Type III Development and Environmental Review
Staff Report and Recommendation

Project Name: Andrieu Type III Variance
Case Number(s): OLR-2019-00010
Request: The applicant is requesting Type III Variance Review approval to recognize a legal lot that was made more non-conforming by a boundary line adjustment, located on 0.84 acres in the R-20 zoning district.
Address: 30310 NE Stoddard Rd, Yacolt, WA 98675
Parcel number(s): 248069000
Applicant: Steve Morasch
360.696.3312
805 Broadway St - Ste. 1000
Vancouver, WA 98660
Stevem@landerholm.com

Owner: Kenneth and Jennifer Andrieu
8213 NE 38th Ct
Vancouver, WA 98665

Staff contact: Bryan Mattson
564.397.4319
Bryan.mattson@clark.wa.gov

Recommendation
Approved, Subject to Conditions of Approval

Land Use Review manager’s initials: __________________________ Date issued: June 11, 2019

Public Hearing date: 6/27/2019

Revised 6/10/2019
**County Review Staff**

<table>
<thead>
<tr>
<th>Community Development</th>
<th>Name</th>
<th>Phone</th>
<th>Email Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Use Review Manager</td>
<td>Susan Ellinger</td>
<td>564.397.5122</td>
<td><a href="mailto:Susan.ellinger@clark.wa.gov">Susan.ellinger@clark.wa.gov</a></td>
</tr>
<tr>
<td>Land Use Review Planner</td>
<td>Bryan Mattson</td>
<td>564.397.4319</td>
<td><a href="mailto:Bryan.mattson@clark.wa.gov">Bryan.mattson@clark.wa.gov</a></td>
</tr>
</tbody>
</table>

**Comp Plan**

**Designation/Zoning:** Rural 20/R-20

**Legal Description:** Tax lot 21, located in the Northeast ¼ of Section 19, Township 4 North, Range 4 East, Willamette Meridian

**Applicable Laws**

Clark County Code (CCC) Section 40.100.070 (Definitions), Section 40.210.020 (Rural Districts), Section 40.510.030 (Type III Process – Quasi-Judicial Decisions), Section 40.520.010 (Legal Lot Determination), Section 40.530.010 (Nonconforming Lots, Structures, and Uses), Section 40.540.010 (Boundary Line Adjustments), Section 40.550.020 (Variances), Chapter 40.570 (SEPA), RCW 58.17, and the Clark County Comprehensive Plan

**Neighborhood Association/Contact:**

This parcel is not located within an active Neighborhood Association.

Please send inquiries to:
Neighborhood Associations Council of Clark County (NACCC)
Christie BrownSilva, Chair
naccc.chair@gmail.com

**Vesting**

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report. Contingent vesting does not apply to stormwater or concurrency standards.

A pre-application conference waiver was granted on this matter on 4/2/2019. The pre-application was determined not contingently vested as of 3/12/2019, the date the fully complete pre-application waiver was submitted.

The fully complete application was submitted on March 12, 2019, and determined to be fully complete on April 3, 2019. Given these facts, the application is vested on March 12, 2019. This
vesting does not apply to stormwater or concurrency standards. There are no disputes regarding vesting.

**Time Limits**
The application was determined to be fully complete on 4/3/2019. Therefore, the code requirement for issuing a decision within 92 days lapses on 7/4/2019, 2019. The state requirement for issuing a decision within 120 calendar days, lapses on 8/1/2019.

**Public Notice**
Notice of application and public hearing was mailed to the applicant and property owners within 500 feet of the site on 4/17/2019. One sign was posted on the subject property on 5/23/2019. (Note: This site is not located within the boundaries of a recognized neighborhood association.)

**Public Comments**
Comment Submitted by:
Donald & Karen Baxter
30400 NE Stoddard Road
Yacolt, WA 98675
Date Received
4/29/2019

The Baxter’s submitted comments in support of Variance approval and indicating that the age of the fence for which the boundary line adjustment was completed was 10-15 years old and did not think that the addition of another residence would detract from the scenic beauty of the river, [See Exhibit 5].

**Applicant Response:**
The applicant did not provide a response to public comments.

**Staff Response:**
The staff recommendation regarding the Variance approval will be based solely on compliance with the approval criteria in Section 40.550.020.B.1, (See Land Use Findings 1-4).

Comment Submitted by
David Welker
11404 NE Spurrel Road
Woodland, WA 98674
Date Received
5/2/2019

Mr. Welker indicated that he had difficulty with Clark County regarding approving development on his own parcel and that the Andrieu’s purchased their property in good faith, [See Exhibit 6].

**Staff Response**
Purchasing the parcel in good faith is not a criterion for a Type III Variance under Clark County Code.

Comment Submitted by:
Kathryn Wells Murdock
Date Received
5/2/2019
520 SE Columbia River Drive #421  
Vancouver, WA 98661  
Ms. Murdock indicated that the parcel was purchased in good faith, the transaction was insured by the title company and accepted by Clark County offices, a Shoreline Exemption was granted, and a permit was issued for a private well. She further expressed that the area involved in the violation was minimal and that it would not have a negative impact on the area. Lastly, legal lot determination remedial measures were listed as preferred resolutions for the violation, [Exhibit 7].

Staff Response:  
Regardless of previous approvals given by different entities within the county, the violation was not discovered until the land use review being performed in conjunction with the building permit. Staff agrees that the area involved in the violation is minimal, but the nonconforming section of the code is clear in that reducing a nonconforming lot's area to become more nonconforming is prohibited. The legal lot determination remedial measures listed by Ms. Murdock cannot resolve prohibited actions under the nonconforming section of the code.

Project Overview  
The parcel is located on the south bank of the East Fork of the Lewis River, north of NE Stoddard Road, west of Dole Valley Road and East of Rock Creek. The site is predominately flat except for the northerly portion that slopes down to the river. It lies within the Shoreline Rural Conservancy environment, the riparian habitat buffer, the Wildland Urban Interface/Intermix fire code area, and the 100-year floodplain. The site is currently vacant but lies between residentially developed lots on the east and west sides. It lies within the Battle Ground School District, the Rural Transportation District sub-area, and Fire District 13, and is not served by public sewer or water.

