



# Skamania County

## Community Development Department

**Building/Fire Marshal ♦ Environmental Health ♦ Planning**

Skamania County Courthouse Annex

Post Office Box 1009

Stevenson, Washington 98648

Phone: 509-427-3900 Inspection Line: 509-427-3922

### STAFF REPORT AND RECOMMENDATION TO THE HEARING EXAMINER

**PROJECT:** Busschau Rezone and Comprehensive Plan Amendment  
for Parcel #02-05-25-0-0-0901-00

**FILE NO:** CMP-19-01 (Comprehensive Plan Map Amendment) and REZ-19-01 (Zoning Map Amendment)

**REQUEST:** The applicant requests amendments to the West End Subarea Comprehensive Plan Map and Zoning Map to change the land use designation and zoning designation from West End Forest Lands 20 to West End Rural Lands 2.

#### I. GENERAL INFORMATION

<b>Owner(s):</b>	Dean and Megan Busschau 2122 Mabee Mines Road Washougal, WA 98671	
<b>Applicant(s):</b>	Agent: Jack Loranger 162 Krogstad Road Washougal, WA 98671	Applicant: Dean and Megan Busschau 2122 Mabee Mines Road Washougal, WA 98671
<b>Tax Parcel Number(s):</b>	02-05-25-0-0-0901-00; a portion of 02-05-25-0-0-0900-00	
<b>Location:</b>	Kellett Road, Washougal; the portion of the S ½ of the S ½ of Section 25, T2N, R5E south of the BPA power line easement.	
<b>Comprehensive Plan Designation:</b>	West End Community Subarea: West End Forest Lands 20 (WE-FL20)	
<b>Zoning:</b>	West End Community Subarea: West End Forest Lands 20 (WE-FL20)	
<b>Requested Comprehensive Plan Designation:</b>	West End Community Subarea: West End Rural Lands 2 (WE-RL2)	
<b>Requested Zoning:</b>	West End Community Subarea: West End Rural Lands 2 (WE-RL2)	
<b>Square Footage/Acreage:</b>	Approximately 104 acres Proposed	
<b>Sanitary Sewer District:</b>	On-site septic (proposed)	
<b>Domestic Water Supplies:</b>	Individual Wells (proposed)	
<b>Fire District:</b>	Skamania County Fire Protection District #4	
<b>School District:</b>	Washougal	

## **II. BACKGROUND:**

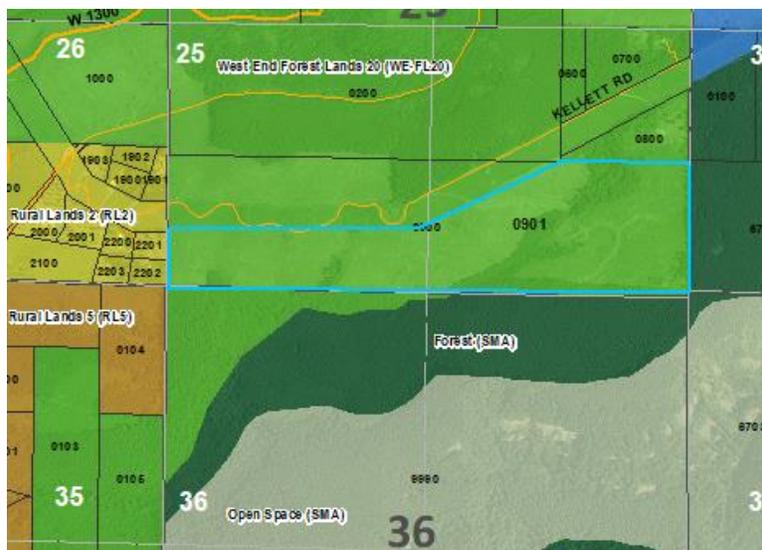
The applicant submitted Comprehensive Plan Change and Rezone Applications on December 23, 2019 (Exhibits 1 and 2), requesting amendments to the West End Community Subarea Comprehensive Plan Map and Zoning Map to change the land use designation and zoning designation on a parcel owned by Dean and Megan Busschau from West End Forest Lands 20 (WE-FL20) to West End Rural Lands 2 (WE-RL2).

If the comprehensive plan and zoning map amendments are approved, the applicants, Dean and Megan Busschau, have proposed to develop parcel 02-05-25-0-0-0901-00, as 17, approximately six-acre lots through the subdivision process under Skamania County Code, Title 17. The parcel contains approximately 104 acres and is located off Kellett Road in the Washougal area of Skamania County. The parcel is identified as a portion of the south ½ of the south ½ of Section 25, Township 2 North, Range 5 East of the Willamette Meridian, lying south of the Bonneville Power Administration easement recorded under Skamania County Auditor File Number 2020 - 000668 (Exhibit 11).

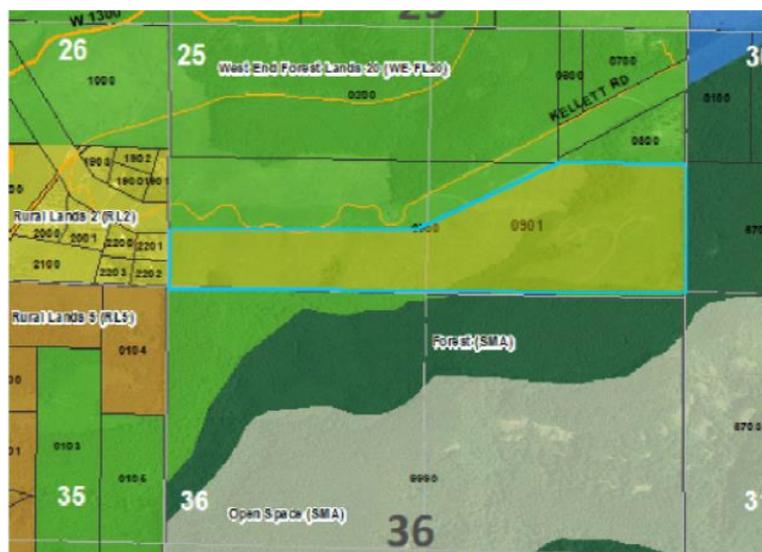
The applicants purchased the subject lot from Weyerhaeuser in July 2019 (Exhibit 10). Currently the parcel is zoned West End Forest Lands 20 and has the same comprehensive plan and map designation. West End Forest Lands 20 requires a minimum parcel size of 20 acres and allows one single family dwelling per legal lot of record. Per the West End Community Subarea Comprehensive Plan, West End Forest Lands 20 is ideally suited for long term forestry uses. Given the current zoning, the owner could create five parcels. After purchasing the parcel, the applicants elected to maintain the parcel in designated forest lands (Exhibit 10). If the applicant chose to develop the property, the parcels would be subject to review for forest practices, building, environmental health review, zoning and critical areas. Adjacent to the west of the applicant's parcel is the area which contains their desired zoning and comp plan designation, West End Rural Lands 2. WE-RL2 zone allows development of parcels to a minimum 2-acre parcel size. Both rezone and comprehensive plan amendments require adjacency to the zone and comprehensive plan designation desired.

If the proposed rezone and comprehensive plan map amendment are approved, the applicants propose to create twelve additional lots beyond what is allowed given their current zoning. They are proposing to place a restrictive covenant on the land which would limit the minimum parcel size to six acres. The purpose of the restrictive covenant of six acres per the applicant is twofold in that it would ensure compliance with the comprehensive plan (discussed further in this staff report) and allow property owners to retain the minimum required five acres in designated forest lands (DFL) while allowing for a one-acre building site to be pulled out of the DFL tax program for residential use.

The West End Community Subarea Comprehensive Plan was adopted on February 7, 2007 and designated the subject parcel as WE-FL20. The West End Subarea Final Zoning was adopted on April 24, 2012, zoning the subject parcel WE-FL20.



*Figure 1. Current Zoning and Comprehensive Plan Map Designation (subject property is outlined in blue).*



*Figure 2. Proposed Zoning and Comprehensive Plan Map Designation*

Requests for property owner-initiated zoning map amendments are reviewed for compliance with the criteria in Chapter 21.18 of the Zoning Code. The County has not adopted official controls for property owner-initiated comprehensive plan amendments into the County Code, so these are reviewed for consistency with the criteria identified in the West End Subarea Plan. Under SCC 21.18.070, comprehensive plan map amendments and zoning map amendments may be processed concurrently. This Staff report will address both applications.

### **III. SEPA THRESHOLD DETERMINATION:**

A SEPA Environmental Checklist was submitted with both applications on December 23, 2019. A Mitigated Determination of Non-Significance was issued and published in the official paper of record (the Skamania County Pioneer) on February 26, 2020 (Exhibit 3). Comments were received from the Washington Department of Natural Resources (Exhibit 8) pertaining to their

interest in an easement on the property and from the Department of Ecology (Exhibit 9) pertaining to the proposal.

#### **IV. PUBLIC HEARING NOTICE:**

A Notice of Public Hearing was sent to the Skamania County Pioneer, for publication on February 26, 2020. Mailed notices were also sent to all adjacent property owners within 1000 ft. and interested parties on February 24, 2020 and posted on the Community Development Department's website on that same day (Exhibit 6). An additional hearing notice was published in the Skamania County Pioneer on June 3, 2020 (Exhibit 7).

#### **V. PUBLIC COMMENT:**

Comments were received from the Washington Department of Natural Resources on February 27, 2020 pertaining to a permanent easement the DNR holds across the western section line and provided an attached map. This easement was not depicted on documents provided by the applicant. Per Skamania County Subdivision code under title 17, should the applicant be allowed to develop the subject parcel as proposed, then any land division application will require acknowledgement of the easement on the plat.

The Washington Department of Ecology provided additional comment on March 11, 2020 pertaining to critical areas, water quality and water resources specific to erosion control and construction permitting.

No other comments were received.

#### **VI. AGENCIES CONTACTED:**

The following agencies were contacted:

- Yakama Nation
- Washington State Department of Fish and Wildlife
- Washington State Department of Natural Resources
- Washington State Department of Archaeology and Historic Preservation
- Washington State Department of Commerce
- Washington State Parks and Recreation Commission
- Washington State Interagency on Outdoor Recreation
- Washington State Department of Social & Health Services
- Washington State Department of Health
- Washington State Department of Corrections
- Washington State Department of Transportation
- Skamania County PUD #1
- Fire District #4
- Fire District #5
- Washougal School District
- Mt. Pleasant School District
- Stevenson Carson School District
- Nez Perce Tribe
- Confederated Tribes of the Umatilla Indian Reservation
- Confederated Tribes of Warm Springs Reservation
- Cowlitz Indian Tribe
- Lower Columbia Fish Recovery Board

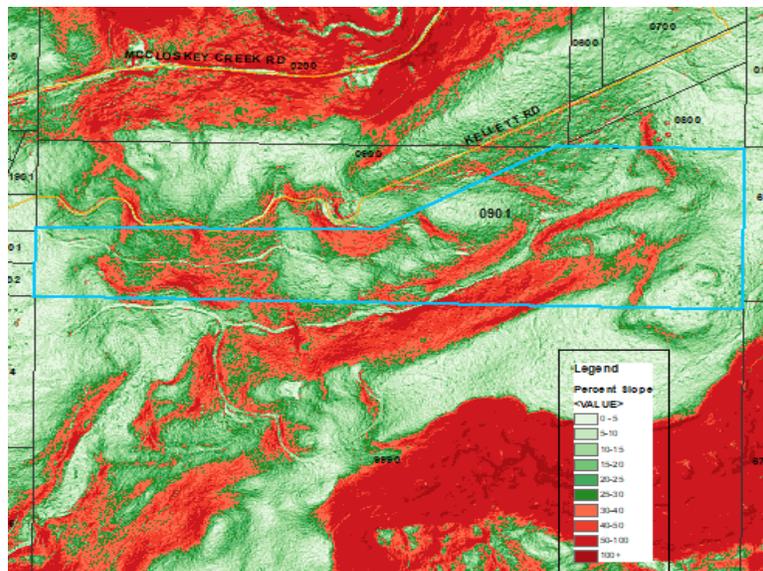
## VII. NATURAL ENVIRONMENT:



*Figure 3 - Looking West on property from Kellett Road.*

### A. Topography:

The subject property slopes generally toward the south and west at an average site grade of 19%. The steepest slopes on the property are generally around 38%.

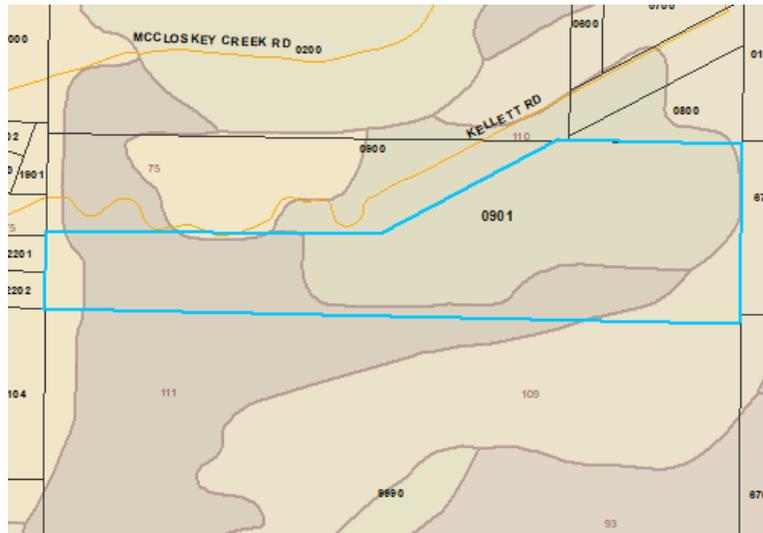


*Figure 4 – Slope Percentages*

**B. Soils:**

The Natural Resources Conservation Service identifies four soil types on the subject property -  
#75, Mountzion clay loam, with slopes from 2-15%,  
#109, Skoly stony loam, with 2-15% slopes,  
#110, Skoly stony loam, with 15-30% slopes, and  
#111, Skoly stony loam, with 30-65% slopes

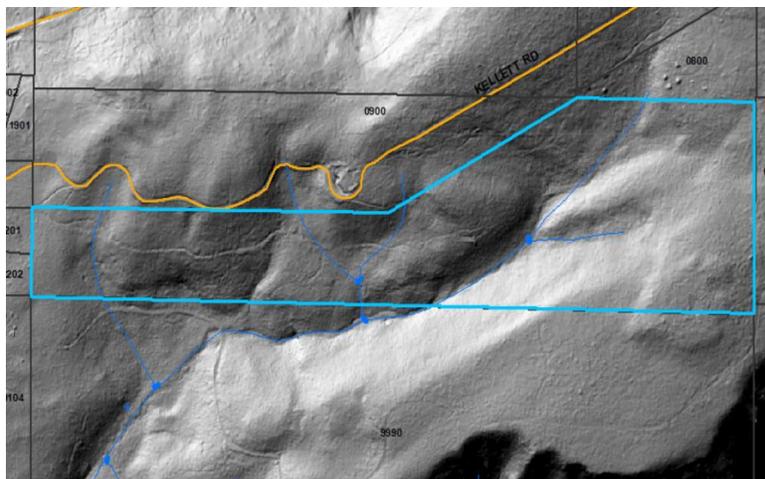
Based on these soil types and slopes, the property contains both erosion and landslide hazards designated under Skamania County Code 19.07.010. Development in this area will require critical areas review, including the submittal of a geotechnical report.



*Figure 5 -USDA NRC Soils*

**C. Surface Water:**

Washington Department of Natural Resources water type mapping revealed five stream segments on the subject property. Each of the streams appears to be a tributary to Canyon Creek. All streams appear to be non-fish seasonal streams. These streams are subject to a 50-ft. buffer required by SCC Title 19.05 pertaining to Fish and Wildlife Habitat Conservation Areas.



*Figure 6 - DNR Stream Map over LIDAR layer*

**D. Vegetation:**

Most of the parcel appears to have been harvested of timber, excluding those riparian corridors identified in the DNR stream typing map. Two harvests appear to have occurred between 2010 and 2016 according to aerial imagery reviewed from Google Earth. The property also contains a small rock quarry approved for Forest Practice Use in FPA 2927731. Use of this quarry is not allowed for any non-forestry uses.



*Figure 7 - Aerial Photo WA Google Earth 7/18/2010*



*Figure 8 - Aerial Photo WA Google Earth 8/18/2011*



*Figure 9 - Aerial Photo WA Google Earth 3/31/2016 Borrow Pit Circled in Red*

#### E. Wildlife:

Washington Department of Fish and Wildlife (WDFW) Priority Habitat and Species Mapping and the applicant's SEPA checklist identifies cutthroat Trout, Northern Spotted Owl (within the same township), Rainbow trout, residential coastal cutthroat, pheasant, deer, elk, hawk, eagle, songbirds, and cougar. No comments were received from WDFW in response to the SEPA notice for this application. Future development on the subject parcel will be subject to review under Chapter 19.05 of the Critical Areas Ordinance related to fish and wildlife habitat conservation areas.

#### **VIII. NEIGHBORHOOD CHARACTERISTICS:**

The subject property is located near the eastern edge of the West End Subarea of Washougal in Skamania County. Much of the surrounding landscape to the north and east of the subject property is in resource timber production, although there are three residences to the east of the property. Many of the immediate parcels to the east are in public ownership or owned by timber operators and natural resource corporations.

The property is bounded on the south by lands within the National Scenic Area Special Management Area (SMA) of the Columbia Gorge National Scenic Area and under state ownership. The closest approximate residential development to the south is approximately 2/3 of a mile away. Topography and the SMA land use designation limits development nearer the property to the south. Most of the developable land adjacent to the parcel is identified to the west and southwest and includes a mix of two-acre developed parcels, undeveloped land within a 2-acre zone, residential development within a 5-acre zone and some larger tracts within 20-acre zones in a resource production zone.

## **IX. CONSISTENCY WITH COMPREHENSIVE PLAN:**

Skamania County has not adopted any code criteria for Comprehensive Plan amendments. In the absence of code criteria, proposals are reviewed for consistency with the policies for quasi-judicial subarea plan amendments in the West End Subarea Plan.

### **West End Community Comprehensive Subarea Plan: Procedures for accomplishing individual subarea plan amendments (quasi-judicial):**

*The comprehensive land use plan (or subarea plan) and all development regulations (official controls) shall be subject to continuing review and evaluation by Skamania County (County) and its citizens. The conclusion of a plan amendment cycle shall occur annually unless no amendments are proposed. A plan amendment cycle means the timeframe when plan amendments are submitted by the applicant (generally the property owners) to the Planning Department, scheduled for public hearing, reviewed and decided upon by the Hearing Examiner (see timeframe below). The applicant can resubmit plan amendments that have been denied by the Hearing Examiner no sooner than three years from the date of denial. Plan Amendments do not constitute an emergency (i.e., an immediate threat to life or property for which action must be taken to alleviate the threat).*

*The West End Subarea Plan Amendment Cycle (quasi-judicial) and review process is as follows:*

- 1. All subarea plan amendment applications must be completed by the applicant (signed by the applicant and property owners) and submitted to the Planning Department on or before December 31st of each calendar year.*

**Finding:** The applicant submitted a completed subarea plan amendment application on December 23, 2019.

- 2. The subarea plan amendments will then be placed on the Hearing Examiner's schedule for public hearing at the following June meeting.*

**Finding:** The application is scheduled for consideration at the June 15, 2020 Hearing Examiner meeting.

- 3. The Planning Department will provide written analysis of each plan amendment to the Hearing Examiner for review.*

**Finding:** This criterion is satisfied by this Staff Report.

- 4. The Hearing Examiner will hold at least one public hearing to consider and act upon the quasi-judicial plan amendment application.*

**Finding:** A public hearing is scheduled for the June 15, 2020 Hearing Examiner meeting.

*A complete application for a quasi-judicial plan amendment must be submitted in writing and include the following:*

1. *A completed State Environment Policy Act (SEPA) checklist and application fee (as set by the Board of County Commissioners);*

**Finding:** The applicant submitted a SEPA checklist with the application on December 23, 2019. The checklist and supporting documentation were reviewed and the County, acting as SEPA lead agency, issued a Mitigated Determination of Nonsignificance on February 26, 2020.

2. *Comprehensive Plan Amendment Fee (as set by the Board of County Commissioners);*

**Finding:** The applicant submitted the required application fee.

3. *Responses to the following:*

- a. *Description of the requested Plan Amendment;*

**Finding:** The applicant provided a narrative description of the requested plan amendment. The applicant has requested that the parcel comprehensive plan designation and zoning be amended from West End Forest Lands 20 to West End Rural Lands 2.

- b. *An explanation of why the amendment is being proposed including specific areas of the Subarea Plan needing changes;*

**Finding:** The applicant provided a narrative description of the requested plan amendment including a description of a proposed 17-lot residential subdivision that would not be allowed under the current land use designation. The applicant proposes to amend the land use designation map by changing the land use designation from West End Forest Lands 20 to West End Rural Lands 2. No other changes to the subarea plan are proposed.

- c. *Draft text amendment language, if appropriate;*

**Finding:** The applicant requests a land use map amendment. No text amendments are proposed.

- d. *An explanation of how the criteria in 4 (below) are met by the proposal;*

4. *Criteria against which the proposed amendment must be evaluated and found to be in substantial compliance for approval:*

- a. *A text and/or map amendment is necessary to resolve inconsistencies within the West End Comprehensive Subarea Plan with which the county has no objection;*

**Finding:** One of the purposes of the Forest Lands 20 designation is to provide buffers between Commercial Resource Lands and Rural Lands designations. The applicant argues that the existing land use designation does not meet the purpose of providing a buffer between these two land use designations and is therefore inconsistent with this purpose in the comprehensive plan. According to the application:

"The purpose of the FL20 designation is to provide land for present and future non-industrial forestry operations and to provide buffers between Commercial Resource

Lands and Rural Lands designations. The nearest Commercial Resource Lands are approximately 2450' to the south with 1500' of Open Space designation within that distance. There are no Commercial Resource Lands in the immediate vicinity; therefore, this property is not intended to act as a buffer. . . The properties to the west are zoned Rural Lands 2, the rest of the adjacent properties are zoned Forest Land 20, however, the northeastern adjacent properties served by Kellett Rd are between 5- and 12-acre parcels with existing residential development. Changing the designation to RL-2 with 6 acre lots would not impact the surrounding properties by eliminating an intended purpose of the original land use designation."

The applicant also argues that the plan is inconsistent with actual growth rates since the time of adoption. Per the applicant:

" There is an inconsistency in the West End Sub Area Plan in the assumption that growth would continue at the rate that it had been in the years prior to the adoption of the plan in 2007. Countywide, there were around 200 bare land sales per year for the three years proceeding the plan. Bare land sales fell by 44% after adoption of the plan, in 2007 to 106 sales and the another 60% in 2008 to 42 sales. By 2012 it was down to 19 bare land sales for the entire county. The West End RL2 zone has only had 4 bare land sales per year for the past three years."

*b. Conditions have substantially changed since the adoption of the West End Comprehensive Subarea Plan or Official Controls to the extent that the existing adopted plan provision or map designation is inappropriate. Examples of substantially changes circumstances include, but are not limited to: 1) sixty percent (60%) of full buildout has been achieved within the entire proposed land use designation. "Full buildout" means the total number of existing and potential future lots based on the minimum parcel size within the land use designation. Percent of full buildout is equal to (number of existing developed lots) ÷ (total number of existing and potential lots based on acreage within the land use designation) x 100; or 2) new technology and uses not originally considered in the text have been developed;*

**Finding:** The application materials provide several responses to this criterion that demonstrate substantially changed conditions since the adoption of the Subarea Plan. The applicant provided buildout calculations showing that at the time of adoption of the Subarea Plan, buildout of 29% was achieved. Based on development activity that has occurred since adoption in 2007, current buildout has increased to 38%. This is an increase of 31% since 2007.

The applicant also indicates that actual growth rates differ from the time of adoption of the Subarea Plan: "According to the West End Sub Area Plan, the five years prior to the adoption of the plan in 2007 had a growth increase of 3.9% per year while the Washington State Office of Financial Management (OFM) was predicting a growth rate of 1.25%. The actual growth is substantially less than the assumptions." The applicant shared figures from the US Department of Commerce, Bureau of Economic Analysis which indicate a 0.95% growth rate from the years after adoption of the plan (2010-2018).

The plan identified two rates of growth: a 3.9% rate based on building permit activity and a 1.25% annual rate projected by the Washington State Office of Financial Management (OFM). Staff verified the applicant’s findings by reviewing OFM’s annual population estimates and growth rates since 2008. Only in the last three years have rates reached the projections considered during the plan’s development.

*Figure 10. Population Change for Skamania County  
 Office of Financial Management, Forecasting and Research Division*

	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
<b>Population</b>	10941	10995	11066	11150	11275	11300	11370	11430	11500	11690	11890	12060
<b>% Change</b>	0.45%	0.49%	0.65%	0.76%	1.12%	0.22%	0.62%	0.53%	0.61%	1.65%	1.71%	1.43%

The applicant also points to the availability of “bare land” in the West End Subarea and the county as a whole. According to the applicant, “the bare land sales show a substantial change in circumstances where, countywide, there was an average of 200 bare land sales per year in the three years prior to the adoption of the West End Sub Area Plan dropping 90% by 2012. This appears to be from a diminishing inventory of bare parcels that current landowners are willing to part with or divide existing parcels. While there are 492 potential lots in the RL2 zoning area only 6 of those are currently offered for sale. Of those 6 lots, 4 were short platted in 2019”.

Finally, the applicant states that there has been a substantial change in the number of stick-built home sales dropping 63% from 2007 to 2012. The applicant also states that there has substantial change in the number of new construction of residences in the Rural Lands 20 zone, dropping 78% from 2007 to 2019.

*Figure 11. Stick Built Home Sales for Skamania County (from application materials)*

<b>Year</b>	<b>Sales</b>	<b>Year</b>	<b>Sales</b>	<b>Year</b>	<b>Sales</b>
2003	116	2007	117	2011	63
2004	166	2008	67	2012	43
2005	179	2009	69		
2006	139	2010	90		

*Reference: Skamania County Average Sale Prices 2003-2012.pdf - County web site*

*Figure 12. Single Family Residence Construction West End RL2 2006 – 2019 (from application materials)*

<b>Year</b>	<b>New Residences</b>	<b>Year</b>	<b>New Residences</b>	<b>Year</b>	<b>New Residences</b>
2006	14	2011	3	2016	7
2007	14	2012	1	2017	4
2008	4	2013	6	2018	3
2009	1	2014	3	2019	3
2010	0	2015	5		

*Reference: Single Family Residence Construction in RL2 2019-2006 .pdf - compiled from County Data*

*c. The proposed text and/or map amendment is consistent with the overall intent of the goals, maps, and land use element of the West End Comprehensive Subarea Plan;*

**Finding:** The proposed map amendment would change the designation of the property from Forest Lands 20 to Rural Lands 2. Rural Lands 2 is an existing land use designation in the West End Subarea Plan; therefore, the new proposed designation is consistent with the plan. The applicant's application included a thorough analysis of consistency with the specific plan goals and policies.

General Goal 7 of the Subarea Plan, Community Services, states: "Support only that development which can be sustained within the limits of existing county and community services." This section further states that "Rural Residential areas should generally be developed at low levels of intensity (5 acre and 10 acre lots) so that demands will not be created for high levels of public services and facilities." And that "existing areas of more intense rural residential development (2 acre lots) should be acknowledged and maintained, but should not be expanded." The applicant's requested designation is Rural Lands 2, a designation whose corresponding Rural Lands 2 zone allows for a minimum lot size of 2 acres. In order to be consistent with this Comprehensive Plan goal, the applicant proposes to develop the property with larger lot sizes than allowed by the requested land use designation and zoning.

Staff recommends a **condition of approval** requiring the applicant to record a deed restriction granted to Skamania County that would require a minimum parcel size of 5-acres. The deed restriction must be approved by the Community Development Department and must be recorded with 7 days of approval by the Board of County Commissioners for the requested amendments.

*d. The proposed text and/or map amendment is consistent with RCW 36.70, those sections of RCW 36.70A to which Skamania County is required to plan under, and West End Comprehensive Subarea Plan policies;*

**Finding:** The map amendment is consistent with RCW 36.70 and those sections of RCW 36.70A that are applicable. The application has been revised for consistency with the West End Comprehensive Subarea Plan. The Hearing Examiner will make a recommendation on the proposed amendments which will be considered for final approval of a resolution and ordinance by the Board of County Commissioners.

*e. Additionally, for an amendment to the West End Comprehensive Subarea Plan Map, the proposed designation must be contiguous along a shared boundary to the requested comprehensive subarea plan designation by at least 100 feet or 25% of the width of the property proposed to change, whichever is greater;*

**Finding:** The applicant's property shares a boundary of 552 ft. with the desired comprehensive plan designation of Rural Lands 2.

*f. Environmental impacts have been disclosed and measures imposed to avoid or, if not possible to avoid, then mitigate said impacts; and,*

**Finding:** A SEPA checklist has been prepared by the applicant and the county has issued a mitigated determination of non-significance which provides mitigations for the project action and nonproject actions associated with the applicant proposal.

*g. The applicant should examine potential ramifications of the proposed text and/or map amendment to other West End Comprehensive Subarea Plan Elements and official controls and show how the potential ramifications have been considered and addressed.*

**Finding:** The application has been reviewed for consistency with the West End Comprehensive Subarea Plan. The applicant provided an analysis of the proposal's compliance with applicable goals and policies of the plan and did not identify any potential ramifications. A condition of approval recommended by staff would ensure consistency with language discouraging creation of new 2-acre lots.

Development plans will require review under Title 17 (Subdivision), Title 15 (Building Code, Title 12.01 (Public Roads), Title 12.03 (Private Road Standards), Title 21 (Zoning), Title 8 (Health and Safety, specific to Water Resources and Onsite Septic Systems) and Title 19 (Critical Areas). Additionally, the applicant shall follow those mitigations identified within the SEPA MDNS associated with this proposal. The development shall be required to consider any regulations under state and federal law. The County's SEPA Mitigated Determination of Non-Significance requires that the applicant determine with the Department of Ecology whether a water right would be required to serve the proposed development. Exempt well withdrawals are limited to 5000 gallons per day.

## **X. CRITERIA FOR APPROVAL:**

### **Tile 21, Zoning Code.**

#### **Chapter 21.18. Zoning Text and Map Amendments**

##### **21.18.040 Petitions for zoning map amendments.**

*Petitions for zoning map amendments are requests to change the zone classification shown on the official zoning map for a specific parcel or parcels by one or more landowners. Requests for such amendments may be initiated by filing with the planning department a completed application on forms supplied by the planning department, a completed environmental checklist, and a nonrefundable fee as established by resolution of the board of county commissioners. Petitions for a zoning map amendment may be initiated by the person or persons that own all the property for which the amendment is sought or for a larger area that includes the property that the applicant owns. Where an amendment is requested for an area larger than the parcels owned by the applicants, the signatures on the application must represent one hundred percent of the owners of the total number of parcels within the entire area proposed for amendment. If a parcel has multiple owners, then all of the owners' signatures must be obtained and are counted as a single signature when calculating the percentage of owners' signatures obtained. (Ord. 2005-02 (part))*

**Finding:** The applicant has requested a change to the zone classification of their parcel from West End Forest Lands 20 to West End Rural Lands 2. They have filed a completed application on forms supplied by the planning department, a SEPA environmental checklist and the associated fees on December 23, 2019. No other parcels were included in the request for a zoning map amendment, therefore additional signatures other than the property owner and applicant were required.

### **21.18.050 Frequency of petitions for zoning map amendments.**

*To ensure a comprehensive review of petitions for zoning map amendments, all petitions must be complete and submitted to the planning department on or before December 31st of each calendar year. The petitions for zoning map amendments will then be placed on the hearing examiner's schedule for public hearing as follows: petitions within commissioner district 1 (west end) will be heard beginning in June, petitions within commissioner district 2 (mid county) will be heard beginning in May, petitions for commissioner district 3 (east end) will be heard beginning in April. Due to the number of petitions received each year, there may need to be more than one public hearing scheduled for each of the commissioner districts. In addition, any of the public hearings may be continued as determined by the hearing examiner. If a petition for a zoning map amendment is denied, the petition can be resubmitted no sooner than the third year from the date of denial by the hearing examiner. Zoning map amendments do not constitute an emergency (i.e., an immediate threat to life or property for which action must be taken to alleviate the threat).*

*The hearing examiner will review the list of zoning map amendment applications received at the first meeting in February and set the schedule of hearings.*

**Finding:** The applicant submitted a completed application on December 23, 2019 prior to the deadline for the zoning map amendment. The petition was placed on the hearing examiner's schedule for public hearing on June 15, 2020 as the petition is for property located in Commissioner District 1 (West End).

### **21.18.060 Notice of hearing on petitions for zoning map amendments.**

*Written notice of an application for a petition for zoning map amendment under Section 21.18.040 of this chapter shall be by:*

- A. First class United States mail addressed to the applicants; all owners of the real property subject to the proposed amendment; and to all real property owners, as shown in the records of the Skamania County assessor, located within one thousand feet from any boundary of the property subject to the proposed map amendment. If the owner of the property for which the proposed map amendment is requested owns another parcel or parcels adjoining a parcel subject to the amendment, then notification also shall be mailed to owners of real property located within one thousand feet from any boundary of such adjoining parcels. Notification of the hearing schedule for all applications shall be mailed no later than the last business day of February. Failure by any person listed above to receive such notice shall not invalidate any proceedings or decision in connection with the proposed map amendment. Notices addressed to the last known owners of record as shown on the county assessor records shall be deemed proper notice to the owner of such property; and*

**Finding:** A notice has been sent to all adjacent property owners within 1000 feet of the applicant parcel, tribal representatives, state and local and other public agencies. This notice was provided via mail correspondence and via email.

*B. Publication in a newspaper of general circulation in the county shall consist of:*

- 1. A list of all applications received, and the hearing schedule to be published on the last date the newspaper is published in February, and*
- 2. A legal notice of the hearing to be published at least ten days prior to the open record hearing date. (Ord. 2005-02 (part))*

**Finding:** Public Notice was published in the February 26, 2020 edition of the Skamania County Pioneer and on June 3, 2020.

**21.18.070 Hearing by hearing examiner on petitions for zoning map amendments.**

*The hearing examiner hearing process on petitions for zoning map amendments under SCC 21.18.040 shall be as follows:*

- A. The hearing examiner shall hold at least one public hearing on all proposed petitions for zoning map amendments. At the conclusion of such hearing or hearings, the hearing examiner shall consider all testimony and documents presented and shall determine whether, based on the criteria set forth in SCC 21.18.070(b), the proposed petition for zoning map amendment should be approved or denied. The hearing examiner's decision shall be supported by appropriate findings of fact based exclusively on the evidence presented.*

**Finding:** The Hearing Examiner will hold a hearing on June 15, 2020.

- B. The hearing examiner may approve the proposed petition for zoning map amendment if the zoning map amendment:*

*(1) bears a substantial relationship to the public health, safety, and/or welfare (is the amendment consistent with the comprehensive plan);*

**Finding:** : The application has been reviewed for consistency with the West End Comprehensive Subarea Plan above. Additionally, the applicant provided an analysis of the proposal's compliance with applicable goals and policies of the plan. The proposal is consistent with the comprehensive plan.

*(2) is contiguous to the requested designation by at least one hundred feet, therefore not being a grant of special privilege; and*

**Finding:** The applicant is contiguous to the requested designation of West End Rural Lands 2 by 553 feet.

*(3) circumstances have substantially changed in the area since the adoption of the existing zoning designation.*

**Finding:** As stated in the application materials and in the findings above, the applicant has demonstrated substantial change in the area since adoption of the existing zoning designation based on the lower population growth estimates, the lack of desire by property owners within the desired zoning designation to divide their land and the decrease in land divisions and building permits and the decrease in available bare land within the desired zoning designation for sale.

*C. In the case where a petition for zoning map amendment requires an amendment to the comprehensive plan in order to assure consistency between SCC Title 21 and the comprehensive plan, the review processes for the petition for zoning map amendment and the comprehensive plan amendment may proceed concurrently by holding the hearings for each amendment at the same meetings. (Ord. 2007-02 (part); Ord. 2005-02 (part))*

**Finding:** The applicant is requesting an amendment to both the comprehensive plan map designation and zoning map designation. These hearings will be heard concurrently on June 15, 2020.

**PLANNING ENABLING ACT (RCW 36.70):**

*RCW 36.70.320 through 440 Comprehensive Plan*

**Finding:** The review process is consistent with the comprehensive plan amendment procedures outlined in RCW 36.70, the Planning Enabling Act. A public hearing is scheduled for June 15, 2020, after which the Hearing Examiner will forward a recommendation to the Board of County Commissioners for their consideration on the proposed comprehensive plan map amendment.

*RCW 36.70.550 – 640 Official Controls*

**Finding:** The review process is consistent with the amendment procedures for official controls (zoning) outlined in RCW 36.70, the Planning Enabling Act. A public hearing is scheduled for June 15, 2020, after which the Hearing Examiner will forward a recommendation to the Board of County Commissioners for their consideration on the proposed zoning map amendment.

*RCW 36.70.650 Board final authority.*

*The report and recommendation by the planning agency, whether on a proposed control initiated by it, whether on a matter referred back to it by the board for further report, or whether on a matter initiated by the board, shall be advisory only and the final determination shall rest with the board.*

**Finding:** The decision by the Hearing Examiner will in the form of a recommendation to the Board of County Commissioners.

*RCW 36.70.970 Hearing examiner system—Adoption authorized—Alternative—Functions—Procedures.*

**Finding:** The Board of County Commissioners in Skamania County Code Chapter 2.80 has delegated authority for both petitions for zoning map amendments and petitions for comprehensive plan or subarea plan amendments to the Hearing Examiner.

**XI. CONCLUSIONS:**

Based on the findings in this staff report, Staff finds that the application satisfies the applicable comprehensive plan policies and code criteria for the requested comprehensive plan map amendment and zoning map amendment.

**XII. RECOMMENDATION:**

**A. COMPREHENSIVE PLAN MAP AMENDMENT:**

Staff recommends that Hearing Examiner determine if the proposed amendment is consistent with applicable polices and code criteria. If consistent, the Hearing Examiner should recommend approval of the proposed map amendment changing the comprehensive plan land use designation from West End Forest Lands 20 to West End Rural Lands 2.

Staff recommends a condition of approval requiring the applicant to record a deed restriction granted to Skamania County that would require a minimum parcel size of 5-acres. The deed restriction must be approved by the Community Development Department and must be recorded with 7 days of approval by the Board of County Commissioners for the requested amendments.

**B. ZONING MAP AMENDMENT:**

Staff recommends that Hearing Examiner determine if the proposed amendment is consistent with the applicable code criteria. If consistent, the Hearing Examiner should recommend approval of the proposed map amendment changing the zoning designation from West End Forest Lands 20 to West End Rural Lands 2.

