account Number(s): 127155-005 _____
Project Case No.: HAB 2008-00016 _____

A COVENANT to Clark County, State of Washington, hereinafter "County," by the owner(s) Dale & Leta Anderson of certain real property identified above on behalf of themselves and all their heirs, assigns and successors in interest into whose ownership said property may pass, agrees that this covenant shall run with the land. It is the purpose of this covenant that certain habitat areas and designated mitigation located within areas shown in Exhibit "A" will be maintained in a protected state as follows:

1. Consistent with the purpose of this covenant, no person, company, agency, or applicant shall alter a habitat area regulated under Clark County Code Title 40.440 except as exempted in Section 2 below or as authorized by the Responsible Official through an approved Habitat Permit.
2. Exempt Activities. All exempted activities shall use reasonable methods to avoid potential impacts to habitat areas. Exemptions from permits are not exemptions from habitat

stewardship responsibilities. The following activities shall be exempt from the provisions of this covenant; provided, that they are otherwise consistent with the provisions of other local, state, and federal laws and requirements:

- a. Remodel or replacement of structures within the same 1997 building footprint. Expansion or reconstruction within a new or expanded footprint within the habitat area requires a Habitat Permit.
- b. The removal of noxious weeds so designated in Title 7 of the Clark County Code or other exotic nuisance plants, including non-native blackberries, English ivy, or Scot's broom; provided, that ground disturbing heavy machinery (scraping, ripping, etc.,) is not used and adjacent native vegetation protected. Cutting, mowing, and limited ground disturbance with hand tools is allowed. Replanting with native vegetation and continued maintenance is encouraged to prevent re-infestation.
- c. Maintenance of existing yards and landscaping in habitat areas.
- d. Existing agricultural uses in non-riparian habitat areas. Agricultural uses within riparian areas are subject to Clark County Code Title.40.440.040(B).
- e. Site investigative work necessary for land use application submittals such as surveys, soil logs, and percolation tests.
- f. Emergency clearing to abate immediate danger to persons or property. For emergency clearing of hazard trees, remove only that portion of the hazard tree as necessary to remediate the hazard. Cut wood should be left in the habitat area.
- g. Clearing necessary for the emergency repair of utilities or public facilities. Notification of emergency work that causes substantial degradation to functions and values must be reported in a timely manner.
- h. Clearing for operation, maintenance, or repair of existing utilities or public facilities that does not further increase the impact to, or encroach further within, the habitat area.

- i. Forest practices regulated by the State of Washington Department of Natural Resources (DNR) under the Forest Practices Rules (WAC Title 222), or regulated under Clark County Code Section 40.260.080, Forest Practices, except forest conversions and conversion option harvest plans.
 - j. Clearing, as minimally necessary, for placement of fencing, private wells, septic systems or individual lot sewer, water, electrical, or utility connections in habitat areas, where practical alternatives do not exist.
 - k. Clearing, as minimally necessary, for stream bank restoration, for native replanting or enhancements in habitat areas.
 - l. Clearing, as minimally necessary, for soil, water, vegetation and resource conservation projects having received an environmental permit from a public agency in habitat areas.
 - m. Clearing, as minimally necessary, for creating a four (4) foot or narrower path using natural, wood-based or vegetated pervious surfacing in habitat areas.
3. Nothing in this covenant shall be construed to provide for public use of or entry into the habitat areas or designated mitigation areas shown on Exhibit "A". However, representatives and agents of Clark County are hereby authorized to make reasonable entry into designated mitigation areas upon such land for purposes related to administering this covenant, provided that:
- a. Owners or their heirs, successors or assigns are given at least 24-hours advance notice of any such entry.
 - b. Access granted to representatives and agents of Clark County under this provision shall expire upon completion of required monitoring and final acceptance of the habitat mitigation by the Responsible Official.
4. The provisions of this covenant are enforceable in law or equity by Clark County and its successors.

5. This covenant and all of its provisions, and each of them, shall be binding upon the owners and any and all of their heirs, assigns and successors in interest into whose ownership the above-described real property may pass, and any obligations made herein by owners, shall be enforceable against all of their heirs, assigns and successors in interest into whose ownership the above-described real property may pass.

IN WITNESS WHEREOF, of parties hereto have caused this agreement to be executed the day and year indicated below.

Dated this _____ day of _____, 2008

APPROVED AS TO FORM ONLY:

CLARK COUNTY, WASHINGTON

ARTHUR CURTIS

Prosecuting Attorney

By [Signature on File]

Richard S. Lowry

Deputy Prosecuting Attorney

By _____

Owner

By _____

Owner

STATE OF WASHINGTON)

: SS

COUNTY OF CLARK)

I hereby certify that I know or have satisfactory evidence that ___Dale & Leta Anderson___ signed this instrument and acknowledged it to _be their_ free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: _____



APPLICATION SUMMARY

Habitat Review

Status: **CC**
Entered By: **BMJ**

P.O. Box 9810
Vancouver, Wa
98666-9810
1300 Franklin Street
Phone: 360-397-2375

HAB2008-00016

Received: 1/31/2008
TC/FC:
Decision:
Finaled:
Expired:

KT

Team: **RURAL** Project Name: **LT 2 SP 3-253** Project #: **FIL-0106931**
Site Address: **CAM 98607** Parcel #: **1271550050**
Scope of Work: **CLEAR** Review Type: Cross Reference #: **MOH2008-00008**
Work Order#:

Sect/Twnshp/Range: **08 / 1 / 31** School Imp Fee Dist: **CAM**
Est. Parcel Area (Acre): **1.05** Transp Imp Fee Dist: **CAM**
Est. Parcel Area (Sq. Ft.): **45,369.00** Park Imp Fee Dist: **0**
Transp Overlay Fee Dist:

Description: **PLACING MOH IN HABITAT AREA - MOVING MOH FROM LOT ABUTTING TO THE WEST - SHORT PLAT INDICATES THAT TREES TO BE RETAINED**
First Line Legal: **#19A L DURGAN DLC AKA LOT 2 SP3-253 1.05A**

Applicant: **PLANNING SOLUTIONS
1601 BROADWAY
VANCOUVER WA 98663**
Phone: **360-750-9000**
Owner: **DALE & LETA ANDERSON
21111 SE EVERGREEN HY
CAMAS WA 98607**
Phone: **360-896-9000**

Today's Activities:	Activity Date:	Assigned To:	Done By:	Notes:
1.) Print Application Summary	1/31/2008		BMJ	
2.) Route to Planning Tech	1/31/2008		BMJ	ROUTED TO RURAL TEAM BIN FOR REVIEW
3.) Counter Complete	1/31/2008		BMJ	
4.) Receive Application	1/31/2008		BMJ	

Fee Description	Amount Due	Amount Paid	Receipt Number
Totals			Balance Due

CONDITIONS:

Attachment 'A'

Anderson Mitigation Plan
May 22, 2008

**EROSION CONTROL
REQUIRED**
See Attached Plan

PLOT PLAN APPROVED AS SHOWN
ANY CHANGES / ALTERATIONS REQUIRE RESUBMITTAL

Parcel: _____ BK/Page _____

Address: SE EVERGREEN HY

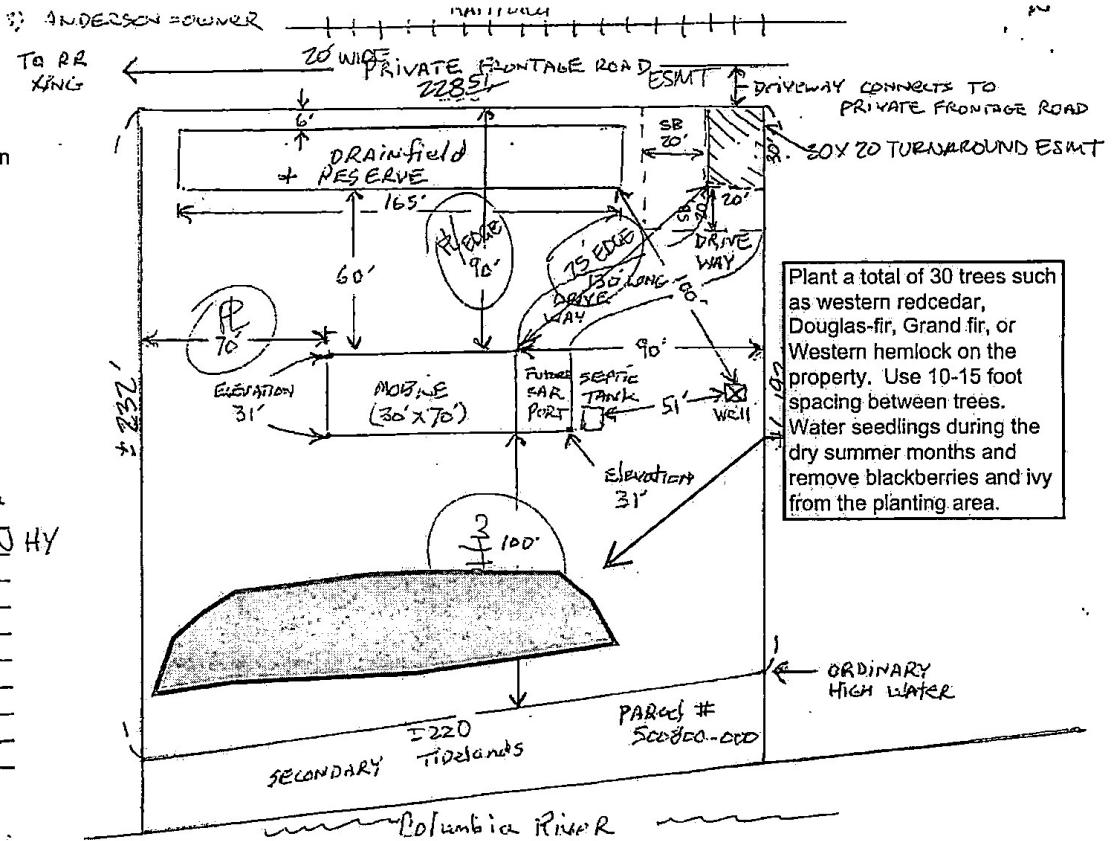
Use Zone: UH 20 R10 Minimum Zoning setbacks

Front: _____ Rear: _____

Side: _____ Side: _____

Comments: _____

By: _____ Date _____



Plant a total of 30 trees such as western redcedar, Douglas-fir, Grand fir, or Western hemlock on the property. Use 10-15 foot spacing between trees. Water seedlings during the dry summer months and remove blackberries and ivy from the planting area.