The lot was previously deemed a legal lot by Clark County review MZR2016-00092, (attached to this report for reference). Because the lot was legally created in 1957 prior to platting law and zoning size requirements in the rural area, Clark County recognized the lot as a legal lot of record. Since the zoning is currently Rural 20 which has a minimum lot area of 20 acres, the subject lot was approved as a legal non-conforming lot in regards to size. On November 23rd, 2016, a boundary line adjustment was recorded with the Clark County Auditor that caused the subject parcel to decrease in size by 162 square feet. This was a violation of Clark County Code. Per CCC 40.530.010.D.3, “A legal nonconforming lot shall not be further diminished in size or dimension unless approved through a lot reconfiguration under Section 40.210.010.D or Section 40.250.110.C.2.” Lot reconfigurations are not allowed in the R-20 zone.

The applicant has submitted an application for a Type III Variance in order to recognize the lot as a legal lot of record even though at .84 acres, it is far less than the 20 acre standard of the R-20 zone.
Comprehensive Plan, Zoning and Current Land Use

<table>
<thead>
<tr>
<th>Compass</th>
<th>Comp Plan</th>
<th>Zoning</th>
<th>Current Land Use</th>
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<tbody>
<tr>
<td>Site</td>
<td>Rural 20</td>
<td>R-20</td>
<td>Vacant</td>
</tr>
<tr>
<td>North</td>
<td>FR-2</td>
<td>FR-40</td>
<td>Residential</td>
</tr>
<tr>
<td>East</td>
<td>Rural 20</td>
<td>R-20</td>
<td>Residential</td>
</tr>
<tr>
<td>South</td>
<td>Rural 20</td>
<td>R-20</td>
<td>Residential</td>
</tr>
<tr>
<td>West</td>
<td>Rural 20</td>
<td>R-20</td>
<td>Residential</td>
</tr>
</tbody>
</table>

**Staff Analysis**

**Major Issues**
Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposal not discussed below comply with the applicable code requirements.

**Land Use**
Type III Variances may only be approved when unusual circumstances cause undue hardship in the application of this title. A variance shall only be made when all of the following conditions and facts exist:

a. Unusual circumstances or conditions apply to the property and/or to the intended use that do not apply generally to other property in the same vicinity or district; and

b. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same vicinity or district; and

c. The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which property is located; and

d. That the granting of such variance will not adversely affect the realization of the comprehensive plan.

Finding 1 [Variance Criterion a.] - Unusual circumstances exist in this case because the submitted narrative states that the previous owner reduced the parcel by 162 square feet for the purpose of resolving a preexisting fence encroachment. The adjustment was accomplished in order to retain an existing dog run with the westerly neighboring lot when the easterly subject lot was conveyed to different ownership. While 40.530.010.D.6 allows a legal lot of record to be reduced in size in cases of adverse possession, it is Clark County’s position that since the previous owner owned both parcels, the tenets of adverse possession did not exist. Nonetheless, unusual circumstances exist in this case that do not generally apply to other properties in the same vicinity; therefore, criterion a. is met.

Finding 2 [Variance Criterion b.] - The variance is necessary for the preservation and enjoyment of a substantial property right because RCW 58.17.210 requires Clark County to prohibit the issuance of a building permit on properties created in violation of platting law. Because Title 58 of the Revised Code of Washington regulates the subdivision of land, and this lot was reduced in size...
in violation of local zoning size requirements, the owners of the lot are not able to enjoy the substantial right to construct a residence on their land. Because the Andrieu's are not able to enjoy the substantial property right to construct a home that other neighboring lots enjoy, this criterion is met.

Finding 3 [Variance Criterion c.] - The authorization of this variance will not be materially detrimental to the public welfare or injurious to property in the vicinity. The lot was legally created in 1957 and could have legally supported a residence up to the adjustment in 2016. The original creation predated existing critical area requirements and the subject lot is surrounded by existing residential uses. The approval of the variance and subsequent issuance of a building permit will not be materially detrimental to the public welfare or injurious to property in the vicinity; therefore, criterion c. is met.

Finding 4 [Variance Criterion d.] - The granting of the variance will not adversely affect the realization of the comprehensive plan. Because the lot was originally created as a legal lot in 1957 prior to the adoption of the comprehensive plan, granting the variance does not increase the density of development that existed prior to the plan. Criterion c. is met.

**Conclusion:** Staff concludes that the proposed preliminary plan, subject to conditions, meets land use requirements of the Clark County Code.

**Recommendation**
Based upon the current configuration of the parcel, *(See attached)*, and the findings and conclusions stated above, staff recommends the Hearing Examiner APPROVES this request, subject to the understanding that the application is required to adhere to all applicable codes and laws, and is subject to the following conditions of approval.

**Conditions of Approval**

| A | Final Construction/Site Plan Review Review and Approval Authority: Development Engineering |

Prior to construction, a Final Construction Plan shall be submitted for review and approval, consistent with the approved preliminary plan and the following conditions of approval:

A-1 None

| B | Prior to Construction of Development Review and Approval Authority: Development Inspection |

Prior to construction, the following conditions shall be met:

B-1 None

| C | Provisional Acceptance of Development Review and Approval Authority: Development Inspection |

Prior to provisional acceptance of development improvements, construction shall be completed consistent with the approved final construction / land division plan and the following conditions of approval:
C-1 None

D Final Plat Review & Recording

*Review and Approval Authority: Development Engineering*

Prior to final plat approval and recording, the following conditions shall be met:

E None

F Occupancy Permits

*Review and Approval Authority: Building Safety*

Prior to issuance of an occupancy permit, the following conditions shall be met:

F-1 The applicant shall adhere to all SHL2017-00018 Conditions of approval

G Development Review Timelines & Advisory Information

*Review and Approval Authority: None - Advisory to Applicant*

G-1 None

H Post Development Requirements

*Review and Approval Authority: As specified below*

H-1 The applicant shall adhere to the Mitigation plantings as required by HAB2017-00044

Note: Any additional information submitted by the applicant within fourteen (14) calendar days prior to or after issuance of this report, may not be considered due to time constraints. In order for such additional information to be considered, the applicant may be required to request a "hearing extension" or "open record" and shall pay the associated fee.

Hearing Examiner Decision and Appeal Process

This report to the Hearing Examiner is a recommendation from the Land Use Review program of Clark County, Washington.