**XIII. EXHIBITS:**

- Exhibit 1. Comprehensive Plan Change Application – *December 23, 2019*
- Exhibit 2. Rezone Application – *December 23, 2019*
- Exhibit 3. SEPA "Mitigated" Determination of Non-Significance and Checklist – *February 26, 2020*
- Exhibit 4. Supplemental Comprehensive Plan Amendment Narrative – *February 11, 2020*
- Exhibit 5. List of Rural Lands 2 Short Plats
- Exhibit 6. Notice of Public Hearing (Skamania County Pioneer) – *February 26, 2020*
- Exhibit 7. Notice of Public Hearing (Skamania County Pioneer) – *June 3, 2020*
- Exhibit 8. Wayde Schaible, WA Department of Natural Resources, Comment Letter – *February 27, 2020*
- Exhibit 9. Megan Dorner, WA Department of Ecology, Comment Letter – *March 11, 2020*
- Exhibit 10. Deed – Weyerhaeuser to Busschau – *July 8, 2019*
- Exhibit 11. Weyerhaeuser Easement Agreement – *March 23, 2020*

  
\_\_\_\_\_  
Andrew Lembrick, Land Use Planner

June 8, 2020  
\_\_\_\_\_  
Date

- Exhibit 1 – Comprehensive Plan Change Application Pages 2 to 51
- Exhibit 2 – Rezone Application Pages 50-70
- Exhibit 3 – Weyerhauser Easement Agreement 71-91
- Exhibit 4 – AFN 2019-001155 92-98
- Exhibit 5 – AFN 2019-001156 Pages 99-100
- Exhibit 6 – SEPA MDNS SEP-19-20 Pages 101-216
- Exhibit 7 – Public Hearing Notice Pages 217-218
- Exhibit 8 – Short Plat Table Page 219
- Exhibit 9 – Applicant Comprehensive Plan Amendment Narrative. Pages 220-241
- Exhibit 10 – Agency Comments Pages 242-251
- Exhibit 11 – OFM Estimates Page 252
- Exhibit 12 – Ecology email and applicant estimate on water. Pages 253-263



**Skamania County**  
**Community Development Department**  
Building/Fire Marshal ♦ Environmental Health ♦ Planning  
Skamania County Courthouse Annex  
Post Office Box 1009  
Stevenson, Washington 98648  
Phone: 509-427-3900 Inspection Line: 509-427-3922

**COMPREHENSIVE PLAN CHANGE APPLICATION  
INTAKE CHECKLIST**

(This form must be completed and submitted with all required documents for the application to be considered complete. Review will not begin on the project until all of the requirements below are submitted)

- | STAFF                    | APPLICANT                |  |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Complete Comprehensive Plan Change application and <i>non-refundable</i> \$1725 fee (payable to Skamania County Treasurer). <b>Fees are subject to change by resolution of the County Commissioners.</b>   |
| <input type="checkbox"/> | <input type="checkbox"/> | SEPA Checklist and <i>non-refundable</i> \$400 fee.  |
| <input type="checkbox"/> | <input type="checkbox"/> | Additional signatures (if required). When an amendment is sought for an area larger than the parcels owned by the applicant, the signatures on the application must represent 100% of the owners of the total number of parcels within the entire area proposed for amendment. If a parcel has multiple owners, then all of the owners' signatures must be obtained and are counted as a single signature when calculating the percentage of owners' signatures obtained.            |
| <input type="checkbox"/> | <input type="checkbox"/> | Supplemental Questions. Answers must be attached in response to the criteria for approval explaining how the project meets those criteria.   |
| <input type="checkbox"/> | <input type="checkbox"/> | Narrative. Write a narrative describing the reason for this comprehensive plan change request with response to the following: 1) Description of the requested plan amendment, 2) An explanation of why the amendment is being proposed, including specific areas of the comprehensive plan needing changes, 3) Draft text amendment language, if appropriate, 4) An explanation of how the criteria in 1-7 (Criteria for Approval – Supplemental Questions) are met by the proposal. |

- MORE -

**Reviewed by** \_\_\_\_\_ **Complete:** Yes \_\_\_\_\_ No \_\_\_\_\_ **Date:** \_\_\_\_\_

Exhibit 1

- Rezone request (if applicable). This Comprehensive Plan Change must be accompanied by a completed Rezone application and applicable fee. These petitions can be heard at the same hearing meeting.
- A vicinity map showing affected parcels must be included.
- Certification that the applicant/owner has read and understands the Hearing Examiner process.



## Skamania County Community Development Department

Building/Fire Marshal ♦ Environmental Health ♦ Planning

Skamania County Courthouse Annex

Post Office Box 1009

Stevenson, Washington 98648

Phone: 509-427-3900 Inspection Line: 509-427-3922

### COMPREHENSIVE PLAN CHANGE APPLICATION & INFORMATIONAL PACKET

#### What is a Comprehensive Plan Change?

Petitions for comprehensive plan changes are requests to change the comprehensive plan designation shown in the County's adopted Comprehensive Plan map for a specific parcel or parcels by one or more landowners.

#### Submittal Deadlines and Hearing Schedule:

All petitions must be submitted and determined complete by December 31<sup>st</sup> of the current year to be heard the following year. The Hearing Examiner schedule is as follows:

Commissioner District #1 / West End: June

Commissioner District #2 / Mid County: May

Commissioner District #3 / East End: April

Depending on the number of petitions received, more than one hearing date may be necessary. The Hearing Examiner receives a list of petitions in February and will set the schedule then.

Note: If a petition is denied, that petition can be resubmitted no sooner than three years from the date of denial.

#### The Process

1. Petitions must be submitted and determined complete by December 31<sup>st</sup> of the current year to be heard the following year.
2. The official hearing date will be set in February when the Hearing Examiner receives the list of petitions.
3. Notice of Public Hearing will be sent to adjacent property owners and local and state agencies and published in the newspaper.
4. The Hearing Examiner and applicant(s) will be provided a Staff Report from SCCDD approximately 10 days prior to the hearing.
5. The hearing will occur. The applicant(s) must be present at the hearing for the petition to be heard.
6. The Hearing Examiner will issue a decision within 10 business days of the close of the record. The Hearing Examiner may adopt, modify, or deny the application based on criteria set forth in Skamania County Code 21.18.070(B).

Criteria for approval:

The Comprehensive Plan Change must meet the following criteria:

- (1) A text and/or map amendment is necessary to resolve inconsistencies within the County Comprehensive Plan with which the county has no objection.
- (2) Conditions have significantly changed since the adoption of the Comprehensive Plan or Official Controls to the extent that the existing adopted plan provision or map designation is inappropriate. Examples of significantly changed conditions include, but are not limited to:
  - (a) sixty percent (60%) infill of existing lots within the entire mapping designation being proposed for change; or
  - (b) New technology and uses not originally considered in the text have been developed.
- (3) The proposed text and/or map amendment is consistent with the overall intent of the goals, maps, and land use element of the Comprehensive Plan.
- (4) The proposed text and/or map amendment is consistent with RCW 36.70, those sections of RCW 36.70A to which Skamania County is required to plan under, and Comprehensive Plan policies.
- (5) Additionally, for an amendment to the Comprehensive Plan or any Subarea Plan Map, the proposed designation must be contiguous along a shared boundary to the requested comprehensive plan or Subarea plan designation by at least 100 feet or 25% of the width of the property proposed to change, whichever is greater.
- (6) Environmental impacts have been disclosed and measures imposed to avoid or, if not possible to avoid, then mitigate said impacts.
- (7) The applicant should examine potential ramifications of the proposed text and/or map amendment to other Comprehensive Plan Elements and official controls and show how the potential ramifications have been considered and addressed.

**COMPREHENSIVE PLAN CHANGE APPLICATION**

(Please complete application in ink)

Applicant:	E-mail:
Address:	Home: (    )
	Work: (    )
Property Owner:	E-mail:
Address:	Home: (    )
	Work: (    )
Location of Property:	
Tax Lot/Parcel #	Total acres:

Current Comprehensive Plan Classification \_\_\_\_\_

Requested Comprehensive Plan Classification: \_\_\_\_\_

Write a narrative describing the reason for this comprehensive plan change request with responses to the following: 1) Description of the requested Plan Amendment. 2) An explanation of why the amendment is being proposed including specific areas of the comprehensive plan needing changes. 3) Draft text amendment language, if appropriate. 4) An explanation of how the criteria in 1 - 7 (Criteria for Approval) are met by the proposal.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I hereby certify that I have read and understand the attached Hearing Examiner process.

Applicant signature(s): \_\_\_\_\_ Date: \_\_\_\_\_

Owner signature(s): \_\_\_\_\_ Date: \_\_\_\_\_

Signatures, names and addresses of owners of all other properties involved in this Comprehensive Plan change must be provided on the attached page. Attach additional sheets if necessary.

**Signature of the property owner(s) authorizes Staff and other Agency personnel reasonable access to the site in order to evaluate the application.**

FOR DEPARTMENT USE ONLY	
Legal description attached: Yes / No	
Date received	Date complete
Receipt #	File #

Additional signatures

	Signature	Name (printed)	Address	Tax Parcel Number
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				

**SKAMANIA COUNTY  
OFFICE OF THE HEARING EXAMINER  
RULES OF PROCEDURE FOR OPEN RECORD HEARINGS ON  
LAND USE PERMIT APPLICATIONS AND APPEALS**

**1. APPLICABILITY**

- 1.1 These procedures shall apply to open record hearings on land use permit applications and appeals of administrative decisions that come before the Hearing Examiner.

**2. DEFINITIONS**

- 2.1 "Administrative decision" means a decision issued by the Director of the Skamania County Community Development Department or his or her designee, or a threshold determination issued by the Responsible Official under the State Environmental Policy Act (SEPA).

"Appellant" means a person, organization, or other similar group who files a complete and timely appeal of an administrative decision or other appealable action.

"Applicant" means a person who is the owner of the subject property or the authorized representative of the owner of the subject property who has applied for a land use permit.

"Burden of proof" means the responsibility of a party to present sufficient, credible evidence to support his or her position.

"Comprehensive Plan" means the Comprehensive Plan that has been adopted by the Skamania County.

"Board" means the Skamania County Board of County Commissioners.

"County" means Skamania County, Washington.

"Ex parte communication" means written or oral communication to the Hearing Examiner about a matter pending before the Hearing Examiner that is not included in the public record and/or is made outside of a public hearing.

"Hearing" means the open record public proceeding at which testimony and exhibits of evidence are presented to the Hearing Examiner on a given land use permit application or appeal.

"Hearing Examiner" or "Examiner" means the Hearing Examiner of Skamania County.

"Interested Party" means any individual, partnership, corporation, association, or public or private organization of any character that may be affected by proceedings before the Hearing Examiner. Any party in a contested case is an interested party.

"Motion" means a written request made to the Hearing Examiner for an order or other ruling.

"Notice of Decision" means the written document that communicates a decision on an action before the Hearing Examiner.

"Party of record" or "Party" means:

- a. Any person who testifies at a hearing,
- b. An Appellant,
- b. The Applicant or his/her agents,
- c. Persons submitting written testimony about a matter prior to the close of the record, and
- d. Skamania County.

"Community Development Department" means the Skamania County Community Development Department.

"Record" means the oral testimony and written exhibits admitted at the hearing. The audio recording of the proceeding shall be included as part of the record.

"Staff" means the staff member of the Community Development Department assigned to present a case before the Hearing Examiner.

"Subject property" means the real property that is subject of the land use permit application or appeal.

"SCC" means Skamania County Code.

### **3. JURISDICTION**

- 3.1 The Hearing Examiner's jurisdiction is limited to those issues where ordinance or other appropriate authority grants the Hearing Examiner the authority to make a decision or issue an order pursuant to SCC 2.80.060 or other sections of the SCC.
- 3.2 Timely filing of an appeal is required for the Examiner to acquire jurisdiction over any appeal.
- 3.3 Any party may challenge the Examiner's ability to hear an appeal/matter on jurisdictional grounds, or the Examiner may independently raise the jurisdictional issue. If the Examiner determines that he/she does not have jurisdiction, the appeal/matter will be dismissed.

### **4. EX PARTE COMMUNICATION**

- 4.1 a. No person, nor agent, employee, or representative of any person, who is an interested party in an application currently pending before the Examiner shall communicate ex parte, directly or indirectly, with the Hearing Examiner concerning the merits of any pending application/appeal or any factually related application/appeal. Communications on purely procedural matters such as scheduling and logistics are permitted on an ex parte basis; however, all allowed ex parte procedural communications should be directed to the Hearing Examiner in care of the Community Development Department.

- b. The Examiner shall not communicate ex parte directly or indirectly with any person, agent, employee, or representative of any person who is an interested

party in an application currently pending before the Examiner concerning the merits of the pending application or any factually related application, unless he/ she provides notice and opportunity for all parties to participate.

- c. If a prohibited ex parte communication is made to or by the Examiner, such communication shall be publicly disclosed at hearing. The Examiner shall exercise proper discretion as to whether to disqualify him/herself as Examiner for that particular hearing.

## **5. NATURE OF PROCEEDINGS**

### **5.1 Expeditious Proceedings**

It is the policy of the Hearing Examiner that, to the extent practicable and consistent with the requirements of law, public hearings shall be conducted expeditiously. In the conduct of such proceedings, the Hearing Examiner, County staff, and all parties, agents, and witnesses shall make every effort at each stage of a proceeding to avoid delay.

### **5.2 Record of Hearing**

- a. Hearings shall be audio recorded and such recordings shall be a part of the official case record.
- b. The County shall make copies of the audio recording of a particular hearing and the written materials within the official case record available to individuals who request them. The requester shall pay the reasonable cost of copying.

### **5.3 Computation of Time**

Unless otherwise provided in the SCC or state law, the computation of any period of time prescribed or allowed by these rules shall begin with the first day following the day on which the act or event initiating such period of time shall have occurred. When the last day of the period so computed is a Saturday, Sunday, or holiday, the period shall run until the end of the next business day.

## **6. RIGHTS AND RESPONSIBILITIES OF PARTIES**

### **6.1 Rights of County**

County staff shall have the right to present evidence, testimony, objections, motions, arguments, recommendations, and all other rights essential to a fair hearing.

### **6.2 Rights of Applicant and Appellant**

Every Applicant and Appellant shall have the right to adequate notice, cross-examination, presentation of evidence, objection, motions, argument, and all other rights essential to a fair hearing. The Applicant shall have the right of timely access to the County's staff report.

6.3 Rights of Interested Parties

Every interested party shall have the right to present evidence and testimony at hearings on permit applications. The right of interested parties to cross-examine, object, submit motions and arguments shall be at the discretion of the Hearing Examiner. The Hearing Examiner may impose reasonable limitations on the nature and length of witnesses' testimony.

6.4 Responsibilities of County Staff

County Staff shall provide notice of the hearing consistent with County Code, provide a staff report consistent with the provisions of Rule 8.5 and SCC 2.80.110, present materials at the hearing, and provide the Hearing Examiner with documentation relevant to the case. In addition, County staff shall be responsible for audio recording the proceedings and maintaining possession of the official record in each matter.

6.5 Responsibilities of Applicant

The Applicant or his/her representative shall familiarize him/herself with the criteria for review prior to the hearing; provide the Hearing Examiner with any material that supports his/her case; and be prepared to present his/her case and answer questions from the Hearing Examiner, County staff, and the public.

6.6 Responsibilities of Appellant

Appellants have the same responsibilities as Applicants, and in addition shall be required to provide a specific and comprehensible written statement of the issues on appeal prior to the hearing.

6.7 Responsibilities of All Parties

Parties, witnesses, and observers shall conduct themselves with civility and deal courteously with all persons involved in the proceedings. Failure to do so will result in removal from the hearing.

6.8 Time Limits on Witness Testimony

Where the Hearing Examiner finds that testimony would be repetitious or irrelevant to the matters before him or her, the Examiner may impose reasonable limitations on the nature and length of witnesses' testimony. Cross-examination is permitted as necessary for a full disclosure of the facts, but the Hearing Examiner shall control the amount and style of cross-examination.

**7. PRESIDING OFFICIALS**

7.1 Presiding Officials

- a. The Hearing Examiner shall preside over all hearings.
- b. The Hearing Examiner shall have the authority and duties granted to him/her in state statutes, the SCC, and other County ordinances. Included in the duties of the Hearing Examiner are the following: to conduct fair and impartial hearings;  
  
to take all necessary action to avoid delay in the disposition of proceedings; and to maintain order. He/she shall have all powers necessary to that end, including the following:
  1. to administer oaths and affirmations;
  2. to rule upon offers of proof and receive evidence;
  3. to regulate the course of the Hearing and the conduct of the parties and their agents;
  4. to question any party presenting testimony at the hearing;
  5. to hold conferences for settlement, simplification of the issues, or any other proper purpose;
  6. to require briefs on legal issues;
  7. to consider and rule upon all procedural and other motions appropriate to the proceedings; and,
  8. to make and file recommendations or decisions, consistent with County Code.
- c. Interference. In the performance of his/her adjudicative functions, the Hearing Examiner shall not be subject to the supervision or direction of any elected official, officer, employee or agent of any County department.

**8. CONDUCT OF OPEN RECORD HEARINGS ON PERMITS AND APPEALS**

8.1 Notice Requirements of Hearing and Filings

- a. All notice and time requirements and methods of notification shall be consistent with the SCC.
- b. Affidavit of Notice. An affidavit attesting to the notice given of a public hearing (including dates and places of publication and mailing list) should be part of each official case record.

8.2 Oath or Affirmation

All testimony before the Hearing Examiner shall be given under oath or affirmation to tell the truth.

8.3 Order of Presentation at the Permit Application Hearing

A permit application hearing generally includes, but is not limited to, the following elements: a brief introductory statement of the hearing process by the Hearing Examiner; a presentation by County staff, including a summary of the proposal, identification of

applicable SCC criteria and development standards, and staff's recommendation; a presentation by the Applicant; public testimony; opportunity for cross-examination and rebuttal; and opportunity for questions by the Hearing Examiner. The Hearing Examiner has discretion to set the order of presentation in any given case.

#### 8.4 Content of the Record of a Permit Application Hearing

The record of a permit application hearing conducted by the Hearing Examiner shall include, at a minimum, the following materials:

- a. The application for permit;
- b. Appropriate departmental staff reports;
- c. All evidence received, including oral testimony given at the hearing, all exhibits and other materials admitted as evidence;
- d. A statement of all matters officially noticed;
- e. A recommendation by Community Development Department Staff as to the outcome;
- f. Audio recordings of the proceedings; and
- g. An environmental determination made pursuant to the State Environmental Policy Act of 1971 (SEPA), as applicable.

#### 8.5 Content and Form of Staff Reports on Permit Applications

The staff report shall be distributed to the Hearing Examiner and to the Applicant, and made available for public review at least ten days prior to the scheduled hearing. The staff report shall include the following, as appropriate:

- a. Name and address of the Applicant and his/her property interest in the property that is the subject of the hearing;
- b. A brief summary of the requested action and the citation of the ordinance controlling the request;
- c. The following descriptive information about the subject property:
  - (1) The address and legal description of the subject property,
  - (2) A statement of the zoning and Comprehensive Plan designations applicable to the subject property,
  - (3) A description of existing development on the subject property,
  - (4) A description of surrounding land uses,
  - (5) Any scientific, environmental, or engineering information germane to the case, and
  - (6) A description of critical areas identified or suspected to exist on site;
- d. An analysis of the project's consistency with the criteria for approval. In making the

## Exhibit 1

analysis, staff shall refer to applicable ordinances as often as possible.

- e. A summary of the reports or recommendations of any other agencies consulted;
- f. Appropriate maps of the subject property;
- g. The environmental review process under the State Environmental Policy Act; and
- h. Staff's conclusions and recommendations, including recommended conditions of approval.

### 8.6 Order of Presentation at an Appeal Hearing

Open record appeal hearings generally include, but are not limited to, the following elements: a brief introductory statement of the hearing process by the Hearing Examiner; a brief background of the decision appealed by departmental staff; a detailed presentation of the appeal (including presentation of witnesses, if any) by the Appellant; a response to the appeal (including presentation of witnesses, if any) by the County; a response to the appeal (including presentation of witnesses, if any) by the Applicant, if different from the Appellant; cross-examination of parties and witnesses; opportunity for rebuttal; and, opportunity for questions by the Hearing Examiner. Unless otherwise provided in the SCC, only witnesses called by the parties to an appeal are permitted to testify at an appeal hearing. The Hearing Examiner has discretion to set the order of presentation in any given case.

### 8.7 Continuances of Hearing

- a) Hearing Examiner. If the Hearing Examiner determines that more information is necessary in order to make a decision, or he/she is unable to hear all of the evidence on the matter during the scheduled open record hearing, the hearing may be continued to a specified date and time.
- b) At the Request of a Party. Any party of record may request continuance of a hearing. However, the hearing may not be continued over the objection of a party unless good cause is shown. The Hearing Examiner shall have discretion to grant or deny the request for continuance.

### 8.8 Evidence

- a. Burden of Proof. In each proceeding on a permit application, the Applicant shall have the burden of proof to show compliance with applicable laws and regulations of Washington State and the Skamania County. In each proceeding on an appeal, the Appellant shall have the burden of proof.
- b. Admissibility. Relevant evidence, including hearsay, shall be admitted if:
  - (1) it possesses probative value such as would be commonly accepted by reasonably prudent persons in the conduct of their affairs, and

(2) in the opinion of the Hearing Examiner, it is the best evidence reasonably obtainable, having due regard for its necessity, availability and trustworthiness.

- c. Hearing Examiner Discretion. The Hearing Examiner shall have discretion to admit or deny evidence offered at the hearing. Objections to evidence will be noted for the record. In ruling on the admissibility of evidence, the Examiner shall give consideration to, but shall not be bound to follow, the rules of evidence governing civil proceedings before the superior courts in the state of Washington. All parties will be allowed opportunity to make a record of evidence admitted or denied during the course of the hearing. This record shall include offers of proof.
- d. Copies. Documentary evidence may be received in the form of copies if the original is not readily available. Upon request, parties shall be given an opportunity to compare the copy with the original. Parties bringing documentary evidence to hearings are advised to bring at least three extra copies, one for the Hearing Examiner to use as a "working copy", one for Community Development Department Staff and the other for the opposing party.
- e. Judicial notice. The Hearing Examiner may take judicial notice of judicially cognizable facts; applicable federal, state, and county laws; and general, technical, or scientific facts within his or her specialized knowledge. The Hearing Examiner shall not take notice of disputed adjudicative facts.
- f. Record held open for submission of relevant evidence. The Hearing Examiner may request documents to be filed after the close of public testimony. In such cases, only those documents specifically requested by the Hearing Examiner on the record during the public hearing may be admitted.

#### 8.9 Presence of Legal Counsel at Public Hearings

Although representation by legal counsel is not required at the hearing, all parties participating in the hearing may be represented by legal counsel of their choice.

### 9. **ADDITIONAL RULES FOR APPEALS**

#### 9.1 Pre-hearing Conference

- a. The Hearing Examiner may, on his/her own order or at the request of a party, hold a conference prior to the hearing to consider:
  - (1) Identification, clarification, and simplification of the issues;
  - (2) Disclosure of witnesses to be called and exhibits to be presented;
  - (3) Motions; and
  - (4) Other matters deemed by the Hearing Examiner appropriate for the orderly and expeditious disposition of the proceedings.
- b. Pre-hearing conferences may be held telephonically.

## Exhibit 1

- c. The Community Development Department shall give timely notice to all parties of any pre-hearing conference order by the Hearing Examiner. Notice may be written or oral.
- d. All parties shall participate in any pre-hearing conference unless they waive the right to be present or represented, and are granted permission by the Hearing Examiner not to attend.
- d. Following the pre-hearing conference, the Hearing Examiner may issue an order reciting the actions taken or ruling on motions made at the conference.
- e. Pre-hearing orders may not be appealed until the Hearing Examiner issues an appeal decision.

### 9.2 Timeliness

To be considered timely filed, an appeal must be received no later than close of business on the last day of the appeal period. All appeals received after this time shall be considered untimely and shall be dismissed by the Hearing Examiner.

### 9.3 Fee

Any filing fee as required by Skamania County Code shall accompany an appeal.

### 9.4 Contents

An appeal must be in writing, identify the decision being appealed, and contain a concise statement of the basis for appeal and the relief requested.

### 9.5 Briefs

Briefs or other memoranda of law, limited to the specific issues set forth in the Appellant's statement of appeal, may be submitted by the parties in support of or in response to an appeal. Each party is permitted one primary brief not exceeding 50 double-spaced pages in length, and one reply brief not exceeding 25 pages in length. The Hearing Examiner may, at his/her discretion, waive or modify these page limits at the request of either of the parties in order to accommodate complex legal and factual issues.

### 9.6 Motions

Motions and responses to motions are not to exceed 20 double-spaced pages in length without prior approval of the Hearing Examiner.

### 9.7 Party Representative

Where an appeal is filed by several individuals or a group, the party shall designate one individual to be its representative, who shall be made known to the Hearing Examiner. Notice or other communication to the party representative is considered notice to the party.

### 9.8 Withdrawal of Appeal

- a. An appeal may be withdrawn only by the Appellant. Where the appeal is filed by several persons or a group, withdrawal shall be made by the person designated as the party representative.
- b. The Hearing Examiner may dismiss an appeal by an order of default where the Appellant, without requesting a continuance, fails to appear at a scheduled and properly noticed hearing.

## 10. **DECISIONS**

### 10.1 Written Decisions

The Hearing Examiner shall issue a written report of findings, conclusions, and decision within the time allowed by SCC 2.80.130. The findings, conclusions, and decision shall

indicate how the decision carries out the policies and regulations of the Comprehensive Plan, the County Code, and other relevant laws and plans.

### 10.2 Content of Decision

At a minimum, each decision shall include the following:

- a. The nature and background of the proceeding.
- b. Findings. The findings shall be a statement of the facts that are the basis of the conclusions and decision of the Examiner, and shall be based exclusively on the evidence entered into the record and any matters officially noticed. The source of each finding shall be identified.
- c. Conclusions. Whenever practical, the conclusions shall reference specific provisions of the law, and shall include the reasons and precedents relied upon to make the conclusions.
- d. A decision or order. The decision shall be based upon a consideration of the whole record and supported by reliable, probative and substantial evidence. All decisions may include conditions of approval.
- e. Statement of appeal process for that particular decision.

### 10.3 Procedure for Reopening Hearing

At any time prior to filing the final decision, the Hearing Examiner may reopen the proceeding to receive further evidence. All parties of record shall be given notice of the consideration of such evidence and granted an opportunity to review such evidence and file rebuttal arguments.

## 11. **APPEALS OF HEARING EXAMINER DECISIONS**

The decision of the Hearing Examiner shall be final and conclusive unless an appeal is timely filed with the appropriate decision making body (superior court, per RCW 36.70C;

the Shorelines Hearings Board, per RCW 90.58; or the Columbia River Gorge Commission). Only a party of record may file an appeal of the Hearing Examiner's decision. Additional information can be found in SCC 2.80.140 and the applicable statutes.

**12. CONFLICTS**

These rules of procedure are adopted to supplement the requirements set forth in the SCC. Any conflicts between these rules and the provisions of the SCC shall be decided in favor of the SCC.

## Skamania County Land Use Hearing Examiner Process

The following information explains the fundamental role of the Land Use Hearing Examiner and the process by which the Examiner renders land use decisions. ***This is not a complete description of the rules and laws governing the hearing process, but rather an overview to prepare applicants, appellants, and members of the public for participation in public proceedings.*** The land use hearing process is described in more detail in Chapter 2.80 of the Skamania County Code (SCC) and in the Land Use Hearing Examiner Rules of Procedure. Copies of the relevant ordinances and rules are available through the Skamania County Community Development Department.

The Hearing Examiner system assures fairness and due process protection for all persons involved in the land use hearing process. It is the Examiner's responsibility to render land use decisions in an efficient manner. County ordinances authorize the Hearing Examiner to conduct hearings on certain land use permit applications and appeals of administrative decisions. The specific applications and appeals under the Hearing Examiner's jurisdiction are listed in SCC 2.80.060.

### **Overview of the Process**

Hearings before the Hearing Examiner are usually "open record hearings." The purpose of the open record hearing is to allow parties to present evidence as to whether the application or appeal under review satisfies the County's criteria for approval and other applicable state and local laws. The evidence submitted at the hearing, which may consist of oral testimony or written documents, is known as the "record" of the hearing. Because the Hearing Examiner's decision - and a court's decision on appeal of a Hearing Examiner's decision - is based on the record, **it is important that parties present all relevant information and arguments at the open record hearing.** When the hearing is concluded, the record is "closed" and no new evidence may be submitted.

Occasionally, the Hearing Examiner may leave the record open for submission of specific information that was not provided prior to or at the hearing. This can happen when the Examiner has questions the parties need time to answer or when interested parties at the hearing bring up relevant issue not addressed to the Examiner's satisfaction. If the Hearing Examiner determines the information is necessary for making a decision on the matter, the record will be "held open" for the specific information. When this occurs, the Hearing Examiner will be admitted. Typically, both the specific information requested and the deadline are spelled out in a Post-Hearing Order for Submission of Additional Evidence. The Order will usually state when the record will close. Generally, no new evidence may be submitted after the close of record, even on appeal.

Hearings on permit applications typically proceed in the following order:

- Introductory comments by the Hearing Examiner;
- Presentation by County staff, including staff's analysis of the application and recommendation;
- Presentation by the applicant;
- Public testimony, which may include questions for County staff or the applicant; and
- County and applicant responses to the issues and questions that have been raised.

Hearings on appeals typically proceed in the following order:

- Introductory comments by the Hearing Examiner;

## Exhibit 1

- Presentation by the appellant, and any witnesses the appellant calls;
- Presentation by the County, and any witnesses the County calls;
- Presentation by the applicant, if different from the appellant, and any witnesses the applicant calls;
- Rebuttal testimony and/or concluding remarks by the parties.

Each hearing is audio recorded in order to establish a verbatim record of the testimony and procedures. All testimony is given under oath, and each person who testifies must identify him or herself for the record. The Hearing Examiner may establish time limits for testimony.

At the conclusion of the hearing, the Hearing Examiner closes the record and sets the due date for rendering his or her decision. No decision is issued at the hearing itself. The Hearing Examiner takes the case under advisement and prepares a written decision including findings of fact and conclusions of law.

The Hearing Examiner's final decision is mailed to parties of record (i.e., individuals who submit written or oral testimony, the applicant or appellant, and the County) and to other individuals who request a copy.

### **How to Participate Effectively**

- Limit testimony and/or written documentation to the specific case at hand. Testimony about desired changes in the code is not relevant and will not be considered. Land use applications are required to be decided according to the rules in effect at the time of application. Changes to the code are more properly addressed to the Board of County Commissioners.
- Focus on facts that have some tendency to show that the project does or does not satisfy the County's criteria for approval or other applicable laws. The most persuasive testimony or written documentation is that which is based on the speaker's or writer's first-hand observations and, for technical issues, is within the speaker's or writer's area of expertise.
- To the extent possible, review the project documents and the relevant codes prior to the hearing.
- Be courteous and respectful to each participant.
- Direct your comments to the Hearing Examiner and not to members of the audience.

### **Due Process Considerations**

- Land use hearings before the Hearing Examiner are quasi-judicial proceedings, which means that certain due process protections apply. Not only must quasi-judicial proceedings be fair; they must appear to be fair. Accordingly, the Hearing Examiner may not participate in any matter in which he or she has financial or personal interest. Any person who has grounds to believe the Hearing Examiner may be influenced by a consideration outside the public record should promptly bring that concern to the attention of the Hearing Examiner prior to or at the hearing.
- If written testimony is submitted, it must be received prior to or at the public hearing for it to be considered by the Hearing Examiner. Written testimony should be addressed to the Hearing Examiner in care of the Community Development Department; should contain the

writer's name and mailing address (the mailing address is needed to ensure the writer receives notice of the decision); should reference the application file number;

and should be legible. Comments should contain the specific reasons why the application should be approved, denied, or conditioned.

- The Hearing Examiner may not be contacted directly about specific applications. To ensure that the Hearing Examiner will remain free from bias or prejudice in the decision-making process, any contact with the Examiner must be through testimony or written statements submitted at the hearing, or through material submitted to Community Development Department staff for transmittal to the Hearing Examiner. Material submitted in an inappropriate manner will not be considered part of the record.

### **Appeals from Hearing Examiner Decisions**

- Section 2.80.140 of the Skamania County Code contains information on appealing a Hearing Examiner's decision. To be considered, appeals must be filed by one of the parties of record with the appropriate decision-making body (Superior Court, Shorelines Hearings Board, or Columbia River Gorge Commission) within the time limits specified in the applicable statutes.

# Kellett Rd Rezone - Vicinity Map

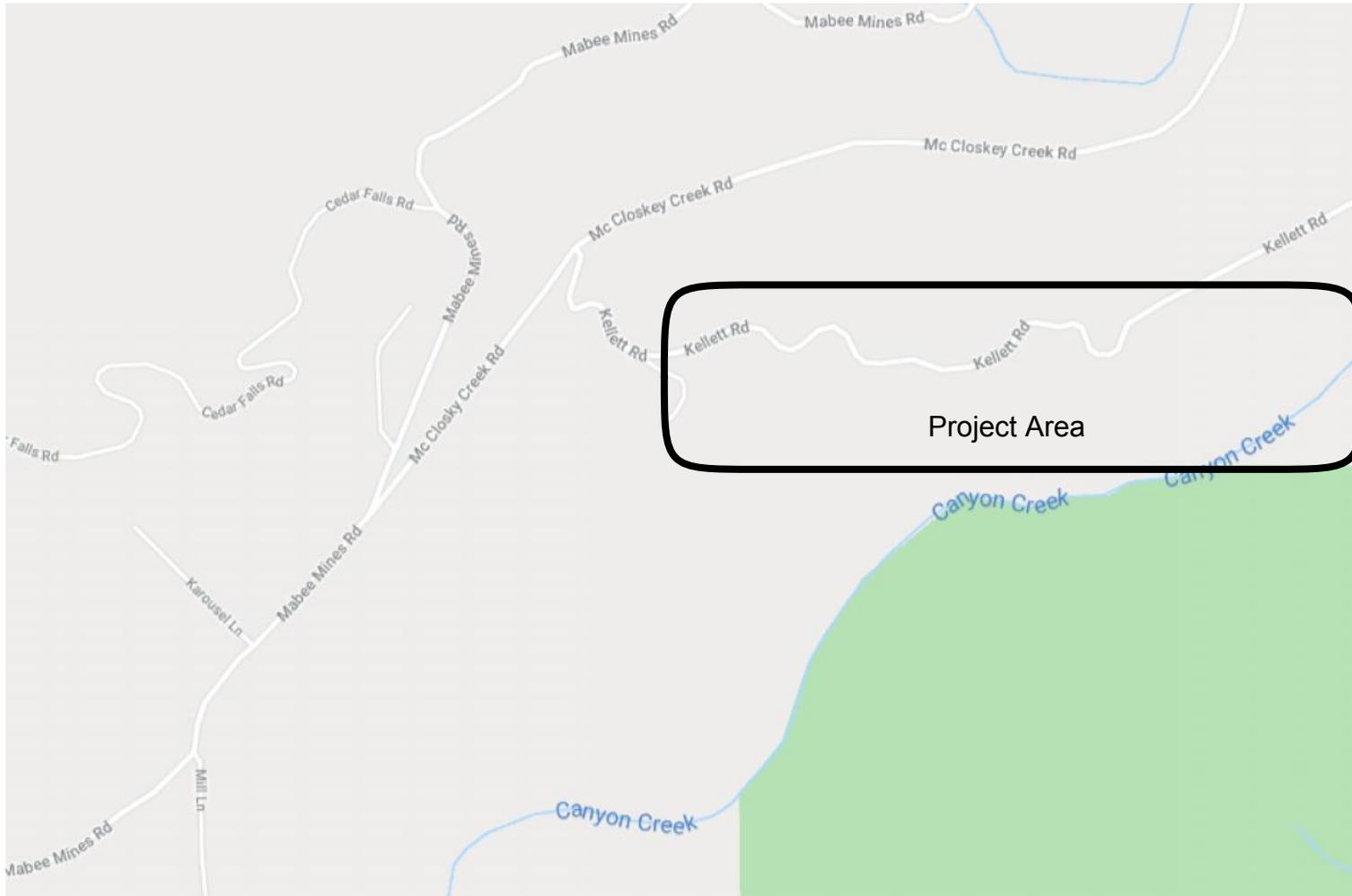
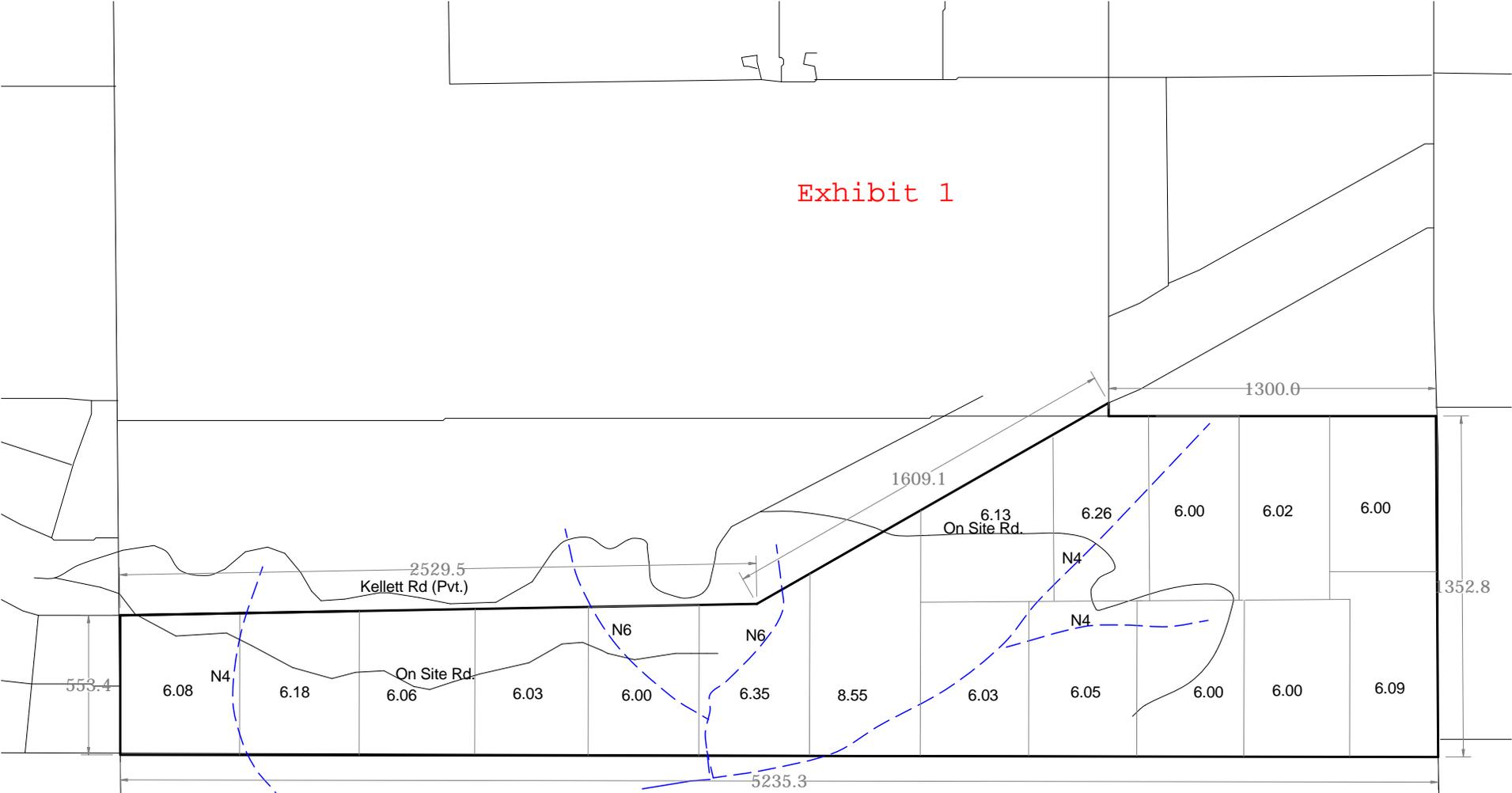