This decision was mailed on September 2, 2009. Therefore any appeal must be received in this office by September 16, 2009.

APPEAL FILING DEADLINE
Date: September 16, 2009

A copy of the plan, SEPA Checklist and Clark County Code are available for review at:

Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011

A copy of the Clark County Code is also available on our Web Page at:
<http://www.co.clark.wa.us>

c: Michelle Wall

Attachment: Site and habitat mitigation plan



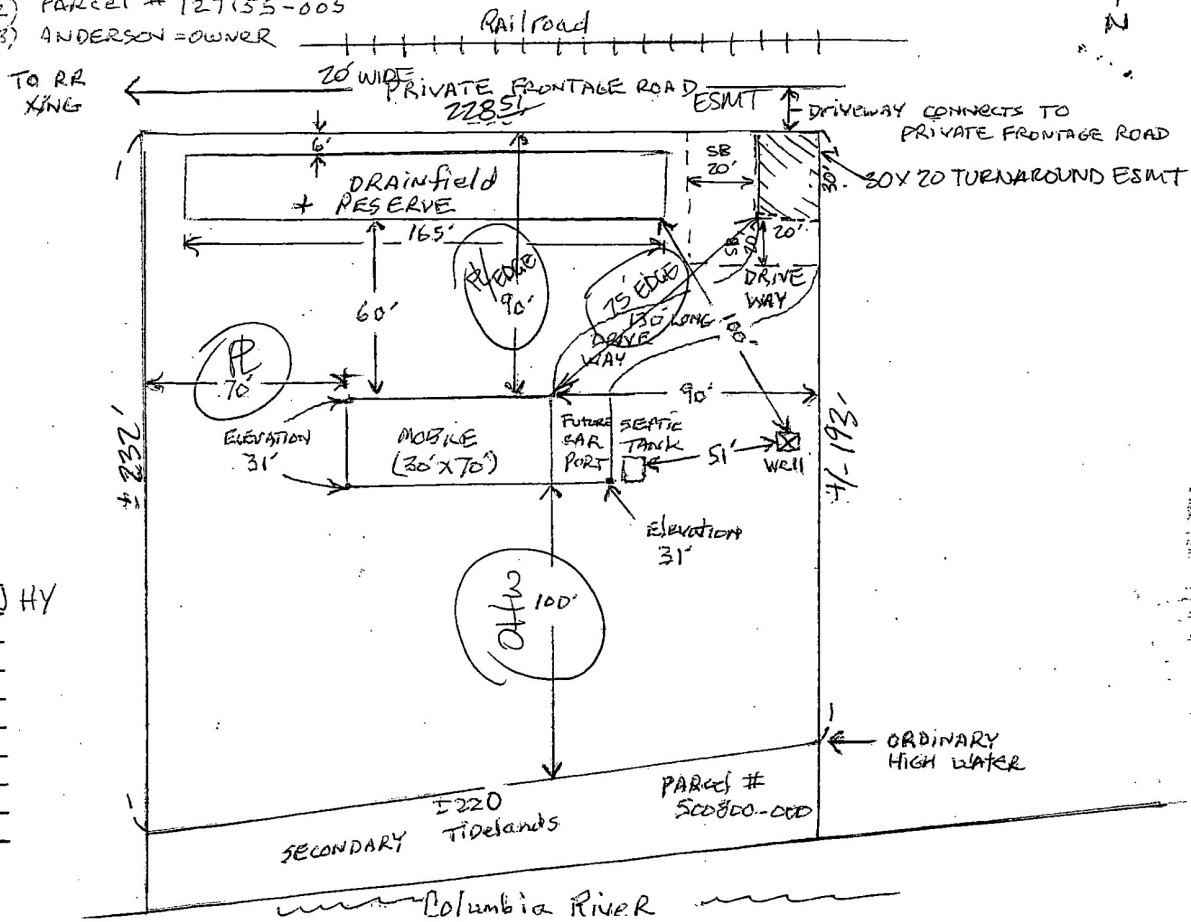
Planting area.



Planting area.

2) Parcel # 127155-005

3) ANDERSON = OWNER



**EROSION CONTROL
REQUIRED**
See Attached Plan

PLOT PLAN APPROVED AS SHOWN
ANY CHANGES / ALTERATIONS REQUIRE RESUBMITTAL

Parcel: _____ BK/Page _____
 Address: SE EVERGREEN HY
 Use Zone: R1-10 Minimum Zoning Setbacks _____
 Front: WEDGE Rear _____
 Side: S'R Side: S'R
 Comments: _____

 By: _____ Date _____

4720078 COV

RecFee - \$65.00 Pages: 4 - DALE ANDERSON
Clark County, WA 11/23/2010 04:11



RETURN ADDRESS

Dale & Leta Anderson

14707 SE Rivershore Drive

Vancouver WA 98683

CONSERVATION COVENANT RUNNING WITH THE LAND

Grantor (owner): Dale & Leta Anderson
Grantee: Clark County
Abbreviated Legal Description: SE 1/4 of Sect. 8 T1 R3E of W.M.
**Assessor's Property Tax
Parcel/Account Number(s):** 127155-005
Project Case No.: HAB 2008-00016

A COVENANT to Clark County, State of Washington, hereinafter "County," by the owner(s) Dale and Leta Anderson of certain real property identified above on behalf of themselves and all their heirs, assigns and successors in interest into whose ownership said property may pass, agrees that this covenant shall run with the land. It is the purpose of this covenant that certain habitat areas and designated mitigation located within areas shown in Exhibit "A" will be maintained in a protected state as follows:

1. Consistent with the purpose of this covenant, no person, company, agency, or applicant shall alter a habitat area regulated under Clark County Code Title 40.440 except as exempted or as authorized by the Responsible Official through an approved Habitat Permit.
2. Exempt Activities. All exempted activities shall use reasonable methods to avoid potential impacts to habitat areas. Exemptions from permits are not exemptions from habitat stewardship responsibilities. Exempt activities listed in Title 40.440 shall be exempt from

the provisions of this covenant; provided, that they are otherwise consistent with other local, state, and federal laws and requirements:


3. Nothing in this covenant shall be construed to provide for public use of or entry into the habitat areas or designated mitigation areas shown on Exhibit "A". However, representatives and agents of Clark County are hereby authorized to make reasonable entry into designated mitigation areas upon such land for purposes related to administering this covenant, provided that:
 - a. Owners or their heirs, successors or assigns are given at least 24-hours advance notice of any such entry.
 - b. Access granted to representatives and agents of Clark County under this provision shall expire upon completion of required monitoring and final acceptance of the habitat mitigation by the Responsible Official.
4. The provisions of this covenant are enforceable in law or equity by Clark County and its successors.
5. This covenant and all of its provisions, and each of them, shall be binding upon the owners and any and all of their heirs, assigns and successors in interest into whose ownership the above-described real property may pass, and any obligations made herein by owners, shall be enforceable against all of their heirs, assigns and successors in interest into whose ownership the above-described real property may pass.

IN WITNESS WHEREOF, of parties hereto have caused this agreement to be executed the day and year indicated below.

Dated this 23rd day of November, 2010.

APPROVED AS TO FORM ONLY:
ARTHUR CURTIS
Prosecuting Attorney

CLARK COUNTY, WASHINGTON

By 
Chris Horne
Deputy Prosecuting Attorney

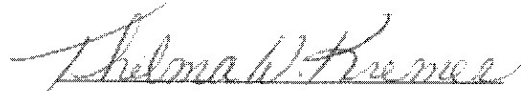
By 
Owner – Dale Anderson

By 
Owner – Leta Anderson

STATE OF WASHINGTON)
 : SS
COUNTY OF CLARK)

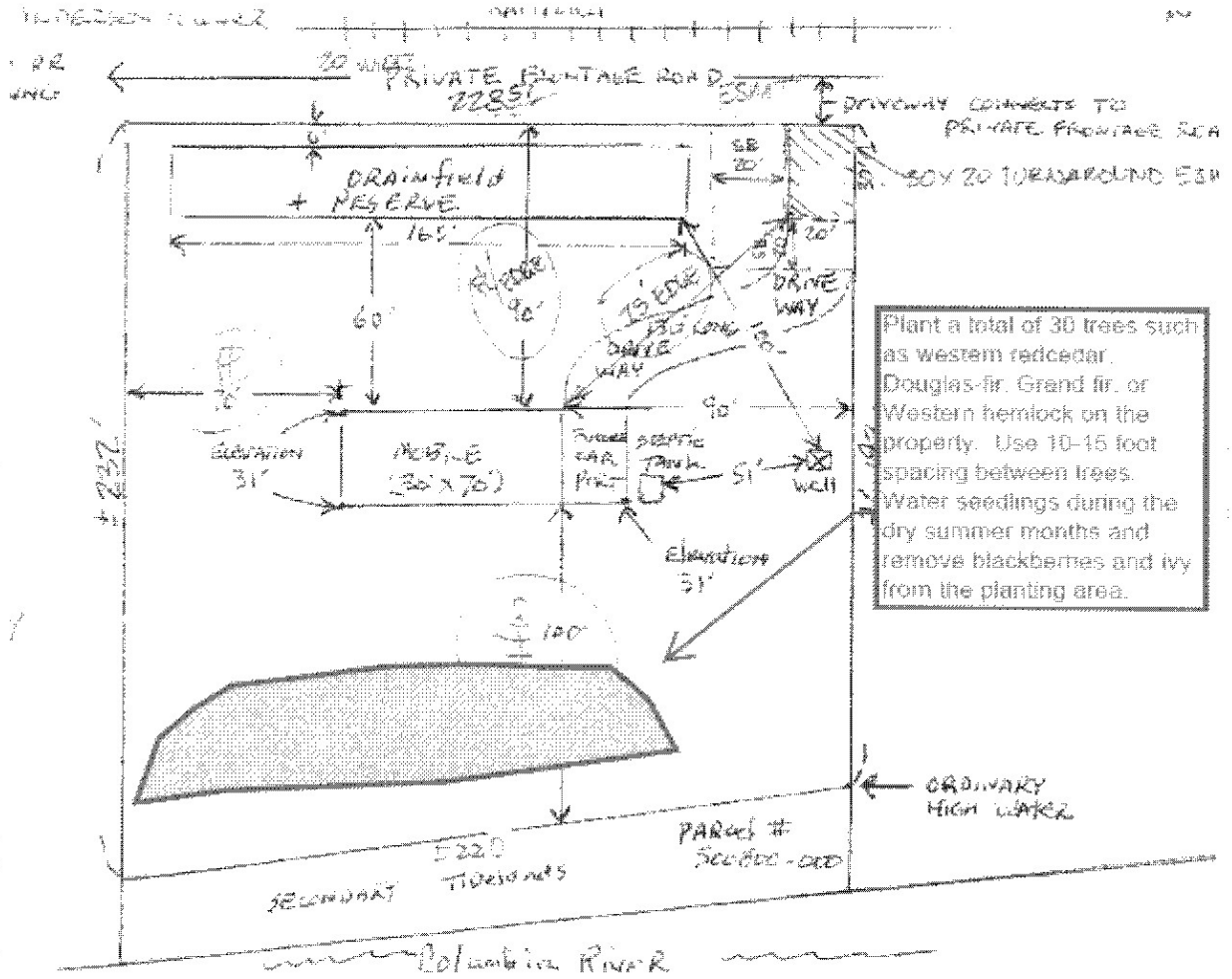
I hereby certify that I know or have satisfactory evidence that Dale and Leta Anderson signed this instrument and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: Nov 23, 2010