The examiner may adopt, modify or reject this recommendation. The examiner will render a decision within 14 calendar days of closing the public hearing. Clark County will mail a copy of the decision to the applicant and neighborhood association within 7 days of receipt from the Hearing Examiner. All parties of record will receive a notice of the final decision within 7 days of receipt from the Hearing Examiner.
**Motion for Reconsideration**

Any party of record to the proceeding before the Hearing Examiner may file with the responsible official a motion for reconsideration of an examiner’s decision within fourteen (14) calendar days of written notice of the decision. A party of record includes the applicant and those individuals who signed the sign-in sheet or presented oral testimony at the public hearing, and/or submitted written testimony prior to or at the Public Hearing on this matter.

The motion must be accompanied by the applicable fee and identify the specific authority within the Clark County Code or other applicable laws, and/or specific evidence, in support of reconsideration. A motion may be granted for any one of the following causes that materially affects their rights of the moving party:

- Procedural irregularity or error, clarification, or scrivener’s error, for which no fee will be charged;
- Newly discovered evidence, which the moving party could not with reasonable diligence have timely discovered and produced for consideration by the examiners;
- The decision is not supported by substantial evidence in the record; or,
- The decision is contrary to law.

Any party of record may file a written response to the motion if filed within fourteen (14) calendar days of filing a motion for reconsideration.

The examiner will issue a decision on the motion for reconsideration within twenty-eight (28) calendar days of filing of a motion for reconsideration.

**Appeal Rights**

Any party of record to the proceeding before the hearings examiner may appeal any aspect of the Hearing Examiner’s decision, except the SEPA determination (i.e., procedural issues), to the Superior Court.

See the *Appeals* handout for more information and fees.

**Attachments**

- Current Configuration of the subject parcel
- MZR2016-00092 Staff Report and Decision
- SHL2017-00018 & HAB2017-00044 Staff Report
Legal Lot Determination

Project Name:  RAGLIONE LEGAL LOT DETERMINATION
Case Number:  MZR2016-00092
Location:  30310 NE Stoddard Road
Legal Description:  Tax lot 21 (248069-000) located in the NE quarter of Section 19; Township 4 North, Range 4 East of the Willamette Meridian.
Request:  The applicant is requesting that Clark County recognize tax lot 21 (0.85 acres) as a separate legal lot of record located in the R-20 zoning district.
Applicant:  KC Development
           Cindy Halcumb
           PO Box 398
           Camas, WA 98607
           Cindy@kcdevelopment.net
Contact:  (same as applicant)
Property Owner:  Larry & Renee Raglione
                30306 NE Stoddard Road
                Yacolt, WA 98675
                Roadangel2@gmail.com
Planning Tech:  Shana Lazzarini  Phone Extension: 4933
Email:  Shana.Lazzarini@clark.wa.gov
Staff initials:  SLL  Date Mailed:  November 10, 2016

Analysis

A complete analysis was conducted to determine if the parcels identified above were created in compliance with all applicable platting and zoning laws in effect at the time of their creation. The following issues, because of their significance, are discussed in detail:
1. A legal lot of record is a lot which was in compliance with both the platting, if applicable, and zoning laws in existence when the parcel was originally created or segregated or which is otherwise determined to be consistent with the criteria of CCC 40.520.010(E). Owners of such lots shall be eligible to apply for building permit or other County development review, pursuant to County code.

2. Per Warranty Deed (G224192) dated August 22, 1957 tax lot 21 (0.85 acres) was created. At time of creation there were no zoning or platting regulations in effect; therefore, Clark County recognizes tax lot 21 as a separate legal lot of record as shown in Exhibit “A”.

**DECISION**

Based upon the above review, Clark County recognizes tax lot 21 (0.85 acres) as a separate legal lot of record as shown in Exhibit “A”.

**CONDITIONS OF APPROVAL OF ONE LEGAL LOT**

1. Nothing in this decision shall be construed to permit violation of regulations for any other requirements not mentioned in this report.

2. This determination does not grant or deny any specific use for this given property.

3. This determination is based upon the Zoning Code in effect when this request was submitted to Clark County and does not cover matters of record or survey not received.

4. This determination does not cover the issuance of a building permit, or development site plan review which is subject to further review.

5. Please provide a copy of this report when applying for building permits or other development review.

6. The subject parcels were reviewed for compliance with lot of record criteria based on the zoning and platting regulations in effect at the time of its creation.

**Appeal Procedures**

Note: The Permit Services Manager reserves the right to provide additional comment and findings of fact regarding this decision, if appealed. An appeal of any aspect of this decision, and any required mitigation measures, may be appealed to the County Hearing Examiner by any interested party. A “Party of Record” includes the applicant and those individuals who submitted written testimony to the Permit Services Manager within the designated comment period.

The appeal shall be filed with the Community Development Department, Permit Services Division, within fourteen (14) calendar days after the date the notice of final land use decision is mailed to parties.
of record. This decision was mailed on November 10, 2016. Therefore; any appeal must be received in this office by November 24, 2016 by 3:00 PM.

**APPEAL FILING DEADLINE**  
**Date: November 24, 2016**

Any appeal of final land use decisions shall be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;

2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.020(E)(1) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one (1) party as the contact representative for all contact with the responsible official. All contact with the responsible official regarding the petition, including notice, shall be with this contact representative;

3. The specific aspect(s) of the decision being appealed, the reasons why each aspect is in error as a matter of fact or law, and the evidence relied on to prove the error; and

A fee of $1727 must accompany the appeal. Submit the appeal request and fee to the Development Services Application Counter, office hours are Monday thru Friday between 8:00 a.m. and 3:00 p.m., and Wednesday by appointment only, at the address below:

Appeal to the Clark County Hearings Examiner  
Community Development Department, Permit Services Division  
1300 Franklin Street / PO Box 9810  
Vancouver, WA 98666-9810  
Phone: (360) 397-2375; Fax: (360) 397-6043

Attachments: Exhibit “A” Approved Configuration
SURVEY
IN THE S1/2 NE 1/4
OF SECTION 19,
T.4N., R.4E., W.M.
CLARK COUNTY, WA.

NOTE: THIS SURVEY REPRESENTS THE LOT LINES AS
COORDINATED BY NORM STOOGARD (ORIGINAL GRANTOR) IN
APPROXIMATELY 1925. ALTHOUGH DESCRIPTIONS IN THE
DEEDS TO THESE TRACTS COULD "TAXILICALLY" BE LOCATED
FURTHER EAST, THE INTENT WAS TO CONvey AS SHOWN.
THIS MAP PRODUCED AS AN EXHIBIT TO ACCOMPANY
A "BOUNDARY SETTLEMENT AGREEMENT" TO BE FILED
ON BEHALF OF THE PARITIES NOTED BELOW.