Exhibit 1

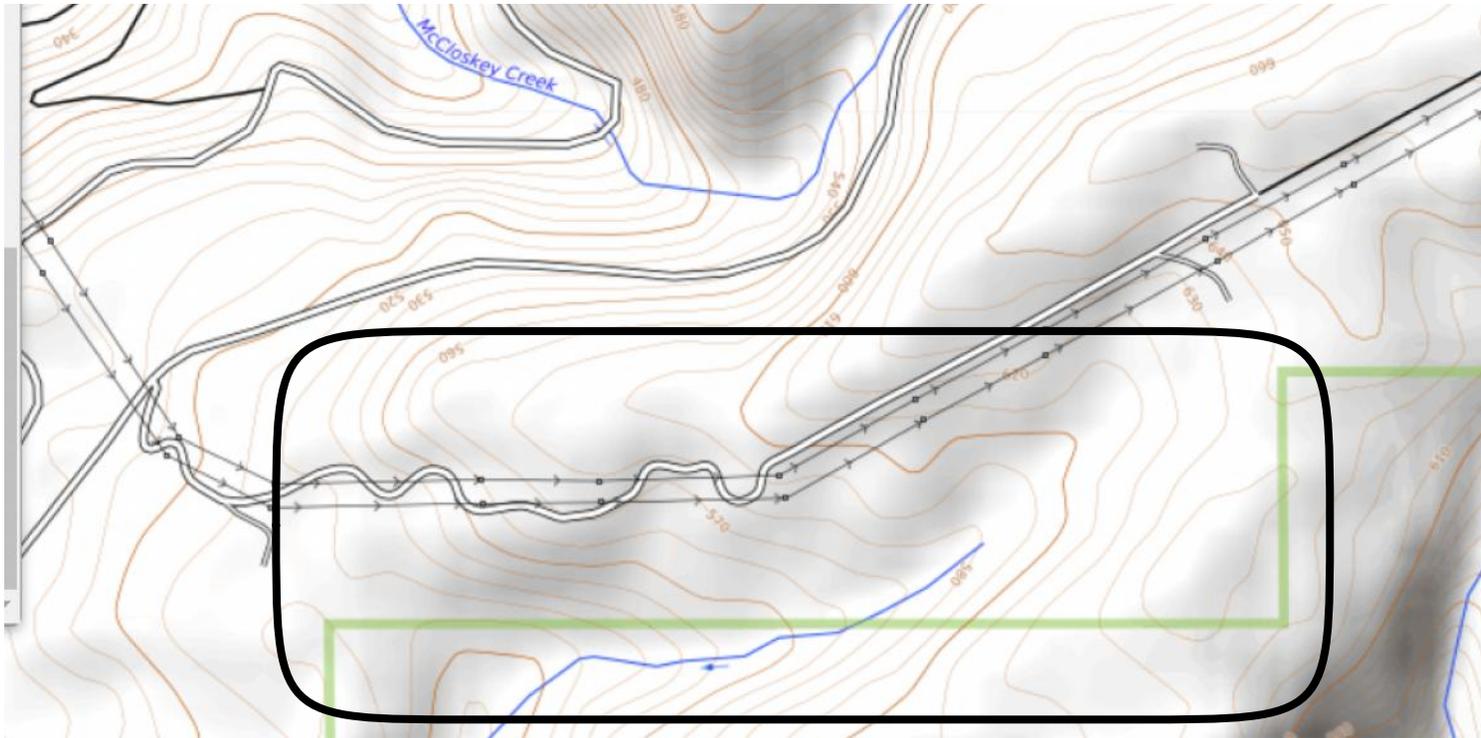


**Parcel # 02052500090000**  
**Kellett Rd. Rezone - Plot Plan**

Exhibit 1

# Kellett Rd Rezone - TOPO Map

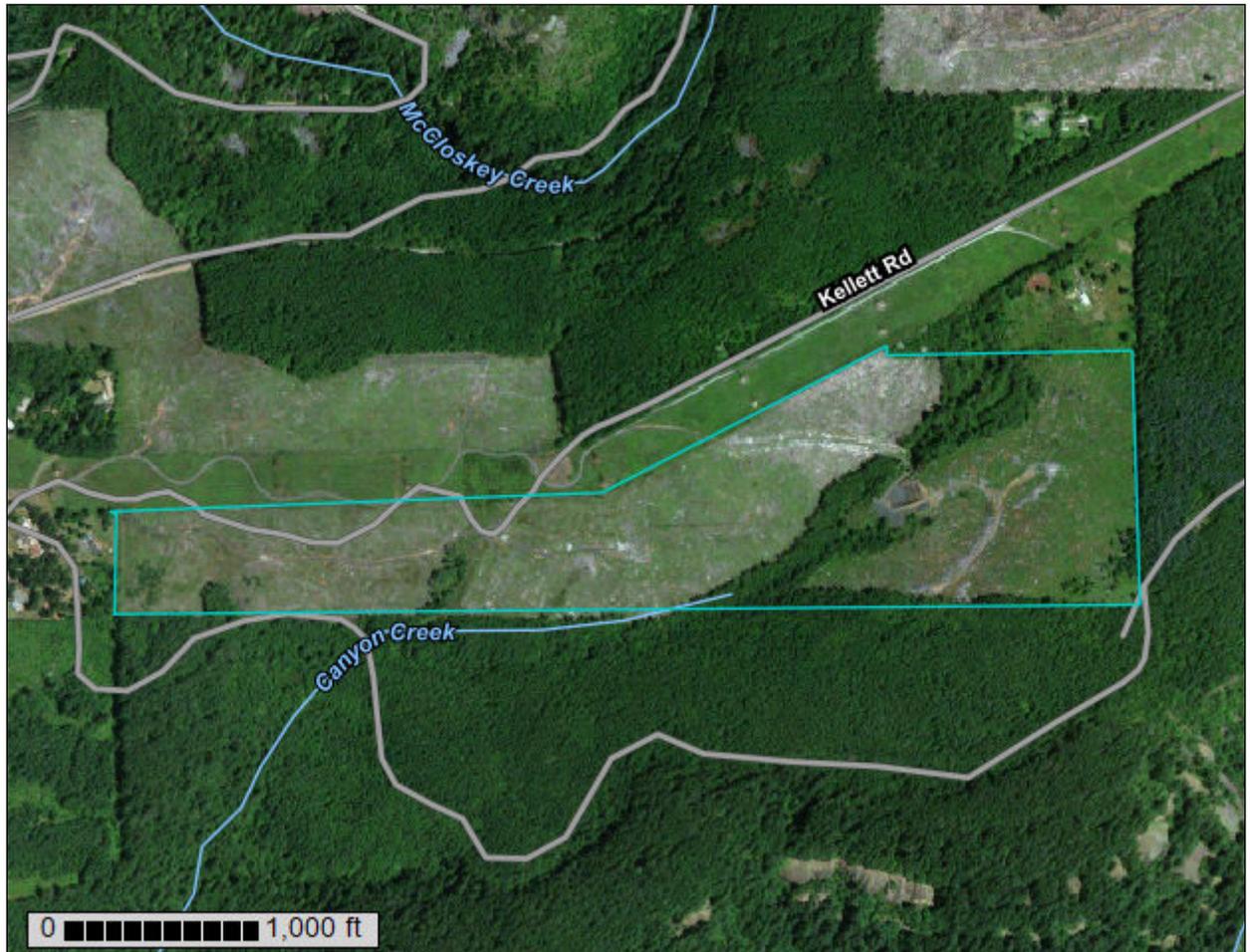
in meters





A product of the National Cooperative Soil Survey, a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local participants

# Custom Soil Resource Report for Skamania County Area, Washington



# Preface

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Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (<http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/>) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (<https://offices.sc.egov.usda.gov/locator/app?agency=nrcs>) or your NRCS State Soil Scientist ([http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2\\_053951](http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951)).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

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## Exhibit 1

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## How Soil Surveys Are Made

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Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage; the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units). Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil

Custom Soil Resource Report

scientists classified and named the soils in the survey area, they compared the individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Soil scientists make many field observations in the process of producing a soil map. The frequency of observation is dependent upon several factors, including scale of mapping, intensity of mapping, design of map units, complexity of the landscape, and experience of the soil scientist. Observations are made to test and refine the soil-landscape model and predictions and to verify the classification of the soils at specific locations. Once the soil-landscape model is refined, a significantly smaller number of measurements of individual soil properties are made and recorded. These measurements may include field measurements, such as those for color, depth to bedrock, and texture, and laboratory measurements, such as those for content of sand, silt, clay, salt, and other components. Properties of each soil typically vary from one point to another across the landscape.

Observations for map unit components are aggregated to develop ranges of characteristics for the components. The aggregated values are presented. Direct measurements do not exist for every property presented for every map unit component. Values for some properties are estimated from combinations of other properties.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and

Exhibit 1  
Custom Soil Resource Report

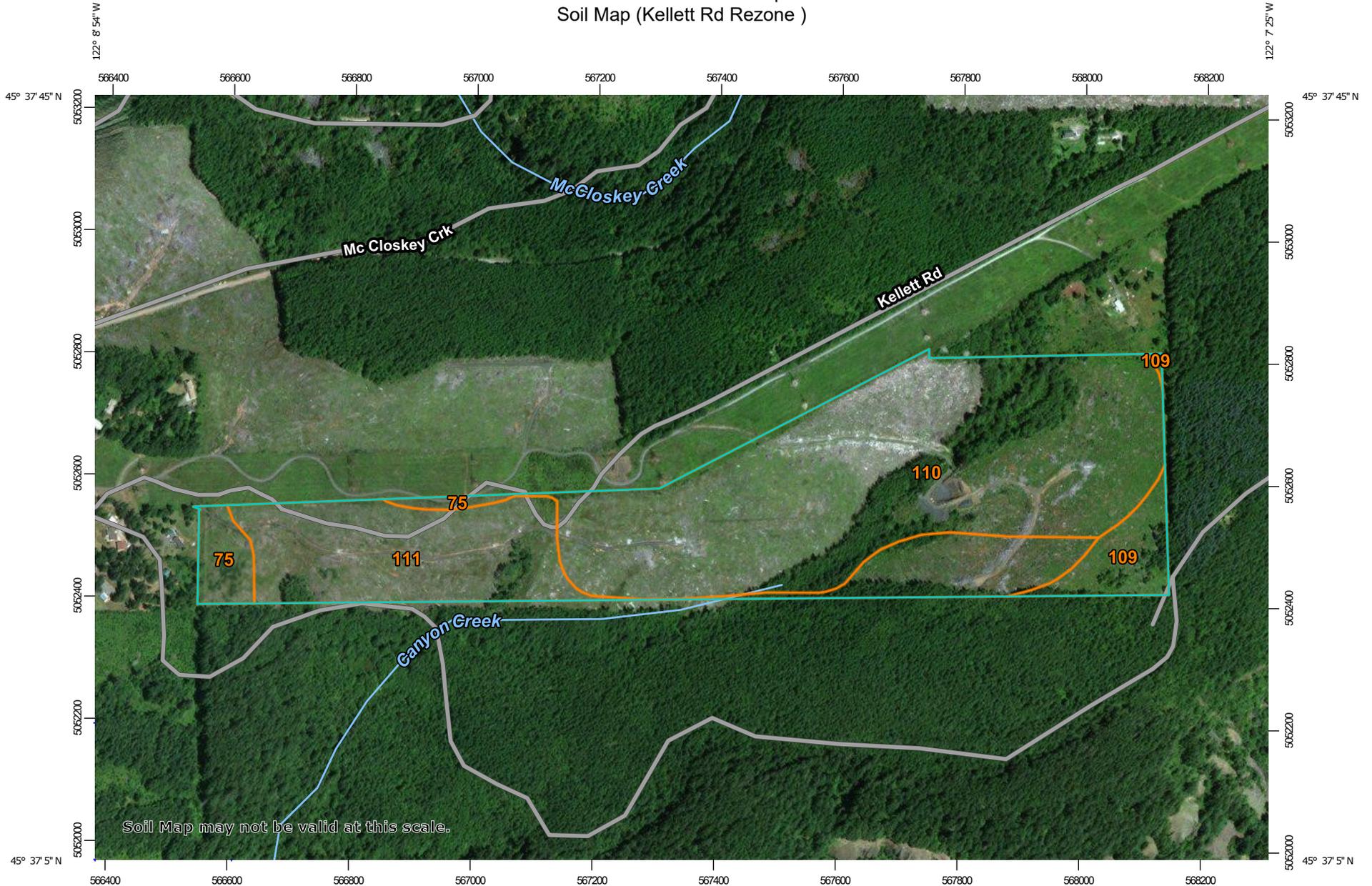
identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

## Soil Map

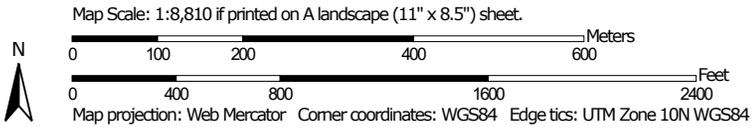
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The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

Custom Soil Resource Report  
Soil Map (Kellett Rd Rezone )



Soil Map may not be valid at this scale.



### MAP LEGEND

**Area of Interest (AOI)**

 Area of Interest (AOI)

**Soils**

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

**Special Point Features**

-  Blowout
-  Borrow Pit
-  Clay Spot
-  Closed Depression
-  Gravel Pit
-  Gravelly Spot
-  Landfill
-  Lava Flow
-  Marsh or swamp
-  Mine or Quarry
-  Miscellaneous Water
-  Perennial Water
-  Rock Outcrop
-  Saline Spot
-  Sandy Spot
-  Severely Eroded Spot
-  Sinkhole
-  Slide or Slip
-  Sodic Spot

-  Spoil Area
-  Stony Spot
-  Very Stony Spot
-  Wet Spot
-  Other
-  Special Line Features

**Water Features**

 Streams and Canals

**Transportation**

-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads

**Background**

 Aerial Photography

### MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service  
 Web Soil Survey URL:  
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Skamania County Area, Washington  
 Survey Area Data: Version 15, Sep 16, 2019

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Aug 19, 2015—Sep 9, 2016

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

## Custom Soil Resource Report

**Map Unit Legend (Kellett Rd Rezone )**

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
75	Mountzion clay loam, 2 to 15 percent slopes	4.1	4.0%
109	Skoly stony loam, 2 to 15 percent slopes	5.3	5.2%
110	Skoly stony loam, 15 to 30 percent slopes	63.1	61.7%
111	Skoly stony loam, 30 to 65 percent slopes	29.8	29.2%
<b>Totals for Area of Interest</b>		<b>102.4</b>	<b>100.0%</b>

**Map Unit Descriptions (Kellett Rd Rezone )**

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

## Custom Soil Resource Report

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

## Skamania County Area, Washington

### 75—Mountzion clay loam, 2 to 15 percent slopes

#### Map Unit Setting

*National map unit symbol:* 1hhts

*Elevation:* 500 to 2,000 feet

*Mean annual precipitation:* 60 to 90 inches

*Mean annual air temperature:* 48 to 52 degrees F

*Frost-free period:* 145 to 200 days

*Farmland classification:* Farmland of statewide importance

#### Map Unit Composition

*Mountzion and similar soils:* 100 percent

*Estimates are based on observations, descriptions, and transects of the mapunit.*

#### Description of Mountzion

##### Setting

*Landform:* Mountain slopes

##### Typical profile

*H1 - 0 to 17 inches:* clay loam

*H2 - 17 to 60 inches:* silty clay loam

##### Properties and qualities

*Slope:* 2 to 15 percent

*Depth to restrictive feature:* More than 80 inches

*Natural drainage class:* Well drained

*Capacity of the most limiting layer to transmit water (Ksat):* Moderately high to high (0.57 to 1.98 in/hr)

*Depth to water table:* More than 80 inches

*Frequency of flooding:* None

*Frequency of ponding:* None

*Available water storage in profile:* High (about 11.5 inches)

##### Interpretive groups

*Land capability classification (irrigated):* None specified

*Land capability classification (nonirrigated):* 3e

*Hydrologic Soil Group:* B

*Forage suitability group:* Soils with Moderate Limitations (G003XF603WA)

*Hydric soil rating:* No

### 109—Skoly stony loam, 2 to 15 percent slopes

#### Map Unit Setting

*National map unit symbol:* 1hhpq

*Elevation:* 20 to 2,200 feet

*Mean annual precipitation:* 70 to 95 inches

*Mean annual air temperature:* 48 to 50 degrees F

*Frost-free period:* 110 to 160 days

*Farmland classification:* Farmland of statewide importance

**Map Unit Composition**

*Skoly and similar soils:* 100 percent

*Estimates are based on observations, descriptions, and transects of the mapunit.*

**Description of Skoly**

**Setting**

*Landform:* Mountain slopes

**Typical profile**

*H1 - 0 to 5 inches:* stony loam

*H2 - 5 to 40 inches:* very cobbly loam

*H3 - 40 to 60 inches:* very cobbly loam

**Properties and qualities**

*Slope:* 2 to 15 percent

*Depth to restrictive feature:* More than 80 inches

*Natural drainage class:* Well drained

*Capacity of the most limiting layer to transmit water (Ksat):* Moderately high to high (0.57 to 1.98 in/hr)

*Depth to water table:* More than 80 inches

*Frequency of flooding:* None

*Frequency of ponding:* None

*Available water storage in profile:* Moderate (about 6.3 inches)

**Interpretive groups**

*Land capability classification (irrigated):* None specified

*Land capability classification (nonirrigated):* 3s

*Hydrologic Soil Group:* B

*Forage suitability group:* Droughty Soils (G003XF403WA)

*Hydric soil rating:* No

**110—Skoly stony loam, 15 to 30 percent slopes**

**Map Unit Setting**

*National map unit symbol:* 1hhps

*Elevation:* 20 to 2,200 feet

*Mean annual precipitation:* 70 to 95 inches

*Mean annual air temperature:* 48 to 50 degrees F

*Frost-free period:* 110 to 160 days

*Farmland classification:* Farmland of statewide importance

**Map Unit Composition**

*Skoly and similar soils:* 100 percent

*Estimates are based on observations, descriptions, and transects of the mapunit.*

**Description of Skoly**

**Setting**

*Landform:* Mountain slopes

Custom Soil Resource Report

**Typical profile**

*H1 - 0 to 5 inches:* stony loam  
*H2 - 5 to 40 inches:* very cobbly loam  
*H3 - 40 to 60 inches:* very cobbly loam

**Properties and qualities**

*Slope:* 15 to 30 percent  
*Depth to restrictive feature:* More than 80 inches  
*Natural drainage class:* Well drained  
*Capacity of the most limiting layer to transmit water (Ksat):* Moderately high to high (0.57 to 1.98 in/hr)  
*Depth to water table:* More than 80 inches  
*Frequency of flooding:* None  
*Frequency of ponding:* None  
*Available water storage in profile:* Moderate (about 6.3 inches)

**Interpretive groups**

*Land capability classification (irrigated):* None specified  
*Land capability classification (nonirrigated):* 4e  
*Hydrologic Soil Group:* B  
*Forage suitability group:* Droughty Soils (G003XF403WA)  
*Hydric soil rating:* No

**111—Skoly stony loam, 30 to 65 percent slopes**

**Map Unit Setting**

*National map unit symbol:* 1hhpt  
*Elevation:* 20 to 2,200 feet  
*Mean annual precipitation:* 70 to 95 inches  
*Mean annual air temperature:* 48 to 50 degrees F  
*Frost-free period:* 110 to 160 days  
*Farmland classification:* Not prime farmland

**Map Unit Composition**

*Skoly and similar soils:* 100 percent  
*Estimates are based on observations, descriptions, and transects of the mapunit.*

**Description of Skoly**

**Setting**

*Landform:* Mountain slopes

**Typical profile**

*H1 - 0 to 5 inches:* stony loam  
*H2 - 5 to 40 inches:* very cobbly loam  
*H3 - 40 to 60 inches:* very cobbly loam

**Properties and qualities**

*Slope:* 30 to 65 percent  
*Depth to restrictive feature:* More than 80 inches  
*Natural drainage class:* Well drained

*Capacity of the most limiting layer to transmit water (Ksat):* Moderately high to high (0.57 to 1.98 in/hr)

*Depth to water table:* More than 80 inches

*Frequency of flooding:* None

*Frequency of ponding:* None

*Available water storage in profile:* Moderate (about 6.3 inches)

**Interpretive groups**

*Land capability classification (irrigated):* None specified

*Land capability classification (nonirrigated):* 7e

*Hydrologic Soil Group:* B

*Hydric soil rating:* No

## References

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- United States Department of Agriculture, Natural Resources Conservation Service. National range and pasture handbook. <http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/landuse/rangepasture/?cid=stelprdb1043084>

Custom Soil Resource Report

United States Department of Agriculture, Natural Resources Conservation Service. National soil survey handbook, title 430-VI. [http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/scientists/?cid=nrcs142p2\\_054242](http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/scientists/?cid=nrcs142p2_054242)

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# COMPREHENSIVE PLAN CHANGE APPLICATION NARRATIVE For Kellett Rd. Rezone

## **Description of the Requested Amendment**

This application seeks approval for a Comprehensive Plan Map Amendment to change the land use designation for parcel #02052500090000, 104 acres, from West End Forest Lands 20 to Rural Land 2:

## **Why the Amendment is being proposed and Parts of the Comprehensive Plan that need (to be) changed**

The amendment is being proposed to allow for appropriate low density development of residential structures on 6-acre lots. The subject parcel was designated West End Forest Lands 20 (WE-FL20) as part of the County's adoption of the West End Community Subarea Plan in 2007.

The purpose of the FL20 designation is to provide land for present and future non-industrial forestry operations and to provide buffers between Commercial Resource Lands and Rural Lands designations. The nearest Commercial Resource Lands are approximately 2450' to the south with 1500' of Open Space designation within that distance. There are no Commercial Resource Lands in the immediate vicinity; therefore this property is not intended to act as a buffer.

The property has been recently re-forested with Doug fir planted on an 8' grid. The trees are healthy and an average of about 8' tall. The intent of this proposal is to create seventeen, 6 acre, lots with each lot withdrawing 1 acre (17 acres total) from Current Use Designated Forest Land for residential purposes and retaining the balance, 87 acres, in timber management.

The properties to the west are zoned Rural Lands 2, the rest of the adjacent properties are zoned Forest Land 20, however, the northeastern adjacent properties served by Kellett Rd are between 5 and 12 acre parcels with existing residential development. Changing the designation to RL-2 with 6 acre lots would not impact the surrounding properties by eliminating an intended purpose of the original land use designation.

The parts of the Comprehensive Plan that need to be changed and/or revised include:

- Figure 3-1 Comprehensive Subarea Plan Map, Page 36, 2007 West End Subarea Plan
- Figure 3-2 Comprehensive Subarea Plan Map, Page 37, 2007 West End Subarea Plan
- Table 3.1 Page 33
- Table 3.2 Page 33

## **Draft Text Amendment Language**

The applicant will work with County Staff to identify the updates needed in the buildout potential that would result from the requested Comprehensive Plan Amendment. No specific text amendments are proposed as part of this application.

## Criteria for Approval

The Comprehensive Plan Change must meet the following criteria:

**1. “A text and/or map amendment is necessary to resolve inconsistencies within the County Comprehensive Plan with which the county has no objection.”**

As part of the overall proposal, the applications propose to change the zoning designation from WE-FL20 to RL-2. There is an inconsistency in the West End Sub Area Plan in the assumption that growth would continue at the rate that it had been in the years prior to the adoption of the plan in 2007. Countywide, there were around 200 bare land sales per year for the three years preceding the plan. Bare land sales fell by 44% after adoption of the plan, in 2007 to 106 sales and the another 60% in 2008 to 42 sales. By 2012 it was down to 19 bare land sales for the entire county. The West End RL2 zone has only had 4 bare land sales per year for the past three years. The framers of the plan have failed to factor in the lack of willingness of landowners to divide their property to allow for creation of more lots. It appears that current Skamania County residents still value the privacy that is hard to enjoy with 2 acre lots and they are reluctant to divide them. Rezoning this property would allow the creation of 17, 6 acre, parcels zoned RL-2 that would allow for additional development within the zoning designation while maintaining the rural character and allowable density. This proposal would only increase the total potential lots in RL2 by 2% while greatly increasing the bare land market inventory for future growth.

The West End Sub Area Plan states

**“Rural Residential areas should generally be developed at low levels of intensity (5 acre and 10 acre lots) so that demands will not be created for high levels of public services and facilities. County requirements for housing in rural areas should encourage residential development that is compatible with farming, open space, outdoor recreation, protection of significant cultural resources, rural service levels, and generally with the rural character. Existing areas of more intense rural residential development (2 acre lots) should be acknowledged and maintained, but should not be expanded.”**

The planning department has interpreted this as allowing any existing parcels in the RL2 zone to be divided down to 2 acre parcels but not allow acreage rezoned into the RL2 zone to be divided to less than 5 acre parcels. As the bare land inventory decreases, increasing scarcity will drive the value of parcels in the West End high enough to eventually motivate current property owners to divide to 2 acre parcels. This proposal would offer inventory to the West End that fits the low levels of intensity desired by the plan while reducing scarcity.

The rezoning and Comprehensive Plan change will better implement the framers' vision of controlled growth while still maintaining a rural setting.

**2. “Conditions have significantly changed since the adoption of the Comprehensive Plan or Official Controls to the extent that the existing adopted plan provision or map designation is inappropriate. Examples of significantly changed conditions include, but are not limited to:**

**(a) sixty percent (60%) infill of existing lots within the entire mapping designation being proposed for change; or**

**(b) new technology and uses not originally considered in the text have been developed.”**

(Note: The West End Community Comprehensive Subarea Plan and concurrent zoning were adopted on February 27, 2007. It must be proved that a substantial change in circumstances has occurred since February of 2007. 2(a) was redefined in 2018 to be more restrictive Chapter 21.08 of the Skamania County Code defines a special change in circumstance as **“Substantial change in circumstances” means a significant change in**

*conditions affecting the planning area as a whole or a substantial portion thereof. Examples include, but are not limited to, substantial development affecting the rural character of a community, sixty percent of full buildout has been achieved within the proposed zoning designation. "Full buildout" means the total number of existing and potential future lots based on the minimum parcel size within the zoning designation. Percent of full buildout is equal to (number of existing developed lots) divided by (total number of existing and potential lots based on acreage within the land use designation) times one hundred, or legal circumstances sufficient to defeat the purposes of a policy established in the comprehensive plan or subarea plan. However, the creation of the National Scenic Area and any zone changes or existing zone districts within adjacent counties will not be considered to be a substantial change in circumstance. ..."*

The people that petitioned for this change claimed that the original framers of the plan that wrote "**(a) sixty percent (60%) infill of existing lots within the entire mapping designation being proposed for change;**" actually meant to write **(a) sixty percent (60%) infill of existing lots and potential lots within the entire mapping designation being proposed for change;**" The framers definitely knew the difference between existing lots and potential lots which is shown by the calculations and text present in the plan. There was no proof offered to the contrary. The Planning Staff Report recommended not to make the change.)

This proposal meets the original intent of the plan with 76% of existing lots in the West End RL2 zone being developed .

**West End Sub Area Plan RL2 Capacity Projections:**

Based on the West End Subarea Plan, when it was adopted in 2007, there were a total of 706 potential lots, including 329 existing parcels, in the West End RL-2 zone. It appears that the total potential lots were calculated by taking the total amount of acreage in the subarea and dividing by two acres and adding in existing lots that were less than 2 acres. This resulted in 706 potential lots. Of those potential lots, 204 were developed and 502 potential lots were available for development.

2007 Existing Lots	329	100%
2007 Developed Lots	204	62%
2007 Bare Lots	125	38%
2007 Potential Lots	706	100%
2007 Developed Lots	204	29%
2007 Potential Bare Lots	502	71% (125 existing, 377 require land divisions)

Note: According to County Data , Land Divisions West End 2007 to 2020.xlsx, there have been 25 RL2 lots added through Short Plats since 2007 which would make a total of 354 existing parcels.

There are currently 410 parcels in the RL2 zoning area which is a discrepancy of 56 extra parcels.

**West End RL2 Acreage Analysis:**

Based on Skamania County Assessor Data, There are currently 410 parcels, totaling 1599 GIS acres, included in the West End RL-2 zone. 15 of these parcels are owned by churches (5), schools (4), cemeteries (2), county(2) and state (2) and should be excluded from parcels for residential development.

The remainder 395 parcels have been analyzed for development and potential division.

Assessor's data and building permit data shows that there are 302 developed lots in the RL-2 zone. There are 93 existing lots in the zone that are undeveloped.

All of the 395 existing parcels in the zone were analyzed for maximum division. The RL-2 zone allows for a minimum lot size of 2 acres.

## Exhibit 1

Existing Residential Lots	395	100%
Developed Lots	302	76%
Bare Lots	93	24%

Potential Residential Lots	794	100%
Developed Lots	302	38%
Bare Potential Lots	492	62% (93 existing , 399 require land divisions)

Reference: Acreage Breakdown RL2 Potential Lots.pdf compiled from County Data **Population Growth:**

### Average Annual Percent Change

Years	Skamania	Washington
2010-2018	0.95	1.37
2018	0.73	1.48

Reference: <https://washington.reaproject.org/analysis/comparative-trends-analysis/population/tools/530000/530059/>

According to the West End Sub Area Plan, the five years prior to the adoption of the plan in 2007 had a growth increase of 3.9% per year while the Washington State Office of Financial Management (OFM) was predicting a growth rate of 1.25% . The actual growth is substantially less than the assumptions.

### Bare Land Sales West End RL2 2013 - 2019:

Year Sold	Total Parcels
2013	5
2014	7
2015	6
2016	6
2017	4
2018	4
2019	4

Reference: Bare Land Sales West End RL2 2013-2019.pdf

### Bare Land Sales Skamania County 2003-2012:

Year	Sales
2003	121
2004	198
2005	214
2006	190
2007	106
2008	42
2009	33
2010	47
2011	34
2012	19

Reference: Skamania County Average Sale Prices 2003-2012.pdf - County web site

## Exhibit 1

### Current Bare Land Listings West End RL2 Zone 2/6/2020:

02053300251200 2821 Salmon Falls Rd 7.7 acres Short Plat 2019  
02053300250300 331 Silver Star Lane 13.82 acres Short Plat 2019  
02053300011100 302 Carlton Rd 4.23 acres  
02053140030500 LOT 5 OF THE SKYE S/D #2006161314 2.24 acres  
02053120071500 Baars Hollow Lot 2 2.04 acres Short Plat 2019  
02053120072000 Baars Hollow Lot 1 2.04 acres Short Plat 2019

References: Realtor.com and Zillow.com - Land Divisions West End 2007 to 2020.xlsx

The bare land sales show a substantial change in circumstances where, countywide, there was an average of 200 bare land sales per year in the three years prior to the adoption of the West End Sub Area Plan dropping 90% by 2012. This appears to be from a diminishing inventory of bare parcels that current landowners are willing to part with or divide existing parcels. While there are 492 potential lots in the RL2 zoning area only 6 of those are currently offered for sale. Of those 6 lots, 4 were short platted in 2019.

### Stick Built Home Sales Skamania County:

Year	Sales
2003	116
2004	166
2005	179
2006	139
2007	117
2008	67
2009	69
2010	90
2011	63
2012	43

Reference: Skamania County Average Sale Prices 2003-2012.pdf - County web site

There was a substantial change, countywide, in the number of stick built home sales dropping 63% from 2007 to 2012.

There are currently only 2 homes for sale in the RL2 zone. One of them has a pending sale.

01050500110000 31 Dharma Way 3.15 acres \$549k 37 days (pending) RL2  
02053332050000 11472 Washougal River Rd 8276s/f \$325k 26 days RL2

References: Realtor.com and Zillow.com

### Single Family Residence Construction West End RL2 2006 – 2019:

Year Built	New Residences
2006	14
2007	14
2008	4
2009	1
2010	0
2011	3

2012	1
2013	6
2014	3
2015	5
2016	7
2017	4
2018	3
2019	3

Reference: Single Family Residence Construction in RL2 2019-2006 .pdf - compiled from County Data

There has substantial change in the number of new construction of residences in the RL2 zoning area, dropping 78% from 2007 to 2019.

**Technology:**

Since 2007 there has been a significant increase in internet connectivity and speed that has increased to the point where it is now feasible for many to work from home eliminating a commute and making rural living a possibility for more people.

**3. “The proposed text and/or map amendment is consistent with the overall intent of the goals, maps, and land use element of the Comprehensive Plan.”**

See the attached Kellett Comp Plan Compliance Narrative, as part of the Comprehensive Plan Amendment Application, that demonstrates how the proposal is consistent with the land Use Element Goals and Policies of the West End Subarea Plan.

**4. “The proposed text and/or map amendment is consistent with RCW 36.70, those sections of RCW 36.70A to which Skamania County is required to plan under, and Comprehensive Plan policies.”**

The proposed map amendment is consistent with the West End Community Subarea Plan and Comprehensive Plan goals and policies.

See the attached Kellett Comp Plan Compliance Narrative.

**5. “Additionally, for an amendment to the Comprehensive Plan or any Subarea Plan Map, the proposed designation must be contiguous along a shared boundary to the requested comprehensive plan or Subarea plan designation by at least 100 feet or 25% of the width of the property proposed to change, whichever is greater.”**

One hundred percent, 553', of the shared west boundary is contiguous to a RL-2 zoning designation.

**6. “Environmental impacts have been disclosed and measures imposed to avoid or, if not possible to avoid, then mitigate said impacts.”**

To the best of our knowledge, there are no environmental impacts associated with the Comprehensive Plan Amendment and Rezone Applications. Full disclosure of known environmental elements in the area is included in the SEPA Checklist prepared for this

project. Future impacts, if any, that are identified as part of future development applications will be avoided or mitigated as required.

**7. “The applicant should examine potential ramifications of the proposed text and/or map amendment to other Comprehensive Plan Elements and official controls and show how the potential ramifications have been considered and addressed.”**

The applicant could not find any potential ramifications of the proposed map amendment to other Comprehensive Plan elements or official controls.



**Skamania County**  
**Community Development Department**  
 Building/Fire Marshal ♦ Environmental Health ♦ Planning  
 Skamania County Courthouse Annex  
 Post Office Box 1009  
 Stevenson, Washington 98648  
 Phone: 509-427-3900 Inspection Line: 509-427-3922

## REZONE APPLICATION INTAKE CHECKLIST

(This form must be completed and submitted with all required documents for the application to be considered complete. Review will not begin on the project until all of the requirements below are submitted)

- | STAFF                    | APPLICANT                |   |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | Complete Rezone application and <i>non-refundable</i> \$1725 fee (payable to Skamania County Treasurer). <b>Fees are subject to change by resolution of the County Commissioners.</b>   |
| <input type="checkbox"/> | <input type="checkbox"/> | SEPA Checklist and <i>non-refundable</i> \$400 fee  |
| <input type="checkbox"/> | <input type="checkbox"/> | Additional signatures (if required). When an amendment is sought for an area larger than the parcels owned by the applicant, the signatures on the application must represent 100% of the owners of the total number of parcels within the entire area proposed for amendment. If a parcel has multiple owners, then all of the owners' signatures must be obtained and are counted as a single signature when calculating the percentage of owners' signatures obtained. |
| <input type="checkbox"/> | <input type="checkbox"/> | Supplemental questions. Answers must be attached in response to the criteria for approval explaining how the project meets those criteria.  |
| <input type="checkbox"/> | <input type="checkbox"/> | Comprehensive Plan amendment. If the zoning amendment request is not consistent with the current Comprehensive Plan designation, a Comprehensive Plan amendment must be approved before the zoning change can be made. These petitions can be heard at the same hearing meeting.  |
| <input type="checkbox"/> | <input type="checkbox"/> | A vicinity map showing affected parcels must be included.   |
| <input type="checkbox"/> | <input type="checkbox"/> | Certification that the applicant/owner has read and understands the Hearing Examiner process.   |

<b>Reviewed by</b> _____	<b>Complete:</b> Yes _____ No _____	<b>Date:</b> _____
--------------------------	-------------------------------------	--------------------

Exhibit 2

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**Skamania County**  
**Community Development Department**  
 Building/Fire Marshal ♦ Environmental Health ♦ Planning  
 Skamania County Courthouse Annex  
 Post Office Box 1009  
 Stevenson, Washington 98648  
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## REZONE APPLICATION & INFORMATIONAL PACKET

### What is a Rezone?

Petitions for zoning map amendments are requests to change the zone classification shown on the official zoning map for a specific parcel or parcels by one or more landowners. In some cases, a rezone request will match the comprehensive plan designation for the parcel. If it does not, a comprehensive plan change is also required.

### Submittal Deadlines and Hearing Schedule:

All petitions must be submitted and determined complete by December 31<sup>st</sup> of the current year to be heard the following year. The Hearing Examiner schedule is as follows:

- Commissioner District #1 / West End: June
- Commissioner District #2 / Mid County: May
- Commissioner District #3 / East End: April

Depending on the number of petitions received, more than one hearing date may be necessary. The Hearing Examiner receives a list of petitions in February and will set the schedule then.

Note: If a petition is denied, that petition can be resubmitted no sooner than three years from the date of denial.

### The Process

1. Petitions must be submitted and determined complete by December 31<sup>st</sup> of the current year to be heard the following year.
2. The official hearing date will be set in February when the Hearing Examiner receives the list of petitions.
3. Notice of Public Hearing will be sent to adjacent property owners and local and state agencies and published in the newspaper.
4. The Hearing Examiner and applicant(s) will be provided a Staff Report from SCCDD approximately 10 days prior to the hearing.
5. The hearing will occur. The applicant(s) must be present at the hearing for the petition to be heard.
6. The Hearing Examiner will issue a decision within 10 business days of the close of the record. The Hearing Examiner may adopt, modify, or deny the application based on criteria set forth in Skamania County Code 21.18.070(B).

### Criteria for Approval:

The Hearing Examiner may approve of the proposed petition for zoning map amendment if:

1. It bears a substantial relationship to the public health, safety, and/or welfare (is the amendment consistent with the comprehensive plan);
2. It is contiguous to the requested designation by at least 100 feet, therefore not granting a special privilege, and;

3. Circumstances have substantially changed in the area since the adoption of the existing zoning designation. A substantial change in circumstances means a significant change in conditions affecting the area where the requested petition for zoning map amendment is located. Examples include, but are not limited to, substantial in-fill affecting the rural character of a community. Please note that the creation of the National Scenic Area and any zone changes or existing zone districts within adjacent Counties will not be considered to be a substantial change in circumstance.

Comprehensive Plan Consistency:

In the case where a petition for zoning map amendment requires an amendment to the comprehensive plan in order to assure consistency between SCC Title 21 and the comprehensive plan, the review processes for the petition for zoning map amendment and the comprehensive plan amendment may proceed concurrently by holding the hearings for each amendment at the same meeting.

**REZONE APPLICATION**

(Please complete application in ink)

Applicant: \_\_\_\_\_ E-mail: \_\_\_\_\_

Address: \_\_\_\_\_ Home: (    )

Work: (    )

Property Owner: \_\_\_\_\_ E-mail: \_\_\_\_\_

Address: \_\_\_\_\_ Home: (    )

Work: (    )

Location of Property: \_\_\_\_\_

Tax Lot/Parcel # \_\_\_\_\_ Total acres: \_\_\_\_\_

Current zone designation: \_\_\_\_\_ Requested zone designation: \_\_\_\_\_

Comprehensive Plan designation: \_\_\_\_\_

Write a narrative describing the reason for this rezone request and any proposed development plans for this parcel (Attached additional pages if necessary):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I hereby certify that I have read and understand the attached Hearing Examiner process.

Applicant signature(s): \_\_\_\_\_ Date: \_\_\_\_\_

Owner signature(s): \_\_\_\_\_ Date: \_\_\_\_\_

Signatures, names and addresses of owners of all other properties involved in this rezone must be provided on the attached page. Attach additional sheets if necessary.