THELMA W. KREMER
NOTARY PUBLIC
STATE OF WASHINGTON
COMMISSION EXPIRES
FEBRUARY 8, 2012

EXHIBIT A



Limitations:

This exhibit is intended to illustrate the approximate location of areas that are likely to contain habitats or have been designated for habitat mitigation. It does not represent a habitat delineation or survey of the property represented. There may be habitats outside the areas identified on this exhibit that could be subject to regulation by Clark County or State and Federal Agencies.

TYPE II STAFF REPORT & ENVIRONMENTAL REVIEW



(Form DS1593)

Project Name: EVERGREEN MOBILE HOME PLACEMENT

Case Number: SEP2008-00032, ARC2008-00019, HAB2008-00016,
MOH2008-00008

Location: 21119 SE Evergreen Hwy

Request: SEPA review for a mobile home placement permit for a 2,100 square foot manufactured home, future single wide carport and associated utilities on a 1.05 acre parcel located within the Urban Holding 20 zone and the Conservancy shoreline environment of the Columbia River. The mobile home is being placed for the applicant's family.

Applicant: Dale Anderson
14707 SE Rivershore Drive
Vancouver, WA 98684

Contact Person: Chris Baumann
Planning Solutions, Inc.
1601 Broadway
Vancouver, WA 98663
Phone: 360-750-09000
E-mail: psi@planningsolutionsinc.com

Property Owner: Same as applicant.

Vesting Date: March 15, 2007

SEPA Determination
Mitigated Determination of Non-significance (MDNS)
Planner's Initials: *JB* Date Issued: September 2, 2009

HABITAT PERMIT DECISION
Approved, subject to Conditions of Approval
Date Issued: September 2, 2009

County Review Staff:

Planner: Terri Brooks
Habitat Biologist: Dave Howe

(360) 397-2375 ext. 4921
(360) 397-2375 ext. 4598

Legal Description:

Lot 2 of the plat recorded in Book 3 of short plats at Page 253, records of Clark County, Washington and located in the southeast quarter of Section 8, Township 1 North, Range 3 East of the Willamette Meridian.

Comp Plan Designation: Urban Low (UL)

Zoning Designation R1-10 with an Urban Holding-20 overlay

Applicable Laws:

Clark County Code Sections: 40.350 (Street and Road Standards), 40.380 (Stormwater and Erosion Control), 40.450 (Wetland Protection), 40.440 (Habitat Conservation Ordinance), 40.260.080 (Forest Practices), 40.430 (Geologic Hazards Ordinance), Title 14 (Buildings and Structures), Title 15 (Fire Prevention), 40.210.020 (Rural Districts), 40.420 (Flood Hazard Areas), 40.460 (Shoreline Overlay District), 40.500 (Procedures), 40.570 (SEPA), Clark County Shoreline Management Master Program, Clark County Comprehensive Plan and State Laws WAC 220-110, WAC 173-27, WAC Chapter 197-111, and RCW 90.58.

Neighborhood Association/Contact:

The site is not located within the boundaries of any county-recognized neighborhood association.

Time Limits:

The application was determined to be fully complete on March 21, 2008. However, the application was on hold for 575 days for the applicant to obtain a letter of map amendment (LOMA) from the Federal Emergency Management Agency (FEMA) removing the part of the lot where the mobile home will be placed from the 100-year flood plain. Therefore, the County Code requirement for issuing a decision within 78 days lapses on September 17, 2009.

Public Notice:

Notice of application and likely SEPA Determination of Non-Significance was mailed to the applicant and property owners within 500 feet of the site and other agencies on April 4, 2008.

Public Comments:

In response to the public notice, the County received two comment letters, as follows:

1. Received on April 7, 2008 from the Southwest Clean Air Agency (Exhibit #4). They state required procedures for demolition of a structure.

Staff Response

No structures will be demolished. The existing mobile that is noted in the applicant's SEPA checklist refers to the adjacent lot also owned by the applicant. This site is vacant.

2. Received on April 14, 2008 from six neighboring property owners requesting the application be denied based on compatibility with the neighborhood, that it would be a rental unit and that the new mobile home is subject to the special uses criteria in CCC 40.520.020 and CCC 40.260.130. They also note that on the applicant's adjacent lot there is a "much higher" incidence of police activity and a "high" turnover of tenants.

The letter also states that the existing mobile home on the adjacent lot is not in compliance with the current flood plain ordinance.

