



# CLARK COUNTY STAFF REPORT

**DEPARTMENT:** Community Development

**DATE:** March 4, 2014

**REQUEST:** Amend a recorded short plat by removing the southern 200' of a 30' easement located on parcel 184768-010. Also approve a plat declaration to remove the 45' turning radius at the terminus of the easement.

**CHECK ONE:**                      X   Consent                           CAO

### BACKGROUND

The customer requested a plat alteration in 1994 to remove the easement on the property. The plat alteration was approved on 03/28/1995 by resolution number 1995-03-37. The applicant never had the approval recorded so all maps, files and documents with the county show the easement as it was originally approved with the short plat in 1980 and does not reflect the alteration in 1995. This request is to sign off and record an already approved plat alteration.

Along with the alteration the applicant is requesting a plat declaration. The original approval of the plat alteration had a condition of approval that required a 45' radius turn around at the terminus of the easement. However, with the current terrain of the land this turn around is not feasible. The applicant met with the Fire Marshal on site to discuss other options. The Fire Marshal agrees that the terrain does not support this condition and therefore will be requiring any home built on the site to have sprinkler systems installed. The applicant agrees with this condition and has requested the declaration to no longer require the turn around.

To finalize this plat declaration, the applicant is required to record a "Declaration Amending Short Plat" with the County Auditor. As required by RCW 58.217.215, signature of the legislative body is required on this document prior to recording.

Deputy Prosecuting Attorney Chris Horne has reviewed, approved, and signed the Declaration.

### COMMUNITY OUTREACH

Since staff is only finalizing the already approved plat alteration, no new notice was sent to surrounding property owners. The rules in effect in 1995 were followed based on the resolution 1995-03-27.

### BUDGET AND POLICY IMPLICATIONS

None

### FISCAL IMPACTS

Yes (see attached form)                     No

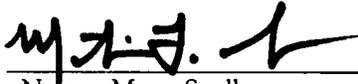
### ACTION REQUESTED

Sign original Declaration with maps and return to Department of Community Development for recording.

### DISTRIBUTION

Chris Horne, Deputy Prosecuting Attorney

*MJK*  
*OK*  
*N*



Name: Marty Snell

Title: Comm. Dev. Director

Approved:



CLARK COUNTY

BOARD OF COMMISSIONERS

March 10, 2014

SR 57-14

RESOLUTION NO 1995-03-37

A Resolution relating to Land Use and Zoning, Plat Alteration Request 94-06-2031 (Person), pertaining to a short plat, recorded in Book 1 of Plats at Page 763, to relinquish the south 200 feet of a 30 foot wide, half-width private road easement, which extends along the west property line of lot 3 of said plat,

WHEREAS, the landowner of lot 3 of the short plat, recorded in Book 1 of Plats at Page 763, located in the Northeast and Southeast quarters of Section 20, Township 3 North, Range 1 East of the Willamette Meridian, south of N W Seward Road, approximately 500 feet west of N W 41st Avenue, in Clark County Washington, and which was filed for record by the Clark County Auditor on the 7th day of August 1980, has petitioned the Board of County Commissioners pursuant to Chapter 58 17 215 of the Revised Code of Washington (RCW) for the relinquishment of a portion of a private road easement across the western boundary of Lot 3, and

WHEREAS, a public hearing was duly advertised and held by the Board of County Commissioners on January 17, 1995 for the purpose of receiving public testimony on this request, and

WHEREAS, several neighbors and members of the public attended the hearing objecting to the request because they were opposed to the construction of another residence in the area and the impacts caused by new development. One neighbor expressed concern over the location of the easement he uses to access his house and the possibility that this relinquishment might landlock his parcel, therefore, the hearing was continued so that more information could be provided and reviewed by County staff, and

WHEREAS, the applicant provided County staff with a complete sales history and deeds for all the lots in the short plat and several adjacent parcels, and another public hearing was held on February 21 1995, and

WHEREAS, the Board of County Commissioners found that the south 200 feet of the easement

*Resolution No*  
*Page 1*

**FILE COPY**

does not provide access to any adjacent parcels, and

WHEREAS, there is no apparent public interest to be served by preserving the easement since there are severe environmental and topographical constraints to extending the road for future cross circulation, and

WHEREAS, the approval of this plat modification does not guarantee the future issuance of a building permit and the landowner has been advised that due to boundary line adjustments and real estate transactions that have occurred after the recording of the plat that Clark County does not recognize the southern portion of lot 3 as a separate, legal lot of record therefore,