- MONUMENTED AS NOTED
- 8' IRON ROD AS SET IN BOOK 15, PAGE 185
- 7' IRON ROD WITH PLASTIC C.P.S.
- 5' IRON ROD AS SET IN BOOK 21, PAGE 94

SURVEYOR'S CERTIFICATE
This map correctly represents a survey made by me and/or under my direction in
conformance with the requirements of the Survey Handling Act at the request of
H. PROCTOR, ET AL.

(Author's Name)
Certificate No. 9275

NOTE: Hagedorn, Inc. makes no warranties as to matters of information such as
acquistion, status, adverse possesion, etc.

HAGEDORN, INC.
Vancouver, Wash.
(503) 283-6710

LAND SURVEYSORS:
Topography, Construction

Book 22 Page 99
2/21/99
Shoreline Exemption Staff Report
For Residential Exemptions

1. Staff Contact:
   Jan Bazala Planner II
   360-397-2375 x 44994319
   jan.bazala@clark.wa.gov

2. Date: October 5, 2017

3. Case Number: SHL2017-00018

4. Project Name: Andrieu Shoreline Exemption

4. Location: 30310 NE Stoddard Road, (parcel #248069-000),
   Located in the NE ¼ of Section 19,
   Township 4 North, Range 4 East, Willamette Meridian

5. Short description of proposed use:
   A Shoreline Exemption is requested for new single family residence, driveway, and
   associated appurtenances to include a RV pad near the house and small storage shed. Staff
   reviewed the proposal for compliance with applicable code criteria and standards in order
   to determine whether all potential impacts could be mitigated. Staff’s analysis also reflects
   knowledge gained through a site visit conducted on September 26, 2016.

6. Shoreline designation of property:
   □ Aquatic
   □ Natural
   □ Urban Conservancy
   □ Medium Intensity
   □ High Intensity
   □ Rural Conservancy Residential
   □ Resource Lands

7. Use is:
   □ P - Permitted
   □ C - Conditional
   □ X - Excluded
   □ N/A-Not applicable
   □ UNL-Unlimited

8. Setbacks
   Distance of proposed development to OHWM: 100 feet
   Minimum setback for all structures/development: 100 feet
   □ All proposed development meets minimum setback

Revised 12/4/14
9. Archeological study:
   ☑ Archeological study submitted and no additional study recommended, (See Condition 4).
   ☐ Not required because the proposal is found to have low potential impacts because it involves:
     ☐ No ground disturbance
     ☐ Only normal maintenance and repair of existing structures and facilities
     ☐ Lands that have been substantially disturbed to a depth of more than eight (8) inches.
     ☐ Areas that have been adequately surveyed in the past with no discovery of resources.

10. Critical areas that exist on site:
    ☐ CARA
    ☑ Flood hazard area
    ☐ Geologic hazard area (within 100 feet)
    ☑ Habitat conservation area
    ☐ Wetland

11. Critical area impacts:
    ☑ Applicant proposes impact to critical areas. All impacts are minimized and fully mitigated as conditioned. See staff reports for HAB2017-00044.
    ☐ No critical area impacts proposed

12. Consistency with General Shoreline Regulations as well as the applicable shoreline environment, (Rural Conservancy Residential), criteria (40.460.430, 40.460.510)

<table>
<thead>
<tr>
<th>Applicable</th>
<th>Brief Comments</th>
<th>Condition of Approval</th>
</tr>
</thead>
<tbody>
<tr>
<td>☑</td>
<td>Proposed use does not preclude or displace other water dependent/related uses that could be proposed by property owner.</td>
<td>1</td>
</tr>
<tr>
<td>☑</td>
<td>Thinning or removal of vegetation should be limited to that necessary to: (1) Remove noxious vegetation and invasive species; (2) Provide physical or visual access to the shoreline; or (3) Maintain or enhance an existing use consistent with critical areas protection and maintenance or enhancement of shoreline ecological functions.</td>
<td>1,2</td>
</tr>
<tr>
<td>☑</td>
<td>Uses meet minimum setbacks, no need for stabilization</td>
<td>1</td>
</tr>
<tr>
<td>☑</td>
<td>Hazardous materials shall be disposed of and other steps be taken to protect the ecological integrity of the shoreline area</td>
<td>3</td>
</tr>
<tr>
<td>☑</td>
<td>No in-water work/in-stream structures proposed under this review</td>
<td></td>
</tr>
<tr>
<td>☑</td>
<td>Parking, storage and non-water dependent uses located landward of water oriented uses</td>
<td></td>
</tr>
</tbody>
</table>
Uses near shoreline are screened without blocking visual access to water
Fencing, walls, etc. designed to not impact wildlife movement
Proposed building materials minimize reflected light
No public access proposed or required
Single-family residential development shall ensure no net loss of shoreline ecological functions and preserve the existing character of the shoreline consistent with the purpose of this designation.
Site in within 100 year flood plain.

13. Consistency with applicable use-specific criteria (40-460.630(K))
Criteria that are duplicative with those in 40.460.430-590 are not listed here

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<th>Condition of Approval</th>
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<tbody>
<tr>
<td>☒</td>
<td>Residential</td>
<td>Residential development shall include provisions to ensure preservation of native vegetation and to control erosion during construction.</td>
<td>10.b</td>
</tr>
<tr>
<td>☒</td>
<td>Residential</td>
<td>Appurtenances, accessory uses, and facilities serving a residential structure shall be located outside setbacks, critical areas, and buffers unless otherwise allowed under this Program to promote community access and recreational opportunities. Normal appurtenances are limited to garages (up to three (3) cars), shops (up to one thousand (1,000) square feet), decks, driveways, utilities, and fences.</td>
<td>8</td>
</tr>
<tr>
<td>☒</td>
<td>Residential</td>
<td>New residential construction shall be located so as not to require shoreline stabilization measures.</td>
<td>n/a</td>
</tr>
<tr>
<td>☒</td>
<td>Residential</td>
<td>New residential development, including sewage disposal systems, shall be prohibited in floodways and channel migration zones.</td>
<td>n/a</td>
</tr>
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**Conditions of Approval**

1. All developments authorized by this permit shall be in substantial conformance with the submitted plans. The applicant shall only impact areas on the provided plans during construction of this project. Any substantial revisions or deviations from this plan must be submitted to Clark County for review and approval prior to engagement of those activities. Any clearing or disturbance beyond that indicated on the plans and narrative provided would require additional habitat and shoreline review by County staff and may include additional permit and mitigation requirements.