Staff Response

This project is for a single family residence surrounded by other single family residences so compatibility is not an issue. Socio-economic issues are not a part of this review or a part of the Building Division's placement permit review. A mobile home is a residence the same as a stick built home. The site is currently zoned R1-10 (urban single family on 10,000 square foot lots) with an Urban Holding -20 overlay (new lots must be 20 acres). The overlay will remain until such time as urban services become available and the parcel is annexed to the City of Camas. Once annexed, the site will obtain the R1-10 urban single family designation. Until then any projects must be reviewed under the Urban Holding-20 zoning overlay.

The applicant has stated in the response to these comments that Mr. Anderson's son will live in the mobile home. If it were to be used as a rental a shoreline conditional use permit would be required. A mitigation measure is warranted that a covenant to Clark County be recorded to assure that this home is for family and is not used as a rental unit until and unless a shoreline conditional use permit is obtained.

The special uses criteria in CCC 40.520.020 and CCC 40.260.130 are applicable specifically to the R1-20, R1-10, R1-7.5, R1-6, R1-5, R-12, R-18, OR-15 and OR-18 districts not the UH-20 district. They are also only applicable if the land division was submitted to Clark County after November 19, 1997. The land division that this project is in was submitted to Clark County June 12, 1992 and preliminary approval was granted April 20, 1993. Since the land division was submitted before November 19, 1997 it was not subject to CCC 40.260.130 or 40.520.020. There are two review processes for land division. The preliminary approval which those codes apply to if submitted after November 19, 1997 and final plat approval. After preliminary approval is obtained, the applicant has up to 5 years to meet the conditions of preliminary approval so that final approval can be obtained and the plat recorded at the Auditor's office. The applicant requested extensions and the plat obtained final approval and recorded at the Auditor's office on October 30, 1998. The extensions were mainly due to problems obtaining an easement from Burlington Northern.

It was determined in the 1990 review of the permit for the mobile home on the adjacent lot that it was not within the 100-year flood plain.

3. Received on April 17, 2008 an e-mail from Mr. George Heider requesting that a copy of the decision be mailed to him and the other five neighbors that submitted the petition.

Staff Response: So noted.

4. Received a letter from Robert and Elizabeth Rondeau stating that they agree with their neighbors but that they were out of town when the petition was circulated.

Staff Response: So noted.

5. Received April 21, 2009 comments from the Cowlitz Indian Tribe. They request to retain their right to comment on this SEPA based on their review of the archeological pre-determination.

Staff Response: The archeological pre-determination was completed April 4, 2008 and no cultural or historical resources were found so no additional work was required.

6. Received April 21, 2009 comments from the Washington Department of Ecology. They note that the project must comply with the Clark County Shoreline Master Program and

recommend the use of low-toxic building products and finishes. They also state that water withdrawal in excess of 5,000 gallons per day requires a water rights permit from their office.

Staff Response: This review is to verify that the project complies with the Clark County Shoreline Master Program. A residence is only exempt from obtaining a shoreline permit if it is for an owner, lessee or contract purchaser for their own use or for the use of their family, does not exceed a height of 35 feet and meets all requirements of the local jurisdiction's requirement. Because of this and comments from the neighbors, a covenant to Clark County assuring the home will only be for their own use or for the use of their family will be required to be recorded prior to issuance of the placement permit. A note on the recorded plat map already states the requirements for when a water right is required.

Background/Project Description

The applicant proposes to place a 2,100 square foot modular home and future single width carport within a Habitat Conservation Zone and the Conservancy shoreline environment of the East Fork of the Lewis River.

The development site is located between the Burlington Northern railroad tracks and the Columbia River at 21119 SE Evergreen Highway.

The property is currently vacant and mostly grassy except for trees near the bank of the river and some shrubs along the east property line. There have been previous reviews to rezone the property in 1992 (REZ92016) to RS (Suburban Residential 1-acre lots) and a land division to divide this lot from the lot to the west (SP920071). There have also been grading and shoreline permits issued for fill of up to 1,900 cubic yards for this lot and the lot to the west (GR98020 and SHR93003).

The applicant applied to the Federal Emergency Management Agency (FEMA) to remove the area where the mobile will be placed from the 100-year flood plain due to the fill. This letter of map amendment (LOMA) was approved August 13, 2009.

Major Issues and Analysis

CCC 40.570.090(D)(3) expressly limits the scope of environmental review in the case of an otherwise categorically exempt residential structure to whether (a) the proposal is consistent with the applicable critical area ordinances and (b) whether potentially significant impacts to the applicable critical areas are adequately addressed by the comprehensive plan and implementing ordinances. Therefore, staff's SEPA review will be limited to how the project complies with the Clark County Shoreline Master Program (CCSMP) and the Habitat Protection Ordinance.

Finding 1

Since the proposed project will be located near waters protected under the Clark County Shoreline Management Master Program, it is subject to review for compliance with the provisions of the Clark County Shoreline Master Program. Development must be consistent with: (1) Shoreline Management Master Program Element Goals; (2) Shoreline environment objectives, policies and limitations; and (3) Shoreline policy statements and use activity regulations.