**Signature of the property owner(s) authorizes Staff and other Agency personnel reasonable access to the site in order to evaluate the application.**

FOR DEPARTMENT USE ONLY	
Legal description attached: Yes / No	
Date received	Date complete
Receipt #	File #

**Additional signatures**

	Signature	Name (printed)	Address	Tax Parcel Number
1				
2				
3				
4				
5				
6				
7				
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15				

**SKAMANIA COUNTY**  
**OFFICE OF THE HEARING EXAMINER**  
**RULES OF PROCEDURE FOR OPEN RECORD HEARINGS ON**  
**LAND USE PERMIT APPLICATIONS AND APPEALS**

Exhibit 2

**1. APPLICABILITY**

- 1.1 These procedures shall apply to open record hearings on land use permit applications and appeals of administrative decisions that come before the Hearing Examiner.

**2. DEFINITIONS**

- 2.1 "Administrative decision" means a decision issued by the Director of the Skamania County Community Development Department or his or her designee, or a threshold determination issued by the Responsible Official under the State Environmental Policy Act (SEPA).

"Appellant" means a person, organization, or other similar group who files a complete and timely appeal of an administrative decision or other appealable action.

"Applicant" means a person who is the owner of the subject property or the authorized representative of the owner of the subject property who has applied for a land use permit.

"Burden of proof" means the responsibility of a party to present sufficient, credible evidence to support his or her position.

"Comprehensive Plan" means the Comprehensive Plan that has been adopted by the Skamania County.

"Board" means the Skamania County Board of County Commissioners.

"County" means Skamania County, Washington.

"Ex parte communication" means written or oral communication to the Hearing Examiner about a matter pending before the Hearing Examiner that is not included in the public record and/or is made outside of a public hearing.

"Hearing" means the open record public proceeding at which testimony and exhibits of evidence are presented to the Hearing Examiner on a given land use permit application or appeal.

"Hearing Examiner" or "Examiner" means the Hearing Examiner of Skamania County.

"Interested Party" means any individual, partnership, corporation, association, or public or private organization of any character that may be affected by proceedings before the Hearing Examiner. Any party in a contested case is an interested party.

"Motion" means a written request made to the Hearing Examiner for an order or other ruling.

"Notice of Decision" means the written document that communicates a decision on an action before the Hearing Examiner.

"Party of record" or "Party" means:

- a. Any person who testifies at a hearing,
- b. An Appellant,
- b. The Applicant or his/her agents,
- c. Persons submitting written testimony about a matter prior to the close of the record, and
- d. Skamania County.

"Community Development Department" means the Skamania County Community Development Department.

"Record" means the oral testimony and written exhibits admitted at the hearing. The audio recording of the proceeding shall be included as part of the record.

"Staff" means the staff member of the Community Development Department assigned to present a case before the Hearing Examiner.

"Subject property" means the real property that is subject of the land use permit application or appeal.

"SCC" means Skamania County Code.

**3. JURISDICTION**

- 3.1 The Hearing Examiner's jurisdiction is limited to those issues where ordinance or other appropriate authority grants the Hearing Examiner the authority to make a decision or issue an order pursuant to SCC 2.80.060 or other sections of the SCC.
- 3.2 Timely filing of an appeal is required for the Examiner to acquire jurisdiction over any appeal.
- 3.3 Any party may challenge the Examiner's ability to hear an appeal/matter on jurisdictional grounds, or the Examiner may independently raise the jurisdictional issue. If the Examiner determines that he/she does not have jurisdiction, the appeal/matter will be dismissed.

**4. EX PARTE COMMUNICATION**

- 4.1 a. No person, nor agent, employee, or representative of any person, who is an interested party in an application currently pending before the Examiner shall communicate ex parte, directly or indirectly, with the Hearing Examiner concerning the merits of any pending application/appeal or any factually related application/appeal. Communications on purely procedural matters such as scheduling and logistics are permitted on an ex parte basis; however, all allowed ex parte procedural communications should be directed to the Hearing Examiner in care of the Community Development Department.
- b. The Examiner shall not communicate ex parte directly or indirectly with any person, agent, employee, or representative of any person who is an interested party in an application currently pending before the Examiner concerning the merits of the pending application or any factually related application, unless he/ she provides notice and opportunity for all parties to participate.
- c. If a prohibited ex parte communication is made to or by the Examiner, such communication shall be publicly disclosed at hearing. The Examiner shall exercise

proper discretion as to whether to disqualify him/herself as Examiner for that particular hearing.

## Exhibit 2

### 5. **NATURE OF PROCEEDINGS**

#### 5.1 Expeditious Proceedings

It is the policy of the Hearing Examiner that, to the extent practicable and consistent with the requirements of law, public hearings shall be conducted expeditiously. In the conduct of such proceedings, the Hearing Examiner, County staff, and all parties, agents, and witnesses shall make every effort at each stage of a proceeding to avoid delay.

#### 5.2 Record of Hearing

- a. Hearings shall be audio recorded and such recordings shall be a part of the official case record.
- b. The County shall make copies of the audio recording of a particular hearing and the written materials within the official case record available to individuals who request them. The requester shall pay the reasonable cost of copying.

#### 5.3 Computation of Time

Unless otherwise provided in the SCC or state law, the computation of any period of time prescribed or allowed by these rules shall begin with the first day following the day on which the act or event initiating such period of time shall have occurred. When the last day of the period so computed is a Saturday, Sunday, or holiday, the period shall run until the end of the next business day.

### 6. **RIGHTS AND RESPONSIBILITIES OF PARTIES**

#### 6.1 Rights of County

County staff shall have the right to present evidence, testimony, objections, motions, arguments, recommendations, and all other rights essential to a fair hearing.

#### 6.2 Rights of Applicant and Appellant

Every Applicant and Appellant shall have the right to adequate notice, cross-examination, presentation of evidence, objection, motions, argument, and all other rights essential to a fair hearing. The Applicant shall have the right of timely access to the County's staff report.

#### 6.3 Rights of Interested Parties

Every interested party shall have the right to present evidence and testimony at hearings on permit applications. The right of interested parties to cross-examine, object, submit motions and arguments shall be at the discretion of the Hearing Examiner. The Hearing Examiner may impose reasonable limitations on the nature and length of witnesses' testimony.

#### 6.4 Responsibilities of County Staff

County Staff shall provide notice of the hearing consistent with County Code, provide a staff report consistent with the provisions of Rule 8.5 and SCC 2.80.110, present materials at the hearing, and provide the Hearing Examiner with documentation relevant to the case. In addition, County staff shall be responsible for audio recording the proceedings and maintaining possession of the official record in each matter.

6.5 Responsibilities of Applicant

The Applicant or his/her representative shall familiarize him/herself with the criteria for review prior to the hearing; provide the Hearing Examiner with any material that supports his/her case; and be prepared to present his/her case and answer questions from the Hearing Examiner, County staff, and the public.

6.6 Responsibilities of Appellant

Appellants have the same responsibilities as Applicants, and in addition shall be required to provide a specific and comprehensible written statement of the issues on appeal prior to the hearing.

6.7 Responsibilities of All Parties

Parties, witnesses, and observers shall conduct themselves with civility and deal courteously with all persons involved in the proceedings. Failure to do so will result in removal from the hearing.

6.8 Time Limits on Witness Testimony

Where the Hearing Examiner finds that testimony would be repetitious or irrelevant to the matters before him or her, the Examiner may impose reasonable limitations on the nature and length of witnesses' testimony. Cross-examination is permitted as necessary for a full disclosure of the facts, but the Hearing Examiner shall control the amount and style of cross-examination.

**7. PRESIDING OFFICIALS**

7.1 Presiding Officials

- a. The Hearing Examiner shall preside over all hearings.
- b. The Hearing Examiner shall have the authority and duties granted to him/her in state statutes, the SCC, and other County ordinances. Included in the duties of the Hearing Examiner are the following: to conduct fair and impartial hearings;

to take all necessary action to avoid delay in the disposition of proceedings; and to maintain order. He/she shall have all powers necessary to that end, including the following:

- 1. to administer oaths and affirmations;
- 2. to rule upon offers of proof and receive evidence;
- 3. to regulate the course of the Hearing and the conduct of the parties and their agents;
- 4. to question any party presenting testimony at the hearing;
- 5. to hold conferences for settlement, simplification of the issues, or any other proper purpose;
- 6. to require briefs on legal issues;

7. to consider and rule upon all procedural and other motions appropriate to the proceedings; and,
  8. to make and file recommendations or decisions, consistent with County Code.
- c. Interference. In the performance of his/her adjudicative functions, the Hearing Examiner shall not be subject to the supervision or direction of any elected official, officer, employee or agent of any County department.

## **8. CONDUCT OF OPEN RECORD HEARINGS ON PERMITS AND APPEALS**

### 8.1 Notice Requirements of Hearing and Filings

- a. All notice and time requirements and methods of notification shall be consistent with the SCC.
- b. Affidavit of Notice. An affidavit attesting to the notice given of a public hearing (including dates and places of publication and mailing list) should be part of each official case record.

### 8.2 Oath or Affirmation

All testimony before the Hearing Examiner shall be given under oath or affirmation to tell the truth.

### 8.3 Order of Presentation at the Permit Application Hearing

A permit application hearing generally includes, but is not limited to, the following elements: a brief introductory statement of the hearing process by the Hearing Examiner; a presentation by County staff, including a summary of the proposal, identification of applicable SCC criteria and development standards, and staff's recommendation; a presentation by the Applicant; public testimony; opportunity for cross-examination and rebuttal; and opportunity for questions by the Hearing Examiner. The Hearing Examiner has discretion to set the order of presentation in any given case.

### 8.4 Content of the Record of a Permit Application Hearing

The record of a permit application hearing conducted by the Hearing Examiner shall include, at a minimum, the following materials:

- a. The application for permit;
- b. Appropriate departmental staff reports;
- c. All evidence received, including oral testimony given at the hearing, all exhibits and other materials admitted as evidence;
- d. A statement of all matters officially noticed;
- e. A recommendation by Community Development Department Staff as to the outcome;
- f. Audio recordings of the proceedings; and

- g. An environmental determination made pursuant to the State Environmental Policy Act of 1971 (SEPA), as applicable.

#### 8.5 Content and Form of Staff Reports on Permit Applications

The staff report shall be distributed to the Hearing Examiner and to the Applicant, and made available for public review at least ten days prior to the scheduled hearing. The staff report shall include the following, as appropriate:

- a. Name and address of the Applicant and his/her property interest in the property that is the subject of the hearing;
- b. A brief summary of the requested action and the citation of the ordinance controlling the request;
- c. The following descriptive information about the subject property:
  - (1) The address and legal description of the subject property,
  - (2) A statement of the zoning and Comprehensive Plan designations applicable to the subject property,
  - (3) A description of existing development on the subject property,
  - (4) A description of surrounding land uses,
  - (5) Any scientific, environmental, or engineering information germane to the case, and
  - (6) A description of critical areas identified or suspected to exist on site;
- d. An analysis of the project's consistency with the criteria for approval. In making the analysis, staff shall refer to applicable ordinances as often as possible.
- e. A summary of the reports or recommendations of any other agencies consulted;
- f. Appropriate maps of the subject property;
- g. The environmental review process under the State Environmental Policy Act; and
- h. Staff's conclusions and recommendations, including recommended conditions of approval.

#### 8.6 Order of Presentation at an Appeal Hearing

Open record appeal hearings generally include, but are not limited to, the following elements: a brief introductory statement of the hearing process by the Hearing Examiner; a brief background of the decision appealed by departmental staff; a detailed presentation of the appeal (including presentation of witnesses, if any) by the Appellant; a response to the appeal (including presentation of witnesses, if any) by the County; a response to the appeal (including presentation of witnesses, if any) by the Applicant, if different from the Appellant; cross-examination of parties and witnesses; opportunity for rebuttal; and, opportunity for questions by the Hearing Examiner. Unless otherwise provided in the SCC, only witnesses called by the parties to an appeal are permitted to testify at an appeal hearing. The Hearing Examiner has discretion to set the order of presentation in any given case.

#### 8.7 Continuances of Hearing

- a) Hearing Examiner. If the Hearing Examiner determines that more information is necessary in order to make a decision, or he/she is unable to hear all of the

evidence on the matter during the scheduled open record hearing, the hearing may be continued to a specified date and time.

- b) At the Request of a Party. Any party of record may request continuance of a hearing. However, the hearing may not be continued over the objection of a party unless good cause is shown. The Hearing Examiner shall have discretion to grant or deny the request for continuance.

## 8.8 Evidence

- a. Burden of Proof. In each proceeding on a permit application, the Applicant shall have the burden of proof to show compliance with applicable laws and regulations of Washington State and the Skamania County. In each proceeding on an appeal, the Appellant shall have the burden of proof.
- b. Admissibility. Relevant evidence, including hearsay, shall be admitted if:
- (1) it possesses probative value such as would be commonly accepted by reasonably prudent persons in the conduct of their affairs, and
  - (2) in the opinion of the Hearing Examiner, it is the best evidence reasonably obtainable, having due regard for its necessity, availability and trustworthiness.
- c. Hearing Examiner Discretion. The Hearing Examiner shall have discretion to admit or deny evidence offered at the hearing. Objections to evidence will be noted for the record. In ruling on the admissibility of evidence, the Examiner shall give consideration to, but shall not be bound to follow, the rules of evidence governing civil proceedings before the superior courts in the state of Washington. All parties will be allowed opportunity to make a record of evidence admitted or denied during the course of the hearing. This record shall include offers of proof.
- d. Copies. Documentary evidence may be received in the form of copies if the original is not readily available. Upon request, parties shall be given an opportunity to compare the copy with the original. Parties bringing documentary evidence to hearings are advised to bring at least three extra copies, one for the Hearing Examiner to use as a "working copy", one for Community Development Department Staff and the other for the opposing party.
- e. Judicial notice. The Hearing Examiner may take judicial notice of judicially cognizable facts; applicable federal, state, and county laws; and general, technical, or scientific facts within his or her specialized knowledge. The Hearing Examiner shall not take notice of disputed adjudicative facts.
- f. Record held open for submission of relevant evidence. The Hearing Examiner may request documents to be filed after the close of public testimony. In such cases, only those documents specifically requested by the Hearing Examiner on the record during the public hearing may be admitted.

## 8.9 Presence of Legal Counsel at Public Hearings

Although representation by legal counsel is not required at the hearing, all parties participating in the hearing may be represented by legal counsel of their choice.

## 9. ADDITIONAL RULES FOR APPEALS

## 9.1 Pre-hearing Conference

## Exhibit 2

- a. The Hearing Examiner may, on his/her own order or at the request of a party, hold a conference prior to the hearing to consider:
  - (1) Identification, clarification, and simplification of the issues;
  - (2) Disclosure of witnesses to be called and exhibits to be presented;
  - (3) Motions; and
  - (4) Other matters deemed by the Hearing Examiner appropriate for the orderly and expeditious disposition of the proceedings.
- b. Pre-hearing conferences may be held telephonically.
- c. The Community Development Department shall give timely notice to all parties of any pre-hearing conference order by the Hearing Examiner. Notice may be written or oral.
- d. All parties shall participate in any pre-hearing conference unless they waive the right to be present or represented, and are granted permission by the Hearing Examiner not to attend.
- d. Following the pre-hearing conference, the Hearing Examiner may issue an order reciting the actions taken or ruling on motions made at the conference.
- e. Pre-hearing orders may not be appealed until the Hearing Examiner issues an appeal decision.

## 9.2 Timeliness

To be considered timely filed, an appeal must be received no later than close of business on the last day of the appeal period. All appeals received after this time shall be considered untimely and shall be dismissed by the Hearing Examiner.

## 9.3 Fee

Any filing fee as required by Skamania County Code shall accompany an appeal.

## 9.4 Contents

An appeal must be in writing, identify the decision being appealed, and contain a concise statement of the basis for appeal and the relief requested.

## 9.5 Briefs

Briefs or other memoranda of law, limited to the specific issues set forth in the Appellant's statement of appeal, may be submitted by the parties in support of or in response to an appeal. Each party is permitted one primary brief not exceeding 50 double-spaced pages in length, and one reply brief not exceeding 25 pages in length. The Hearing Examiner may, at his/her discretion, waive or modify these page limits at the request of either of the parties in order to accommodate complex legal and factual issues.

## 9.6 Motions

Motions and responses to motions are not to exceed 20 double-spaced pages in length without prior approval of the Hearing Examiner.

9.7 Party Representative

Exhibit 2

Where an appeal is filed by several individuals or a group, the party shall designate one individual to be its representative, who shall be made known to the Hearing Examiner. Notice or other communication to the party representative is considered notice to the party.

9.8 Withdrawal of Appeal

- a. An appeal may be withdrawn only by the Appellant. Where the appeal is filed by several persons or a group, withdrawal shall be made by the person designated as the party representative.
- b. The Hearing Examiner may dismiss an appeal by an order of default where the Appellant, without requesting a continuance, fails to appear at a scheduled and properly noticed hearing.

**10. DECISIONS**

10.1 Written Decisions

The Hearing Examiner shall issue a written report of findings, conclusions, and decision within the time allowed by SCC 2.80.130. The findings, conclusions, and decision shall

indicate how the decision carries out the policies and regulations of the Comprehensive Plan, the County Code, and other relevant laws and plans.

10.2 Content of Decision

At a minimum, each decision shall include the following:

- a. The nature and background of the proceeding.
- b. Findings. The findings shall be a statement of the facts that are the basis of the conclusions and decision of the Examiner, and shall be based exclusively on the evidence entered into the record and any matters officially noticed. The source of each finding shall be identified.
- c. Conclusions. Whenever practical, the conclusions shall reference specific provisions of the law, and shall include the reasons and precedents relied upon to make the conclusions.
- d. A decision or order. The decision shall be based upon a consideration of the whole record and supported by reliable, probative and substantial evidence. All decisions may include conditions of approval.
- e. Statement of appeal process for that particular decision.

10.3 Procedure for Reopening Hearing

At any time prior to filing the final decision, the Hearing Examiner may reopen the proceeding to receive further evidence. All parties of record shall be given notice of the consideration of such evidence and granted an opportunity to review such evidence and file rebuttal arguments.

**11. APPEALS OF HEARING EXAMINER DECISIONS**

The decision of the Hearing Examiner shall be final and conclusive unless an appeal is timely filed with the appropriate decision making body (superior court, per RCW 36.70C; the Shorelines Hearings Board, per RCW 90.58; or the Columbia River Gorge Commission). Only a party of record may file an appeal of the Hearing Examiner's decision. Additional information can be found in SCC 2.80.140 and the applicable statutes.

## 12. CONFLICTS

These rules of procedure are adopted to supplement the requirements set forth in the SCC. Any conflicts between these rules and the provisions of the SCC shall be decided in favor of the SCC.

### Skamania County Land Use Hearing Examiner Process

The following information explains the fundamental role of the Land Use Hearing Examiner and the process by which the Examiner renders land use decisions. *This is not a complete description of the rules and laws governing the hearing process, but rather an overview to prepare applicants, appellants, and members of the public for participation in public proceedings.* The land use hearing process is described in more detail in Chapter 2.80 of the Skamania County Code (SCC) and in the Land Use Hearing Examiner Rules of Procedure. Copies of the relevant ordinances and rules are available through the Skamania County Community Development Department.

The Hearing Examiner system assures fairness and due process protection for all persons involved in the land use hearing process. It is the Examiner's responsibility to render land use decisions in an efficient manner. County ordinances authorize the Hearing Examiner to conduct hearings on certain land use permit applications and appeals of administrative decisions. The specific applications and appeals under the Hearing Examiner's jurisdiction are listed in SCC 2.80.060.

#### **Overview of the Process**

Hearings before the Hearing Examiner are usually "open record hearings." The purpose of the open record hearing is to allow parties to present evidence as to whether the application or appeal under review satisfies the County's criteria for approval and other applicable state and local laws. The evidence submitted at the hearing, which may consist of oral testimony or written documents, is known as the "record" of the hearing. Because the Hearing Examiner's decision - and a court's decision on appeal of a Hearing Examiner's decision - is based on the record, **it is important that parties present all relevant information and arguments at the open record hearing.** When the hearing is concluded, the record is "closed" and no new evidence may be submitted.

Occasionally, the Hearing Examiner may leave the record open for submission of specific information that was not provided prior to or at the hearing. This can happen when the Examiner has questions the parties need time to answer or when interested parties at the hearing bring up relevant issue not addressed to the Examiner's satisfaction. If the Hearing Examiner determines the information is necessary for making a decision on the matter, the record will be "held open" for the specific information. When this occurs, the Hearing Examiner will be admitted. Typically, both the specific information requested and the deadline are spelled out in a Post-Hearing Order for Submission of Additional Evidence. The Order will usually state when the record will close. Generally, no new evidence may be submitted after the close of record, even on appeal.

Hearings on permit applications typically proceed in the following order:

- Introductory comments by the Hearing Examiner;
- Presentation by County staff, including staff's analysis of the application and recommendation;
- Presentation by the applicant;
- Public testimony, which may include questions for County staff or the applicant; and
- County and applicant responses to the issues and questions that have been raised.

Hearings on appeals typically proceed in the following order:

- Introductory comments by the Hearing Examiner;
- Presentation by the appellant, and any witnesses the appellant calls;
- Presentation by the County, and any witnesses the County calls;
- Presentation by the applicant, if different from the appellant, and any witnesses the applicant calls;
- Rebuttal testimony and/or concluding remarks by the parties.

Each hearing is audio recorded in order to establish a verbatim record of the testimony and procedures. All testimony is given under oath, and each person who testifies must identify him or herself for the record. The Hearing Examiner may establish time limits for testimony.

At the conclusion of the hearing, the Hearing Examiner closes the record and sets the due date for rendering his or her decision. No decision is issued at the hearing itself. The Hearing Examiner takes the case under advisement and prepares a written decision including findings of fact and conclusions of law.

The Hearing Examiner's final decision is mailed to parties of record (i.e., individuals who submit written or oral testimony, the applicant or appellant, and the County) and to other individuals who request a copy.

### **How to Participate Effectively**

- Limit testimony and/or written documentation to the specific case at hand. Testimony about desired changes in the code is not relevant and will not be considered. Land use applications are required to be decided according to the rules in effect at the time of application. Changes to the code are more properly addressed to the Board of County Commissioners.
- Focus on facts that have some tendency to show that the project does or does not satisfy the County's criteria for approval or other applicable laws. The most persuasive testimony or written documentation is that which is based on the speaker's or writer's first-hand observations and, for technical issues, is within the speaker's or writer's area of expertise.
- To the extent possible, review the project documents and the relevant codes prior to the hearing.
- Be courteous and respectful to each participant.
- Direct your comments to the Hearing Examiner and not to members of the audience.

### **Due Process Considerations**

- Land use hearings before the Hearing Examiner are quasi-judicial proceedings, which means that certain due process protections apply. Not only must quasi-judicial proceedings be fair; they must appear to be fair. Accordingly, the Hearing Examiner may not participate in any matter in which he or she has financial or personal interest. Any person who has grounds to believe the Hearing Examiner may be influenced by a consideration outside the public record should promptly bring that concern to the attention of the Hearing Examiner prior to or at the hearing.

## Exhibit 2

- If written testimony is submitted, it must be received prior to or at the public hearing for it to be considered by the Hearing Examiner. Written testimony should be addressed to the Hearing Examiner in care of the Community Development Department; should contain the writer's name and mailing address (the mailing address is needed to ensure the writer receives notice of the decision); should reference the application file number;

and should be legible. Comments should contain the specific reasons why the application should be approved, denied, or conditioned.

- The Hearing Examiner may not be contacted directly about specific applications. To ensure that the Hearing Examiner will remain free from bias or prejudice in the decision-making process, any contact with the Examiner must be through testimony or written statements submitted at the hearing, or through material submitted to Community Development Department staff for transmittal to the Hearing Examiner. Material submitted in an inappropriate manner will not be considered part of the record.

### **Appeals from Hearing Examiner Decisions**

- Section 2.80.140 of the Skamania County Code contains information on appealing a Hearing Examiner's decision. To be considered, appeals must be filed by one of the parties of record with the appropriate decision-making body (Superior Court, Shorelines Hearings Board, or Columbia River Gorge Commission) within the time limits specified in the applicable statutes.

## Rezone Application Narrative for Kellett Rd. - Rezone

The purpose of this application is to change the County Zoning designation for the property, parcel # 02052500090000, identified on the attached Vicinity Map. In general, the property is located on the south side of Kellett Rd. The current designation of the property is West End Forest Lands 20. The property is 104 acres. The proposal is to change the designation of the property to Rural Lands 2 and to concurrently change the Comprehensive Plan Designation and Map for consistency.

Changing the lands designation and zone will not have an impact on any existing buildings because there are no buildings currently on the property. No new buildings are being proposed as part of this application. If approved, the application could result in the construction of 17 detached single family residences, each on parcels that are minimum 6 acres. Future utilities that would be needed include individual private wells for each of the new residences. Each residence would also have an individual on-site septic system. Access will be off the private road, Kellett Rd. New and existing on site private roads will serve the new residences.

The Hearing Examiner may approve of the proposed petition for zoning map amendment if:

1. ***“It bears a substantial relationship to the public health, safety, and/or welfare (is the amendment consistent with the comprehensive plan);”***

See the attached Kellett Comp Plan Compliance Narrative , as part of the Comprehensive Plan Amendment Application that demonstrates how the proposal is consistent with the Land Use Element of the West End Subarea Plan.

2. ***“It is contiguous to the requested designation by at least 100 feet, therefore not granting a special privilege, and;”***

The proposal is to rezone the subject parcel from the current zoning designation of WE-FL20 to the proposed designation of RL-2. The subject properties are contiguous to the RL-2 zoning designation to the west for approximately 553 feet.

3. ***“Circumstances have substantially changed in the area since the adoption of the existing zoning designation. A substantial change in circumstances means a significant change in conditions affecting the area where the requested petition for zoning map amendment is located. Examples include, but are not limited to, substantial in-fill affecting the rural character of a community. Please note that the creation of the National Scenic Area and any zone changes or existing zone districts within adjacent Counties will not be considered to be a substantial change in circumstance.”***

The West End Community Comprehensive Subarea Plan and concurrent zoning were adopted on February 27, 2007. It must be proved that a substantial change in circumstances has occurred since February of 2007. Chapter 21.08 of the Skamania County Code defines a special change in circumstance as *“Substantial change in circumstances” means a significant*

*change in conditions affecting the planning area as a whole or a substantial portion thereof. Examples include, but are not limited to, substantial development affecting the rural character of a community, **sixty percent of full buildout has been achieved within the proposed zoning designation.** "Full buildout" means the total number of existing and potential future lots based on the minimum parcel size within the zoning designation. Percent of full buildout is equal to (number of existing developed lots) divided by (total number of existing and potential lots based on acreage within the land use designation) times one hundred, or legal circumstances sufficient to defeat the purposes of a policy established in the comprehensive plan or subarea plan. However, the creation of the National Scenic Area and any zone changes or existing zone districts within adjacent counties will not be considered to be a substantial change in circumstance. ..."*

Based on the West End Subarea Plan, when it was adopted in 2007, there were a total of 706 potential lots in the West End RL-2 zone. It appears that the total potential lots were calculated by taking the total amount of acreage in the subarea and dividing by two acres and adding in existing lots that were less than 2 acres. This resulted in 706 potential lots. Of those potential lots, 204 were developed and 502 potential lots were available for development.

The current zoning regulations were adopted in 2012.

Between 2007 and the end of the year 2012 another 23 residential lots were developed and the total number of developed lots in the RL-2 zone was 227 in 2012.

Based on Skamania County Assessor Data, There are currently 337 parcels, totaling 1066.33 GIS acres, included in the West End RL-2 zone. Seventeen of these parcels are owned by churches (6), schools (4), cemeteries (2), common (2), other (1), county(1) and state (1) and should be excluded from parcels for residential development.

The remainder 320 parcels have been analyzed for development and potential division.

Assessor's data and building permit data shows that there are 257 developed lots in the RL-2 zone. There are 63 existing lots in the zone that are undeveloped.

All of the 320 existing parcels in the zone were analyzed for maximum division. The RL-2 zone allows for a minimum lot size of 2 acres, however the *General Goal 7. Community Services* of the West End Subarea Plan states :

***"Rural Residential areas should generally be developed at low levels of intensity (5 acre and 10 acre lots) so that demands will not be created for high levels of public services and facilities. County requirements for housing in rural areas should encourage residential development that is compatible with farming, open space, outdoor recreation, protection of significant cultural resources, rural service levels, and generally with the rural character. Existing areas of more intense rural residential development (2 acre lots) should be acknowledged and maintained, but should not be expanded."***

Adherence to this goal would further limit future land divisions in the RL-2 zone to 5 acre minimum lot size effectively altering the minimum parcel size within the West End RL-2 zoning designation. There are 10 existing parcels that are large enough to divide which would yield an additional 19 potential lots if they were all divided.

Adding these 19 potential lots to the existing 63 undeveloped lots would total 82 potential lots

for future residential development. Adding the 19 potential lots to the existing 320 residential lots would total 339 potential lots with 257 currently developed. Infill development within the RL-2 zoning designation takes up approximately 76% of the potential lots, meeting the requirement for a substantial change in circumstance.

Rezoning this property would provide an additional 17, 6 acre, parcels zoned RL-2 to allow for additional development withing the zoning designation while maintaining the rural character and allowable density.

Comprehensive Plan Consistency:

***“In the case where a petition for zoning map amendment requires an amendment to the comprehensive plan in order to assure consistency between SCC Title 21 and the comprehensive plan , the review processes for the petition for zoning map amendment and the comprehensive plan amendment may proceed concurrently by holding the hearings for each amendment at the same meeting.”***

The requested Rezone Application requires an amendment to the Comprehensive Plan to assure consistency. The Rezone Application and Comprehensive Plan Amendment Application should be reviewed and approved concurrently.

Request of: WEYERHAEUSER COMPANY



**Return Address:**  
 Weyerhaeuser Company  
 220 Occidental Avenue South  
 Seattle, WA 98104  
 Attn: Land Title

<b>Title:</b> RIGHT OF WAY EASEMENT AGREEMENT	SKAMANIA COUNTY REAL ESTATE EXCISE TAX
<b>Reference Number(s) of Documents assigned or released:</b> N/A	N/A MAR 23 2020
<b>Grantor:</b> Bank of America N.A.	PAID N/A [Signature]
<b>Grantee:</b> Weyerhaeuser Company, a Washington corporation	SKAMANIA COUNTY TREASURER
<b>Legal description (abbreviated: i.e. lot, block, plat or section, township, range)</b>	
Ptn of the SE 1/4 NW 1/4; NE 1/4 SW 1/4; NW 1/4 SE 1/4; SW 1/4 SE 1/4; SE 1/4 SE 1/4; of Sec. 15, T 3 N, R 4 E, W.M.; Ptn of the NW 1/4 SW 1/4; SW 1/4 SW 1/4; of Sec. 14, T 3 N, R 4 E., W.M.; Ptn of the NW 1/4 NW 1/4; SW 1/4 NW 1/4; SE 1/4 NW 1/4; NE 1/4 SW 1/4, of Sec. 23, T 3 N, R 4 E., W.M.; All Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, T 4 N, R 4 E, W.M.; NE 1/4; NW 1/4; SE 1/4, NW 1/4 SW 1/4, SW 1/4 SW 1/4, Sec. 17, T 4 N, R 4 E., W.M.; NE 1/4, NW 1/4 NW 1/4; NE 1/4 NW 1/4, SE 1/4 NW 1/4, NE 1/4 SE 1/4, Sec. 18, T 4 N, R 4 E, W.M.; N 1/2 NE 1/4, Sec. 20, T 4 N, R 4 E., W.M.; N 1/2, Sec. 21, T 4 N, R 4 E., W.M.; NW 1/4; NW 1/4 NE 1/4; NE 1/4 NE 1/4; SW 1/4 NE 1/4;	
Additional legal is on page _____ of document.	
<b>Assessor's Property Tax Parcel</b>	
Clark County burdening easement tax parcel numbers: 239898000; 239692000; 241532000; 241530000	
Skamania County benefitted easement tax parcel numbers: 02050000030100; 02050000030200; 03050000210000; 03050000200000; 02050000030000; 02050000060000; 02050000020200; 02050000040000; 02050000050000; 02050000080000; 02050000150000; 02050000090000; 02050000140000; 02050000100000; 03050000080000; 02050000120000; 02050000010000; 02052600100000; 02052500020000; 02052500090000; 02060000410000; 02060000400000; 02060000160200; 02070300010100; 03070000140000; 03072300030000; 03072300040000; 03070000060000; 03072400010000; 03072400020000; 03752400020000; 03752400020100; 03752500050000; 03752500060000; 03752500010000; 03083000030000; 03081900020000; 03081800070000; 03080800030000; 040753600010000; 04752540080000; 04071500010000;	

Ym 3/23/2020

## RIGHT OF WAY EASEMENT AGREEMENT

This Right of Way Easement Agreement (this “**Agreement**”), is effective as of the 15<sup>th</sup> day of November, 2019, (the “**Effective Date**”) by and between ENGLS TIMBERLAND PROPERTIES, LLC, a Texas limited liability company (“**Grantor**”) and WEYERHAEUSER COMPANY, a Washington corporation, (“**Weyerhaeuser**”). Weyerhaeuser and Grantor are sometimes referred to herein individually as a “**Party**”, and collectively as, the “**Parties**”.

### RECITALS

Weyerhaeuser owns certain real property located in Clark, Klickitat, and Skamania Counties, Washington, as is more particularly described in the attached Exhibit A (“**Weyerhaeuser Property**”). The Weyerhaeuser Property is the benefitted property subject to this Agreement.

Grantor owns certain real property located in Clark County, Washington, as is more particularly described in the attached Exhibit B (“**Grantor’s Property**”). The Grantor Property is the burdened property subject to this Agreement.

Weyerhaeuser desires to obtain from Grantor, and Grantor desires to grant Weyerhaeuser, a perpetual, non-exclusive easement over a certain portion of the Grantor’s Property that provides access to the Weyerhaeuser Property pursuant to the terms and conditions contained in this Agreement.

### AGREEMENT

NOW, THEREFORE, in consideration of TEN and NO/100 DOLLARS, and the mutual covenants of the Parties set forth in this Agreement, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties, intending to be legally bound, agree as follows:

1. **Grant of Easement.** Subject to the terms hereof, Grantor, for and in consideration of the strict observance of and compliance with, the terms and conditions set forth in this Agreement, hereby grants to Weyerhaeuser a perpetual, appurtenant, non-exclusive right of way easement (the “**Easement**”) sixty (60’) feet in width, and being thirty (30’) feet on each side of the center line of an existing road (the “**Road**”) located on the Grantor’s Property and located approximately as shown on Exhibit C-1 (the “**Easement Area**”). Exhibit C-1, and Exhibit C-2, all attached hereto and incorporated herein, collectively show the benefitted Weyerhaeuser Property.
2. **Purpose.** The rights granted hereunder are conveyed by Grantor for the purpose of providing Weyerhaeuser and the Weyerhaeuser Permittees (defined below), vehicular ingress and egress to and from Weyerhaeuser Property for purposes of: constructing, maintaining, repairing,

and using the Road for ingress and egress to Grantee's property for all lawful residential, commercial and industrial uses provided. The Easement granted herein is also for the purpose of constructing, reconstructing, maintaining, repairing, and using a utility transmission line over, under, along and across the Easement Area.

The Road may not be used for any other purpose without Grantor and Grantee, or their respective heirs, successors, and assigns, entering into and recording an amendment to this Agreement.

3. **Permittees.** Weyerhaeuser, its subsidiaries, and affiliates and all of their employees, agents, contractors, licensees, lessees, invitees, and assigns are sometimes referred to herein collectively as the "**Weyerhaeuser Permittees**". Grantor's employees, agents, contractors, licensees, lessees, invitees, and assigns are sometimes referred to herein collectively as the "**Grantor Permittees**".

4. **Reservation of Rights.** Grantor reserves for itself and the Grantor's Permittees, the right at all times to use, cross, re-cross, maintain, patrol and repair the Road in any manner that will not unreasonably interfere with the rights of Weyerhaeuser. Grantor shall not relocate, abandon, decommission, or otherwise modify the Road without the prior written consent of Weyerhaeuser.

5. **Non-Exclusive Easement; Third Parties.** Grantor may grant to third parties, including without limitation the Grantor Permittees, upon such terms as it chooses, any or all of the rights reserved by it herein; provided, that use by such party shall be subject to the terms and conditions of this Agreement and shall not interfere with the rights granted Weyerhaeuser hereunder.

6. **Road Maintenance.** The cost of road maintenance and resurfacing shall be allocated between the Parties on the basis of respective uses of the Road. When any Party uses the Road, or any portion thereof, that Party shall perform or cause to be performed, or contribute or cause to be contributed, that share of maintenance and resurfacing occasioned by such use as hereinafter provided. During periods when the Road or portions thereof are solely used by one Party, such Party shall maintain all or portions of the Road used to the standards existing at the time use is commenced. During periods when more than one party is using the Road or portions thereof, the Parties shall meet and establish necessary maintenance provisions. Such provisions may include without limitation, and upon mutual agreement of the Parties, (a) the appointment of a maintainer, which may be one of the Parties or a mutually acceptable third party, who will perform or cause to be performed at a reasonable and agreed upon rate the maintenance and resurfacing of the Road or portions thereof being used; and (b) a method of payment by which each party using the Road or portions thereof, shall pay its pro rata share of the cost incurred by said maintainer in maintaining or resurfacing the Road or portion thereof. In the absence of an agreement as set forth above, Weyerhaeuser shall have the right to maintain and repair the Road in its discretion and to charge any party using the Road for its proportionate share of maintenance. For purposes of this Agreement, maintenance is defined as the work normally necessary to preserve and keep the roadway, road structure and road facilities as nearly as possible in their present condition or as may be hereafter improved.

7. **The Parties' Responsibilities.** Each Party shall:
- a. Provide to the other Party at least ten (10) days advance notice prior to using the Road for any hauling activities;
  - b. Take all reasonable precaution to prevent unauthorized persons from using the Road;
  - c. Keep all existing gates, and any that may be installed on the Road in the future, closed and locked; provided, however, that the Parties may, from time to time leave gates (if any) on the Road open for reasonable extended periods during regular business hours in order to facilitate active timber harvest and other commercial operations of the Parties;
  - d. Not drive with excessive speed upon the Roads;
  - e. Immediately report to each other any dangerous or defective condition with respect to any portion of the Road; and
  - f. Ensure that their respective permittees (Grantor Permittees for Grantor and Weyerhaeuser Permittees for Weyerhaeuser) and their respective employees, invitees, licensees, and contractors comply with all applicable local, state and federal laws, rules and regulations (collectively, "**Applicable Laws**") with respect to the use of the Road and the Easement Area, as well as all rules and responsibilities set forth herein
8. **Indemnity.** Each Party agrees to defend, indemnify, save, protect and hold harmless the other Party for, from and against all causes of action, litigation, cost, loss, liability, damage and expense (including attorneys' fees) for injury or death to persons, whomsoever, and damage to or loss of property, to whomsoever belonging, including (without limitation) each of their respective permittees (Grantor Permittees for Grantor and Weyerhaeuser Permittees for Weyerhaeuser), arising out of or in any way connected with the use of the Road by such Party and its Permittees; unless such causes of actions, litigation, cost, loss, liability, damage and expense results from the sole negligence of the other Party.
9. **Insurance.** Weyerhaeuser shall be required, before using the Road for commercial use, which includes logging activity, to obtain a policy of liability insurance. Minimum amounts of insurance shall be Comprehensive General Liability, including bodily injury and property damage in the amount of \$2,000,000 each occurrence. Comprehensive Automobile Liability insurance is to include minimum limits of \$1,000,000.
- Grantor acknowledges that Weyerhaeuser is a self-insured company and accepts such self-insurance so long as the same is in accordance with, at a minimum, the limits and policies set forth in this Section 9. Grantor shall accept a letter confirming such self-insurance in lieu of a Certificate of Insurance.
10. **Assignment.** This Agreement shall be freely assignable by the Parties in their sole and absolute discretion.
11. **Environmental Matters.** Weyerhaeuser shall not cause nor permit any filling activity to occur in or on the Easement Area, except by prior written approval of Grantor. Weyerhaeuser shall

not deposit refuse, garbage, or other waste matter, or use, store, generate, process, transport, handle, release, or dispose of any hazardous substance, or other pollutants in or on the Grantor Property or the Easement Area except in accordance with all applicable laws.