2. The applicant shall comply with all conditions of associated cases, as follows: HAB2017-00044.

3. Hazardous materials shall be disposed of and other steps shall be taken to protect the ecological integrity of the shoreline area in accordance with the policies and regulations of this Program as amended and all other applicable federal, state, and local statutes, regulations, codes, and ordinances. Best Management Practices of Construction Pollution Prevention shall be a part of any proposed activity onsite as mandated by Clark County Code and the Department of Ecology’s Stormwater Regulations.
4. Should archaeological materials (e.g. bones, shell, stone tools, beads, ceramics, old bottles, hearths, etc.) be observed during project activities, all work in the immediate vicinity should stop and the State Department of Archaeology and Historic Preservation (360-586-3065), the County planning office, and the affected Tribe(s) should be contacted immediately. If any human remains are observed, all work should cease and the immediate area secured. Local law enforcement, the county medical examiner (360-397-8405), State Physical Anthropologist, Department of Archaeology and Historic Preservation (360-586-3534), the County planning office, and the affected Tribe(s) should be contacted immediately. Compliance with all applicable laws pertaining to archaeological resources (RCW 27.53, 27.44 and WAC 25-48) and human remains (RCW 68.50) is required. Failure to comply with this requirement could constitute a Class C Felony.

5. Building Design.
   a. Building surfaces on or adjacent to the water shall employ materials that minimize reflected light.
   b. Interior and exterior structure lighting shall be designed, shielded and operated to:
      i. Avoid illuminating nearby properties or public areas;
      ii. Prevent glare on adjacent properties, public areas or roadways;
      iii. Prevent land and water traffic hazards; and
      iv. Reduce night sky effects to avoid impacts to fish and wildlife.
   c. Accessory uses, including parking, shall be located as far landward as possible while still serving their intended purposes.

6. Construction shall be commenced, or where no construction is involved, the use or activity shall be commenced within two (2) years of the effective date of a shoreline permit; provided, a single extension may be granted for a period not to exceed one (1) year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record and the Department of Ecology.

7. Except as provided by WAC 173-27-090(1), authorization to conduct development activities shall terminate five (5) years after the effective date of a shoreline permit; provided, that local government may authorize a single extension for a period not to exceed one (1) year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record and the department.

8. No construction to occur less than 100’ from the OHWM.

9. No construction shall exceed 35’ in height.

10. General Habitat Conditions
    a) The Applicant shall utilize best management practices to control erosion and prevent sediment from entering streams.
    b) The Applicant shall retain all trees, woody vegetation and woody debris on site that is outside of the indicated building envelope but within the shoreline and riparian
management areas; the riparian habitat conservation zone shall be maintained in a natural state.

c) The Applicant shall regrade all temporarily impacted areas within the riparian habitat conservation zone to a pre-disturbance grade and plant with a native grass seed mixture.

d) Within thirty (30) days of completed development the Applicant shall record a conservation covenant that runs with the land. This covenant shall be in a form approved by the County Prosecuting Attorney.

e) Mitigation shall require planting a total of forty (40) trees and eighty (80) shrubs per the conditions below

11. Shoreline Conditions that apply to areas within the 200 foot Shoreline Buffer

   a. Within thirty (30) days of completed development the Applicant shall enhance four thousand (4000) square feet (.09 acres) of the shoreline management area at a 1:1 ratio for impacts within this area. Native vegetation shall be planted at a rate of five (5) trees and ten (10) shrubs per one thousand (1000) square feet for a total of twenty (20) trees and forty (40) shrubs.

   b. Plantings shall consist of ten (10) Douglas fir (Pseudotsuga menziesii) and ten (10) Western red cedar (Thuja plicata) on twelve (12) foot centers. The Applicant shall plant ten (10) each of the following shrubs. Western serviceberry (Amelanchier alnifolia), Indian plum (Oemleria cerasiformis), Common snowberry (Symphoricarpos albus) and Red elderberry (Sambucus racemose) using five (5) foot spacing. Plantings shall be maintained and monitored for three (3) years to ensure eighty (80%) percent survival after the third year. Any plants which have died in excess of these percentages shall be replaced, with maintenance and monitoring continuing.

12. Shoreline conditions that apply to areas between the 200 foot Shoreline Buffer and the 250 foot Riparian Conservation Zone

   a. Within thirty (30) days of completed development the Applicant shall enhance four thousand (4000) square feet (.09 acres) of the riparian habitat conservation zone at a 1:1 ratio for impacts within this area. Native vegetation shall be planted at a rate of five (5) trees and ten (10) shrubs per one thousand (1000) square feet for a total of twenty (20) trees and forty (40) shrubs.

   b. Plantings shall consist of ten (10) Douglas fir (Pseudotsuga menziesii) and ten (10) Western red cedar (Thuja plicata) on twelve (12) foot centers. The Applicant shall plant ten (10) each of the following shrubs. Western serviceberry (Amelanchier alnifolia), Indian plum (Oemleria cerasiformis), Common snowberry (Symphoricarpos albus) and Red elderberry (Sambucus racemose) using five (5) foot spacing. Plantings shall be maintained and monitored for three (3) years to ensure eighty (80%) percent survival after the third year. Any plants which have died in excess of these percentages shall be replaced, with maintenance and monitoring continuing.

13. Prior to construction, a floodplain permit shall be required.

Attachments:
- Proposed Site Plan
- Habitat Review HAB2017-00044

A copy of the approved preliminary plan and Clark County Code are available for review at:

Department of Community Development

Revised 12/4/14
The Shoreline Substantial Development Permit Exemption has been approved (SHL2017-00017) by the Shoreline Management Review Committee on October 17, 2017.

Heath Henderson, PE
Public Works Director/County Engineer, SMRC Chair

Bill Bjerke, Parks and Recreation

Martin L. Snell, AICP
Community Development Director

**SHORELINE PERMIT APPEAL PROCESS**

Any party of record to the project may appeal any aspect of the decision to the Superior Court within fourteen (14) days of the final decision.