Finding 2

The CCSMP has nine Element Goals to provide direction for review of developments within the shoreline management area. The goals that apply to this development are Shoreline Use, Historical/Cultural and Shoreline Improvement. These goals are summarized as follows:

- Shoreline Use: To encourage a pattern of land and water uses compatible with the character of shoreline environments and distributed so as to avoid undesirable concentrations of intense uses, and giving preference to uses which are dependent upon shoreline locations.
- Historical/Cultural Element: "To identify, protect and restore the cultural, historical, scientific and other educationally valuable shoreline sites and buildings and, when appropriate, to promote the acquisition of these features for public domain."
- Shoreline Improvement: "To encourage the restoration of degraded shoreline areas to conditions of natural environmental quality, and promote the revitalization of abandoned shoreline facilities for practical and productive activities; and,

Finding 3 – Shoreline Use

The placement of a single family residence and normal appurtenances are permitted outright in the Conservancy shoreline environment as long as certain setbacks from the ordinary high water mark are met and it is occupied by the property owner or their family. In the Conservancy environment, the minimum required setback is 100 feet from the ordinary high water mark (OHWM). All development is proposed by the applicant to be at least 100 feet from the ordinary high water mark (see Attachment 'A'). The site plan shows that the mobile home and carport will be 100 feet from the OHWM but it also shows it closer to the river than the existing well house. Staff visited the site and determined the location of the OHWM and in order to be 100 feet away, the mobile home will need to be at least 5 feet north of the well house. Due to the proximity of the estimated setback to the minimum requirement, a mitigation measure is warranted requiring the applicant to provide field verification of the location of the 100-foot setback.

The existing and planned uses of the shoreline in the immediate vicinity are characterized by residential uses. While this proposal is not water dependant, it is compatible with the planned and existing uses of the area.

Finding 4 – Historical/Cultural

The site is in an area that has a high probability of containing cultural resources according to the Clark County Archeological Predictive Model.

The applicant had an archeological pre-determination completed of the site and no historic or prehistoric cultural materials were located. The report recommends that no further archaeological work is necessary.

There will still be a condition on the building permit requiring that, if any archeological items are found, work will be stopped and the Office of Historic Preservation in Olympia and Clark County will be notified.

Finding 5 – Shoreline Improvement

The existing shoreline environment in this location consists of several large diameter black cottonwood trees, some shrubs and Himalayan blackberries. At the time of staff's site visit (May 28, 2008) an area had been cleared of smaller trees and shrubs and a large patch of Himalayan blackberries. The applicant will further improve this shoreline environment by planting 30 native fir trees at the top of the slope at 10-15 foot spacing. Therefore, the proposal will comply with this element goal of the Clark County Shoreline Master Program.

Finding 6

The proposal complies with the applicable objectives and general policies of the Conservancy Environment because it will maintain the existing character of the environment in this area, it is non-consumptive of the physical and biological resources of the area and density is limited. It

will maintain the aesthetic character of the area by planting vegetation as required by the Habitat permit.

Finding 7

The Shoreline Use Activity which pertains to this proposal is Residential Development.

The proposal will comply with applicable policy statements and regulations for Residential Development because sewage, water supply requirements, erosion control and the determination of how to manage stormwater must be met prior to issuance of the building permit. The project, as shown on the attached site plan, meets the setback requirements for the Conservancy shoreline environment.

Therefore, subject to mitigation measures, the project meets the criteria of the Clark County Shoreline Master Program.

HABITAT PERMIT REVIEW AND CONDITIONS

Finding 1:

According to GIS mapping indicators riparian habitat is present on the property. The river responsible for this riparian designation is the Columbia River, which flows along the Southern property line. The Columbia River is a Department of Natural Resources (DNR) type S (shoreline of the state) watercourse in this area. According to CCC Chapter 40.440.010(C)(1)(a), a DNR type S watercourse requires a 250-foot riparian Habitat Conservation Zone (HCZ) in order to protect fish and wildlife habitat. The HCZ extends horizontally outward from the ordinary high water mark, or to the edge of the existing 100-year floodplain, whichever is greater. In this case, the former of these two measurements is applicable to the site.

A Point Species buffer also extends onto the Southwestern corner of the property. The Point Species buffer designation is a result of an osprey (*Pandion haliaetus*) nest near the property. The Habitat Conservation Ordinance requires a 1000-foot base review buffer around Point Species sites in order to ensure any proposed clearing or development uses are compatible with species protection. The osprey nest is located more than 900 feet from the Western property line of the project site.

Finding 2:

The applicant proposes placing a new 2100 square foot mobile home with carport and driveway approach resulting in an additional 3800 square feet of impact for a total of 5600 square feet of new impervious surfaces within the habitat area. The proposed impacts of new impervious surfaces along the Columbia River have the potential to alter the natural hydrology of this site and impair the riparian corridor's natural ability to dissipate flood energy, protect riverbank stability, maintain wildlife species movement corridors, and numerous other functions. The proposed building site was recently stripped of vegetation prior to a site visit conducted on February 5, 2008. The larger diameter trees on the site have not been removed. Primarily, smaller diameter trees and shrubs were removed, along with large patches of Himalayan blackberry (*Rubus discolor*).

According to CCC 40.440.020.A.2, the applicant is required to demonstrate how this project will both minimize impacts to riparian habitat and maintain the existing functions and values present on the site. The location chosen for construction of the single family residence did mostly contain low quality riparian habitat until it was recently cleared. However, the addition of 5,600 square feet of new impervious surface and the removal of native vegetation do not satisfy the criteria listed above. Therefore, the applicant will need to carry out some mitigation in the form

of planting native vegetation in the habitat area (see attached Anderson Mitigation Plan, dated May 22, 2008).