12. **Improvements.** Weyerhaeuser shall not make any improvements to the Easement Area or the Road without the prior written consent of Grantor, which consent shall not be unreasonably withheld, conditioned or delayed. Furthermore, unless the Parties agree in writing to share the cost of improvements to the Easement Area or the Road, such improvements shall be made at the sole cost and expense of the improver.

13. **Fire Suppression and Control.** The Parties shall comply with all laws and regulations pertaining to fire protection and suppression, and take every possible precaution to prevent fires from igniting on Grantor's Property and spreading to the Weyerhaeuser Property and Grantor's Property. In case of fire, the Parties shall immediately notify each other, as well as appropriate government agencies, and shall make every reasonable effort to suppress or contain the fire.

14. **Successors and Assigns.** The rights and obligations herein shall inure to the benefit of and be binding upon the respective heirs, devisees, successors and assigns of the Parties. The rights contained in this Agreement shall run with the land and inure to and be for the benefit of the Parties and their respective successors and assigns, forever.

15. **Prior Rights.** This grant and all rights hereunder are subject to all liens, easements, servitudes, rights of way, oil, gas, and mineral leases, and all other grants or reservations either of record or on the ground affecting the Grantor Property. By this grant, Grantor grants no greater rights than it is permitted to grant in view of such encumbrances.

16. **Severability; Relation to Existing Law.** If any provision of this Agreement is invalid, illegal or incapable of being enforced by any rule of law, or public policy, all other conditions and provisions of this Agreement shall nevertheless remain in full force and effect so long as the economic or legal substance of the transactions contemplated hereby is not affected in any manner adverse to either Party. Upon any such determination, the Parties shall negotiate in good faith to modify this Agreement so as to affect the original intent of the Parties as closely as possible in an acceptable manner to the end that transactions contemplated hereby are fulfilled to the extent possible. Notwithstanding any other provision of this Agreement, the invalidation of any provision herein relating to the Parties' remedies shall not be interpreted to prevent an injured Party from seeking actual damages. If subsequent to the date of this Agreement valid State or Federal laws or regulations governing the relationship between Weyerhaeuser and Grantor take effect, this Agreement shall be considered to incorporate such laws or regulations so long as they shall be effective, and any provision of this Agreement in conflict therewith shall during such period be void.

17. **Waiver.** No failure of either Party to exercise any power given hereunder or to insist upon strict compliance with any obligations specified herein, and no custom or practice at variance with

the terms hereof, shall constitute a waiver of any Party's right to demand strict compliance with the terms hereof; provided, however, that any Party may, at its sole option, waive any requirement, covenant or condition herein established for the benefit of such Party without affecting any of the other provisions of this Agreement.

18. **Entire Agreement; Construction.** This Agreement sets forth the entire and complete agreement between the Parties with respect to the subject matter hereof. Any prior agreements, commitments, or representations, express or implied, between the Parties are superseded by this Agreement. This Agreement may be altered, amended, or repealed only by a written instrument executed by both Parties. No provisions of this Agreement shall be construed against or interpreted to the disadvantage of any Party hereto by any court or governmental or jurisdictional authority by reason of such Party having been deemed to have structured, written, drafted or dictated such provisions. The Recitals to this Agreement and the Exhibits attached to this Agreement are incorporated herein by this reference. The captions and headings of this Agreement are for convenience only and shall not define, limit, or describe the applicability, scope, meaning, or intent of any provision of this Agreement. Capitalized terms which are defined in the recitals hereof shall have the meaning given.

19. **Attorneys' Fees.** In the event any arbitration, action, suit or legal proceeding is instituted by either Party to this Agreement, the prevailing Party shall be entitled to recover from the non-prevailing Party both reasonable attorney fees and reasonable expert witness fees as determined by the court or arbitration panel, both at trial and on appeal or review and in bankruptcy, whether or not the matter in dispute involves an issue peculiar to federal bankruptcy law. Attorney fees and expert witness fees shall be in addition to other costs and disbursements allowed by law. "**Prevailing Party**" shall be determined by the arbitrator, or any court, as the true prevailing party (not statutorily prevailing party) after taking into consideration any settlement offers made by the Parties and the number and importance of issues to be determined.

20. **Disputes.** If disputes arise under this Agreement, the Parties will first attempt to negotiate a solution through the following process: (a) the initiating party will present a written explanation of the dispute and the remedy requested; (b) within 14 business days after receiving such a statement, the other party will respond by either agreeing to the requested remedy, counter-proposing a different remedy, or explaining why the issue does not justify any remedy; and (c) if the matter is not settled within 10 days after the response is received by the initiating party, the dispute shall be settled by binding arbitration. If the Parties are not able to promptly agree on an arbitrator and the arbitration rules to be used, the initiating party may offer a list of at least 5 candidates for arbitrator and the arbitration rules each candidate would use if selected, and the responding party will chose the arbitrator from that list. Each candidate must have at least 15 years of real estate law experience and special training or experience in arbitration of business disputes. The arbitration award shall be final and binding on the parties and judgment on any award may be enforced in any court having jurisdiction thereof. The arbitration shall be held in King County, Washington.

21. **Notices.** All notices required or permitted to be given hereunder, or given in regard to this



IN WITNESS WHEREOF, this Agreement is executed on the date of the acknowledgment below but shall be effective for all purposes as of the Effective Date.

ENGLES TIMBERLAND PROPERTIES, LLC  
a Texas limited liability company

By: [Signature]  
Its: VP, Asset Manager

By: \_\_\_\_\_

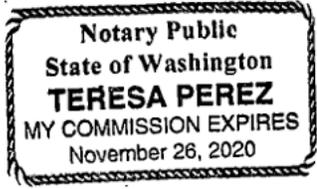
Its: \_\_\_\_\_

STATE OF WA )  
COUNTY OF King )

On this 14<sup>th</sup> day of November, 2019, before me personally appeared Peter Felt to me known to be the Asset Manager, of Engles Timberland Properties, the company that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said company, for the uses and purposes therein mentioned, and on oath stated that s/he is authorized to execute said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above mentioned.

[Signature]  
Notary Public in and for the State of WA  
My appointment expires: Nov. 24, 2020





## EXHIBIT A

### Benefited Weyerhaeuser Property Legal Descriptions

#### County of Clark, State of Washington:

Township 2 North, Range 4 East:

Section 4: SE 1/4

Section 9: E 1/2; E 1/2 SW 1/4

Section 17: NW 1/4 NW 1/4

Township 3 North, Range 4 East:

Section 35: All

Township 4 North, Range 3 East:

Section 12: NE 1/4 SE 1/4; SW 1/4 SE 1/4; SE 1/4 SE 1/4; NW 1/4 SE 1/4 lying North and East of the thread of Big Tree Creek; SW 1/4 NE 1/4 lying North and East of the thread of Big Tree Creek; SE 1/4 NE 1/4 lying North and East of the thread of Big Tree Creek; NE 1/4 NE 1/4 lying North and East of the thread of Big Tree Creek

Township 4 North, Range 4 East:

Section 1: Gov't Lots 1-4; S 1/2 N 1/2; S 1/2

Section 2: Gov't Lots 1-4; S 1/2 N 1/2; S 1/2

Section 3: Gov't Lots 1-4; S 1/2 N 1/2; S 1/2

Section 4: Gov't Lots 1-4; S 1/2 N 1/2; S 1/2

Section 5: Gov't Lots 1-4; S 1/2 N 1/2; S 1/2

Section 6: Gov't Lots 1-7, SE 1/4 NW 1/4; S 1/2 NE 1/4; SE 1/4

Section 7: Gov't Lots 1-4; E 1/2 W 1/2; E 1/2

Section 8: All

Section 9: All

Section 10: All

Section 11: All

Section 12: All

Section 13: All

Section 14: All

Section 15: All

Section 16: All

Section 17: ALL EXCEPT the NE 1/4 SW 1/4 and the SE 1/4 SW 1/4

Section 18: Gov't Lot 1, E 1/2 NW 1/4; NE 1/4; NE 1/4 SE 1/4

Section 20: N 1/2 NE 1/4

Section 21: N 1/2

Section 22: SW 1/4 NW 1/4 and that portion of the NW 1/4 SW 1/4 described as follows:

Beginning at the Northeast corner of the Northwest quarter of the Southwest quarter and running thence West along the North line of said quarter, 508 feet; thence South 235 feet more or less, to the center line of the County Road; thence Easterly along said center line to the East line of the Northwest quarter of Southwest quarter; thence North to the point of beginning. EXCEPT that portion lying within County Road No. 12.

SW 1/4 NE 1/4 and that portion of the NW 1/4 SE 1/4 lying North of the County Road as now laid out and constructed. EXCEPTING THEREFROM that certain tract: Beginning at a point 200 feet East of the intersection of County Road No. 12 and the West line of the Southeast quarter of Section 22, Township 4 North, Range 4 East of the Willamette Meridian and running thence North 206 feet; thence East 200 feet; thence North 100 feet; thence East 125 feet; thence South 200 feet thence Southwesterly along the North line of County Road No. 12 to the point of beginning. EXCEPTING any portion conveyed to Quitclaim Deed dated October 8, 1999 and recorded May 3, 2000 as Document No. 3216026 in the records of Clark County, Washington.

SE 1/4 NE 1/4 EXCEPT that portion of the following described property lying within the Southeast quarter of the Northeast quarter of Section 22: BEGINNING at a point in the center of the County Road and the East line of the North half of the Southeast quarter and the South half of the Northeast quarter of Section 22, Township 4 North, Range 4 East of the Willamette Meridian in Clark County, Washington; thence running North along said East line 330 feet; thence in a Westerly direction 132 feet; thence South to the center of said county road, 330 feet; thence Easterly 132 feet along the center of county road to the point of beginning. ALSO EXCEPT that portion of the following described property lying within the Southeast quarter of the Northeast quarter of said Section 22: BEGINNING at a point in the center of the County Road 8 rods Westerly from a point in the center of said county road intersected by the East line of the North half of the Southeast quarter and the South half of the Northeast quarter of Section 22, Township 4 North, Range 4 East of the Willamette Meridian, Clark County, Washington, and running thence North 20 rods; thence Westerly 8 rods; thence South 20 rods to the center of said county road; thence Easterly 8 rods to the point of beginning.

ALSO EXCEPT county roads.

Section 23: N 1/2 NW 1/4; W 1/2 NW 1/4 NE 1/4; NW 1/4 NE 1/4 NE 1/4

Section 24: N 1/2 NE 1/4; NE 1/4 NW 1/4

Township 5 North, Range 2 East:

Section 2: SW 1/4

Section 3: The E 1/2 of the SE 1/4 EXCEPTING THEREFROM the South 10 rods; and INCLUDING

That portion of the SW 1/4 SE 1/4 described in instrument recorded August 22, 1967, under Clark County Auditor's File No. G496163 (Microfilm No. 678320) described as follows: BEGINNING at a point on the North line of the Southwest quarter of the Southeast quarter of Section 3 that is 113.4 feet East of the Northwest corner thereof, said point being on the Easterly right of way line of Pup Creek County Road; thence South 19° 24' East along said Easterly right of way line a distance of 255 feet to the true point of beginning of the tract herein described; thence continuing Southeasterly along the Easterly right of way line of the Pup Creek County Road to its intersection with the South line of the Southwest quarter of the Southeast quarter of said Section 3; thence East along said South line to the Southeast corner of the Southwest quarter of the Southeast quarter of said Section 3; thence North along the East line of said Subdivision to the Northeast corner thereof; thence West along the North line of the Southwest quarter of the Southeast quarter of said Section 3 to a point that is 700 feet East of the Easterly right of way line of the Pup Creek County Road, which point bears North 68°39' East from the true point of beginning; thence South 68°39' West, a distance of 660.6 feet to the true point of beginning. EXCEPT the following:

BEGINNING at a 3/4 inch diameter iron pipe as the monument for the quarter section corner common to Sections 3 and 10, Township 5 North, Range 2 East of the Willamette Meridian in Clark County, Washington; thence East 1,003.49 feet and North 22.06 feet to the true point of beginning, being the Southeasterly corner of the herein described property and located on the Northerly right of way line of Clark County Road known as the Pup Creek Road (formerly the J. Lyon Road on County Road Projects, dated July 1933); Thence along the Northerly right of way line of said County Road, North 76°16'17" West, 556.48 feet to a point, the beginning of a 35°35'31" curve to the right with an interior angle of 69°00'00"; thence along the arc of said curve 193.86 feet to a point at the end of the curve; thence continuing along the Easterly right of way line of said County Road, North 7°06'17" West, 241.12 feet to a point; thence leaving said right of way line North 50°55'25" East, 466.98 feet to a point; thence North 75°19'22" East 117.71 feet to a point; thence South 37°34'42" East 484.12 feet to a point; thence South 10°08'58" West 456.93 feet, more or less, to the true point of beginning. EXCEPT any portion lying within Pup Creek Road.

Township 5 North, Range 3 West:

Section 5: SW 1/4; SW 1/4 SE 1/4; NW 1/4 SE 1/4 EXCEPT the NE 1/4 NW 1/4 SE 1/4

Section 7: Gov't Lot 1; NE 1/4 NW 1/4; N 1/2 NE 1/4

Section 8: E 1/2 NE 1/4; NW 1/4 EXCEPTING THEREFROM that portion described in Boundary Line Agreement and Quit Claim Deed recorded November 16, 2005 under Clark County Auditor Number 4084016

Section 24: E 1/2; NE 1/4 SW 1/4; SW 1/4 SW 1/4; SE 1/4 SW 1/4;

Section 25: NE 1/4; SE 1/4; E 1/2 of the NE 1/4 SW 1/4; NW 1/4 EXCEPT the W 1/2 W 1/2 W 1/2

Section 36: Those portions of the W 1/2 of the NE 1/4, E 1/2 NW 1/4, W 1/2 SE 1/4 lying West of the thread of the westernmost branch of an unnamed creek.

## Township 5 North, Range 4 East:

Section 1: Gov't Lots 1-4; S 1/2 N 1/2; S 1/2

Section 2: Gov't Lots 1-4; S 1/2 N 1/2; S 1/2

Section 3: S 1/2 N 1/2; S 1/2

Section 4: Gov't Lots 1-4; S 1/2 N 1/2; S 1/2

Section 5: Gov't Lots 1-3; S 1/2 NE 1/4; SE 1/4 NW 1/4; SE 1/4; Those portions of the fractional West half of the NW 1/4 and NW 1/4 SW 1/4, lying West of the center of Canyon Creek; NE 1/4 SW 1/4 EXCEPTING THEREFROM that portion as described in Quit Claim Deed recorded December 4, 2002, under Clark County Auditor Number 3551168, between Weyerhaeuser Company, a Washington corporation and Casey Dale, a married man as his separate estate

Section 7: NE 1/4 SE 1/4; S 1/2 SE 1/4; that portion of the N 1/2 of the NW 1/4 of the SE 1/4 lying Southerly of the existing road; that portion of the S 1/2 of the NW 1/4 of the SE 1/4 lying Southerly of a line running North 68° East from a point on the West line thereof which is Southerly 247.7 feet from the Northwest corner; E 1/2 SE 1/4 SW 1/4 EXCEPT the North 150 feet as described in Statutory Warranty Deed dated April 1, 1980, recorded May 9, 1980, under Clark County Auditor Number 8005090041

Section 8: W 1/2 SW 1/4; S 1/2 SE 1/4

Section 9: All

Section 10: All

Section 11: All

Section 12: All

Section 13: All

Section 14: All

Section 15: All

Section 16: All

Section 17: All

Section 18: E 1/2 SE 1/4; SE 1/4 SW 1/4; SW 1/4 SE 1/4

Section 19: Gov't Lots 1-4; E 1/2 W 1/2 E 1/2;

Section 20: All

Section 21: All

Section 22: All

Section 23: All

Section 25: All

Section 26: All

Section 27: All

Section 29: All

Section 30: Gov't Lots 1-4; E 1/2 W 1/2; E 1/2

Section 31: Gov't Lots 1-4; E 1/2 W 1/2; E 1/2

Section 32: All

Section 33: All

Section 34: All

Section 35: All

Section 36: All

Township 6 North, Range 4 East:

Section 32: S 1/2 SE 1/4

Section 33: S 1/2 S 1/2

**County of Klickitat, State of Washington:**

Township 4 North, Range 10 East:

Section 12: SW 1/4

Section 13: A tract of land in the Southeast quarter of the Southwest quarter of Section 13, more particularly described as follows: Beginning at the Northwest corner of said Southeast quarter of the Southwest quarter; Thence South a distance of 660 feet along the West line of said Southeast quarter of the Southwest quarter; Thence in a Northeasterly direction to a point on the North line of said Southeast quarter of the Southwest quarter to a point that is 990 feet East of the Northwest corner of said Southeast quarter of the Southwest quarter; thence West 990 feet to the point of beginning.

Section 14: S 1/2 SE 1/4; SE 1/4 SW 1/4

Township 4 North, Range 11 East:

Section 4: North half of Gov't Lot 3; SW 1/4 NW 1/4; SE 1/4 NW 1/4

Section 5: SE 1/4; SE 1/4 SW 1/4

Section 7: Gov't Lots 3 and 4; NE 1/4 SW 1/4; NW 1/4 SE 1/4; The North half of the Northeast quarter of the Southeast quarter; The North half of the South half of the Northeast quarter of the Southeast quarter; The Southeast quarter of the Southwest quarter of Section 7: EXCEPT the East 16.5 rods; ALSO EXCEPT the following described tract: Beginning at a point on the North line of said Southeast quarter of the Southwest quarter 268.6 feet West of the Northeast corner; thence West along said North line 856.3 feet; thence South 20°08' West 98 feet; Thence South 10°52' East 179 feet; thence South 27° 02' East 438.8 feet; thence North 75°44' East 367.6 feet; thence North 54°44' East 368.4 feet; thence North 1°00' East 367 feet to the point of beginning.

Section 8: SE 1/4; N 1/2 SW 1/4; SE 1/4 SW 1/4; S 1/2 NW 1/4; NE 1/4 NW 1/4; NE 1/4 NE 1/4

Section 9: SW 1/4

Section 13: NW 1/4; SW 1/4; NW 1/4 NE 1/4; NE 1/4 NE 1/4; NW 1/4 SE 1/4 EXCEPT a portion in the NE 1/4 NW 1/4 SE 1/4; FURTHER EXCEPTING THEREFROM the following described tract: That portion lying East of the following described line and North of the County Road, Beginning at a point on the North boundary of the South half of the Northeast quarter of Section 13, Township 4 North, Range 11 East, W.M., said point being an iron pipe 1,311.2 feet South and 51.4 feet West of the Northeast section corner of said Section 13; thence South 59°22' West for a distance of 1,112.10 feet to an iron pipe; thence South 75°03' West for a distance of 428.30 feet to an iron pipe; thence South 10°01' West for a distance of 580.00 feet to an iron pipe; thence South 43°02' East for a distance of 774.2 feet to an iron pipe; thence South 72°47' East for a distance of 33.30 feet to an iron pipe; thence South 05°55' West for a distance of 731.3 feet, more or less, along the South boundary of the Northeast quarter of the Southeast quarter of said Section 13, to the Westerly boundary of the County Road; thence Northerly and Easterly along the North boundary of said County Road to the East boundary of Section 13, Township 4 North, Range 11 East, W.M.

Section 23: NE 1/4 NE 1/4; NE 1/4 SE 1/4 NE 1/4; N 1/2 SE 1/4 SE 1/4 NE 1/4

Section 24: N 1/2 NW 1/4; W 1/2 SW 1/4 NW 1/4 EXCEPT that portion lying within Sleepy Hollow Road; W 1/2 NW 1/4 SW 1/4 EXCEPT that portion lying within Sleepy Hollow Road.

Section 27: NW 1/4 NE 1/4; NW 1/4 NW 1/4; NE 1/4 NW 1/4 EXCEPT the E 1/2 of the E 1/2 of the NE 1/4 NW 1/4; SE 1/4 NW 1/4 EXCEPT the E 1/2 of the E 1/2 of the SE 1/4 NW 1/4; SW 1/4 NW 1/4 EXCEPT the W 1/2 of the E 1/2

Section 28: NE 1/4; SW 1/4; W 1/2 SE 1/4

Township 4 North, Range 12 East:

Section 4: SW 1/4 NW 1/4; Gov't Lot 4 EXCEPT that portion described as follows: Beginning at a point on the North line of said Section 4 where it is intersected by a wagon road (said point being about 200 feet East of the Northwest corner of said Section 4); thence West along the North line of said Sections 4 and 5 a distance of 250 feet; thence Southerly parallel with said wagon road 350 feet, more or less, to the Northerly bank of a small brook; thence Easterly along said Northerly bank of brook 250 feet, more or less, to said road; thence Northerly along said road 350 feet, more or less, to the point of beginning.

Section 5: Gov't Lots 1-4, SW 1/4 NW 1/4, SE 1/4 NW 1/4, SW 1/4; SW 1/4 NE 1/4; SE 1/4 NE 1/4; NW 1/4 SE 1/4; NE 1/4 SE 1/4, SW 1/4 SE 1/4; SE 1/4 SE 1/4 EXCEPT that portion of the East 3/4 of the of the East 1/2

Section 7: SE 1/4

Section 8: All

Section 9: W 1/2 SW 1/4

Section 17: NW 1/4; NE 1/4; N 1/2 S 1/2; SE 1/4 SE 1/4; E 1/2 SE 1/4 SW 1/4; W 1/2 SW 1/4 SE 1/4

Township 5 North, Range 11 East:

Section 25: NW 1/4

Section 26: SE 1/4; S 1/2 NE 1/4; SW 1/4 NW 1/4 lying South of Glenwood Highway; SE 1/4 NW 1/4; NE 1/4 NW 1/4 lying South of Glenwood Highway; NW 1/4 NE 1/4 lying South of Glenwood Highway; NE 1/4 NE 1/4; SE 1/4 NE 1/4

Township 5 North, Range 12 East:

Section 8: NW 1/4; S 1/2 SW 1/4

Section 9: SW 1/4

Section 10: NW 1/4; NE 1/4; SW 1/4; W 1/2 SE 1/4

Section 15: W 1/2 NW 1/4

Section 17: NE 1/4; E 1/2 NW 1/4

Section 18: SE 1/4 NW 1/4; SW 1/4 NE 1/4; NE 1/4 SW 1/4; NW 1/4 SE 1/4

Section 33: SW 1/4; SW 1/4 NW 1/4; NW 1/4 SE 1/4; SW 1/4 SE 1/4; SE 1/4 SE 1/4; SW 1/4 NE 1/4; SE 1/4 SE 1/4; NE 1/4 NE 1/4

**County of Skamania, State of Washington:**

Township 2 North, Range 5 East:

Section 1: Gov't Lots 1-4; SW 1/4; SW 1/4 NW 1/4; SW 1/4 NE 1/4 EXCEPTING THEREFROM that portion conveyed to Steven E. Epling, in Bargain and Sale Deed dated March 7, 2017, recorded under Clark County Auditor Number 2017000537.

Section 3: Gov't Lots 1-4; SW 1/4; SE 1/4; S 1/2 N 1/2

Section 4: Gov't Lots 1-4; SW 1/4; SE 1/4; S 1/2 N 1/2

Section 5: Section 4: Gov't Lots 1-4; SW 1/4; SE 1/4; S 1/2 N 1/2

Section 6: Gov't Lots 1-7; SE 1/4; SE 1/4 NW 1/4; E 1/2 SW 1/4; S 1/2 NE 1/4

Section 7: E 1/2 E 1/2; SW 1/4 NE 1/4 EXCEPT any portion lying within a public road.

Section 8: All

Section 9: All

Section 10: All

Section 11: NE 1/4 SE 1/4

Section 12: NW 1/4 SW 1/4

Section 17: All EXCEPT that portion in the SE 1/4 SW 1/4 lying South of the West Fork of the Washougal River

Section 20: NW 1/4 NW 1/4

Section 25: NW 1/4 NW 1/4; NE 1/4 NW 1/4; SW 1/4 NW 1/4; NW 1/4 NE 1/4; NW 1/4 SW 1/4; NE 1/4 SW 1/4; N 1/2 SW 1/4 SW 1/4; N 1/2 SE 1/4 SW 1/4; SW 1/4 SE 1/4 lying North of Kellett Road; NW 1/4

SE 1/4 EXCEPT that portion lying South of Kellett Road; SE 1/4 NE 1/4 and NE 1/4 NE 1/4 EXCEPT that portion described in Deed recorded June 10, 2019 under Skamania County Auditor Number 2019-000984.

Section 26: NE 1/4 SW 1/4; NW 1/4 SE 1/4 EXCEPT that portion of the Bonneville Transmission Line; NE 1/4 SE 1/4 EXCEPT that portion of the Bonneville Transmission Line

Township 2 North, Range 6 East:

Section 17: S 1/2 SW 1/4 SW 1/4

Section 18: S 1/2 SE 1/4 SE 1/4

Section 19: NE 1/4; NW 1/4; Gov't Lot 4; E 1/2 SW 1/4

Section 30: Gov't Lot 1-2, NE 1/4 NW 1/4; SE 1/4 NW 1/4 EXCEPT that portion described in Deed recorded September 7, 1993 in Volume 139, page 527.

Township 2 North, Range 7 East:

Section 2: A portion of Gov't Lot 2 lying North of the Bonneville Transmission Line; a portion of the NW 1/4 NW 1/4 lying North of the Bonneville Transmission Line; a portion of the SW 1/4 NW 1/4

Section 3: Gov't Lots 1-5; S 1/2 NW 1/4; SW 1/4 NE 1/4; N 1/2 SW 1/4; NW 1/4 SE 1/4 EXCEPT that portion lying within the Bonneville Transmission Line; SW 1/4 SW 1/4; SE 1/4 SW 1/4 EXCEPT that portion lying within the Bonneville Transmission Line.

Township 3 North, Range 4 East:

Section 35: All

Township 3 North, Range 5 East:

Section 22: SE 1/4

Section 23: SW ¼

Section 26: SW 1/4; SW 1/4 NW 1/4; SW 1/4 SE 1/4

Section 27: All

Section 28: E 1/2 E 1/2

Section 32: All

Section 33: W 1/2

Section 34: N 1/2 NE 1/4

Township 3 North, Range 7.5 East:

Section 24: Gov't Lots 5-9, that portion of Gov't Lot 10 lying Northerly of Wolf Creek; SE 1/4

Section 25: NE 1/4; Gov't Lots 5, 6, 8, and the West half of Gov't Lot 7; E 1/2 NW 1/4 SE 1/4; NE 1/4 SE 1/4 EXCEPT that portion lying within the Bonneville Transmission Line

Township 3 North, Range 8 East:

Section 8: SE 1/4 NW 1/4 EXCEPT that portion lying North of Bear Creek; NE 1/4 SW 1/4

Section 18: SE 1/4 SW 1/4

Section 19: Gov't Lot 4, SE 1/4 SW 1/4; SW 1/4 SE 1/4; NE 1/4 NW 1/4; NW 1/4 NE 1/4; SE 1/4 NW 1/4

Section 30: Gov't Lots 1-4; E 1/2 W 1/2; NW 1/4 SE 1/4; SW 1/4 SE 1/4 EXCEPT that portion lying within the Bonneville Transmission Line.

Township 4 North, Range 7 East:

Section 15: That part of the East half lying North of the Wind River Highway, EXCEPT the following described tract of land:

Beginning at a point 2,030.1 feet South 00°22' West of Section corner common to Section 10, 11, 14 and 15, Township 4 North, Range 7 E.W.M., said point being an iron pipe set in Westerly boundary of County Road right of way known as Leete Road; from said point thence West for a distance of 450.00 feet to an iron pipe; thence South 15°45' East for a distance of 1,283.1 feet to an iron pipe set in Northerly right of way boundary of Wind River Highway; thence South 57°09' East along Northerly right of way boundary of said highway for a distance of 118.5 feet to an iron pipe set in intersection of State Highway right of way boundary and Westerly right of way boundary of Leete Road; thence Northerly along West right of way boundary of Leete Road for a distance of 1,299.4 feet more or less to the point of beginning.

Township 4 North, Range 7.5 East:

Section 25: Commencing at a point 1,980 feet East of the Southwest corner of the Southeast quarter of Section 25, Township 4 North, Range 7.5 East of the Willamette Meridian; thence North 1,080 feet; thence East 660 feet to the section line; thence South 1,080 feet to the Southeast corner of said Section 25; thence West 660 feet to the point of beginning.

Section 36: NE 1/4 NE 1/4

**EXHIBIT B**

Grantor's Property

County of Clark, State of Washington

Township 3 North, Range 4 East, W.M.:

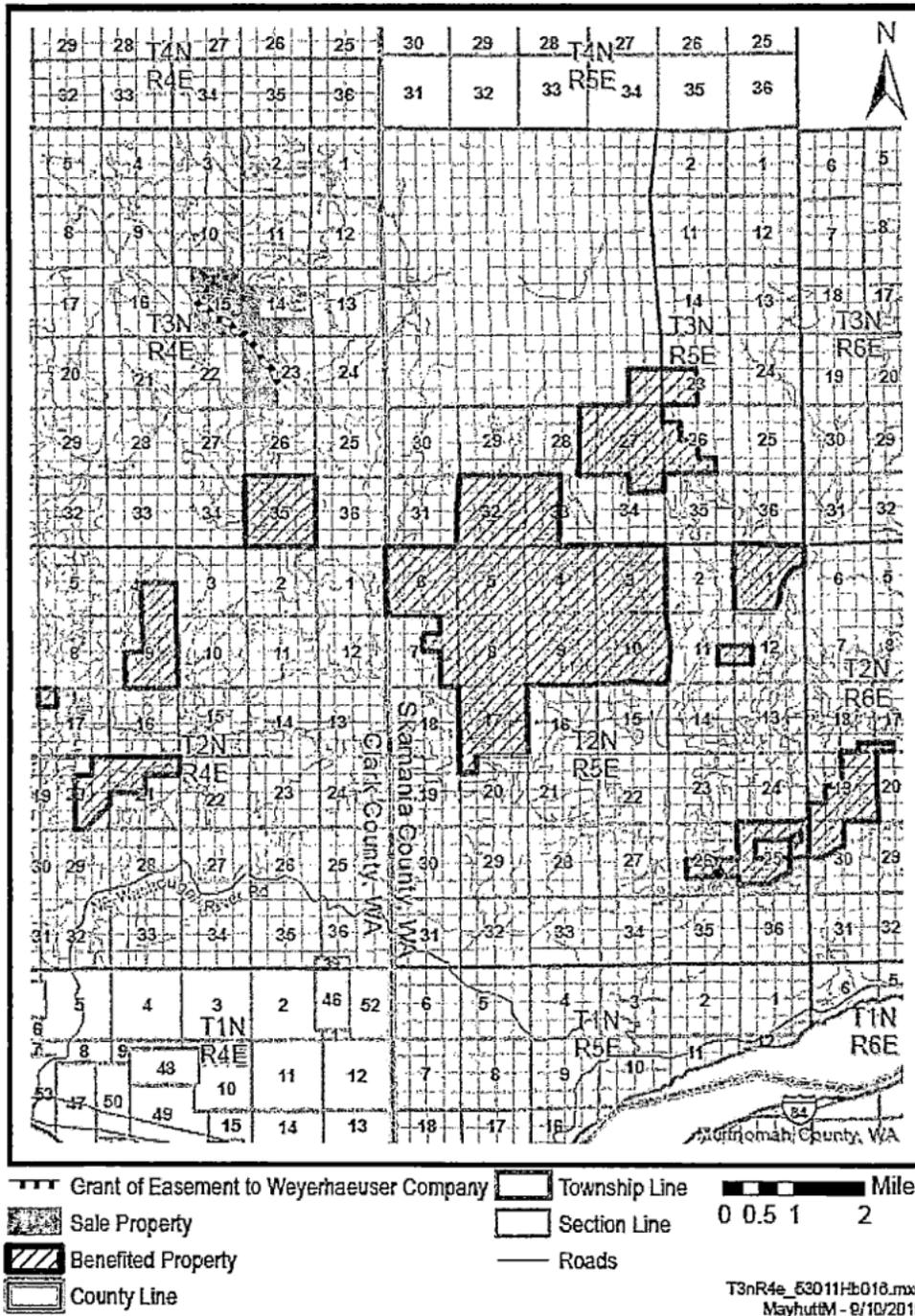
Section 14: S 1/2 N 1/2; S 1/2 S 1/2; NW 1/4 SW 1/4

Section 15: E 1/2; E 1/2 W 1/2

Section 23: W 1/2

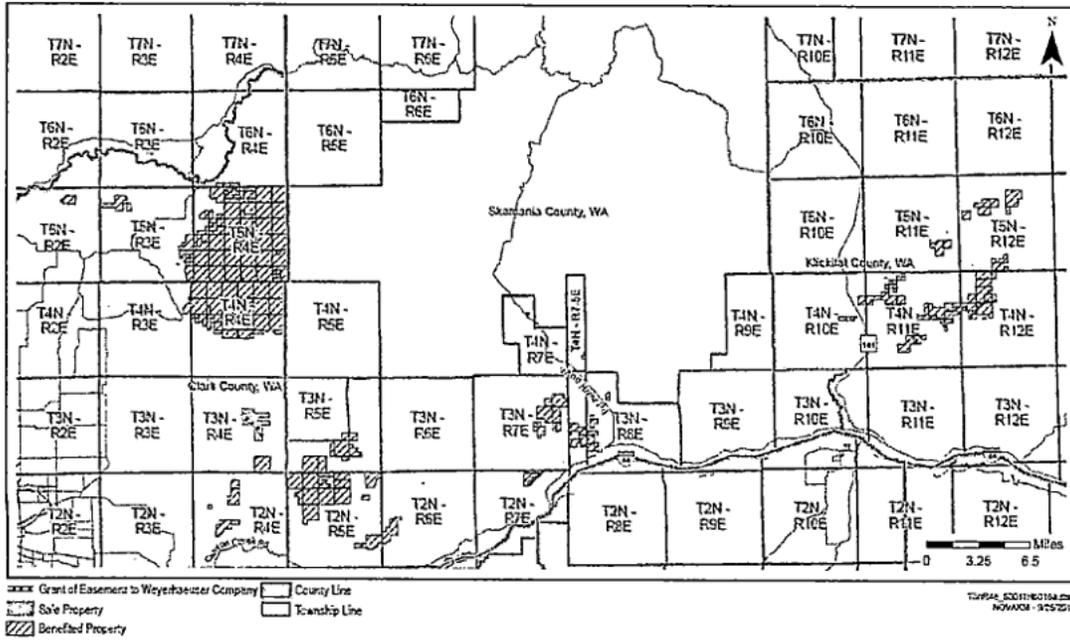
### EXHIBIT C-1

Map of the Easement Area, the Road and the benefitted Weyerhaeuser Property  
Clark County, Washington



### EXHIBIT C-2

Map of the benefited Weyerhaeuser Property



Skamania County, WA 2019-001155  
Total: \$107.50  
DEED 07/08/2019 01:53 PM  
Pgs=7  
Request of: COLUMBIA GORGE TITLE



FILED FOR RECORD AT THE  
REQUEST OF AND RETURN TO:  
Stewart Title Guaranty Company  
Attn: Vicki Coats  
1420 Fifth Avenue, Suite 440  
Seattle, WA 98101  
File No. T2019-236

*33950*  
**SKAMANIA COUNTY  
REAL ESTATE EXCISE TAX**

JUL 8 2019

PAID 3906.50  
*cg deputy*  
SKAMANIA COUNTY TREASURER

SEND TAX STATEMENTS TO:  
Dean B. Busschau and Megan H. Busschau  
2122 Mabee Mines Road  
Washougal, Washington 98671

Skamania County Assessor  
Date 7/8/19 Parcel# 02-05-25-0-0-0900-00

**GRANTOR:** WEYERHAEUSER COMPANY, a Washington corporation  
**GRANTEE:** DEAN B. BUSSCHAU and MEGAN H. BUSSCHAU, joint tenants with the right of survivorship  
**COUNTY:** Skamania  
**ABBREVIATED LEGAL:** Ptn of the S 1/2 S 1/2 of Sec. 25, T 2 N, R 5 E, W.M. full legal description on page 1

**ASSESSOR PARCEL #:** Ptn of tax parcel number 02-05-25-0-0-0900-00 ✓  
This Deed transfers a parcel being larger than 20 acres in size and is exempt from the requirements of RCW 58.17 and the Skamania County Short Plat Ordinance. The herein described property cannot be further subdivided and sold without conforming to the State of Washington and Skamania County Subdivision laws.

**BARGAIN AND SALE DEED**

Planning Department - Exemption over 20 acres approved by: *APL 7/2/19*

WEYERHAEUSER COMPANY, a Washington corporation, successor by merger to Weyerhaeuser Columbia Timberlands LLC, which was successor by merger to Longview Timberlands, LLC, whose address is 220 Occidental Avenue South, Seattle, Washington 98104 ("Grantor") for valuable consideration, receipt of which is hereby acknowledged, does hereby bargain, sell and convey its interest in the real property described on **Exhibit "A"** attached hereto and by this reference made a part hereof (herein the "Property") to DEAN B. BUSSCHAU and MEGAN H. BUSSCHAU, as joint tenants with the right of survivorship whose address is 2122 Mabee Mines Road, Washougal, Washington 98671 ("Grantee").

From the date of the recording of this deed until December 31, 2022, Grantor expressly saves, excepts, and reserves, unto itself and its successors and assigns, all interest in oil, gas, and other liquid or gaseous hydrocarbons including without limitation, coal seam gas; geothermal resources including, without limitation, geothermal steam and heat; aggregate resources including, without limitation, sand, gravel, granite, basalt, limestone and dolomitic limestone; base and precious metals; industrial minerals including, without limitation, silica, diatomaceous earth, heavy minerals (such as ilmenite, rutile and zircon) and hydraulic fracturing (frac) sand; ores; coal; lignite; ornamental stone and minerals of any and every nature, kind, or description whatsoever now or hereafter susceptible to commercial exploitation (collectively "Mineral Resources"), in or upon the Property, together with the usual and customary rights of ingress and egress to and from said lands, as required by Grantor in Grantor's reasonable discretion, for the purpose of exploring for such Mineral Resources by any and all means, and for developing, producing, extracting, or removing therefrom by any means now in use or hereafter developed all such Mineral Resources without any obligation to provide lateral or subjacent support, and to store, save, transport, treat, process, market, or otherwise utilize such Mineral Resources so produced; provided, however, that Grantee and Grantee's heirs, successors, and assigns, shall be compensated for any injury or damage to the surface of the Property or to the crops or improvements thereon caused by the exercise of any rights herein reserved in accordance with applicable statutory law. This mineral reservation expressly excepts and excludes sand, gravel, granite, basalt, limestone, dolomitic limestone or like aggregates extracted for Grantee's own use for road building and maintenance on the Property, so long as such use does not interfere with Grantor's right to develop and produce reserved Mineral Resources. On January 1, 2023, Grantor's interest in the Mineral Resources shall convert to an undivided one-half passive interest in the Mineral Resources in favor of Grantor and does not entitle Grantor, or require Grantee to produce any such material, and is without right of entry.