Local governments are required to send exemption letters to Ecology and the applicant if certain federal permits are required to approve the project:

- A U.S. Army Corps of Engineers **Section 10 permit** under the Rivers and Harbors Act; (projects on or over navigable waters); or
- A **Section 404 permit** under the Clean Water Act (projects involving discharge of dredge or fill material to water or wetlands).

Ecology reviews these exemptions and must concur that the exemption is appropriate prior to granting CZM consistency.

The letter must indicate the specific exemption provision from WAC 173-27-040(2) that is being applied to the development and provide a summary of the local government's analysis of the consistency of the project with the master program and the SMP. See WAC 173-27-050.

**Shoreline Exemption Criteria**

Please mark the exemption that applies to the project you are proposing:
<table>
<thead>
<tr>
<th>Mark any that apply</th>
<th>Exemption Category</th>
<th>Full explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Single-family residence or outbuilding</td>
<td>Construction on shorelands by an owner, lessee, or contract purchaser of a single-family residence or appurtenance for their own use or for the use of their family, which residence does not exceed a height of thirty-five (35) feet above average grade level, and which meets all requirements of the county, other than requirements imposed pursuant to Chapter 90.58 RCW. Construction authorized under this exemption shall be located landward of the ordinary high water mark.</td>
</tr>
</tbody>
</table>
## Shoreline Exemption Staff Report and Type I Decision

### Development Application Summary

<table>
<thead>
<tr>
<th>Project Name:</th>
<th>Andieu Shoreline Exemption</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Building Permit</td>
<td>☐</td>
</tr>
<tr>
<td>Habitat Determination</td>
<td>☑ HAB2017-00044</td>
</tr>
<tr>
<td>Wetland Determination</td>
<td>☐</td>
</tr>
<tr>
<td>☐ Shoreline Exemption</td>
<td>HAB2017-00044</td>
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<tr>
<td>☐ Type I Habitat Permit</td>
<td>HAB2017-00044</td>
</tr>
<tr>
<td>☐ Wetland Permit</td>
<td></td>
</tr>
<tr>
<td>Request:</td>
<td>Construction of a single family residence, septic system and driveway within Shoreline jurisdiction and mapped riparian habitat.</td>
</tr>
</tbody>
</table>

### Shoreline Recommendation

Approval with Conditions

Conditions listed below are only applicable in the SMA if they are adopted by the Shoreline Administrator.

### Type I Permit Decision

Does not Apply

| ☐ Habitat Permit (40.440) | Decision: not applicable |
| ☐ Wetland Permit (40.450) | Expiration: not applicable |

Biologist: [Signature]

### Conditions of Approval

**General Conditions (Applicable to the entire project)**

1. The Applicant shall utilize best management practices to control erosion and prevent sediment from entering streams.
2. The Applicant shall retain all trees, woody vegetation and woody debris on site that is outside of the indicated building envelope but within the shoreline and riparian management areas; the riparian habitat conservation zone shall be maintained in a natural state.
3. The Applicant shall regrade all temporarily impacted areas within the riparian habitat conservation zone to a pre-disturbance grade and plant with a native grass seed mixture.
4. Within thirty (30) days of completed development the Applicant shall record a conservation covenant that runs with the land. This covenant shall be in a form approved by the County Prosecuting Attorney.
5. Mitigation shall require planting a total of forty (40) trees and eighty (80) shrubs per the conditions below.

**Shoreline Conditions (Applicable only within the SMA)**

1. Within thirty (30) days of completed development the Applicant shall enhance four thousand (4000) square feet (.09 acres) of the shoreline management area at a 1:1 ratio for impacts within this area. Native vegetation shall be planted at a rate of five (5) trees and ten (10) shrubs per one thousand (1000) square feet for a total of twenty (20) trees and forty (40) shrubs.
2. Plantings shall consist of ten (10) Douglas fir (Pseudotsuga menziesii) and ten (10) Western red cedar (Thuja plicata) on twelve (12) foot centers. The Applicant shall plant ten (10) each of the following shrubs: Western serviceberry (Amelanchier alnifolia), Indian plum (Oemleria...
cérasiformis), Common snowberry (Symphoricarpos albus) and Red elderberry (Sambucus racemose) using five (5) foot spacing. Plantings shall be maintained and monitored for three (3) years to ensure eighty (80%) percent survival after the third year. Any plants which have died in excess of these percentages shall be replaced, with maintenance and monitoring continuing.

**Habitat and Wetland Conditions (Applicable only outside the SMA)**

1. Within thirty (30) days of completed development the Applicant shall enhance four thousand (4000) square feet (.09 acres) of the riparian habitat conservation zone at a 1:1 ratio for impacts within this area. Native vegetation shall be planted at a rate of five (5) trees and ten (10) shrubs per one thousand (1000) square feet for a total of twenty (20) trees and forty (40) shrubs.

2. Plantings shall consist of ten (10) Douglas fir (Pseudotsuga menziesii) and ten (10) Western red cedar (Thuja plicata) on twelve (12) foot centers. The Applicant shall plant ten (10) each of the following shrubs. Western serviceberry (Amelanchier alnifolia), Indian plum (Oemleria cerasiformis), Common snowberry (Symphoricarpos albus) and Red elderberry (Sambucus racemose) using five (5) foot spacing. Plantings shall be maintained and monitored for three (3) years to ensure eighty (80%) percent survival after the third year. Any plants which have died in excess of these percentages shall be replaced, with maintenance and monitoring continuing.

**Project Information**

**Location:**
30310 NE Stoddard Rd. Yacolt WA 98675

**Applicant:**
Kenneth & Jennifer Andrieu
8213 NE 38th Ct.
Vancouver WA 98665

**Owner:**
Same

**Review Biologist:**
Keith Radcliff

**Parcel No(s):**
248069000

**Contact:**
Same

**Monitoring Period and Schedule:**
3 Years

**Review Date:**
October 4, 2017

**Project Overview**

A Shoreline Exemption is requested for the construction of a single-family residence along the south bank of the East Fork Lewis River, a Shoreline of the State in Yacolt, Washington at 30310 NE STODDARD RD, 98675 (parcel ID 248069000). The project is located within the Shoreline environment designation of Rural Conservancy Residential. The proposed home will be setback from the ordinary high water mark (OHWM) of the East Fork Lewis River by one hundred fifty (150) feet. This project as proposed will require a habitat permit and applicable mitigation for construction. Staff reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts could be mitigated through application of the code. Staff’s analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit conducted on April 26, 2016.