BE IT ORDERED AND RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF CLARK COUNTY, STATE OF WASHINGTON as follows

Section 1. Modification. The south 200 feet of the 30-foot half width private road easement along the western boundary of Lot 3 of the short plat recorded in Book 1 of Plats at Page 763 is hereby relinquished after verification by the Planning Department that the following conditions have been met

- a) A 50-foot radius turnaround easement shall be provided at the end of the private easement
- b) A note shall be added to the plat stating that, "A minimum 20 foot private road and a 45 foot radius cul de sac shall be constructed to the Uniform Fire Code standard prior to the issuance of any future building permit for the southern lot in the short plat "

Section 2. Filing. A certified copy of this resolution shall be filed with the Clark County Auditor, and subsequently a revised drawing of the approval alteration of the final plat shall be filed with the County Auditor to become the lawful short subdivision plat of the property

ADOPTED this 28<sup>th</sup> day of March, 1995

Attest

Taven Richards

Clerk to the Board

Approved as to Form Only  
ARTHUR D. CURTIS  
Prosecuting Attorney

By Richard S. Lowry

Richard S. Lowry  
Senior Deputy Prosecuting Attorney

BOARD OF COUNTY COMMISSIONERS  
FOR CLARK COUNTY, WASHINGTON

By John C. Magnano  
John C. Magnano, Chair

By \_\_\_\_\_  
David W. Sturdevant, Commissioner

By \_\_\_\_\_  
Mel Gordon, Commissioner

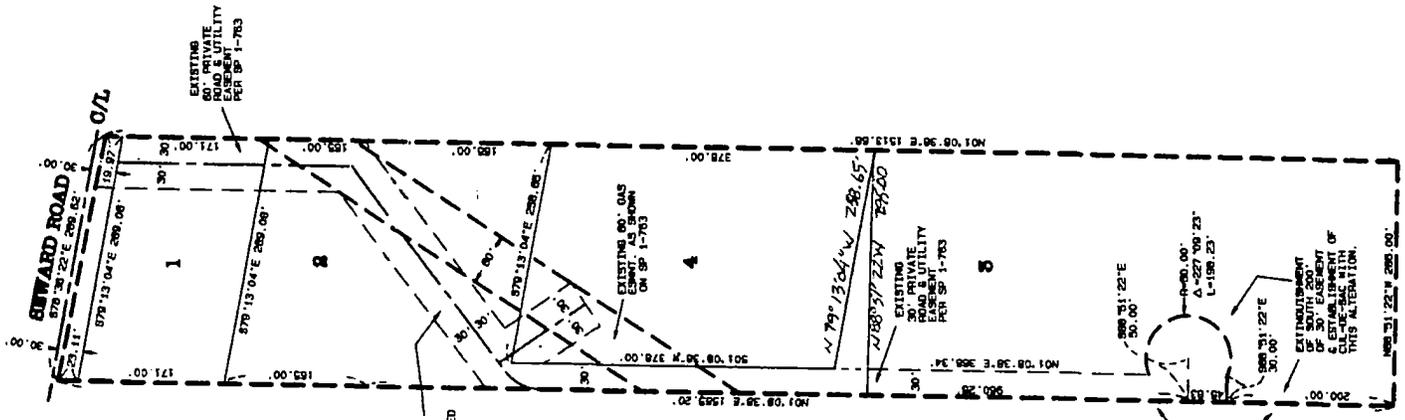
Exhibit B

**HICKFORD-MURSELL SURVEYING**  
 P.O. BOX 2449  
 WESTPORT, WASHINGTON 98059  
 360-669-1970

**NOTE:**

1. PURSUANT TO CLARK COUNTY RESOLUTION NO. 1985-03-37, 200.00 FEET OF THE 30.00 MILE PRIVATE ROAD AND UTILITY EASEMENT IN THE SOUTHERLY PORTION OF LOT 3, SP. 1-763 IS ALSO THE PURPOSE OF THIS SURVEY. THE REMAINING PORTION OF THE 30.00 MILE PRIVATE ROAD AND UTILITY EASEMENT WILL BE DELETED FROM THE SURVEY.
2. THIS PLAT ALTERATION IS PREPARED STRICTLY FOR THE PURPOSES STATED IN NOTE #1. ABOVE. NO FIELD SURVEYING ON THE GROUND, PURSUANT TO THIS ALTERATION HAS BEEN PERFORMED.
3. PURSUANT TO THE RECREATION OF SP. 1-763, THE LINES OF OWNERSHIP OF THIS PLAT ALTERATION WILL BE DELETED FROM THE SURVEY. THE LINES DELETED ON THIS MAP AS Y11 IS OUTSIDE THE SCOPE OF THE PLAT ALTERATION.