Grantee acknowledges that the Property conveyed herein is adjacent or near to Grantor's timberlands and may be subject to conditions resulting from Grantor's commercial forestry operations on said lands. Such operations include management and harvesting of timber, disposal of slash (including, without limitation, slash burning and other controlled burning), reforestation, application of chemicals, road construction and maintenance, transportation of forest products, and other accepted and customary forest management activities conducted in accordance with federal and state laws. Said forest management activities ordinarily and necessarily produce noise, dust, smoke, appearance and other conditions which may conflict with Grantee's use of the Property. Grantee, its heirs, successors and assigns hereby waive all common-law rights to object to normal, necessary and non-negligent forest management activities legally conducted on Grantor's property. Grantee, its heirs, successors and assigns will not object to the application of chemicals, including, without limitation, pesticides and herbicides, on Grantor's property. It is intended and agreed by the parties that this covenant shall be a part of the Deed, described herein, and of the public record and forever remain a covenant with the Property or hereafter adjacently acquired

property by Grantee, and any party acquiring an interest in said property shall be bound by the terms of the covenant.

The Property is conveyed subject to an easement in the public for any public roads heretofore laid out or established and now existing over, along or across any portion of the real estate; and to all additional easements, reservations, restrictions, rights-of-way, encumbrances and water rights, if any, apparent or of record; and further

SUBJECT TO:

(i) liens for taxes, assessments and other governmental charges which are not yet due and payable as of the recordation of this deed;

(ii) all land use (including environmental and wetlands), building and zoning laws, regulations, codes and ordinances affecting the Property;

(iii) any rights of the United States of America, the State in which the Property is located or others in the use and continuous flow of any brooks, streams or other natural water courses or water bodies within, crossing or abutting the Property, including, without limitation, riparian rights and navigational servitudes;

(iv) title to that portion of the Property, if any, lying below the mean high-water mark of abutting navigable rivers;

(v) all easements, rights-of-way, water rights, licenses and other such similar encumbrances apparent or of record;

(vi) all existing public and private roads and streets and all railroad and utility lines, pipelines, service lines and facilities;

(vii) all encroachments, overlaps, boundary line disputes, shortages in area, persons in possession, cemeteries and burial grounds and other matters not of record which would be disclosed by an accurate survey or inspection of the Property;

(viii) prior reservations or conveyances of mineral rights or mineral leases of every kind and character;

(ix) any loss or claim due to lack of access to any portion of the Property;  
and further

SUBJECT TO

(x) any adverse claim based on the assertion that any portion of the subject land has been removed from or brought within the subject land's boundaries by the process of accretion or reliction or any change in the location of creeks and streams;

(xi) any adverse claim based on the assertion that any portion of the subject land has been created by artificial means or has accreted to such portions so created;

(xii) any adverse claim based on the assertion that any of the subject land is now or at any time has been below the ordinary high water line of creeks and streams;

(xiii) rights of fishing, navigation, commerce, flood control, propagation of anadromous fish, and recreation, and other rights of the public, Indian tribes or governmental bodies in and to the waters of creeks and streams;

(xiv) easement, including the terms and provisions thereof: Recorded: February 6, 1939, Book: 27, Page: 319;

(xv) easement, including the terms and provisions thereof: Recorded: January 9, 1953, Book: 36, Page: 110;

(xvi) memorandum of road use agreement, including the terms and provisions thereof: Recorded: September 19, 1969; Book: 61, Page: 188;

(xvii) easement agreement, including the terms and provisions thereof: Recorded: September 19, 1969: Book: 61, Page: 197;

(xviii) assignment of easement, including the terms and provisions thereof: Recorded: September 19, 1969: Book: 61, Page: 205;

(xix) easement, including the terms and provisions thereof: Recorded: May 23, 1974 Book: 66, Page: 759;

(xx) easement, including the terms and provisions thereof: Recorded: June 27, 1974: Book: 66, Page: 918;

(xxi) easement, including the terms and provisions thereof: Recorded: July 25, 1983: Book: 82, Page: 512;

(xxii) easement, including the terms and provisions thereof: Recorded: May 2, 1996: Book: 101, Page: 13;

(xxiii) mineral reservations, including the terms and provisions thereof: Recorded: November 30, 1987: Book: 107, Page: 720; said reservation was assigned by instrument: Recorded: April 1, 1991; Book: 122, Page: 850;

(xxiv) easement, including the terms and provisions thereof: Recorded: October 31, 1988; Book: 111, Page 420;

Exhibit 4

(xxv) assignment and assumption agreement restatement of road use agreement, including the terms and provisions thereof: Recorded: November 3, 1988, Book: 111, Page 636;

(xxvi) easement, including the terms and provisions thereof: Recorded November 30, 1988, Book: 112, Page: 40;

(xxvii) easement agreement, including the terms and provisions thereof: Recorded: January 17, 2019, As: 2019000063

TO HAVE AND TO HOLD the same unto the said Grantee and unto her successors and assigns forever, with all appurtenances thereunto belonging.

Unofficial  
Copy



**Exhibit "A"**

Planning Department - Exemption over  
20 acres approved by: *APL 7/2/19*

Legal Description of the Property

Being a portion of the South half of Section 25, Township 2 North, Range 5 East of the Willamette Meridian, Skamania County, Washington described as follows:

That portion of the South half of the South half of Section 25, lying Southerly of the South right-of-way line of the Bonneville Power right-of-way as described under Skamania County Auditor's File No. 26973.

Unofficial  
Copy

Skamania County, WA 2019-001156  
Total: \$102.50  
ADMIN 07/08/2019 01:53 PM  
Pgs=2

Request of: COLUMBIA GORGE TITLE



When Recorded Return to:

**NOTICE OF CONTINUANCE**  
**LAND CLASSIFIED AS CURRENT USE OR FOREST LAND**  
Chapter 84.34 and 84.33 Revised Code of Washington

Grantor(s) (Purchaser(s)) Dean + Megan Busschan

Grantee(s) SKAMANIA COUNTY

Legal Description:

Assessor's Property Tax Parcel or Account Number 02052500090000 W

Reference Number(s) of Documents Assigned or Released Book / Page

Name of Owner(s) (at time of original lien) Wheeler Company

Recording Date of Original Lien 3/26/73 RECORDED UNDER B.L.F. PG 299

If the new owner(s) of land that is classified under RCW 84.34 as Current Use Open Space, Farm and Agricultural, or Timber Land under 84.33 Designated Forest Land wish(es) to continue the Classification or Designation of this land all the New Owner(s) must sign page 2.  
If the new owner(s) do(es) not desire to continue the classification or designation, all additional or compensating tax calculated pursuant to RCW 84.34.108 or RCW 84.33.120, 140 shall be due and payable by the seller or transferor at the time of sale. To determine if the land qualifies to continue classification or designation, the County Assessor should be consulted.

Interest in Property:  Fee Owner  Contract Purchaser  Other

The property is currently classified under RCW 84.34 as:

Open Space  Farm & Agricultural  Timber Land

Classified under RCW 84.33  Designated Forest Land.

I/We the purchaser(s) are aware of the definition of the deferred Tax Program this property is currently under as described in the *information on pages 3 through 5.*

Land Classified as Current Use or Forest Land

*I/We declare that I/we have read and understand the definition of the Classification the property is under. I/We declare that I/We are aware of the liability of withdrawal or removal of this property from the classification or designation.*

The agreement to tax according to use of the property is not a contract and can be annulled or canceled at any time by the Legislature (RCW 84.34.070).

Megan Busch 4-20-19  
Property Owner Signature Date  
Megan Busschau  
Property Owner Print Your Name  
2122 Mabee Mines Rd Washougal WA 98071  
Address City State Zip Code

Dean Busschau 4-20-19  
Property Owner Signature Date  
Dean Busschau  
Property Owner Print Your Name  
2122 Mabee Mines Rd Washougal WA 98071  
Address City State Zip Code

\_\_\_\_\_  
Property Owner Signature Date  
\_\_\_\_\_  
Property Owner Print Your Name  
\_\_\_\_\_  
Address City State Zip Code

\_\_\_\_\_  
Property Owner Signature Date  
\_\_\_\_\_  
Property Owner Print Your Name  
\_\_\_\_\_  
Address City State Zip Code



# Skamania County

## Community Development Department

**Building/Fire Marshal • Environmental Health • Planning**

Skamania County Courthouse Annex

Post Office Box 1009

Stevenson, Washington 98648

Phone: 509-427-3900 Inspection Line: 509-427-3922

### STATE ENVIRONMENTAL POLICY ACT

### MITIGATED DETERMINATION OF NONSIGNIFICANCE

<b>FILE NUMBER:</b>	SEP-19-20 (REZ-19-01/CMP-19-01)
<b>DESCRIPTION OF PROPOSAL:</b>	<p>The applicant is proposing a zoning and comprehensive plan amendment to an area of land in Washougal adjacent to Kellett Road. After approval of the proposed zoning and comprehensive plan amendments, the applicant is proposing to develop approximately seventeen, six acre lots. The lot size would be restricted to a minimum six acres in size per a restrictive covenant or other vehicle. The total acreage of the parcel is 104 acres and surrounded by parcels zoned West End Rural Lands 2 to the west, West End Forest Lands 20 to the north, National Scenic Area – Special Management Area Forest (F) zone to the south and east.</p> <p>The applicant is seeking a change in zoning and comprehensive plan designation from West End Forest Lands 20 to West End Rural Lands 2, the zone which would allow their proposed development, which they are adjacent to.</p>
<b>LOCATION:</b>	That portion of the South half of the South half of Section 25, T2N, R5E lying Southerly of the South right-of-way line of the Bonneville Power Right-of way as described under Skamania County Auditor’s File No. 26973.
<b>PARCEL NO.:</b>	02-05-25-0-0-0901-00; A portion of parcel number 02-05-25-0-0-0900-00
<b>PROPONENT:</b>	Applicant: Dean and Megan Busschau, 2122 Mabee Mines Road, Washougal, WA Authorized Agent: Jack Loranger, 162 Krogstad Road, Washougal, WA

The lead agency has determined that this proposal will not have a probable significant adverse impact on the environment. Pursuant to WAC 197-11-350(3), the proposal has been clarified, changed, and conditioned to include necessary mitigation measures to avoid, minimize or compensate for probable significant impacts. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

**The necessary mitigation measures are listed below:**

1. Review of the proposed comprehensive plan and zoning amendments will require review by the Hearing Examiner and approval by the board of County Commissioners.

## Exhibit 6

2. The applicant shall submit an application for subdivision to the Skamania County Community Development Department. The application shall meet the requirements under Skamania County Title 17 – Subdivision Ordinance.
3. Site specific information will have to be shown to demonstrate adequate on-site sewage systems prior to preliminary Short Plat approval and potable water prior to final Short Plat approval.
4. Exempt water usage will be limited to that allowed under RCW 90.44.050 for the entire proposal. A permit for water rights will be required for use by the entire development exceeding 5,000 gallons per day.
5. The applicant shall submit a Stormwater Management Plan for approval by the County Engineer prior to preliminary short plat approval.
6. Any improvements new driveways/private roads shall meet Skamania County private road standards.
7. Any proposed development within critical areas on the property will be required to meet the requirements under Skamania County Title 21A Critical Areas Ordinance or Title 19 – Critical Areas Ordinance. The timing of application will determine which code requirement shall apply.
8. The subject parcel is located within or near a Class I Erosion Hazard Area due to the soils susceptibility to wind and/or water erosion. Best Management Practices shall be used during all phases of development to prevent erosion.
9. Dust suppression techniques are a requirement in order to prevent dust from entering nearby and adjacent residentially used properties at all times until the project is complete. If the dust-suppression technique is the use of water, requirements to ensure that the watering does not cause erosion and offsite discharge of sediment-laden water needs to be followed. Information about dust suppression techniques can be found in Department of Ecology Publication #96-433 "Techniques for Dust Prevention and Suppression". Any discharge of sediment-laden runoff or other pollutants to waters of the state is in violation of Chapter 90.48, Water Pollution Control, and WAC 173-201A, Water Quality Standards for Surface Waters of the State of Washington, and is subject to enforcement action by the State of Washington.
10. All disturbed undeveloped areas shall be reseeded and landscaped with native vegetation to prevent and reduce wind and water erosion and the propagation of noxious weeds. Mulch shall consist of certified weed free straw or similar product.
11. Erosion control measures including an erosion control plan must be in place prior to any ground disturbance. These control measures must be effective to prevent storm-water runoff from carrying soil and other pollutants into surface water or storm drains that lead to waters of the state. Sand, silt, clay particles, and soil will damage aquatic habitat and are considered by pollutants by Washington State.
12. A clear and grade permit shall be required prior to development of the proposed property under Title 24 of the Skamania County Code.
13. Portions of the property are identified within a Class II landslide hazard area based on soil type and slope percentage. Development within these areas shall require a geotechnical assessment performed by a Washington licensed engineer or Washington licensed geologist.
14. The applicant shall design and install road and utility access in conformance with the Skamania County Private Road Manual during development of the proposed lots.

15. Five streams are identified on the parcel using LIDAR and the DNR forest practices water typing map. One stream appears to be headwaters of Canyon Creek. Each of the streams identified on the property has been classified as a nonfish seasonal (nS) or Class V stream. Per Skamania County Code Title 21A, Class V streams require a 25-foot no touch riparian buffer from the ordinary high-water mark (OHWM).  
ALL BUFFERS ARE UNDISTURBED BUFFERS AND MUST BE FREE OF ANY LOGGING, ROAD BUILDING, OR OTHER DEVELOPMENT ACTIVITIES, INCLUDING BUT NOT LIMITED TO VEGETATION REMOVAL, GRADING, MOWING, OR PLACEMENT OF STRUCTURES.
16. The parcel has been designated as forest lands by the property owner. The applicant shall remove a portion of each parcel from forest lands for residential use with the Skamania County Assessor prior to completion of the short plat.
17. The applicant shall contact the Pacific Cascade Region of the Washington Department of Natural Resources to determine if a forest practices application – conversion is required for this proposal.
18. The parcel contains scotch broom and Himalayan blackberries. The applicant shall work with the Skamania County Noxious Weed Board to determine best management practices for removal of noxious weeds during development of the parcel.
19. A borrow pit is present on the southeast portion of the subject property. Under Title 21, West End Forest Lands 20 allows extraction and processing of gravel and rock and maintenance of roads and trails within the forest owner's property with provisions as a conditional use. Skamania County has no record to demonstrate that this extraction site was ever permitted under title 21 zoning requirements. West End Rural Lands 2 allows expansion of existing legally established mineral resource extraction and/or processing sites as a conditional use. Unless it can be demonstrated that a conditional use permit was obtained for extraction and processing of rock or minerals at the site, then the applicant shall not be allowed to continue to extract rock or minerals from the borrow pit. If a conditional use permit was obtained for the extraction, then a new conditional use permit shall be required to continue operations and for any expansion of the site.
20. The rezone and comprehensive plan amendments have proposed a change from West End Forest Lands 20 to West End Rural Lands 2 to meet the requirement for adjacency to the zoning that the applicant is seeking. The applicant has proposed to develop the parcels at a lower density, with a minimum parcel size of six acres per lot. The applicant shall place a restrictive covenant on the parcel or parcels created stating that the minimum lot size shall be no less than six acres. Lifting of this restrictive covenant shall require review and approval by quasi-judicial or legislative process by the Hearing Examiner or Board of County Commissioners.
21. The applicant shall prepare a site-specific inadvertent discovery plan for cultural and archaeological resources.
22. Cultural Resources: The following procedures shall be effected when cultural resources are discovered during construction activities:

Exhibit 6

- a. Halt Construction: All construction activities within 100 feet of the discovered cultural resource shall cease. The cultural resources shall remain as found; further disturbance is prohibited.
- b. Notification: The project applicant shall notify the Planning Department within 24 hours of the discovery. If the cultural resources are prehistoric or otherwise associated with Native Americans, the project applicant shall also notify the Indian tribal governments within 24 hours.

This MDNS is issued under WAC 197-11-340(2) and the lead agency will not act on this proposal for 14 days from the date below. Comments must be submitted to the Community Development Department within 14 days from the date listed below, by 5:30 p.m.

**Responsible Official:** Alan Peters, AICP, Assistant Planning Director

**Address:** Skamania County Community Development Department  
PO Box 1009  
Stevenson, WA 98648  
[permitcenter@co.skamania.wa.us](mailto:permitcenter@co.skamania.wa.us)

February 25, 2020  
Date

  
\_\_\_\_\_  
Alan Peters, AICP  
Assistant Planning Director

**APPEALS:** There shall be no administrative appeals of environmental threshold determinations. Failure to comment on this Notice of Intent shall be determined to deny a party standing to appeal the final determination with the underlying government action to a court of competent jurisdiction.

**File #SEP-19-20 – SUPPORTING DOCUMENTS ATTACHED**

- **VICINITY MAP PAGE 6**
- **SEPA Checklist PAGES 7-21**
- **Rezone Application Pages 22-39**
- **Rezone Petition Narrative Pages 39-43**
- **Comprehensive Plan Change Application Pages 44-63**
- **Comprehensive Plan Change Narrative Pages 64-79**
- **Applicant Vicinity Map Page 80**
- **Applicant Proposed Plat Page 81**
- **Applicant Topographic Map Page 82**
- **USDA NRCS Soil Resource Report Pages 83 – 100**
- **Acreage Breakdown RL2 Potential Lots Pages 101 – 106**
- **Bare Land for Sale on the West End Page 107**
- **Bare Land Sales West End RL2 2013-2019 Page 108**
- **Homes for Sale West End 2/8/2020 Page 109**
- **Land Divisions West End 2007 to 2020 Page 110**
- **West End RL2 Construction 2006 to 2019 Pages 111-112**
- **Skamania County Average Sales Price 01/01 to 07/15 2012 Page 113**
- **Skamania County Population 1969 to 2018 Page 114**
- **Listings Available for Sale Q2 2012 to 2018 Page 115**
- **Existing Home Sales 2011-2017 State of Washington and Counties Page 116**

2-5-25

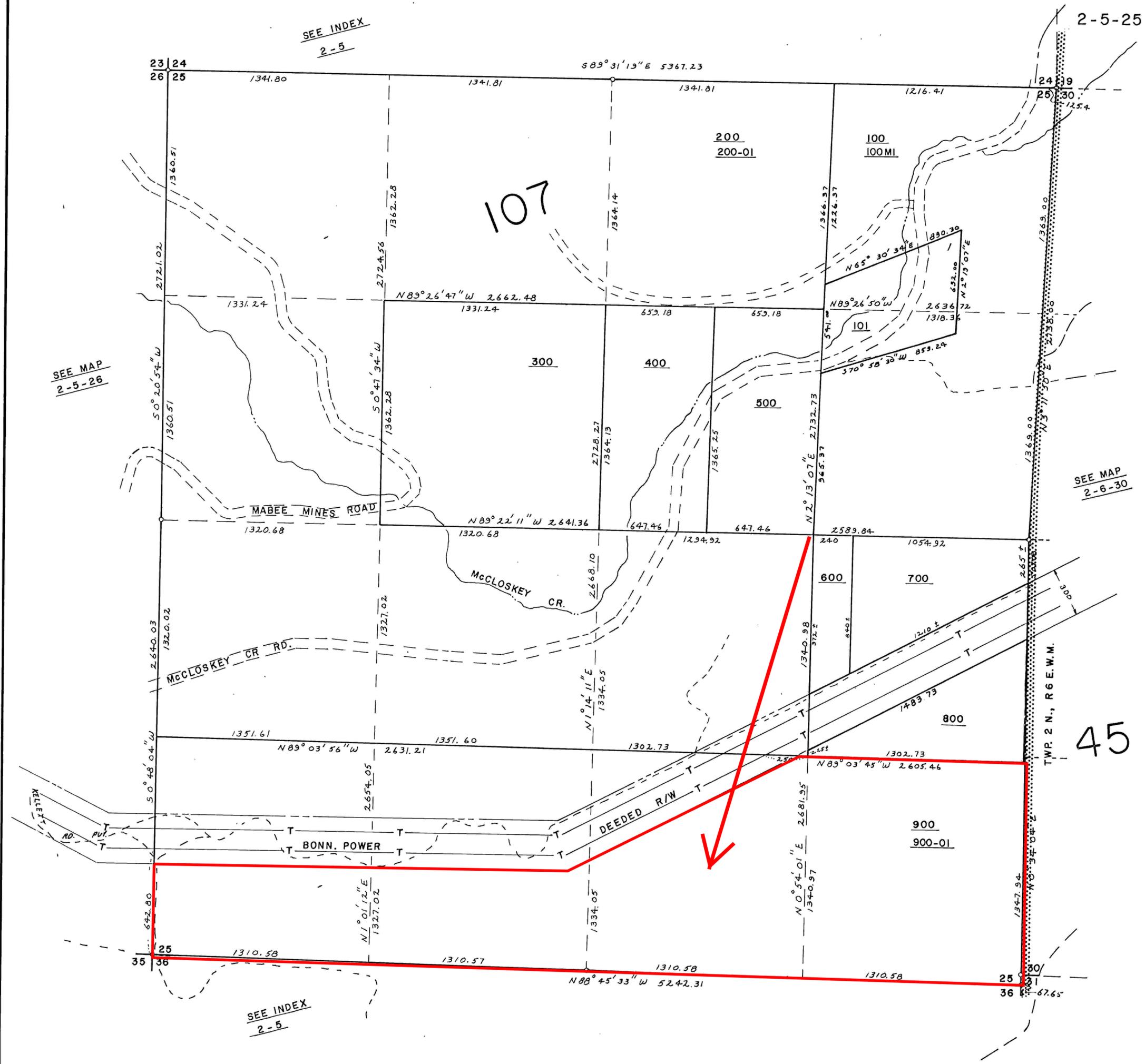
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SEE INDEX  
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NOT A LEGAL SURVEY  
ASSESSORS USE ONLY

SKAMANIA COUNTY  
ASSESSOR

SKAMANIA COUNTY  
WASHINGTON  
Scale: 1" = 400'  
REVISED 06/22/00

SECTION  
SEC. 25 T. 2 N., R. 5 E.W.M.  
2-5-25



**Skamania County**  
**Community Development Department**  
Building/Fire Marshal ♦ Environmental Health ♦ Planning  
Skamania County Courthouse Annex  
Post Office Box 1009  
Stevenson, Washington 98648  
Phone: 509-427-3900 Inspection Line: 509-427-3922

## STATE ENVIRONMENTAL POLICY ACT (SEPA) CHECKLIST INTAKE CHECKLIST

(This form must be completed and submitted with all required documents for the application to be considered complete. Review will not begin on the project until all of the requirements below are submitted)

STAFF      APPLICANT

Complete Checklist. The checklist must be filled out completely, **in ink**, with answers for all questions, even if it is "Not Applicable" or "I don't know." A *non-refundable* fee of \$400 must accompany the checklist (payable to Skamania County Treasurer). **Fees are subject to change by resolution of the County Commissioners.**

Underlying application. The project of which the SEPA is for must also have a completed application submitted and fee paid.

Reviewed by \_\_\_\_\_ Complete: Yes \_\_\_ No \_\_\_ Date: \_\_\_\_\_

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Building/Fire Marshal ♦ Environmental Health ♦ Planning

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Stevenson, Washington 98648

Phone: 509-427-3900 Inspection Line: 509-427-3922

## STATE ENVIRONMENTAL POLICY ACT CHECKLIST AND INFORMATIONAL PACKET

### What is a SEPA?

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making project decisions. The purpose of this checklist is to provide information to help you and the Community Development Department identify any impacts from your proposal, how to reduce or avoid impacts from the proposal, and to help the Community Development Department determine the SEPA threshold determination.

### Do I need a SEPA?

The SEPA is always in conjunction with another application. There are many proposals that will require a SEPA including, but not limited to, land divisions, forest practice conversions, critical area variances, conditional use and excess material requests over 99 cubic yards. Contact the Community Development Department to determine if your project requires a SEPA.

### Site Analysis Level II (SAL II)

Before any permits are issued, a Site Analysis Level II (SAL II) must be completed. See the SAL II application packet for additional information.

### The Process

All proposal applications and this checklist must be submitted for the application packet to be determined complete. Once the application is considered complete, the following will take place:

1. The SEPA is reviewed first with any project. A SEPA threshold determination will be issued by this department to adjacent property owners, local and state agencies and published in the newspaper. This determination will include all environmental factors for the project and any report requirements that must be completed before the next application review may begin.
2. There is a fourteen-day comment period for the SEPA threshold determination.
3. Once all SEPA requirements are met, project review will continue with the main application (i.e. critical areas variance, excess materials request, etc.)

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**Purpose of checklist:**

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

**Instructions for applicants:**

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

**Instructions for Lead Agencies:**

Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

**Use of checklist for nonproject proposals:**

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the [SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS \(part D\)](#). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

A. BACKGROUND

- ✓ 1. Name of proposed project, if applicable: Kellett Rd Rezone
- ✓ 2. Name of applicant:  
Dean and Megan Busschau
- ✓ 3. Address and phone number of applicant and contact person:  
Applicant: Dean and Megan Busschau  
2122 MABEE MINES ROAD Washougal WA 98671 - 360 837-1231
- ✓ Contact: Jack Loranger, Authorized Agent  
162 Krogstad Rd. Washougal, WA 98671 360-837-3760 jack@shorelinepermits.com

FOR DEPARTMENT USE ONLY	
Legal description attached: Yes / No	
Date received	Date complete
Receipt #	File #

4. Date checklist prepared: ]  
12/3/2019

5. Agency requesting checklist:  
Skamania County Planning Department Skamania County Community Development Department

6. Proposed timing or schedule (including phasing, if applicable):  
Fall/Winter 2020

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

Yes - Future development of 17 residential homes, each on a 6 acre lot.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

None at this point. Any future development will be subject to the county's environmental regulations.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

None Known

10. List any government approvals or permits that will be needed for your proposal, if known.

Rezone and Comprehensive Land use map change. The proposed future development of 17 residential lots will require the following approvals by Skamania County for each parcel Short Plat approval, Land Division Septic Approval, and Land Division Water approval.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

The applicant proposes to rezone 104 acres to RL-2 from their current zoning of FL-20. The proposed future development of 17 residential lots will require the following approvals by Skamania County for each parcel; Short Plat approval, Land Division Septic Approval, and Land Division Water approval.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

Tax Parcel# 02052500090000 Kellett Rd. off Mabee Mines Rd.  
Being a portion of the South half of Section 25, Township 2 North, Range 5 East of the Willamette Meridian, described as follows:  
That portion of the South half of the South half of Section 25, lying Southerly of the South right-of-way line of the Bonneville Power right-of-way as described under Skamania County Auditor's File No. 26973.

**B. ENVIRONMENTAL ELEMENTS**

**1. Earth**

a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous,  Flat  Hilly  Mountainous  
other \_\_\_\_\_  Rolling  Steep Slopes

b. What is the steepest slope on the site (approximate percent slope)?

38%

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

75—Mountzion clay loam, 2 to 15 percent slopes, 109—Skoly stony loam, 2 to 15 percent slopes  
110—Skoly stony loam, 15 to 30 percent slopes, 111—Skoly stony loam, 30 to 65 percent slopes

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. Soil and slopes are indicative of potential erosion and landslide hazard areas. Each area proposed for development would need to be evaluated at the time of development. A geotechnical letter, report or assessment may be required.

No, there are not unstable soils in the vicinity of the proposal.  
Soils will not be disturbed as part of this application process

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

A clear and grade permit shall be required for the proposed development.  
Grading and filling may be required for development and construction of 17 new residential homes.  
Clear and Grade permit required at time of development for the proposed 17 residential lots, including but not limited to an erosion control plan

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

Best management practices will be used during clearing and construction to prevent erosion. Approximately 3500 s/f of impervious surface per lot or 1.3%  
The applicant shall submit a erosion control plan at the time of development of the parcel.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

Best management practices will be used during clearing and construction to prevent erosion. Approximately 3500 s/f of impervious surface per lot or 1.3%  
Private road development would increase the total area of impervious surface. The county estimates up to 4% of impervious surface could be created.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

Erosion Control measures based on best management practices are required prior to any ground disturbing activities

2. Air

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

None from this application. If future development approved, dust from vehicles and smoke from wood burning for heat may result from the future residential homes.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

None known

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

None proposed with this application.

3. Water

a. Surface Water:

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

Three N-4 streams and Two N-6 streams flowing into Canyon Creek.  
McCloskey Creek is about 1600' from the project site

5 streams identified on the parcel are Class V (nS)nonfish seasonal streams. A portion of the stream at the east end of the property is identified as Canyon Creek. Any stream crossings proposed during development would require a critical areas permit or variance as required.

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

A critical areas permit or variance may be required.

Not with this application but at time of developing the proposed residential lots a Critical Area Variance may be required for any crossings over the Non-fish bearing streams.

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

No part of this application will require work within the water bodies; future development will be reviewed for compliance with the Shoreline and Critical Area regulations

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

No

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

No

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

No

b. Ground Water:

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. Water use restrictions may be required after development of the proposed lots.

Not for this application. Individual wells and septic systems are anticipated to be used to serve future residential homes. A Land Division Water permit is required prior to any proposed land divisions.

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

None as part of this application. The proposed development of 17 residential lots will require a Land Division Septic permit prior to any proposed land divisions

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

None as part of this application. Future residential development will have impervious surface runoff into storm drains and natural rain gardens or bio-swales.

- 2) Could waste materials enter ground or surface waters? If so, generally describe.

Not as part of this application.

- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

No

- d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

A stormwater management plan is required prior to the development of the 17 residential lots. The stormwater management plan shall be prepared by a professional engineer licensed in the State of Washington and based on Washington State Department of Ecology's Stormwater Manual for Western Washington.

4. Plants

- a. Check the types of vegetation found on the site:

- deciduous tree: alder, maple, aspen, other
- evergreen tree: fir, cedar, pine, other
- shrubs
- grass
- pasture
- crop or grain
- Orchards, vineyards or other permanent crops.
- wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- water plants: water lily, eelgrass, milfoil, other
- other types of vegetation

- b. What kind and amount of vegetation will be removed or altered?

trees and shrubs totaling not more than 1 acre per new 6 acre lot .

The applicant shall work with the DNR and the Skamania County Assessor to remove acreage from the designated forest land prior to development of each of the lots.

- c. List threatened and endangered species known to be on or near the site.

None Known

- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

The property is currently planted in Doug fir. New landowners will be encouraged to retain their property in timber management, disturbed areas to be replanted in native vegetation.

- e. List all noxious weeds and invasive species known to be on or near the site.

Scotch Broom, Himalayan blackberry

The applicant will work with the Skamania County Noxious Weed Board to determine best management practices for removing scotch broom and himalayan blackberry.

5. **Animals**

- a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site. Examples include:

birds: hawk, heron, eagle, songbirds, other:
mammals: deer, bear, elk, beaver, other: cougar, pheasant, deer, elk, trout
fish: bass, salmon, trout, herring, shellfish, other

- b. List any threatened and endangered species known to be on or near the site.
c. Is the site part of a migration route? If so, explain.
d. Proposed measures to preserve or enhance wildlife, if any:
e. List any invasive animal species known to be on or near the site.

6. **Energy and natural resources**

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

None for this proposal though if approved, future development may use a variety of these energy methods typical for residential uses.

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

No

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

All future development is subject to the Washington State Energy Code.

7. **Environmental health**

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

There are no known environmental hazards that could occur as a result of this project.

- 1) Describe any known or possible contamination at the site from present or past uses.

No known contaminations.

- 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

None Known

- 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

None

- 4) Describe special emergency services that might be required.

No special emergency services required for this proposal

- 5) Proposed measures to reduce or control environmental health hazards, if any:

None proposed

b. **Noise**

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? [

No noise impacts are expected. Continued operation or expansion of the borrow pit would require a conditional use permit. Noise may be a factor in operating the pit.

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

Short term, trucks and equipment during construction of 17 single family homes and long term limited traffic of residence in and out of their homes upon completion

3) Proposed measures to reduce or control noise impacts, if any:

## All activities are subject to Skamania County's Noise Ordinance

### 8. Land and shoreline use

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe. There is a rock pit on the eastern side of the parcel. in addition to those uses listed below.

Current use is timber production. There are low density residences in the immediate area. The proposal will not affect current land uses on nearby or adjacent properties.

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?

The 104 acres has been forest lands. This proposal will convert 17 acres to nonforest use.

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:

No

c. Describe any structures on the site.

None

d. Will any structures be demolished? If so, what?

No

e. What is the current zoning classification of the site?

The proposal is to amend the current zoning from West End Forest Lands 20 (WE-FL20) of the West End Community Subarea to Rural Residential 2 (RL2).

f. What is the current comprehensive plan designation of the site?

The proposal is to amend the West End Community Subarea Comprehensive Plan from West End Forest Lands 20 (WE-FL20) to Rural Lands 2 (RL2)

g. If applicable, what is the current shoreline master program designation of the site?

Not Applicable

h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

Streams Erosion and Landslide Hazard Areas.

i. Approximately how many people would reside or work in the completed project?

Approximately 45 people would reside in the completed project

j. Approximately how many people would the completed project displace?

None

k. Proposed measures to avoid or reduce displacement impacts, if any:

None

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

The applicant has proposed a restrictive covenant which would limit parcels to six acres in size. The county shall require that despite the West End Rural Lands 2 zone. Land within this parcel shall be no less than six acres.  
Land divisions of less than six acres will not be allowed

m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any:

Land divisions of less than six acres will not be allowed. Homeowners will be encouraged to retain current use Designated Forest Land.

### 9. Housing

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

17 single family residential middle income houses are proposed.

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

None

c. Proposed measures to reduce or control housing impacts, if any:

None

10. **Aesthetics**

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?  
Skamania County Building and zoning code limit building height to 35 feet above average site grade under title 15 and 21.  
 Residences associated with this project will not exceed thirty-five feet above average site grade and exteriors will be primarily wood.
- b. What views in the immediate vicinity would be altered or obstructed?  
 None. A majority of the area is forested with territorial views
- c. Proposed measures to reduce or control aesthetic impacts, if any:  
 None from this application, though landscape buffering will be used to control aesthetic impacts from future development.

11. **Light and glare**

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?  
 A small amount of glare may occur from sun reflecting from the proposed residences mainly just prior to sunset.
- b. Could light or glare from the finished project be a safety hazard or interfere with views?  
 No
- c. What existing off-site sources of light or glare may affect your proposal?  
**None**
- d. Proposed measures to reduce or control light and glare impacts, if any:  
 Retention of the existing Doug fir trees. In a few years they will be large enough to effectively screen any glare.

12. **Recreation**

- a. What designated and informal recreational opportunities are in the immediate vicinity?  
 Informal opportunities include, hunting, fishing, hiking, biking and off road vehicles.
- b. Would the proposed project displace any existing recreational uses? If so, describe.  
**No**
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:  
**None**

13. **Historic and cultural preservation**

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers located on or near the site? If so, specifically describe.  
 The DAHP Wisaard indicates there are no known sites within 500 feet of the project site.  
The predictive model in the Wisaard indicates that portions of the site may have high to very high potential of encountering cultural resources. A inadvertent discovery plan shall be required during development activities.
- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation?  
 This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.  
 None Known or observed.
- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.  
 Historical Maps, GIS Data and DAHP Wisaard
- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.  
 An Inadvertent Discovery Plan will be in place.

14. **Transportation**

- ✓ a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

The project will be served by Kellett Rd. Access to the project from Hwy 14 is north on Salmon Falls Rd. east on Mabee Mines Rd. west on Kellett Rd.

- ✓ b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

The site is not served by public transit. The WET bus stop at the Park and Ride is 4.3 miles away.

- ✓ c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?

Approximately 34 after residential development

- ✓ d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

Yes. As the 17 home sites are being developed some new, on site, roads will be needed and existing roads will need to be improved. These are all private roads and they will need to meet the Skamania County's private road manual in effect at the time of development.

The county would strongly encourage a road maintenance agreement to be recorded with the Skamania County Auditor.

e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

No. No known water, rail, or air transportation exists in the area.

f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?

ITE estimates 10 vehicle trips per single family dwelling. The total average number of trips per day would equate to 170 passenger vehicle trips per day.

Daily vehicle trips are estimated to be an average of 5 trips per day per home for a total of 85 passenger vehicle trips. Peak trip times are likely morning and early evening.

g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

No

h. Proposed measures to reduce or control transportation impacts, if any:

All needed road infrastructure will be privately funded eliminating the burden on public funding. The private roads will be maintained by the home owners in the project.

15. Public services

a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

Police and fire protection and public schools will be needed for the proposed 17 residential homes.

b. Proposed measures to reduce or control direct impacts on public services, if any.

All utility and road infrastructure that is needed will be privately funded.

16. Utilities

a. Circle utilities currently available at the site:

electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system  
other electricity, telephone

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

At time of development, PUD power, water, on-site septic, garbage refuse service, and other typical types of services used in residences.

C. SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: \_\_\_\_\_

Name of signee Jack Loranger

Position and Agency/Organization Authorized Agent for Dean and Megan Busschau

Date Submitted: \_\_\_\_\_

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

- ✓ 1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

Possible smoke from wood burning stoves and/or debris burns

- ✓ Proposed measures to avoid or reduce such increases are:

All wood burning appliances shall meet SW Washington Clean Air requirements

- ✓ 2. How would the proposal be likely to affect plants, animals, fish, or marine life?

The proposal is not expected to affect plants, animals, fish or marine life because there will be mitigating landscaping and water runoff mitigation measures.

- ✓ Proposed measures to protect or conserve plants, animals, fish, or marine life are:

Revegetation of all undeveloped and disturbed areas will be planted with native vegetation

- ✓ 3. How would the proposal be likely to deplete energy or natural resources?

Removal of vegetation and existing trees in the immediate home site areas

Proposed measures to protect or conserve energy and natural resources are:

Revegetation of all undeveloped and disturbed areas will be planted with native vegetation  
All new development will meet the State Energy Code

- ✓ 4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

The proposal would be unlikely affect sensitive areas, because they will be governed by the Critical Areas regulations . An Inadvertent Discovery Plan will be in effect for cultural resources.

- ✓ Proposed measures to protect such resources or to avoid or reduce impacts are:

Any future development would have to comply with all existing County regulations dealing with critical areas and natural resources and have an Inadvertent Discovery Plan consistent with Federal, State, and County regulations.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

The proposal is not likely to affect land and shoreline use or encourage incompatible uses.

Proposed measures to avoid or reduce shoreline and land use impacts are:

To locate individual home sites appropriately to reduce shoreline and land use impacts.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

Adding 17 residences to the area will result in increased traffic on public roads and the PUD services needed.

Proposed measures to reduce or respond to such demand(s) are:

None

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

This proposal has been prepared in compliance with local, state and federal regulations for the protection of the environment so there should be no conflicts.



**Skamania County**  
**Community Development Department**  
Building/Fire Marshal ♦ Environmental Health ♦ Planning  
Skamania County Courthouse Annex  
Post Office Box 1009  
Stevenson, Washington 98648  
Phone: 509-427-3900 Inspection Line: 509-427-3922

## REZONE APPLICATION INTAKE CHECKLIST

(This form must be completed and submitted with all required documents for the application to be considered complete. Review will not begin on the project until all of the requirements below are submitted)

- | STAFF                    | APPLICANT                |   |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | Complete Rezone application and <i>non-refundable</i> \$1725 fee (payable to Skamania County Treasurer). <b>Fees are subject to change by resolution of the County Commissioners.</b>   |
| <input type="checkbox"/> | <input type="checkbox"/> | SEPA Checklist and <i>non-refundable</i> \$400 fee  |
| <input type="checkbox"/> | <input type="checkbox"/> | Additional signatures (if required). When an amendment is sought for an area larger than the parcels owned by the applicant, the signatures on the application must represent 100% of the owners of the total number of parcels within the entire area proposed for amendment. If a parcel has multiple owners, then all of the owners' signatures must be obtained and are counted as a single signature when calculating the percentage of owners' signatures obtained. |
| <input type="checkbox"/> | <input type="checkbox"/> | Supplemental questions. Answers must be attached in response to the criteria for approval explaining how the project meets those criteria.  |
| <input type="checkbox"/> | <input type="checkbox"/> | Comprehensive Plan amendment. If the zoning amendment request is not consistent with the current Comprehensive Plan designation, a Comprehensive Plan amendment must be approved before the zoning change can be made. These petitions can be heard at the same hearing meeting.  |
| <input type="checkbox"/> | <input type="checkbox"/> | A vicinity map showing affected parcels must be included.   |
| <input type="checkbox"/> | <input type="checkbox"/> | Certification that the applicant/owner has read and understands the Hearing Examiner process.   |

**Reviewed by** \_\_\_\_\_ **Complete:** Yes \_\_\_\_\_ No \_\_\_\_\_ **Date:** \_\_\_\_\_

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**Skamania County** Exhibit 6  
**Community Development Department**  
Building/Fire Marshal ♦ Environmental Health ♦ Planning  
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Stevenson, Washington 98648  
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## **REZONE APPLICATION & INFORMATIONAL PACKET**

### What is a Rezone?

Petitions for zoning map amendments are requests to change the zone classification shown on the official zoning map for a specific parcel or parcels by one or more landowners. In some cases, a rezone request will match the comprehensive plan designation for the parcel. If it does not, a comprehensive plan change is also required.