**Analysis**

DES Staff reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether the proposed development can comply Clark County Code chapters 40.440, 40.450, 40.460.530.F and G, and 40.460.570.

**Major Issues:**

Only major issues that require conditions and/or revisions to the proposed plans to ensure compliance with the requirements of the applicable codes are discussed in detail below:

Form WH232 - Revised 6/2/16
Habitat Review (CCC 40.440) The East Fork Lewis River occurs in the northern section of the subject parcel (2480699000) flowing from east to west. The East Fork Lewis River is mapped by the Washington Department of Natural Resources (DNR) as a Type S (Shoreline) stream.

Finding 2 - County habitat and wetland Staff conducted a site visit June 06, 2017 as part of a shoreline review process to determine the Ordinary High Water Mark (OHWM) for the East Fork Lewis River and establish the appropriate setbacks, riparian habitat conservation zone (HCZ) and to document existing vegetation and conditions on the subject parcel.

Finding 3 - Per the Habitat Conservation Ordinance, a Type S stream is considered priority riparian habitat and afforded protection of a riparian habitat conservation zone (HCZ). The HCZ extends outward from the OHWM to the edge of the one hundred (100) year floodplain or two hundred fifty (250) feet, whichever is greater. In this case the two hundred fifty (250) foot mark is greater. Currently the entire parcel is mapped within the floodplain however the Applicant has submitted a Letter of Map Amendment (LOMA) from the Federal Emergency Management Agency (FEMA) placing the subject parcel vertically outside of the floodplain.

Finding 4 - Unpermitted clearing and grading occurred in 2007 resulting in a code enforcement case (CDE2007-00980). The owner at the time was required to obtain grading and habitat permits (GRD2007-00074; HAB2007-00207) as well as an Archaeological Predetermination Survey (ARC2007-00110), floodplain permit (FLP2007-00041 withdrawn) and shoreline review (SHL2008-00002 withdrawn), no development occurred. Although the habitat permit required replanting a portion of the property remains cleared.

Finding 5 - A portion of the property (approximately 5,900 sf) is mapped in the northern section of the property as Bio-diversity area and corridor. This section of the property is within the one hundred (100) foot shoreline setback. No development is proposed to occur in this area.

Finding 6 - No development permits have been acquired by the Applicant however, a building envelope is proposed for a driveway, utilities, septic and future SFR. Staff has determined approximately eleven thousand five hundred (11,500) is proposed as a building envelope. Approximately three thousand (3,000) square feet of the building envelope (a portion of septic and driveway) is outside of shoreline and any riparian conservation zone, as such no further review is required for this area. Of the remaining eight thousand five hundred (8,500) square feet approximately three thousand (3000) square feet is within previously cleared areas however, impervious surface and septic will be added to these areas. An additional five thousand five hundred (5500) square feet is required to be cleared to establish the building envelope.

Finding 7 - Four thousand (4000) square feet of the building envelope is within the two hundred (200) foot shoreline management zone and four thousand five hundred (4500) square feet is within the riparian habitat conservation zone, five hundred (500) square feet of which is proposed for septic drainfield. Per CCC Table 40.440.010-1 clearing as minimally necessary for placement of fencing, private wells, septic systems or individual lot sewer, water, electrical or utility connections in habitat areas, are exempt from review. Exemptions in the Habitat Ordinance do not apply to areas within Shoreline Jurisdiction. As such Staff has determined eight thousand (8000) square feet of impact within shoreline jurisdiction and the riparian management zone shall be review under this permit.

Finding 8 - No mitigation plan was provided by the Applicant for the habitat impacts within the two hundred and fifty (250) foot riparian habitat conservation zone. County Staff shall require the applicant to replant and area of equivalent size as the impacts (4000 square feet) within this area at a 1:1 ratio with native tree and shrub species (as indicated in the conditions). Mitigation shall occur in an appropriate location designated within the riparian conservation zone to satisfy the mitigation requirements. Maintenance and monitoring of the plantings shall occur for three (3) years. Woody plantings shall ensure an eighty percent (80%) survival after year three. Any plants which have died in excess of these percentages shall be replaced, with maintenance and monitoring continuing.
Finding 9 - County habitat and wetland Staff has determined no wetland exist on site. As such no further wetland review is required.

Shoreline Exemption (CCC 40.460)

This section addresses major issues identified under the Habitat Conservation Areas, Wetland, and Vegetation Conservation requirements of the Shoreline Master Program (CCC 40.460).

40.460.530.F. Habitat Conservation Areas.

Priority Habitat and Species Areas within the Shoreline Management Area (see attached map):

<table>
<thead>
<tr>
<th>Priority Habitat Areas</th>
<th>Present</th>
<th>Avoided</th>
<th>Priority Species Areas</th>
<th>Present</th>
<th>Avoided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Instream</td>
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<td>Bald Eagle</td>
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<td>☐️</td>
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<tr>
<td>Riparian Habitat: Type S</td>
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<td>☐️</td>
<td>Waterfowl Concentrations</td>
<td>☐️</td>
<td>☐️</td>
</tr>
<tr>
<td>Oregon White Oak Woodland</td>
<td>☐️</td>
<td>☐️</td>
<td>Cavity Nesting Ducks</td>
<td>☐️</td>
<td>☐️</td>
</tr>
<tr>
<td>Biodiversity Areas and Corridors</td>
<td>☑️</td>
<td>☑️</td>
<td>Great Blue Heron</td>
<td>☐️</td>
<td>☐️</td>
</tr>
<tr>
<td>Snags and Logs</td>
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<td>☐️</td>
<td>Other:</td>
<td>☐️</td>
<td>☐️</td>
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<tr>
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<td>☐️</td>
<td></td>
<td>☐️</td>
<td>☐️</td>
</tr>
</tbody>
</table>

Regulated Activities

☐️ Clearing, grading, or construction
☐️ Single Family Residential Development
☐️ Existing agriculture

ANALYSIS

Finding 10 - The East Fork Lewis River occurs in the northern section of the subject parcel (248069000) flowing from east to west. The East Fork Lewis River is mapped by the Washington Department of Natural Resources (DNR) as a Type S (Shoreline) stream.