Finding 3:

The development site contains several larger diameter black cottonwood trees. Considering the proximity of the osprey nest mentioned above, the applicant will need to ensure the future survival of these trees, which have the potential to function as roosting, perching, or possible future nest sites for osprey or other raptor species known to inhabit the riparian corridor of the Columbia River. Several of the large black cottonwood trees on the property are dead, dying, or have broken tops or broken limbs. The applicant will need to hire a certified arborist to assess the health of these trees in relation to the location of the new mobile home.

Conclusion:

The proposed residence is located in an area that mostly minimizes habitat impacts and maintains the current functions and values. With additional mitigation, the applicant will be able to adequately minimize habitat impacts on the property. This project complies with the Habitat Conservation Ordinance (CCC 40.440) provided the applicant meets all of the following conditions.

Conditions:

1. The applicant shall not remove any trees greater than 6" diameter on the property. Clearing shall be limited to grasses only. This includes no clearing, limbing, or pruning of native vegetation, including dead trees, for purposes of additional yard or view.
2. The applicant shall install tree protection fencing along the dripline of protected trees within the habitat area prior to any groundbreaking activities. Any excavation necessary within the dripline of protected trees will require a report from a certified arborist ensuring future tree survival.
3. Prior to placement of the mobile home, the applicant shall hire a certified arborist to assess the health of any black cottonwood tree that might pose a hazard to the new mobile home and submit that report to the county habitat biologist for review.
4. Prior to issuance of the Final Occupancy Permit, the applicant shall implement the "Anderson Mitigation Plan" dated May 22, 2008 (see attached mitigation plan), which calls for the planting of thirty (30) Western redcedar, grand fir, or Douglas-fir seedlings using 10-12 foot spacing between the mobile home and the existing treeline. All planting shall take place between November 1 and March 31. Any deviation from this planting requirement will need to be approved by the County Habitat Biologist.
5. The applicant shall ensure 80% survival of plantings after 3 years. To ensure survival the applicant shall remove non-native vegetation such as blackberries that threaten these plantings, protect the plantings from animal browse, and water the plantings during the dry summer and fall months (July through September). Additionally, the applicant shall apply for yearly monitoring permit inspections and pay appropriate fees.
6. Prior to issuance of the Final Occupancy Permit, the applicant shall record a conservation covenant with the County Auditor's Office. A copy of the recorded covenant shall be provided to the County Habitat Biologist prior to release of the Final Occupancy Permit.
7. The applicant shall not remove native vegetation and/or conduct construction activity other than what is approved herein. Any further construction and/or clearing activity within the riparian H CZ not indicated on the attached site plan will be subject to additional county review.

Determination of Mitigated Non-Significance (MDNS). Clark County, as lead agency for review of this proposal, has determined that this proposal, as mitigated, does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030 (2) (e). This decision was made after review of a completed environmental checklist and other information on file with the County. This information is available to the public on request. There is no additional comment period for this determination.

Mitigation Measures:

In making a threshold determination, the SEPA Rules require the lead agency to consider mitigation measures which an agency or the applicant will implement as part of the proposal [Chapter 197-11-330(1)(c) WAC]. This MDNS is based on the conclusion that the requirements of Clark County's land development and building codes, the applicable State and Federal regulation, and the following mitigation measures, will serve to mitigate adverse impacts of this proposal:

1. Prior to issuance the mobile home placement permit for the mobile home, the applicant shall record a covenant to Clark County in a form approved by the Prosecuting Attorney's office guaranteeing that only the applicant's family will reside in the mobile home unless a shoreline conditional use permit is obtained. It shall also indicate that if the Clark County Shoreline Management Master Program is revised not to require permits the covenant shall be null and void.
2. Prior to placement of the mobile home on the site, the applicant shall accurately mark the location of the 100-foot setback from the ordinary high water mark of the Columbia River.
3. The mobile home and future carport shall be at least 5 feet north of the existing well house.

Note: The Development Services Manager reserves the right to develop a complete written report and findings of fact regarding this decision, if appealed.

An appeal of any aspect of the SEPA determination and any required mitigation measures, may be appealed by any agency or person in conjunction with the first nonexempt action on the proposal by a non-elected administrative official. SEPA appeals are limited to the following: (1) The responsible official's procedural compliance with SEPA and Chapter 197-11 WAC in issuing the following determinations or documents: (a) Determination of non-significance (DNS), (b) Determination of significance (DS), and (c) Environmental impact statement (EIS); (2) The conditioning or denial of a proposal under the authority of SEPA by a non-elected county official.

An appeal may be filed by any agency or person in conjunction with the first nonexempt action on the proposal by a non-elected administrative official.

The appeal request and fee shall be submitted to the Department of Community Development, Customer Service Center, between 8:00 AM and noon Monday, Tuesday, Thursday and Friday and from 8:00 AM to 4:00 PM on Wednesdays, at the address listed below.

To appeal you must submit a check in the amount of \$5240.00 for appeal of the Habitat Permit or \$1493.00 for appeal of the SEPA determination. Checks should be made payable to the Department of Community Development.

The appeal shall be filed with the Department of Community Development within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record.



Extracted Document or Page

Document Description:
AGREEMENT FOR ASSIGNMENT

Document Handle:
1417580 (HAB2008-00016)

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