### Submittal Deadlines and Hearing Schedule:

All petitions must be submitted and determined complete by December 31<sup>st</sup> of the current year to be heard the following year. The Hearing Examiner schedule is as follows:

- Commissioner District #1 / West End: June
- Commissioner District #2 / Mid County: May
- Commissioner District #3 / East End: April

Depending on the number of petitions received, more than one hearing date may be necessary. The Hearing Examiner receives a list of petitions in February and will set the schedule then.

Note: If a petition is denied, that petition can be resubmitted no sooner than three years from the date of denial.

### The Process

1. Petitions must be submitted and determined complete by December 31<sup>st</sup> of the current year to be heard the following year.
2. The official hearing date will be set in February when the Hearing Examiner receives the list of petitions.
3. Notice of Public Hearing will be sent to adjacent property owners and local and state agencies and published in the newspaper.
4. The Hearing Examiner and applicant(s) will be provided a Staff Report from SCCDD approximately 10 days prior to the hearing.
5. The hearing will occur. The applicant(s) must be present at the hearing for the petition to be heard.
6. The Hearing Examiner will issue a decision within 10 business days of the close of the record. The Hearing Examiner may adopt, modify, or deny the application based on criteria set forth in Skamania County Code 21.18.070(B).

### Criteria for Approval:

The Hearing Examiner may approve of the proposed petition for zoning map amendment if:

1. It bears a substantial relationship to the public health, safety, and/or welfare (is the amendment consistent with the comprehensive plan);
2. It is contiguous to the requested designation by at least 100 feet, therefore not granting a special privilege, and;

3. Circumstances have substantially changed in the area since the adoption of the existing zoning designation. A substantial change in circumstances means a significant change in conditions affecting the area where the requested petition for zoning map amendment is located. Examples include, but are not limited to, substantial in-fill affecting the rural character of a community. Please note that the creation of the National Scenic Area and any zone changes or existing zone districts within adjacent Counties will not be considered to be a substantial change in circumstance.

Comprehensive Plan Consistency:

In the case where a petition for zoning map amendment requires an amendment to the comprehensive plan in order to assure consistency between SCC Title 21 and the comprehensive plan, the review processes for the petition for zoning map amendment and the comprehensive plan amendment may proceed concurrently by holding the hearings for each amendment at the same meeting.

Exhibit 6



**Additional signatures**

	Signature	Name (printed)	Address	Tax Parcel Number
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				

**SKAMANIA COUNTY**  
**OFFICE OF THE HEARING EXAMINER**  
**RULES OF PROCEDURE FOR OPEN RECORD HEARINGS ON**  
**LAND USE PERMIT APPLICATIONS AND APPEALS**

**1. APPLICABILITY**

- 1.1 These procedures shall apply to open record hearings on land use permit applications and appeals of administrative decisions that come before the Hearing Examiner.

**2. DEFINITIONS**

- 2.1 "Administrative decision" means a decision issued by the Director of the Skamania County Community Development Department or his or her designee, or a threshold determination issued by the Responsible Official under the State Environmental Policy Act (SEPA).

"Appellant" means a person, organization, or other similar group who files a complete and timely appeal of an administrative decision or other appealable action.

"Applicant" means a person who is the owner of the subject property or the authorized representative of the owner of the subject property who has applied for a land use permit.

"Burden of proof" means the responsibility of a party to present sufficient, credible evidence to support his or her position.

"Comprehensive Plan" means the Comprehensive Plan that has been adopted by the Skamania County.

"Board" means the Skamania County Board of County Commissioners.

"County" means Skamania County, Washington.

"Ex parte communication" means written or oral communication to the Hearing Examiner about a matter pending before the Hearing Examiner that is not included in the public record and/or is made outside of a public hearing.

"Hearing" means the open record public proceeding at which testimony and exhibits of evidence are presented to the Hearing Examiner on a given land use permit application or appeal.

"Hearing Examiner" or "Examiner" means the Hearing Examiner of Skamania County.

"Interested Party" means any individual, partnership, corporation, association, or public or private organization of any character that may be affected by proceedings before the Hearing Examiner. Any party in a contested case is an interested party.

"Motion" means a written request made to the Hearing Examiner for an order or other ruling.

"Notice of Decision" means the written document that communicates a decision on an action before the Hearing Examiner.

"Party of record" or "Party" means:

- a. Any person who testifies at a hearing,
- b. An Appellant,
- b. The Applicant or his/her agents,
- c. Persons submitting written testimony about a matter prior to the close of the record, and
- d. Skamania County.

"Community Development Department" means the Skamania County Community Development Department.

"Record" means the oral testimony and written exhibits admitted at the hearing. The audio recording of the proceeding shall be included as part of the record.

"Staff" means the staff member of the Community Development Department assigned to present a case before the Hearing Examiner.

"Subject property" means the real property that is subject of the land use permit application or appeal.

"SCC" means Skamania County Code.

### **3. JURISDICTION**

- 3.1 The Hearing Examiner's jurisdiction is limited to those issues where ordinance or other appropriate authority grants the Hearing Examiner the authority to make a decision or issue an order pursuant to SCC 2.80.060 or other sections of the SCC.
- 3.2 Timely filing of an appeal is required for the Examiner to acquire jurisdiction over any appeal.
- 3.3 Any party may challenge the Examiner's ability to hear an appeal/matter on jurisdictional grounds, or the Examiner may independently raise the jurisdictional issue. If the Examiner determines that he/she does not have jurisdiction, the appeal/matter will be dismissed.

### **4. EX PARTE COMMUNICATION**

- 4.1
  - a. No person, nor agent, employee, or representative of any person, who is an interested party in an application currently pending before the Examiner shall communicate ex parte, directly or indirectly, with the Hearing Examiner concerning the merits of any pending application/appeal or any factually related application/appeal. Communications on purely procedural matters such as scheduling and logistics are permitted on an ex parte basis; however, all allowed ex parte procedural communications should be directed to the Hearing Examiner in care of the Community Development Department.
  - b. The Examiner shall not communicate ex parte directly or indirectly with any person, agent, employee, or representative of any person who is an interested party in an application currently pending before the Examiner concerning the merits of the pending application or any factually related application, unless he/ she provides notice and opportunity for all parties to participate.
  - c. If a prohibited ex parte communication is made to or by the Examiner, such communication shall be publicly disclosed at hearing. The Examiner shall exercise

proper discretion as to whether to disqualify him/herself as Examiner for that particular hearing.

## **5. NATURE OF PROCEEDINGS**

Exhibit 6

### 5.1 Expeditious Proceedings

It is the policy of the Hearing Examiner that, to the extent practicable and consistent with the requirements of law, public hearings shall be conducted expeditiously. In the conduct of such proceedings, the Hearing Examiner, County staff, and all parties, agents, and witnesses shall make every effort at each stage of a proceeding to avoid delay.

### 5.2 Record of Hearing

- a. Hearings shall be audio recorded and such recordings shall be a part of the official case record.
- b. The County shall make copies of the audio recording of a particular hearing and the written materials within the official case record available to individuals who request them. The requester shall pay the reasonable cost of copying.

### 5.3 Computation of Time

Unless otherwise provided in the SCC or state law, the computation of any period of time prescribed or allowed by these rules shall begin with the first day following the day on which the act or event initiating such period of time shall have occurred. When the last day of the period so computed is a Saturday, Sunday, or holiday, the period shall run until the end of the next business day.

## **6. RIGHTS AND RESPONSIBILITIES OF PARTIES**

### 6.1 Rights of County

County staff shall have the right to present evidence, testimony, objections, motions, arguments, recommendations, and all other rights essential to a fair hearing.

### 6.2 Rights of Applicant and Appellant

Every Applicant and Appellant shall have the right to adequate notice, cross-examination, presentation of evidence, objection, motions, argument, and all other rights essential to a fair hearing. The Applicant shall have the right of timely access to the County's staff report.

### 6.3 Rights of Interested Parties

Every interested party shall have the right to present evidence and testimony at hearings on permit applications. The right of interested parties to cross-examine, object, submit motions and arguments shall be at the discretion of the Hearing Examiner. The Hearing Examiner may impose reasonable limitations on the nature and length of witnesses' testimony.

### 6.4 Responsibilities of County Staff

County Staff shall provide notice of the hearing consistent with County Code, provide a staff report consistent with the provisions of Rule 8.5 and SCC 2.80.110, present materials at the hearing, and provide the Hearing Examiner with documentation relevant to the case. In addition, County staff shall be responsible for audio recording the proceedings and maintaining possession of the official record in each matter.

6.5 Responsibilities of Applicant

**Exhibit 6**

The Applicant or his/her representative shall familiarize him/herself with the criteria for review prior to the hearing; provide the Hearing Examiner with any material that supports his/her case; and be prepared to present his/her case and answer questions from the Hearing Examiner, County staff, and the public.

6.6 Responsibilities of Appellant

Appellants have the same responsibilities as Applicants, and in addition shall be required to provide a specific and comprehensible written statement of the issues on appeal prior to the hearing.

6.7 Responsibilities of All Parties

Parties, witnesses, and observers shall conduct themselves with civility and deal courteously with all persons involved in the proceedings. Failure to do so will result in removal from the hearing.

6.8 Time Limits on Witness Testimony

Where the Hearing Examiner finds that testimony would be repetitious or irrelevant to the matters before him or her, the Examiner may impose reasonable limitations on the nature and length of witnesses' testimony. Cross-examination is permitted as necessary for a full disclosure of the facts, but the Hearing Examiner shall control the amount and style of cross-examination.

**7. PRESIDING OFFICIALS**

7.1 Presiding Officials

- a. The Hearing Examiner shall preside over all hearings.
- b. The Hearing Examiner shall have the authority and duties granted to him/her in state statutes, the SCC, and other County ordinances. Included in the duties of the Hearing Examiner are the following: to conduct fair and impartial hearings;

to take all necessary action to avoid delay in the disposition of proceedings; and to maintain order. He/she shall have all powers necessary to that end, including the following:

- 1. to administer oaths and affirmations;
- 2. to rule upon offers of proof and receive evidence;
- 3. to regulate the course of the Hearing and the conduct of the parties and their agents;
- 4. to question any party presenting testimony at the hearing;
- 5. to hold conferences for settlement, simplification of the issues, or any other proper purpose;
- 6. to require briefs on legal issues;

7. to consider and rule upon all procedural and other motions appropriate to the proceedings; and,
8. to make and file recommendations or decisions, consistent with County Code.

**Exhibit 6**

- c. Interference. In the performance of his/her adjudicative functions, the Hearing Examiner shall not be subject to the supervision or direction of any elected official, officer, employee or agent of any County department.

**8. CONDUCT OF OPEN RECORD HEARINGS ON PERMITS AND APPEALS**

8.1 Notice Requirements of Hearing and Filings

- a. All notice and time requirements and methods of notification shall be consistent with the SCC.
- b. Affidavit of Notice. An affidavit attesting to the notice given of a public hearing (including dates and places of publication and mailing list) should be part of each official case record.

8.2 Oath or Affirmation

All testimony before the Hearing Examiner shall be given under oath or affirmation to tell the truth.

8.3 Order of Presentation at the Permit Application Hearing

A permit application hearing generally includes, but is not limited to, the following elements: a brief introductory statement of the hearing process by the Hearing Examiner; a presentation by County staff, including a summary of the proposal, identification of applicable SCC criteria and development standards, and staff's recommendation; a presentation by the Applicant; public testimony; opportunity for cross-examination and rebuttal; and opportunity for questions by the Hearing Examiner. The Hearing Examiner has discretion to set the order of presentation in any given case.

8.4 Content of the Record of a Permit Application Hearing

The record of a permit application hearing conducted by the Hearing Examiner shall include, at a minimum, the following materials:

- a. The application for permit;
- b. Appropriate departmental staff reports;
- c. All evidence received, including oral testimony given at the hearing, all exhibits and other materials admitted as evidence;
- d. A statement of all matters officially noticed;
- e. A recommendation by Community Development Department Staff as to the outcome;
- f. Audio recordings of the proceedings; and

- g. An environmental determination made pursuant to the State Environmental Policy Act of 1971 (SEPA), as applicable.

#### 8.5 Content and Form of Staff Reports on Permit Applications

Exhibit 6

The staff report shall be distributed to the Hearing Examiner and to the Applicant, and made available for public review at least ten days prior to the scheduled hearing. The staff report shall include the following, as appropriate:

- a. Name and address of the Applicant and his/her property interest in the property that is the subject of the hearing;
- b. A brief summary of the requested action and the citation of the ordinance controlling the request;
- c. The following descriptive information about the subject property:
  - (1) The address and legal description of the subject property,
  - (2) A statement of the zoning and Comprehensive Plan designations applicable to the subject property,
  - (3) A description of existing development on the subject property,
  - (4) A description of surrounding land uses,
  - (5) Any scientific, environmental, or engineering information germane to the case, and
  - (6) A description of critical areas identified or suspected to exist on site;
- d. An analysis of the project's consistency with the criteria for approval. In making the analysis, staff shall refer to applicable ordinances as often as possible.
- e. A summary of the reports or recommendations of any other agencies consulted;
- f. Appropriate maps of the subject property;
- g. The environmental review process under the State Environmental Policy Act; and
- h. Staff's conclusions and recommendations, including recommended conditions of approval.

#### 8.6 Order of Presentation at an Appeal Hearing

Open record appeal hearings generally include, but are not limited to, the following elements: a brief introductory statement of the hearing process by the Hearing Examiner; a brief background of the decision appealed by departmental staff; a detailed presentation of the appeal (including presentation of witnesses, if any) by the Appellant; a response to the appeal (including presentation of witnesses, if any) by the County; a response to the appeal (including presentation of witnesses, if any) by the Applicant, if different from the Appellant; cross-examination of parties and witnesses; opportunity for rebuttal; and, opportunity for questions by the Hearing Examiner. Unless otherwise provided in the SCC, only witnesses called by the parties to an appeal are permitted to testify at an appeal hearing. The Hearing Examiner has discretion to set the order of presentation in any given case.

#### 8.7 Continuances of Hearing

- a) Hearing Examiner. If the Hearing Examiner determines that more information is necessary in order to make a decision, or he/she is unable to hear all of the

evidence on the matter during the scheduled open record hearing, the hearing may be continued to a specified date and time.

- b) At the Request of a Party. Any party of record may request continuance of a hearing. However, the hearing may not be continued over the objection of a party unless good cause is shown. The Hearing Examiner shall have discretion to grant or deny the request for continuance. Exhibit 6

## 8.8 Evidence

- a. Burden of Proof. In each proceeding on a permit application, the Applicant shall have the burden of proof to show compliance with applicable laws and regulations of Washington State and the Skamania County. In each proceeding on an appeal, the Appellant shall have the burden of proof.
- b. Admissibility. Relevant evidence, including hearsay, shall be admitted if:
- (1) it possesses probative value such as would be commonly accepted by reasonably prudent persons in the conduct of their affairs, and
  - (2) in the opinion of the Hearing Examiner, it is the best evidence reasonably obtainable, having due regard for its necessity, availability and trustworthiness.
- c. Hearing Examiner Discretion. The Hearing Examiner shall have discretion to admit or deny evidence offered at the hearing. Objections to evidence will be noted for the record. In ruling on the admissibility of evidence, the Examiner shall give consideration to, but shall not be bound to follow, the rules of evidence governing civil proceedings before the superior courts in the state of Washington. All parties will be allowed opportunity to make a record of evidence admitted or denied during the course of the hearing. This record shall include offers of proof.
- d. Copies. Documentary evidence may be received in the form of copies if the original is not readily available. Upon request, parties shall be given an opportunity to compare the copy with the original. Parties bringing documentary evidence to hearings are advised to bring at least three extra copies, one for the Hearing Examiner to use as a "working copy", one for Community Development Department Staff and the other for the opposing party.
- e. Judicial notice. The Hearing Examiner may take judicial notice of judicially cognizable facts; applicable federal, state, and county laws; and general, technical, or scientific facts within his or her specialized knowledge. The Hearing Examiner shall not take notice of disputed adjudicative facts.
- f. Record held open for submission of relevant evidence. The Hearing Examiner may request documents to be filed after the close of public testimony. In such cases, only those documents specifically requested by the Hearing Examiner on the record during the public hearing may be admitted.

## 8.9 Presence of Legal Counsel at Public Hearings

Although representation by legal counsel is not required at the hearing, all parties participating in the hearing may be represented by legal counsel of their choice.

## 9. ADDITIONAL RULES FOR APPEALS

## 9.1 Pre-hearing Conference

Exhibit 6

- a. The Hearing Examiner may, on his/her own order or at the request of a party, hold a conference prior to the hearing to consider:
  - (1) Identification, clarification, and simplification of the issues;
  - (2) Disclosure of witnesses to be called and exhibits to be presented;
  - (3) Motions; and
  - (4) Other matters deemed by the Hearing Examiner appropriate for the orderly and expeditious disposition of the proceedings.
- b. Pre-hearing conferences may be held telephonically.
- c. The Community Development Department shall give timely notice to all parties of any pre-hearing conference order by the Hearing Examiner. Notice may be written or oral.
- d. All parties shall participate in any pre-hearing conference unless they waive the right to be present or represented, and are granted permission by the Hearing Examiner not to attend.
- d. Following the pre-hearing conference, the Hearing Examiner may issue an order reciting the actions taken or ruling on motions made at the conference.
- e. Pre-hearing orders may not be appealed until the Hearing Examiner issues an appeal decision.

## 9.2 Timeliness

To be considered timely filed, an appeal must be received no later than close of business on the last day of the appeal period. All appeals received after this time shall be considered untimely and shall be dismissed by the Hearing Examiner.

## 9.3 Fee

Any filing fee as required by Skamania County Code shall accompany an appeal.

## 9.4 Contents

An appeal must be in writing, identify the decision being appealed, and contain a concise statement of the basis for appeal and the relief requested.

## 9.5 Briefs

Briefs or other memoranda of law, limited to the specific issues set forth in the Appellant's statement of appeal, may be submitted by the parties in support of or in response to an appeal. Each party is permitted one primary brief not exceeding 50 double-spaced pages in length, and one reply brief not exceeding 25 pages in length. The Hearing Examiner may, at his/her discretion, waive or modify these page limits at the request of either of the parties in order to accommodate complex legal and factual issues.

## 9.6 Motions

Motions and responses to motions are not to exceed 20 double-spaced pages in length without prior approval of the Hearing Examiner.

## 9.7 Party Representative

Exhibit 6

Where an appeal is filed by several individuals or a group, the party shall designate one individual to be its representative, who shall be made known to the Hearing Examiner. Notice or other communication to the party representative is considered notice to the party.

## 9.8 Withdrawal of Appeal

- a. An appeal may be withdrawn only by the Appellant. Where the appeal is filed by several persons or a group, withdrawal shall be made by the person designated as the party representative.
- b. The Hearing Examiner may dismiss an appeal by an order of default where the Appellant, without requesting a continuance, fails to appear at a scheduled and properly noticed hearing.

## 10. **DECISIONS**

### 10.1 Written Decisions

The Hearing Examiner shall issue a written report of findings, conclusions, and decision within the time allowed by SCC 2.80.130. The findings, conclusions, and decision shall

indicate how the decision carries out the policies and regulations of the Comprehensive Plan, the County Code, and other relevant laws and plans.

### 10.2 Content of Decision

At a minimum, each decision shall include the following:

- a. The nature and background of the proceeding.
- b. Findings. The findings shall be a statement of the facts that are the basis of the conclusions and decision of the Examiner, and shall be based exclusively on the evidence entered into the record and any matters officially noticed. The source of each finding shall be identified.
- c. Conclusions. Whenever practical, the conclusions shall reference specific provisions of the law, and shall include the reasons and precedents relied upon to make the conclusions.
- d. A decision or order. The decision shall be based upon a consideration of the whole record and supported by reliable, probative and substantial evidence. All decisions may include conditions of approval.
- e. Statement of appeal process for that particular decision.

### 10.3 Procedure for Reopening Hearing

At any time prior to filing the final decision, the Hearing Examiner may reopen the proceeding to receive further evidence. All parties of record shall be given notice of the consideration of such evidence and granted an opportunity to review such evidence and file rebuttal arguments.

## 11. **APPEALS OF HEARING EXAMINER DECISIONS**

The decision of the Hearing Examiner shall be final and conclusive unless an appeal is timely filed with the appropriate decision making body (superior court, per RCW 36.70C; the Shorelines Hearings Board, per RCW 90.58; or the Columbia River Gorge Commission). Only a party of record may file an appeal of the Hearing Examiner's decision. Additional information can be found in SCC 2.80.140 and the applicable statutes.

## 12. **CONFLICTS**

These rules of procedure are adopted to supplement the requirements set forth in the SCC. Any conflicts between these rules and the provisions of the SCC shall be decided in favor of the SCC.

### **Skamania County Land Use Hearing Examiner Process**

The following information explains the fundamental role of the Land Use Hearing Examiner and the process by which the Examiner renders land use decisions. *This is not a complete description of the rules and laws governing the hearing process, but rather an overview to prepare applicants, appellants, and members of the public for participation in public proceedings.* The land use hearing process is described in more detail in Chapter 2.80 of the Skamania County Code (SCC) and in the Land Use Hearing Examiner Rules of Procedure. Copies of the relevant ordinances and rules are available through the Skamania County Community Development Department.

The Hearing Examiner system assures fairness and due process protection for all persons involved in the land use hearing process. It is the Examiner's responsibility to render land use decisions in an efficient manner. County ordinances authorize the Hearing Examiner to conduct hearings on certain land use permit applications and appeals of administrative decisions. The specific applications and appeals under the Hearing Examiner's jurisdiction are listed in SCC 2.80.060.

#### **Overview of the Process**

Hearings before the Hearing Examiner are usually "open record hearings." The purpose of the open record hearing is to allow parties to present evidence as to whether the application or appeal under review satisfies the County's criteria for approval and other applicable state and local laws. The evidence submitted at the hearing, which may consist of oral testimony or written documents, is known as the "record" of the hearing. Because the Hearing Examiner's decision - and a court's decision on appeal of a Hearing Examiner's decision - is based on the record, **it is important that parties present all relevant information and arguments at the open record hearing.** When the hearing is concluded, the record is "closed" and no new evidence may be submitted.

Occasionally, the Hearing Examiner may leave the record open for submission of specific information that was not provided prior to or at the hearing. This can happen when the Examiner has questions the parties need time to answer or when interested parties at the hearing bring up relevant issue not addressed to the Examiner's satisfaction. If the Hearing Examiner determines the information is necessary for making a decision on the matter, the record will be "held open" for the specific information. When this occurs, the Hearing Examiner will be admitted. Typically, both the specific information requested and the deadline are spelled out in a Post-Hearing Order for Submission of Additional Evidence. The Order will usually state when the record will close. Generally, no new evidence may be submitted after the close of record, even on appeal.

Hearings on permit applications typically proceed in the following order:

- Introductory comments by the Hearing Examiner;
- Presentation by County staff, including staff's analysis of the application and recommendation;
- Presentation by the applicant;
- Public testimony, which may include questions for County staff or the applicant; and
- County and applicant responses to the issues and questions that have been raised.

Hearings on appeals typically proceed in the following order:

- Introductory comments by the Hearing Examiner;
- Presentation by the appellant, and any witnesses the appellant calls;
- Presentation by the County, and any witnesses the County calls;
- Presentation by the applicant, if different from the appellant, and any witnesses the applicant calls;
- Rebuttal testimony and/or concluding remarks by the parties.

Each hearing is audio recorded in order to establish a verbatim record of the testimony and procedures. All testimony is given under oath, and each person who testifies must identify him or herself for the record. The Hearing Examiner may establish time limits for testimony.

At the conclusion of the hearing, the Hearing Examiner closes the record and sets the due date for rendering his or her decision. No decision is issued at the hearing itself. The Hearing Examiner takes the case under advisement and prepares a written decision including findings of fact and conclusions of law.

The Hearing Examiner's final decision is mailed to parties of record (i.e., individuals who submit written or oral testimony, the applicant or appellant, and the County) and to other individuals who request a copy.

### **How to Participate Effectively**

- Limit testimony and/or written documentation to the specific case at hand. Testimony about desired changes in the code is not relevant and will not be considered. Land use applications are required to be decided according to the rules in effect at the time of application. Changes to the code are more properly addressed to the Board of County Commissioners.
- Focus on facts that have some tendency to show that the project does or does not satisfy the County's criteria for approval or other applicable laws. The most persuasive testimony or written documentation is that which is based on the speaker's or writer's first-hand observations and, for technical issues, is within the speaker's or writer's area of expertise.
- To the extent possible, review the project documents and the relevant codes prior to the hearing.
- Be courteous and respectful to each participant.
- Direct your comments to the Hearing Examiner and not to members of the audience.

### **Due Process Considerations**

- Land use hearings before the Hearing Examiner are quasi-judicial proceedings, which means that certain due process protections apply. Not only must quasi-judicial proceedings be fair; they must appear to be fair. Accordingly, the Hearing Examiner may not participate in any matter in which he or she has financial or personal interest. Any person who has grounds to believe the Hearing Examiner may be influenced by a consideration outside the public record should promptly bring that concern to the attention of the Hearing Examiner prior to or at the hearing.

- If written testimony is submitted, it must be received prior to or at the public hearing for it to be considered by the Hearing Examiner. Written testimony should be addressed to the Hearing Examiner in care of the Community Development Department; should contain the writer's name and mailing address (the mailing address is needed to ensure the writer receives notice of the decision); should reference the application file number;

and should be legible. Comments should contain the specific reasons why the application should be approved, denied, or conditioned.

- The Hearing Examiner may not be contacted directly about specific applications. To ensure that the Hearing Examiner will remain free from bias or prejudice in the decision-making process, any contact with the Examiner must be through testimony or written statements submitted at the hearing, or through material submitted to Community Development Department staff for transmittal to the Hearing Examiner. Material submitted in an inappropriate manner will not be considered part of the record.

### **Appeals from Hearing Examiner Decisions**

- Section 2.80.140 of the Skamania County Code contains information on appealing a Hearing Examiner's decision. To be considered, appeals must be filed by one of the parties of record with the appropriate decision-making body (Superior Court, Shorelines Hearings Board, or Columbia River Gorge Commission) within the time limits specified in the applicable statutes.

Exhibit 6

## Rezone Application Narrative for Kellett Rd. - Rezone

The purpose of this application is to change the County Zoning designation for the property, parcel # 02052500090000, identified on the attached Vicinity Map. In general, the property is located on the south side of Kellett Rd. The current designation of the property is West End Forest Lands 20. The property is 104 acres. The proposal is to change the designation of the property to Rural Lands 2 and to concurrently change the Comprehensive Plan Designation and Map for consistency.

Changing the lands designation and zone will not have an impact on any existing buildings because there are no buildings currently on the property. No new buildings are being proposed as part of this application. If approved, the application could result in the construction of 17 detached single family residences, each on parcels that are minimum 6 acres. Future utilities that would be needed include individual private wells for each of the new residences. Each residence would also have an individual on-site septic system. Access will be off the private road, Kellett Rd. New and existing on site private roads will serve the new residences.

The Hearing Examiner may approve of the proposed petition for zoning map amendment if:

1. ***“It bears a substantial relationship to the public health, safety, and/or welfare (is the amendment consistent with the comprehensive plan);”***

See the attached Kellett Comp Plan Compliance Narrative , as part of the Comprehensive Plan Amendment Application that demonstrates how the proposal is consistent with the Land Use Element of the West End Subarea Plan.

2. ***“It is contiguous to the requested designation by at least 100 feet, therefore not granting a special privilege, and;”***

The proposal is to rezone the subject parcel from the current zoning designation of WE-FL20 to the proposed designation of RL-2. The subject properties are contiguous to the RL-2 zoning designation to the west for approximately 553 feet.

3. ***“Circumstances have substantially changed in the area since the adoption of the existing zoning designation. A substantial change in circumstances means a significant change in conditions affecting the area where the requested petition for zoning map amendment is located. Examples include, but are not limited to, substantial in-fill affecting the rural character of a community. Please note that the creation of the National Scenic Area and any zone changes or existing zone districts within adjacent Counties will not be considered to be a substantial change in circumstance.”***

The West End Community Comprehensive Subarea Plan and concurrent zoning were adopted on February 27, 2007. It must be proved that a substantial change in circumstances has occurred since February of 2007. Chapter 21.08 of the Skamania County Code defines a special change in circumstance as *“Substantial change in circumstances” means a significant*

*change in conditions affecting the planning area as a whole or a substantial portion thereof. Examples include, but are not limited to, substantial development affecting the rural character of a community, **sixty percent of full buildout has been achieved within the proposed zoning designation.** “Full buildout” means the total number of existing and potential future lots based on the minimum parcel size within the zoning designation. Percent of full buildout is equal to (number of existing developed lots) divided by (total number of existing and potential lots based on acreage within the land use designation) times one hundred, or legal circumstances sufficient to defeat the purposes of a policy established in the comprehensive plan or subarea plan. However, the creation of the National Scenic Area and any zone changes or existing zone districts within adjacent counties will not be considered to be a substantial change in circumstance. ...”*

Based on the West End Subarea Plan, when it was adopted in 2007, there were a total of 706 potential lots in the West End RL-2 zone. It appears that the total potential lots were calculated by taking the total amount of acreage in the subarea and dividing by two acres and adding in existing lots that were less than 2 acres. This resulted in 706 potential lots. Of those potential lots, 204 were developed and 502 potential lots were available for development.

The current zoning regulations were adopted in 2012. Between 2007 and the end of the year 2012 another 23 residential lots were developed and the total number of developed lots in the RL-2 zone was 227 in 2012.

Based on Skamania County Assessor Data, There are currently 410 parcels, totaling 1599 GIS acres, included in the West End RL-2 zone. 15 of these parcels are owned by churches (5), schools (4), cemeteries (2), county(2) and state (2) and should be excluded from parcels for residential development.

The remainder 395 parcels have been analyzed for development and potential division. Assessor's data and building permit data shows that there are 302 developed lots in the RL-2 zone. There are 93 existing lots in the zone that are undeveloped. All of the 395 existing parcels in the zone were analyzed for maximum division. The RL-2 zone allows for a minimum lot size of 2 acres.

Existing Residential Lots	395	100%
Developed Lots	302	76%
Bare Lots	93	24%
Potential Residential Lots	794	100%
Developed Lots	302	38%
Bare Potential Lots	492	62% (93 existing , 399 require land divisions)

Reference: Acreage Breakdown RL2 Potential Lots.pdf compiled from County Data

## Demonstration of Substantial change in circumstances from 2012 to 2020

### Land Divisions West End RL2:

Year	Divisions	New Lots
2012	0	0
2013	1	3
2014	0	0
2015	0	0
2016	1	2
2017	0	0
2018	2	6
2019	3	7

There has been a substantial increase in lot creation in 2018 and 2019

Reference: Land Divisions West End 2007 to 2020.pdf

### Available Listings in Skamania County Second Quarter:

Year	Listings
Q2 2012	101
Q2 2013	107
Q2 2014	17
Q2 2015	66
Q2 2016	44
Q2 2017	38
Q2 2018	56

There has been a substantial decrease in available listings

Reference: Washington State Counties Listings Available for sale.pdf - Washington Center for Real Estate Research / University of Washington

### Existing Home Sales Skamania County:

Year	Sales
2012	160
2013	210
2014	210
2015	220
2016	280
2017	270

There has been a substantial increase in existing home sales since 2012.

Reference: Washington State Existing Home Sales.pdf – Washington State's Housing Market Second Quarter 2018

## Skamania County Population Increase:

Exhibit 6

Year	% Change
2012	.42
2013	.96
2014	.61
2015	.01
2016	1.82
2017	2.18
2018	.73

There has been a substantial increase in the percentage of population change since 2012.

Reference:Skamania County Population 1969 – 2018.pdf

<https://washington.reaproject.org/analysis/comparative-trends-analysis/population/tools/530000/530059/>

Sixty percent of full buildout potential has not been achieved, however the strict calculations do not take into account the property owners' willingness to sell or divide their parcels. There have only been 4 bare land sales per year for the past 3 years. Currently listed for sale are 6 bare land parcels of the 93 parcels that are available without division. This only 1.2% of the total potential lots in the RL2 zone.

Reference: Bare Land For Sale West End 20200206.pdf – compiled from SalesDatabaseBareLan.pdf and Assessors Data

Rezoning this property would provide an additional 17, 6 acre, parcels zoned RL-2 to allow for additional controlled development within the zoning designation while maintaining the rural character and allowable density.

Comprehensive Plan Consistency:

***“In the case where a petition for zoning map amendment requires an amendment to the comprehensive plan in order to assure consistency between SCC Title 21 and the comprehensive plan, the review processes for the petition for zoning map amendment and the comprehensive plan amendment may proceed concurrently by holding the hearings for each amendment at the same meeting.”***

The requested Rezone Application requires an amendment to the Comprehensive Plan to assure consistency. The Rezone Application and Comprehensive Plan Amendment Application should be reviewed and approved concurrently.



**Skamania County**  
**Community Development Department**  
 Building/Fire Marshal ♦ Environmental Health ♦ Planning  
 Skamania County Courthouse Annex  
 Post Office Box 1009  
 Stevenson, Washington 98648  
 Phone: 509-427-3900 Inspection Line: 509-427-3922

## COMPREHENSIVE PLAN CHANGE APPLICATION INTAKE CHECKLIST

(This form must be completed and submitted with all required documents for the application to be considered complete. Review will not begin on the project until all of the requirements below are submitted)

STAFF    APPLICANT

- |                          |                          |  |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Complete Comprehensive Plan Change application and <i>non-refundable</i> \$1725 fee (payable to Skamania County Treasurer). <b>Fees are subject to change by resolution of the County Commissioners.</b>   |
| <input type="checkbox"/> | <input type="checkbox"/> | SEPA Checklist and <i>non-refundable</i> \$400 fee.  |
| <input type="checkbox"/> | <input type="checkbox"/> | Additional signatures (if required). When an amendment is sought for an area larger than the parcels owned by the applicant, the signatures on the application must represent 100% of the owners of the total number of parcels within the entire area proposed for amendment. If a parcel has multiple owners, then all of the owners' signatures must be obtained and are counted as a single signature when calculating the percentage of owners' signatures obtained.            |
| <input type="checkbox"/> | <input type="checkbox"/> | Supplemental Questions. Answers must be attached in response to the criteria for approval explaining how the project meets those criteria.   |
| <input type="checkbox"/> | <input type="checkbox"/> | Narrative. Write a narrative describing the reason for this comprehensive plan change request with response to the following: 1) Description of the requested plan amendment, 2) An explanation of why the amendment is being proposed, including specific areas of the comprehensive plan needing changes, 3) Draft text amendment language, if appropriate, 4) An explanation of how the criteria in 1-7 (Criteria for Approval – Supplemental Questions) are met by the proposal. |

- MORE -

<b>Reviewed by</b> _____	Complete: Yes _____ No _____	Date: _____
--------------------------	------------------------------	-------------

Exhibit 6

- Rezone request (if applicable). This Comprehensive Plan Change must be accompanied by a completed Rezone application and applicable fee. These petitions can be heard at the same hearing meeting.
- A vicinity map showing affected parcels must be included.
- Certification that the applicant/owner has read and understands the Hearing Examiner process.



## Skamania County Community Development Department

Building/Fire Marshal ♦ Environmental Health ♦ Planning

Skamania County Courthouse Annex

Post Office Box 1009

Stevenson, Washington 98648

Phone: 509-427-3900 Inspection Line: 509-427-3922

### COMPREHENSIVE PLAN CHANGE APPLICATION & INFORMATIONAL PACKET

#### What is a Comprehensive Plan Change?

Petitions for comprehensive plan changes are requests to change the comprehensive plan designation shown in the County's adopted Comprehensive Plan map for a specific parcel or parcels by one or more landowners.

#### Submittal Deadlines and Hearing Schedule:

All petitions must be submitted and determined complete by December 31<sup>st</sup> of the current year to be heard the following year. The Hearing Examiner schedule is as follows:

Commissioner District #1 / West End: June

Commissioner District #2 / Mid County: May

Commissioner District #3 / East End: April

Depending on the number of petitions received, more than one hearing date may be necessary. The Hearing Examiner receives a list of petitions in February and will set the schedule then.

Note: If a petition is denied, that petition can be resubmitted no sooner than three years from the date of denial.

#### The Process

1. Petitions must be submitted and determined complete by December 31<sup>st</sup> of the current year to be heard the following year.
2. The official hearing date will be set in February when the Hearing Examiner receives the list of petitions.
3. Notice of Public Hearing will be sent to adjacent property owners and local and state agencies and published in the newspaper.
4. The Hearing Examiner and applicant(s) will be provided a Staff Report from SCCDD approximately 10 days prior to the hearing.
5. The hearing will occur. The applicant(s) must be present at the hearing for the petition to be heard.
6. The Hearing Examiner will issue a decision within 10 business days of the close of the record. The Hearing Examiner may adopt, modify, or deny the application based on criteria set forth in Skamania County Code 21.18.070(B).

Criteria for approval:

The Comprehensive Plan Change must meet the following criteria:

- (1) A text and/or map amendment is necessary to resolve inconsistencies within the County Comprehensive Plan with which the county has no objection.
- (2) Conditions have significantly changed since the adoption of the Comprehensive Plan or Official Controls to the extent that the existing adopted plan provision or map designation is inappropriate. Examples of significantly changed conditions include, but are not limited to:
  - (a) sixty percent (60%) infill of existing lots within the entire mapping designation being proposed for change; or
  - (b) New technology and uses not originally considered in the text have been developed.
- (3) The proposed text and/or map amendment is consistent with the overall intent of the goals, maps, and land use element of the Comprehensive Plan.
- (4) The proposed text and/or map amendment is consistent with RCW 36.70, those sections of RCW 36.70A to which Skamania County is required to plan under, and Comprehensive Plan policies.
- (5) Additionally, for an amendment to the Comprehensive Plan or any Subarea Plan Map, the proposed designation must be contiguous along a shared boundary to the requested comprehensive plan or Subarea plan designation by at least 100 feet or 25% of the width of the property proposed to change, whichever is greater.
- (6) Environmental impacts have been disclosed and measures imposed to avoid or, if not possible to avoid, then mitigate said impacts.
- (7) The applicant should examine potential ramifications of the proposed text and/or map amendment to other Comprehensive Plan Elements and official controls and show how the potential ramifications have been considered and addressed.