DETAILED DIMENSIONS FOR THE UTILITY EASEMENT HAS NOT BEEN SHOWN. THIS AREA IS UNRESERVED FOR THE UTILITY EASEMENT ON SP. 1-763 FOR DETAILED INFORMATION.



**PLAT ALTERATION**  
 IN THE NE 1/4 AND THE SE 1/4  
 SECTION 20 TOWNSHIP 8 NORTH,  
 RANGE 1 EAST, W.M.  
 CLARK COUNTY, WASHINGTON  
 BEING AN ALTERATION  
 OF THE FRONT PLAT 1-763

**CLARK COUNTY HEALTH DEPT.**

THIS SHORT PLAT IS APPROVED IN GENERAL ONLY. ALL LAND USES MUST COMPLY WITH THE RULES AND REGULATIONS IN EFFECT AT THE TIME OF IMPLEMENTATION AND/OR PERMIT APPLICATION.

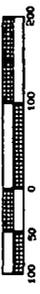
AN APPROVED PUBLIC WATER SUPPLY SYSTEM IS REQUIRED.  
 AN APPROVED SEWAGE TREATMENT SYSTEM IS REQUIRED.

*Carole E. Spada*  
 CLARK COUNTY HEALTH OFFICER

**AUDITOR'S CERTIFICATE**

FILED FOR RECORD THIS \_\_\_\_\_ DAY  
 OF \_\_\_\_\_ 2014 AT \_\_\_\_\_ M. IN  
 BOOK \_\_\_\_\_ OF SHORT PLATS AT PAGE  
 \_\_\_\_\_ AT THE REQUEST OF HICKFORD-  
 MURSELL SURVEYING.  
 AUDITOR'S RECEIVING NO. \_\_\_\_\_ DATE  
 DEPUTY COUNTY AUDITOR \_\_\_\_\_

SCALE: 1"=100'



SHEET 1 OF 1  
 FEBRUARY 10, 2014  
 JOB NO. 4988

**COUNTY COMMISSIONER**

APPROVED AND ACCEPTED BY THE BOARD OF THE COUNTY COMMISSIONERS, COUNTY OF CLARK, STATE OF WASHINGTON.  
 THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2014.

CHAIR OF THE BOARD \_\_\_\_\_

**COUNTY PLANNING DIRECTOR**

APPROVED  
*M. J. A.*  
 PLANNING DIRECTOR 3/3/14 DATE

**PUBLIC WORKS**

APPROVED  
*W. J. A.*  
 CLARK COUNTY ENGINEER 3/3/14 DATE

**ASSESSOR**

THIS PLAT MEETS THE REQUIREMENT OF R.C.W. 86.17.170. LANS OF WASHINGTON, TO BE KNOWN AS SHORT PLAT NO. \_\_\_\_\_ IN THE COUNTY OF CLARK, STATE OF WASHINGTON.

CLARK COUNTY ASSESSOR \_\_\_\_\_ DATE \_\_\_\_\_

**AREA OF ALTERATION TO SP 1-763**

SERIAL NO. 184768-010  
S-T-R: SE ¼, SECTION 20, T3N, R1E, W.M.  
PROJECT: HILLER PLAT AMENDMENT

DECLARATION AMENDING SHORT PLAT BOOK 1, PAGE 763

We, HARLEN HILLER AND JANICE D. HILLER , the owners of certain real property in Clark County, Washington, legally described therein below (hereinafter "Site"), pursuant to RCW 58.17.215 and CCC 40.540, which, under specific circumstances, allows Clark County to approve alterations to recorded plats, file this declaration to accomplish that end.