Finding 11 - County habitat and wetland Staff conducted a site visit June 06, 2017 as part of a shoreline review process to determine the Ordinary High Water Mark (OHWM) for the East Fork Lewis River and establish the appropriate setbacks, riparian habitat conservation zone (HCZ) and to document existing vegetation and conditions on the subject parcel.

Finding 12 - Per the Habitat Conservation Ordinance, a Type S stream is considered priority riparian habitat and afforded protection of a riparian habitat conservation zone (HCZ). The HCZ extends outward from the OHWM to the edge of the one hundred (100) year floodplain or two hundred fifty (250) feet, whichever is greater. In this case the two hundred fifty (250) foot mark is greater. Currently the entire parcel is mapped within the floodplain however the Applicant has submitted a Letter of Map Amendment (LOMA) from the Federal Emergency Management Agency (FEMA) placing the subject parcel vertically outside of the floodplain.

Finding 13 - Unpermitted clearing and grading occurred in 2007 resulting in a code enforcement case (CDE2007-00980). The owner at the time was required to obtain grading and habitat permits (GRD2007-00074; HAB2007-00207) as well as an Archaeological Predetermination Survey (ARC2007-00110), floodplain permit (FLP2007-00041 withdrawn) and shoreline review (SHL2008-00002 withdrawn), no development occurred. Although the habitat permit required replanting a portion of the property remains cleared.

Finding 14 - A portion of the property (approximately 5,900 sf) is mapped in the northern section of the property as Bio-diversity area and corridor. This section of the property is within the one hundred (100) foot shoreline setback. No development is proposed to occur in this area.

Finding 15 - No development permits have been acquired by the Applicant however, a building envelope is proposed for a driveway, utilities, septic and future SFR. Staff has determined approximately eleven thousand five hundred (11,500) is proposed as a building envelope. Approximately three thousand (3,000) square feet of the building envelope (a portion of septic and driveway) is outside of shoreline and any riparian conservation zone, as such no further review is required for this area. Of the remaining eight thousand five hundred (8,500) square feet approximately three thousand (3000) square feet is within previously cleared areas however, impervious surface and
septic will be added to these areas. An additional five thousand five hundred (5500) square feet is required to be cleared to establish the building envelope.

**Finding 16** - Four thousand (4000) square feet of the building envelope is within the two hundred (200) foot shoreline management zone and four thousand five hundred (4500) square feet is within the riparian habitat conservation zone, five hundred (500) square feet of which is proposed for septic drainfield. Per CCC Table 40.440.010-1 clearing as minimally necessary for placement of fencing, private wells, septic systems or individual lot sewer, water, electrical or utility connections in habitat areas, are exempt from review. Exemptions in the Habitat Ordinance do not apply to areas within Shoreline Jurisdiction. As such Staff has determined eight thousand (8000) square feet of impact within shoreline jurisdiction and the riparian management zone shall be review under this permit.

**Finding 17** - No mitigation plan was provided by the Applicant for the habitat impacts within the two hundred (200) foot Shoreline management zone. County Staff shall require the applicant to replant and area of equivalent size as the impacts (4000 square feet) within this area at a 1:1 ratio with native tree and shrub species (as indicated in the conditions). Mitigation shall occur in an appropriate location designated within the riparian conservation zone to satisfy the mitigation requirements. Maintenance and monitoring of the plantings shall occur for three (3) years. Woody plantings shall ensure an eighty percent (80%) survival after year three. Any plants which have died in excess of these percentages shall be replaced, with maintenance and monitoring continuing.

**40.460. 530.G. Wetlands**

**ANALYSIS**

**Finding 18** - County habitat and wetland Staff has determined no wetland exist on site. As such, no further wetland review is required.

**40.460.570 Vegetation Conservation**

**ANALYSIS**

**Finding 19** - County habitat and wetland Staff has determined no impact will occur within the one hundred fifty (150) foot vegetation conservation zone. As such, no further review is required.

**Conclusion**

Based upon the development site characteristics and the proposed development plan, staff concludes that the proposed Development application complies with the requirements of Chapters 40.440 and 40.450; the Wetland Protection, Habitat Conservation, and Vegetation Conservation standards in Chapter 40.460 addressed herein, PROVIDED that certain conditions (listed above) are met. Therefore, the requirements of the preliminary plan review criteria are satisfied.

**Shoreline Exemption Recommendation**

Based upon the proposed plan and the analysis above, the Wetland and Habitat Review Manager recommends approval of this request, subject to the understanding that the applicant is required to adhere to all applicable codes and laws, and should be subject to the conditions of approval listed above.

**Attachments**

1. Mitigation Plan (see page 2)

**Appeal Rights:**

This Type I decision may be appealed by the applicant, or any other Party of Record, to the County Hearing Examiner. The appeal fee is $2,755.

Appeals must be filed with the Department of Community Development, Permit Services Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to the applicant. Detailed Instructions for filing an appeal are available at the Permit Services Center or online at:
<table>
<thead>
<tr>
<th>Appeals must be received at the Permit Services Center by 3:00 PM, 10/18/2017.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Note:</strong> The Responsible Official reserves the right to provide additional analysis and findings of fact regarding this decision, if appealed.</td>
</tr>
<tr>
<td>The case file for this decision can be reviewed at:</td>
</tr>
<tr>
<td><strong>Public Service Center</strong></td>
</tr>
<tr>
<td><strong>Community Development Department</strong></td>
</tr>
<tr>
<td>1300 Franklin Street</td>
</tr>
<tr>
<td>P.O. Box 9810</td>
</tr>
<tr>
<td>Vancouver, WA. 98666-9810</td>
</tr>
<tr>
<td>Phone: (360) 397-2375</td>
</tr>
</tbody>
</table>

A copy of the Clark County Code is also available at:

http://www.codepublishing.com/WA/ClarkCounty/
Clark County Environmental Services
Conservation covenant instructions:

1. Submit the form to Chris Horne in the County Prosecuting Attorney's office for signature.

2. Sign and Notarize the covenant form on the signature block on page 4.

3. Record the covenant with the County Auditor.

4. Get a copy of the recorded covenant (with the recording number printed on it) and submit it to the biologist named in the staff report.

Note:
Upon request, the Environmental Services staff can route the covenant to the Prosecuting Attorney for signature or provide Notary services by appointment.

DO NOT RECORD THIS PAGE