*RECITALS:*

Whereas, HARLEN HILLER AND JANICE D. HILLER are the owners of property, part of a plat recorded under Auditor's number 8008070035, SHORT PLAT BOOK 1, PAGE 763, the Site, which legal description is set forth by a copy of the previously recorded plat in Exhibit A attached hereto; and

Whereas, the owners have sought to amend the recorded plat by the removal of the South 200.00 feet of the 30.00 wide private road and utility easement at the South end of Lot 3 of said Short Plat, and

Whereas, the owners have previously received the plat alteration approval with conditions of Clark County in that planning application numbered CLARK COUNTY RESOLUTION NO. 1995-03-037, and

Whereas, this document is required to satisfy the conditions of approval, RCW 58.17.215 and CCC 40.540; now, therefore,

1. The undersigned owners declare that they are the sole and exclusive owners of the real property, described in Exhibit A, that is affected by the plat alteration. The plat is recorded in Book \_\_\_\_\_, Page \_\_\_\_\_, records of Clark County, Washington.
2. Pursuant to the plat alteration, Clark County has authorized that the South 200.00 feet of that 30.00 foot wide private road and utility easement at the South terminus of Lot 3 of Short Plat 1-763 is extinguished and removed.
3. A revised drawing of the approved alteration is attached hereto and incorporated herein as Exhibit B.
4. The final plat is only amended as set forth above and in all other aspects are unaffected by this document. A copy of this declaration shall be filed with the Clark County Auditor so as to appear in the chain of title of the affected parcels.
5. The resolution authorizing this plat alteration dictated the establishment of a 45.00 foot turn radius at the end of said 30.00 foot private road easement. However, the terrain of the site will not allow for a turn around of this nature. After discussion with Clark County Fire Marshall's office and the Clark County Community Development Department, an agreement has been reached that said turnaround will not be required and that any structure built on the property, being tax lot serial no. 184768-010, will be required to be required to provide fire protection for said structure through a fire sprinkling system.

Dated this 18<sup>th</sup> day of March, 2014.

Approved as to form:

By   
Christopher Horne  
Deputy Prosecuting Attorney

County Commissioners

Approved and accepted by the Board of County Commissioners, Clark County,  
Washington, this 18<sup>th</sup> day of March, 2014

Tom Mielke  
Chair of the Board of County Commissioners

Attested by: Rebecca L. Tilton  
Clerk to the Board of Clark County Commissioners

Harlen Hiller  
HARLEN HILLER

Janice D Hiller  
JANICE D. HILLER

California  
STATE OF WASHINGTON )  
RIVERSIDEs )  
COUNTY OF CLARK )

On this day personally appeared before me HARLEN HILLER and JANICE D HILLER, known to me to the persons that executed the within and foregoing instrument, and acknowledged said instrument to be their free and voluntary act and deed, for the uses and purposes therein mentioned, and on oath stated that he/she was authorized to execute said instrument.

SUBSCRIBED AND SWORN TO BEFORE ME THIS 21<sup>st</sup> DAY OF February, 2014

A. Paleschi  
Notary Public in and for the State of ~~Washington~~, residing at Palm Desert therein.  
My commission expires: California  
May 11th 2017

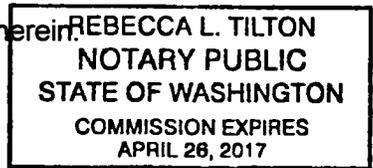


STATE OF WASHINGTON )  
:ss )  
COUNTY OF CLARK )

On this day personally appeared before me Tom Mielke, known to me to the person that executed the within and foregoing instrument, and acknowledged said instrument to be his/her free and voluntary act and deed, for the uses and purposes therein mentioned, and on oath stated that he/she was authorized to execute said instrument.

SUBSCRIBED AND SWORN TO BEFORE ME THIS 18<sup>th</sup> DAY OF March, 2014.

Rebecca L. Tilton  
Notary Public in and for the State of Washington, residing at Vancouver, therein.  
My commission expires: 4/26/17



**EXHIBIT A**

**HARLEN HILLER AND JANICE D. HILLER TRACT**

**Tax Lot Serial No. 184768-010, being Tax Lot #1 of Lot 3 of that Short Plat  
Recorded in Book 1 of Short Plats, Page 763, Plat Records, Clark County,  
Washington.**

Exhibit "B"

**RICKFORD-MURSELL SURVEYING**  
 P.O. BOX 2440  
 WESTPORT, WASHINGTON 98072  
 360-268-1070

**NOTES:**

1. PURSUANT TO CLARK COUNTY RESOLUTION NO. 1386-03-37, 200 IN, 200 FEET OF THIS ALTERNATION ROAD SHALL BE DEDICATED TO THE PUBLIC DOMAIN OF THE STATE OF WASHINGTON. THE SOUTHERLY PORTION OF LOT 3, SP 1-783 IS ALSO THE PURPOSE OF THIS ALTERNATION ROAD. THE SOUTHERLY PORTION OF LOT 3, SP 1-783 IS ALSO THE PURPOSE OF THIS ALTERNATION ROAD. THE SOUTHERLY PORTION OF LOT 3, SP 1-783 IS ALSO THE PURPOSE OF THIS ALTERNATION ROAD.
2. THIS PLAT ALTERATION IS PREPARED SPECIALLY FOR THE PURPOSES STATED IN NOTE #1 ABOVE. NO FIELD SURVEYS OR ON THE GROUND PLACEMENT TO THIS ALTERATION HAS BEEN PERFORMED.
3. SUBSEQUENT TO THE RECOGNITION OF SP 1-783, THE LINES OF OWNERSHIP WERE ALTERED FOR LOT 3 AND LOT 4. THE CURRENT PROPERTY LINES ARE NOT DEPICTED ON THIS MAP AS IT IS OUTSIDE THE SCOPE OF THE PLAT ALTERATION.

DETAILED DIMENSIONING FOR THE PRIVATE ROAD AND UTILITY EASEMENTS SHALL BE UNAFFECTED BY THIS ALTERATION. REFER TO SP 1-783 FOR DETAILED DIMENSIONING.

**AREA OF ALTERATION TO SP 1-783**

THIS PLAT MEETS THE REQUIREMENT OF B.C.K. 26.17.070, LAWS OF WASHINGTON, TO BE KNOWN AS SHORT PLAT NO. \_\_\_\_\_ IN THE COUNTY OF CLARK, STATE OF WASHINGTON.

CLARK COUNTY TASSOR \_\_\_\_\_ DATE \_\_\_\_\_

**COUNTY COMMISSIONER**

APPROVED AND ASSIGNED BY THE BOARD OF THE COUNTY COMMISSIONERS, COUNTY OF CLARK, STATE OF WASHINGTON.

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2014.

CLERK OF THE BOARD \_\_\_\_\_

CLERK TO THE BOARD \_\_\_\_\_

**COUNTY PLANNING DIRECTOR**

APPROVED \_\_\_\_\_

PLANNING DIRECTOR \_\_\_\_\_ 3/3/14 DATE

**PUBLIC WORKS**

APPROVED \_\_\_\_\_

CLARK COUNTY ENGINEER \_\_\_\_\_ 3/3/14 DATE

**ASSessor**

APPROVED \_\_\_\_\_

THIS PLAT MEETS THE REQUIREMENT OF B.C.K. 26.17.070, LAWS OF WASHINGTON, TO BE KNOWN AS SHORT PLAT NO. \_\_\_\_\_ IN THE COUNTY OF CLARK, STATE OF WASHINGTON.

CLARK COUNTY TASSOR \_\_\_\_\_ DATE \_\_\_\_\_

**PLAT ALTERATION**  
 IN THE NE 1/4 AND THE SE 1/4  
 SECTIONS 20 TOWNSHIP 3 NORTH,  
 RANGE 1 EAST, W.M.  
 CLARK COUNTY, WASHINGTON  
 BEING AN ALTERATION  
 OF THE FRONT PLAT 1-783

**CLARK COUNTY HEALTH DEPT.**

THIS SHORT PLAT IS APPROVED AS GENERAL PUBLIC HEALTH AND SAFETY EFFECT AT THE TIME OF IMPLEMENTATION AND/OR APPLICATION.

AN APPROVED PUBLIC WATER SUPPLY SYSTEM IS REQUIRED.

AN APPROVED PUBLIC SEWER SYSTEM IS REQUIRED.

\_\_\_\_\_ 3/3/14  
 COUNTY HEALTH OFFICER \_\_\_\_\_

**AUDITOR'S CERTIFICATE**

FILED FOR RECORD THIS \_\_\_\_\_ DAY

OF \_\_\_\_\_ 2014 AT \_\_\_\_\_ M. IN

BOOK \_\_\_\_\_ OF SHORT PLATS AT PAGE

\_\_\_\_\_ AT THE REQUEST OF BICKFORD-

MURSELL SURVEYING.

AUDITOR'S RECEIVING NO. \_\_\_\_\_

DEPUTY COUNTY AUDITOR \_\_\_\_\_ DATE \_\_\_\_\_

SCALE: 1"=100'