**COMPREHENSIVE PLAN CHANGE APPLICATION**

(Please complete application in ink)

Applicant: \_\_\_\_\_ E-mail: \_\_\_\_\_

Address: \_\_\_\_\_ Home: (    )

Work: (    )

Property Owner: \_\_\_\_\_ E-mail: \_\_\_\_\_

Address: \_\_\_\_\_ Home: (    )

Work: (    )

Location of Property: \_\_\_\_\_

Tax Lot/Parcel # \_\_\_\_\_ Total acres: \_\_\_\_\_

Current Comprehensive Plan Classification \_\_\_\_\_

Requested Comprehensive Plan Classification: \_\_\_\_\_

Write a narrative describing the reason for this comprehensive plan change request with responses to the following: 1) Description of the requested Plan Amendment. 2) An explanation of why the amendment is being proposed including specific areas of the comprehensive plan needing changes. 3) Draft text amendment language, if appropriate. 4) An explanation of how the criteria in 1 - 7 (Criteria for Approval) are met by the proposal.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I hereby certify that I have read and understand the attached Hearing Examiner process.

Applicant signature(s): \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_

Owner signature(s): \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signatures, names and addresses of owners of all other properties involved in this

Comprehensive Plan change must be provided on the attached page. Attach additional sheets

if necessary.

\_\_\_\_\_

**Signature of the property owner(s) authorizes Staff and other Agency personnel reasonable access to the site in order to evaluate the application.**

FOR DEPARTMENT USE ONLY	
Legal description attached: Yes / No	
Date received	Date complete
Receipt #	File #

Additional signatures

	Signature	Name (printed)	Address	Tax Parcel Number
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				

**SKAMANIA COUNTY  
OFFICE OF THE HEARING EXAMINER  
RULES OF PROCEDURE FOR OPEN RECORD HEARINGS ON  
LAND USE PERMIT APPLICATIONS AND APPEALS**

**1. APPLICABILITY**

- 1.1 These procedures shall apply to open record hearings on land use permit applications and appeals of administrative decisions that come before the Hearing Examiner.

**2. DEFINITIONS**

- 2.1 "Administrative decision" means a decision issued by the Director of the Skamania County Community Development Department or his or her designee, or a threshold determination issued by the Responsible Official under the State Environmental Policy Act (SEPA).

"Appellant" means a person, organization, or other similar group who files a complete and timely appeal of an administrative decision or other appealable action.

"Applicant" means a person who is the owner of the subject property or the authorized representative of the owner of the subject property who has applied for a land use permit.

"Burden of proof" means the responsibility of a party to present sufficient, credible evidence to support his or her position.

"Comprehensive Plan" means the Comprehensive Plan that has been adopted by the Skamania County.

"Board" means the Skamania County Board of County Commissioners.

"County" means Skamania County, Washington.

"Ex parte communication" means written or oral communication to the Hearing Examiner about a matter pending before the Hearing Examiner that is not included in the public record and/or is made outside of a public hearing.

"Hearing" means the open record public proceeding at which testimony and exhibits of evidence are presented to the Hearing Examiner on a given land use permit application or appeal.

"Hearing Examiner" or "Examiner" means the Hearing Examiner of Skamania County.

"Interested Party" means any individual, partnership, corporation, association, or public or private organization of any character that may be affected by proceedings before the Hearing Examiner. Any party in a contested case is an interested party.

"Motion" means a written request made to the Hearing Examiner for an order or other ruling.

"Notice of Decision" means the written document that communicates a decision on an action before the Hearing Examiner.

"Party of record" or "Party" means:

- a. Any person who testifies at a hearing,
- b. An Appellant,
- b. The Applicant or his/her agents,
- c. Persons submitting written testimony about a matter prior to the close of the record, and
- d. Skamania County.

"Community Development Department" means the Skamania County Community Development Department.

"Record" means the oral testimony and written exhibits admitted at the hearing. The audio recording of the proceeding shall be included as part of the record.

"Staff" means the staff member of the Community Development Department assigned to present a case before the Hearing Examiner.

"Subject property" means the real property that is subject of the land use permit application or appeal.

"SCC" means Skamania County Code.

### **3. JURISDICTION**

- 3.1 The Hearing Examiner's jurisdiction is limited to those issues where ordinance or other appropriate authority grants the Hearing Examiner the authority to make a decision or issue an order pursuant to SCC 2.80.060 or other sections of the SCC.
- 3.2 Timely filing of an appeal is required for the Examiner to acquire jurisdiction over any appeal.
- 3.3 Any party may challenge the Examiner's ability to hear an appeal/matter on jurisdictional grounds, or the Examiner may independently raise the jurisdictional issue. If the Examiner determines that he/she does not have jurisdiction, the appeal/matter will be dismissed.

### **4. EX PARTE COMMUNICATION**

- 4.1 a. No person, nor agent, employee, or representative of any person, who is an interested party in an application currently pending before the Examiner shall communicate ex parte, directly or indirectly, with the Hearing Examiner concerning the merits of any pending application/appeal or any factually related application/appeal. Communications on purely procedural matters such as scheduling and logistics are permitted on an ex parte basis; however, all allowed ex parte procedural communications should be directed to the Hearing Examiner in care of the Community Development Department.

- b. The Examiner shall not communicate ex parte directly or indirectly with any person, agent, employee, or representative of any person who is an interested

party in an application currently pending before the Examiner concerning the merits of the pending application or any factually related application, unless he/ she provides notice and opportunity for all parties to participate.

- c. If a prohibited ex parte communication is made to or by the Examiner, such communication shall be publicly disclosed at hearing. The Examiner shall exercise proper discretion as to whether to disqualify him/herself as Examiner for that particular hearing.

## **5. NATURE OF PROCEEDINGS**

### **5.1 Expeditious Proceedings**

It is the policy of the Hearing Examiner that, to the extent practicable and consistent with the requirements of law, public hearings shall be conducted expeditiously. In the conduct of such proceedings, the Hearing Examiner, County staff, and all parties, agents, and witnesses shall make every effort at each stage of a proceeding to avoid delay.

### **5.2 Record of Hearing**

- a. Hearings shall be audio recorded and such recordings shall be a part of the official case record.
- b. The County shall make copies of the audio recording of a particular hearing and the written materials within the official case record available to individuals who request them. The requester shall pay the reasonable cost of copying.

### **5.3 Computation of Time**

Unless otherwise provided in the SCC or state law, the computation of any period of time prescribed or allowed by these rules shall begin with the first day following the day on which the act or event initiating such period of time shall have occurred. When the last day of the period so computed is a Saturday, Sunday, or holiday, the period shall run until the end of the next business day.

## **6. RIGHTS AND RESPONSIBILITIES OF PARTIES**

### **6.1 Rights of County**

County staff shall have the right to present evidence, testimony, objections, motions, arguments, recommendations, and all other rights essential to a fair hearing.

### **6.2 Rights of Applicant and Appellant**

Every Applicant and Appellant shall have the right to adequate notice, cross-examination, presentation of evidence, objection, motions, argument, and all other rights essential to a fair hearing. The Applicant shall have the right of timely access to the County's staff report.

6.3 Rights of Interested Parties

Every interested party shall have the right to present evidence and testimony at hearings on permit applications. The right of interested parties to cross-examine, object, submit motions and arguments shall be at the discretion of the Hearing Examiner. The Hearing Examiner may impose reasonable limitations on the nature and length of witnesses' testimony.

6.4 Responsibilities of County Staff

County Staff shall provide notice of the hearing consistent with County Code, provide a staff report consistent with the provisions of Rule 8.5 and SCC 2.80.110, present materials at the hearing, and provide the Hearing Examiner with documentation relevant to the case. In addition, County staff shall be responsible for audio recording the proceedings and maintaining possession of the official record in each matter.

6.5 Responsibilities of Applicant

The Applicant or his/her representative shall familiarize him/herself with the criteria for review prior to the hearing; provide the Hearing Examiner with any material that supports his/her case; and be prepared to present his/her case and answer questions from the Hearing Examiner, County staff, and the public.

6.6 Responsibilities of Appellant

Appellants have the same responsibilities as Applicants, and in addition shall be required to provide a specific and comprehensible written statement of the issues on appeal prior to the hearing.

6.7 Responsibilities of All Parties

Parties, witnesses, and observers shall conduct themselves with civility and deal courteously with all persons involved in the proceedings. Failure to do so will result in removal from the hearing.

6.8 Time Limits on Witness Testimony

Where the Hearing Examiner finds that testimony would be repetitious or irrelevant to the matters before him or her, the Examiner may impose reasonable limitations on the nature and length of witnesses' testimony. Cross-examination is permitted as necessary for a full disclosure of the facts, but the Hearing Examiner shall control the amount and style of cross-examination.

**7. PRESIDING OFFICIALS**

7.1 Presiding Officials

- a. The Hearing Examiner shall preside over all hearings.
- b. The Hearing Examiner shall have the authority and duties granted to him/her in state statutes, the SCC, and other County ordinances. Included in the duties of the Hearing Examiner are the following: to conduct fair and impartial hearings;  
  
to take all necessary action to avoid delay in the disposition of proceedings; and to maintain order. He/she shall have all powers necessary to that end, including the following:
  - 1. to administer oaths and affirmations;
  - 2. to rule upon offers of proof and receive evidence;
  - 3. to regulate the course of the Hearing and the conduct of the parties and their agents;
  - 4. to question any party presenting testimony at the hearing;
  - 5. to hold conferences for settlement, simplification of the issues, or any other proper purpose;
  - 6. to require briefs on legal issues;
  - 7. to consider and rule upon all procedural and other motions appropriate to the proceedings; and,
  - 8. to make and file recommendations or decisions, consistent with County Code.
- c. Interference. In the performance of his/her adjudicative functions, the Hearing Examiner shall not be subject to the supervision or direction of any elected official, officer, employee or agent of any County department.

**8. CONDUCT OF OPEN RECORD HEARINGS ON PERMITS AND APPEALS**

8.1 Notice Requirements of Hearing and Filings

- a. All notice and time requirements and methods of notification shall be consistent with the SCC.
- b. Affidavit of Notice. An affidavit attesting to the notice given of a public hearing (including dates and places of publication and mailing list) should be part of each official case record.

8.2 Oath or Affirmation

All testimony before the Hearing Examiner shall be given under oath or affirmation to tell the truth.

8.3 Order of Presentation at the Permit Application Hearing

A permit application hearing generally includes, but is not limited to, the following elements: a brief introductory statement of the hearing process by the Hearing Examiner; a presentation by County staff, including a summary of the proposal, identification of

applicable SCC criteria and development standards, and staff's recommendation; a presentation by the Applicant; public testimony; opportunity for cross-examination and rebuttal; and opportunity for questions by the Hearing Examiner. The Hearing Examiner has discretion to set the order of presentation in any given case.

#### 8.4 Content of the Record of a Permit Application Hearing

The record of a permit application hearing conducted by the Hearing Examiner shall include, at a minimum, the following materials:

- a. The application for permit;
- b. Appropriate departmental staff reports;
- c. All evidence received, including oral testimony given at the hearing, all exhibits and other materials admitted as evidence;
- d. A statement of all matters officially noticed;
- e. A recommendation by Community Development Department Staff as to the outcome;
- f. Audio recordings of the proceedings; and
- g. An environmental determination made pursuant to the State Environmental Policy Act of 1971 (SEPA), as applicable.

#### 8.5 Content and Form of Staff Reports on Permit Applications

The staff report shall be distributed to the Hearing Examiner and to the Applicant, and made available for public review at least ten days prior to the scheduled hearing. The staff report shall include the following, as appropriate:

- a. Name and address of the Applicant and his/her property interest in the property that is the subject of the hearing;
- b. A brief summary of the requested action and the citation of the ordinance controlling the request;
- c. The following descriptive information about the subject property:
  - (1) The address and legal description of the subject property,
  - (2) A statement of the zoning and Comprehensive Plan designations applicable to the subject property,
  - (3) A description of existing development on the subject property,
  - (4) A description of surrounding land uses,
  - (5) Any scientific, environmental, or engineering information germane to the case, and
  - (6) A description of critical areas identified or suspected to exist on site;
- d. An analysis of the project's consistency with the criteria for approval. In making the

analysis, staff shall refer to applicable ordinances as often as possible.

- e. A summary of the reports or recommendations of any other agencies consulted;
- f. Appropriate maps of the subject property;
- g. The environmental review process under the State Environmental Policy Act; and
- h. Staff's conclusions and recommendations, including recommended conditions of approval.

#### 8.6 Order of Presentation at an Appeal Hearing

Open record appeal hearings generally include, but are not limited to, the following elements: a brief introductory statement of the hearing process by the Hearing Examiner; a brief background of the decision appealed by departmental staff; a detailed presentation of the appeal (including presentation of witnesses, if any) by the Appellant; a response to the appeal (including presentation of witnesses, if any) by the County; a response to the appeal (including presentation of witnesses, if any) by the Applicant, if different from the Appellant; cross-examination of parties and witnesses; opportunity for rebuttal; and, opportunity for questions by the Hearing Examiner. Unless otherwise provided in the SCC, only witnesses called by the parties to an appeal are permitted to testify at an appeal hearing. The Hearing Examiner has discretion to set the order of presentation in any given case.

#### 8.7 Continuances of Hearing

- a) Hearing Examiner. If the Hearing Examiner determines that more information is necessary in order to make a decision, or he/she is unable to hear all of the evidence on the matter during the scheduled open record hearing, the hearing may be continued to a specified date and time.
- b) At the Request of a Party. Any party of record may request continuance of a hearing. However, the hearing may not be continued over the objection of a party unless good cause is shown. The Hearing Examiner shall have discretion to grant or deny the request for continuance.

#### 8.8 Evidence

- a. Burden of Proof. In each proceeding on a permit application, the Applicant shall have the burden of proof to show compliance with applicable laws and regulations of Washington State and the Skamania County. In each proceeding on an appeal, the Appellant shall have the burden of proof.
- b. Admissibility. Relevant evidence, including hearsay, shall be admitted if:
  - (1) it possesses probative value such as would be commonly accepted by reasonably prudent persons in the conduct of their affairs, and

- (2) in the opinion of the Hearing Examiner, it is the best evidence reasonably obtainable, having due regard for its necessity, availability and trustworthiness.
- c. Hearing Examiner Discretion. The Hearing Examiner shall have discretion to admit or deny evidence offered at the hearing. Objections to evidence will be noted for the record. In ruling on the admissibility of evidence, the Examiner shall give consideration to, but shall not be bound to follow, the rules of evidence governing civil proceedings before the superior courts in the state of Washington. All parties will be allowed opportunity to make a record of evidence admitted or denied during the course of the hearing. This record shall include offers of proof.
  - d. Copies. Documentary evidence may be received in the form of copies if the original is not readily available. Upon request, parties shall be given an opportunity to compare the copy with the original. Parties bringing documentary evidence to hearings are advised to bring at least three extra copies, one for the Hearing Examiner to use as a “working copy”, one for Community Development Department Staff and the other for the opposing party.
  - e. Judicial notice. The Hearing Examiner may take judicial notice of judicially cognizable facts; applicable federal, state, and county laws; and general, technical, or scientific facts within his or her specialized knowledge. The Hearing Examiner shall not take notice of disputed adjudicative facts.
  - f. Record held open for submission of relevant evidence. The Hearing Examiner may request documents to be filed after the close of public testimony. In such cases, only those documents specifically requested by the Hearing Examiner on the record during the public hearing may be admitted.

#### 8.9 Presence of Legal Counsel at Public Hearings

Although representation by legal counsel is not required at the hearing, all parties participating in the hearing may be represented by legal counsel of their choice.

### 9. **ADDITIONAL RULES FOR APPEALS**

#### 9.1 Pre-hearing Conference

- a. The Hearing Examiner may, on his/her own order or at the request of a party, hold a conference prior to the hearing to consider:
  - (1) Identification, clarification, and simplification of the issues;
  - (2) Disclosure of witnesses to be called and exhibits to be presented;
  - (3) Motions; and
  - (4) Other matters deemed by the Hearing Examiner appropriate for the orderly and expeditious disposition of the proceedings.
- b. Pre-hearing conferences may be held telephonically.

- c. The Community Development Department shall give timely notice to all parties of any pre-hearing conference order by the Hearing Examiner. Notice may be written or oral.
- d. All parties shall participate in any pre-hearing conference unless they waive the right to be present or represented, and are granted permission by the Hearing Examiner not to attend.
- d. Following the pre-hearing conference, the Hearing Examiner may issue an order reciting the actions taken or ruling on motions made at the conference.
- e. Pre-hearing orders may not be appealed until the Hearing Examiner issues an appeal decision.

## 9.2 Timeliness

To be considered timely filed, an appeal must be received no later than close of business on the last day of the appeal period. All appeals received after this time shall be considered untimely and shall be dismissed by the Hearing Examiner.

## 9.3 Fee

Any filing fee as required by Skamania County Code shall accompany an appeal.

## 9.4 Contents

An appeal must be in writing, identify the decision being appealed, and contain a concise statement of the basis for appeal and the relief requested.

## 9.5 Briefs

Briefs or other memoranda of law, limited to the specific issues set forth in the Appellant's statement of appeal, may be submitted by the parties in support of or in response to an appeal. Each party is permitted one primary brief not exceeding 50 double-spaced pages in length, and one reply brief not exceeding 25 pages in length. The Hearing Examiner may, at his/her discretion, waive or modify these page limits at the request of either of the parties in order to accommodate complex legal and factual issues.

## 9.6 Motions

Motions and responses to motions are not to exceed 20 double-spaced pages in length without prior approval of the Hearing Examiner.

## 9.7 Party Representative

Where an appeal is filed by several individuals or a group, the party shall designate one individual to be its representative, who shall be made known to the Hearing Examiner. Notice or other communication to the party representative is considered notice to the party.

## 9.8 Withdrawal of Appeal

- a. An appeal may be withdrawn only by the Appellant. Where the appeal is filed by several persons or a group, withdrawal shall be made by the person designated as the party representative.
- b. The Hearing Examiner may dismiss an appeal by an order of default where the Appellant, without requesting a continuance, fails to appear at a scheduled and properly noticed hearing.

## 10. **DECISIONS**

### 10.1 Written Decisions

The Hearing Examiner shall issue a written report of findings, conclusions, and decision within the time allowed by SCC 2.80.130. The findings, conclusions, and decision shall

indicate how the decision carries out the policies and regulations of the Comprehensive Plan, the County Code, and other relevant laws and plans.

### 10.2 Content of Decision

At a minimum, each decision shall include the following:

- a. The nature and background of the proceeding.
- b. Findings. The findings shall be a statement of the facts that are the basis of the conclusions and decision of the Examiner, and shall be based exclusively on the evidence entered into the record and any matters officially noticed. The source of each finding shall be identified.
- c. Conclusions. Whenever practical, the conclusions shall reference specific provisions of the law, and shall include the reasons and precedents relied upon to make the conclusions.
- d. A decision or order. The decision shall be based upon a consideration of the whole record and supported by reliable, probative and substantial evidence. All decisions may include conditions of approval.
- e. Statement of appeal process for that particular decision.

### 10.3 Procedure for Reopening Hearing

At any time prior to filing the final decision, the Hearing Examiner may reopen the proceeding to receive further evidence. All parties of record shall be given notice of the consideration of such evidence and granted an opportunity to review such evidence and file rebuttal arguments.

## 11. **APPEALS OF HEARING EXAMINER DECISIONS**

The decision of the Hearing Examiner shall be final and conclusive unless an appeal is timely filed with the appropriate decision making body (superior court, per RCW 36.70C;

the Shorelines Hearings Board, per RCW 90.58; or the Columbia River Gorge Commission). Only a party of record may file an appeal of the Hearing Examiner's decision. Additional information can be found in SCC 2.80.140 and the applicable statutes.

**12. CONFLICTS**

These rules of procedure are adopted to supplement the requirements set forth in the SCC. Any conflicts between these rules and the provisions of the SCC shall be decided in favor of the SCC.

## Skamania County Land Use Hearing Examiner Process

The following information explains the fundamental role of the Land Use Hearing Examiner and the process by which the Examiner renders land use decisions. *This is not a complete description of the rules and laws governing the hearing process, but rather an overview to prepare applicants, appellants, and members of the public for participation in public proceedings.* The land use hearing process is described in more detail in Chapter 2.80 of the Skamania County Code (SCC) and in the Land Use Hearing Examiner Rules of Procedure. Copies of the relevant ordinances and rules are available through the Skamania County Community Development Department.

The Hearing Examiner system assures fairness and due process protection for all persons involved in the land use hearing process. It is the Examiner's responsibility to render land use decisions in an efficient manner. County ordinances authorize the Hearing Examiner to conduct hearings on certain land use permit applications and appeals of administrative decisions. The specific applications and appeals under the Hearing Examiner's jurisdiction are listed in SCC 2.80.060.

### Overview of the Process

Hearings before the Hearing Examiner are usually "open record hearings." The purpose of the open record hearing is to allow parties to present evidence as to whether the application or appeal under review satisfies the County's criteria for approval and other applicable state and local laws. The evidence submitted at the hearing, which may consist of oral testimony or written documents, is known as the "record" of the hearing. Because the Hearing Examiner's decision - and a court's decision on appeal of a Hearing Examiner's decision - is based on the record, **it is important that parties present all relevant information and arguments at the open record hearing.** When the hearing is concluded, the record is "closed" and no new evidence may be submitted.

Occasionally, the Hearing Examiner may leave the record open for submission of specific information that was not provided prior to or at the hearing. This can happen when the Examiner has questions the parties need time to answer or when interested parties at the hearing bring up relevant issue not addressed to the Examiner's satisfaction. If the Hearing Examiner determines the information is necessary for making a decision on the matter, the record will be "held open" for the specific information. When this occurs, the Hearing Examiner will be admitted. Typically, both the specific information requested and the deadline are spelled out in a Post-Hearing Order for Submission of Additional Evidence. The Order will usually state when the record will close. Generally, no new evidence may be submitted after the close of record, even on appeal.

Hearings on permit applications typically proceed in the following order:

- Introductory comments by the Hearing Examiner;
- Presentation by County staff, including staff's analysis of the application and recommendation;
- Presentation by the applicant;
- Public testimony, which may include questions for County staff or the applicant; and
- County and applicant responses to the issues and questions that have been raised.

Hearings on appeals typically proceed in the following order:

- Introductory comments by the Hearing Examiner;

- Presentation by the appellant, and any witnesses the appellant calls;
- Presentation by the County, and any witnesses the County calls;
- Presentation by the applicant, if different from the appellant, and any witnesses the applicant calls;
- Rebuttal testimony and/or concluding remarks by the parties.

Each hearing is audio recorded in order to establish a verbatim record of the testimony and procedures. All testimony is given under oath, and each person who testifies must identify him or herself for the record. The Hearing Examiner may establish time limits for testimony.

At the conclusion of the hearing, the Hearing Examiner closes the record and sets the due date for rendering his or her decision. No decision is issued at the hearing itself. The Hearing Examiner takes the case under advisement and prepares a written decision including findings of fact and conclusions of law.

The Hearing Examiner's final decision is mailed to parties of record (i.e., individuals who submit written or oral testimony, the applicant or appellant, and the County) and to other individuals who request a copy.

### **How to Participate Effectively**

- Limit testimony and/or written documentation to the specific case at hand. Testimony about desired changes in the code is not relevant and will not be considered. Land use applications are required to be decided according to the rules in effect at the time of application. Changes to the code are more properly addressed to the Board of County Commissioners.
- Focus on facts that have some tendency to show that the project does or does not satisfy the County's criteria for approval or other applicable laws. The most persuasive testimony or written documentation is that which is based on the speaker's or writer's first-hand observations and, for technical issues, is within the speaker's or writer's area of expertise.
- To the extent possible, review the project documents and the relevant codes prior to the hearing.
- Be courteous and respectful to each participant.
- Direct your comments to the Hearing Examiner and not to members of the audience.

### **Due Process Considerations**

- Land use hearings before the Hearing Examiner are quasi-judicial proceedings, which means that certain due process protections apply. Not only must quasi-judicial proceedings be fair; they must appear to be fair. Accordingly, the Hearing Examiner may not participate in any matter in which he or she has financial or personal interest. Any person who has grounds to believe the Hearing Examiner may be influenced by a consideration outside the public record should promptly bring that concern to the attention of the Hearing Examiner prior to or at the hearing.
- If written testimony is submitted, it must be received prior to or at the public hearing for it to be considered by the Hearing Examiner. Written testimony should be addressed to the Hearing Examiner in care of the Community Development Department; should contain the

## Exhibit 6

writer's name and mailing address (the mailing address is needed to ensure the writer receives notice of the decision); should reference the application file number;

and should be legible. Comments should contain the specific reasons why the application should be approved, denied, or conditioned.

- The Hearing Examiner may not be contacted directly about specific applications. To ensure that the Hearing Examiner will remain free from bias or prejudice in the decision-making process, any contact with the Examiner must be through testimony or written statements submitted at the hearing, or through material submitted to Community Development Department staff for transmittal to the Hearing Examiner. Material submitted in an inappropriate manner will not be considered part of the record.

### **Appeals from Hearing Examiner Decisions**

- Section 2.80.140 of the Skamania County Code contains information on appealing a Hearing Examiner's decision. To be considered, appeals must be filed by one of the parties of record with the appropriate decision-making body (Superior Court, Shorelines Hearings Board, or Columbia River Gorge Commission) within the time limits specified in the applicable statutes.

# COMPREHENSIVE PLAN CHANGE APPLICATION NARRATIVE For Kellett Rd. Rezone

## Description of the Requested Amendment

This application seeks approval for a Comprehensive Plan Map Amendment to change the land use designation for parcel #02052500090000, 104 acres, from West End Forest Lands 20 to Rural Lands 2:

## Why the Amendment is being proposed and Parts of the Comprehensive Plan that need (to be) changed

The amendment is being proposed to allow for appropriate low density development of residential structures on 6-acre lots. The subject parcel was designated West End Forest Lands 20 (WE-FL20) as part of the County's adoption of the West End Community Subarea Plan in 2007. The purpose of the FL20 designation is to provide land for present and future non-industrial forestry operations and to provide buffers between Commercial Resource Lands and Rural Lands designations. The nearest Commercial Resource Lands are approximately 2450' to the south with 1500' of Open Space designation within that distance. There are no Commercial Resource Lands in the immediate vicinity; therefore this property is not intended to act as a buffer. This proposal allows for, needed, low intensity residential development while maintaining non-industrial forest operations.

The property has been recently re-forested with Doug fir planted on an 8' grid. The trees are healthy and an average of about 8' tall. The intent of this proposal is to create seventeen, 6 acre, lots with each lot withdrawing 1 acre (17 acres total) from Current Use Designated Forest Land for residential purposes and retaining the balance, 87 acres, in timber management.

The properties to the west are zoned Rural Lands 2, the rest of the adjacent properties are zoned Forest Land 20, however, the northeastern adjacent properties served by Kellett Rd are between 5 and 12 acre parcels with existing residential development. Changing the designation to RL-2 with 6 acre lots would not impact the surrounding properties by eliminating any intended purposes of the original land use designation.

The parts of the Comprehensive Plan that need to be changed and/or revised include:

- Figure 3-1 Comprehensive Subarea Plan Map, Page 36, 2007 West End Subarea Plan
- Figure 3-2 Comprehensive Subarea Plan Map, Page 37, 2007 West End Subarea Plan
- Table 3.1 Page 33
- Table 3.2 Page 33

## Draft Text Amendment Language

The applicant will work with County Staff to identify the updates needed in the buildout potential that would result from the requested Comprehensive Plan Amendment. No specific text amendments are proposed as part of this application.

## Criteria for Approval

The Comprehensive Plan Change must meet the following criteria:

**1. “A text and/or map amendment is necessary to resolve inconsistencies within the County Comprehensive Plan with which the county has no objection.”**

As part of the overall proposal, the applications propose to change the zoning designation from WE-FL20 to RL-2. There is an inconsistency in the West End Sub Area Plan in the assumption that growth would continue at the rate that it had been in the years prior to the adoption of the plan in 2007. Countywide, there were around 200 bare land sales per year for the three years preceding the plan. Bare land sales fell by 44% after adoption of the plan, in 2007 to 106 sales and the another 60% in 2008 to 42 sales. By 2012 it was down to 19 bare land sales for the entire county. The West End RL2 zone has only had 4 bare land sales per year for the past three years. Made evident by the Plan's population projections, The framers of the plan failed to anticipate in the lack of willingness of landowners to divide their property to allow for creation of more lots. It appears that current Skamania County residents still value the privacy that is hard to enjoy with 2 acre lots and they are reluctant to divide them. Rezoning this property would allow the creation of 17, forested, 6 acre, parcels zoned RL-2 that would allow for additional development within the zoning designation while maintaining the rural character, privacy and allowable density. This proposal would only increase the total potential lots in RL2 by 2% while greatly increasing the bare land market inventory for future growth.

The West End Sub Area Plan states

**“Rural Residential areas should generally be developed at low levels of intensity (5 acre and 10 acre lots) so that demands will not be created for high levels of public services and facilities. County requirements for housing in rural areas should encourage residential development that is compatible with farming, open space, outdoor recreation, protection of significant cultural resources, rural service levels, and generally with the rural character. Existing areas of more intense rural residential development (2 acre lots) should be acknowledged and maintained, but should not be expanded. “**

The planning department has interpreted this as allowing any existing parcels in the RL2 zone to be divided down to 2 acre parcels but not allow acreage rezoned into the RL2 zone to be divided to less than 5 acre parcels. As the bare land inventory decreases, increasing scarcity will drive the value of parcels in the West End high enough to eventually motivate current property owners to divide to 2 acre parcels. This proposal would offer inventory to the West End that better fits the low levels of intensity desired by the plan while reducing scarcity.

The rezoning and Comprehensive Plan change will better implement the framers' vision of controlled growth while still maintaining a rural setting.

**2. “Conditions have significantly changed since the adoption of the Comprehensive Plan or Official Controls to the extent that the existing adopted plan provision or map designation is inappropriate. Examples of significantly changed conditions include, but are not limited to:**

**(a) sixty percent (60%) infill of existing lots within the entire mapping designation being proposed for change; or**

**(b) new technology and uses not originally considered in the text have been developed.”**

(Note: The West End Community Comprehensive Subarea Plan and concurrent zoning were adopted on February 27, 2007. It must be proved that a substantial change in circumstances has occurred since February of 2007. 2(a) was redefined in 2018 to be more restrictive Chapter 21.08 of the Skamania County Code defines a special change in circumstance as **“Substantial change in circumstances” means a significant change in conditions affecting the planning area as a whole or a substantial portion thereof. Examples include, but are not limited to,**

**substantial development affecting the rural character of a community, sixty percent of full buildout has been achieved within the proposed zoning designation. “Full buildout” means the total number of existing and potential future lots based on the minimum parcel size within the zoning designation. Percent of full buildout is equal to (number of existing developed lots) divided by (total number of existing and potential lots based on acreage within the land use designation) times one hundred, or legal circumstances sufficient to defeat the purposes of a policy established in the comprehensive plan or subarea plan. However, the creation of the National Scenic Area and any zone changes or existing zone districts within adjacent counties will not be considered to be a substantial change in circumstance. ...”**

The people that petitioned for this change claimed that the original framers of the plan that wrote “ **(a) sixty percent (60%) infill of existing lots within the entire mapping designation being proposed for change;**” actually meant to write **(a) sixty percent (60%) infill of existing lots and potential lots within the entire mapping designation being proposed for change;**” The framers definitely knew the difference between existing lots and potential lots which is shown by the calculations and text present in the plan. There was no proof offered to the contrary. The Planning Staff Report recommended not to make the change.)

This proposal meets the original intent of the plan with 76% of existing lots in the West End RL2 zone being developed .

**West End Sub Area Plan RL2 Capacity Projections:**

Based on the West End Subarea Plan, when it was adopted in 2007, there were a total of 706 potential lots, including 329 existing parcels, in the West End RL-2 zone. It appears that the total potential lots were calculated by taking the total amount of acreage in the subarea and dividing by two acres and adding in existing lots that were less than 2 acres. This resulted in 706 potential lots. Of those potential lots, 204 were developed and 502 potential lots were available for development.

2007 Existing Lots	329	100%
2007 Developed Lots	204	62%
2007 Bare Lots	125	38%
2007 Potential Lots	706	100%
2007 Developed Lots	204	29%
2007 Potential Bare Lots	502	71% (125 existing, 377 require land divisions)

Note: According to County Data , Land Divisions West End 2007 to 2020.xlsx, there have been 25 RL2 lots added through Short Plats since 2007 which would make a total of 354 existing parcels.  
There are currently 410 parcels in the RL2 zoning area which is a discrepancy of 56 extra parcels.

**West End RL2 Acreage Analysis:**

Based on Skamania County Assessor Data, There are currently 410 parcels, totaling 1599 GIS acres, included in the West End RL-2 zone. 15 of these parcels are owned by churches (5), schools (4), cemeteries (2), county(2) and state (2) and should be excluded from parcels for residential development.

The remainder 395 parcels have been analyzed for development and potential division.

Assessor's data and building permit data shows that there are 302 developed lots in the RL-2 zone. There are 93 existing lots in the zone that are undeveloped.

All of the 395 existing parcels in the zone were analyzed for maximum division. The RL-2 zone allows for a minimum lot size of 2 acres.

Existing Residential Lots	395	100%
Developed Lots	302	76%
Bare Lots	93	24%
Potential Residential Lots	794	100%
Developed Lots	302	38%
Bare Potential Lots	492	62% (93 existing , 399 require land divisions)

Reference: Acreage Breakdown RL2 Potential Lots.pdf compiled from County Data

**Population Growth:**

Average Annual Percent Change

Years	Skamania	Washington
2010-2018	0.95	1.37
2018	0.73	1.48

Reference: <https://washington.reaproject.org/analysis/comparative-trends-analysis/population/tools/530000/530059/>

According to the West End Sub Area Plan, the five years prior to the adoption of the plan in 2007 had a growth increase of 3.9% per year while the Washington State Office of Financial Management (OFM) was predicting a growth rate of 1.25% . The actual growth is substantially less than the assumptions.

**Bare Land Sales West End RL2 2013 - 2019:**

Year Sold	Total Parcels
2013	5
2014	7
2015	6
2016	6
2017	4
2018	4
2019	4

Reference: Bare Land Sales West End RL2 2013-2019.pdf

**Bare Land Sales Skamania County 2003-2012:**

Year	Sales
2003	121
2004	198
2005	214
2006	190
2007	106
2008	42
2009	33
2010	47
2011	34
2012	19

Reference: Skamania County Average Sale Prices 2003-2012.pdf - County web site

**Current Bare Land Listings West End RL2 Zone 2/6/2020:**

02053300251200 2821 Salmon Falls Rd 7.7 acres Short Plat 2019  
 02053300250300 331 Silver Star Lane 13.82 acres Short Plat 2019  
 02053300011100 302 Carlton Rd 4.23 acres  
 02053140030500 LOT 5 OF THE SKYE S/D #2006161314 2.24 acres  
 02053120071500 Baars Hollow Lot 2 2.04 acres Short Plat 2019  
 02053120072000 Baars Hollow Lot 1 2.04 acres Short Plat 2019

References: Realtor.com and Zillow.com - Land Divisions West End 2007 to 2020.xlsx

The bare land sales show a substantial change in circumstances where, countywide, there was an average of 200 bare land sales per year in the three years prior to the adoption of the West End Sub Area Plan dropping 90% by 2012. This appears to be from a diminishing inventory of bare parcels that current landowners are willing to part with or divide. While there are 492 potential lots in the RL2 zoning area only 6 of those are currently offered for sale. Of those 6 lots, 4 were short platted in 2019.

**Stick Built Home Sales Skamania County:**

Exhibit 6

Year	Sales
2003	116
2004	166
2005	179
2006	139
2007	117
2008	67
2009	69
2010	90
2011	63
2012	43

Reference: Skamania County Average Sale Prices 2003-2012.pdf - County web site

There was a substantial change, countywide, in the number of stick built home sales dropping 63% from 2007 to 2012.

There are currently only 2 homes for sale in the RL2 zone. One of them has a pending sale.

01050500110000 31 Dharma Way 3.15 acres \$549k 37 days (pending) RL2  
 02053332050000 11472 Washougal River Rd 8276s/f \$325k 26 days RL2

References: Realtor.com and Zillow.com

**Single Family Residence Construction West End RL2 2006 – 2019:**

Year Built	New Residences
2006	14
2007	14
2008	4
2009	1
2010	0
2011	3
2012	1
2013	6
2014	3

2015	5
2016	7
2017	4
2018	3
2019	3

Reference: Single Family Residence Construction in RL2 2019-2006 .pdf - compiled from County Data

There has been a substantial change in the number of new construction of residences in the RL2 zoning area, dropping 78% from 2007 to 2019.

**Technology:**

Since 2007 there has been a significant increase in internet connectivity and speed that has increased to the point where it is now feasible for many to work from home eliminating a commute and making rural living a possibility for more people.

**Project Site Property Conditions:**

Prior to the adoption of the West End Sub Area Plan in 2007 the current parcel was a portion of a parcel that was approximately 160 acres that belonged to large timber company and a large portion of it was within the NSA boundary. A 160 acre area to the west is zoned RL2 with a cluster of residential development. The other three boundaries are adjacent to FL20 zones. Adjacent to the NW corner of the parcel there are 3 lots ranging from 5-12 acres privately owned, two of them are developed. There are no residential properties beyond these on Kellett Rd. The rest of the property in the vicinity belongs to timber companies and governments. Kellett Rd splits the 160 acre parcel and is located beneath the BPA power lines and has PUD utilities in place. In 2010-2011 the 160 acres was logged and has since been replanted. During the logging operations, access roads were constructed, including creek crossings that can be utilized for lot access. Longview Timberlands divided the property at the southern edge of the power line easement creating the subject 104 acre parcel. Recently, during the fine tuning of the NSA boundary, the subject parcel was mapped outside of the NSA creating a simplified permitting process for residential development in this area.

**Summary of Change in Conditions Since the Adoption of the Plan:**

During the years that the West End Sub Area Plan was being drafted, Skamania County was experiencing a massive amount of sales of bare land. There were 723 sales of bare land from 2003 to 2006. Bare land sales fell drastically after the adoption of the plan to only 228 sales in following 4 years. The County wide growth rate fell from 3.9% in 2007 to .73% in 2018. This is not because of the lack of potential lots, rather it is a lack of willing sellers of potential lots. This scarcity of land inventory still exists in the RL2 zone with only 4 land sales per year for the last 3 years. Having 492 potential lots available in the RL2 zone is irrelevant if there are only a few lots actually available. The subject property would support development of 5 residences in the current FL20 zone. Rezoning to RL2 with conditions of 6 acre minimum would allow 12 additional lots on smaller, more affordable, parcels while maintaining a forested environment. With the substantial change in conditions of available land inventory, remapping outside the NSA, the creation of access roads on the subject property and in light of existing residential development on adjacent smaller lots on both ends of the property it is more appropriate for this property to be zoned RL2 with 6 acre minimum conditions than the current FL20 zone. Conditions have significantly changed since the adoption of the Comprehensive Plan to the extent that the existing adopted plan provision or map designation is inappropriate. The additional lots will help to compensate for the lack of land inventory not anticipated during the drafting of the Plan and mapping of the area.

## Exhibit 6

**3. “The proposed text and/or map amendment is consistent with the overall intent of the goals, maps, and land use element of the Comprehensive Plan.”**

See the attached Kellett Comp Plan Compliance Narrative, as part of the Comprehensive Plan Amendment Application, that demonstrates how the proposal is consistent with the land Use Element Goals and Policies of the West End Subarea Plan.

**4. “The proposed text and/or map amendment is consistent with RCW 36.70, those sections of RCW 36.70A to which Skamania County is required to plan under, and Comprehensive Plan policies.”**

The proposed map amendment is consistent with the West End Community Subarea Plan and Comprehensive Plan goals and policies.

See the attached Kellett Comp Plan Compliance Narrative.

**5. “Additionally, for an amendment to the Comprehensive Plan or any Subarea Plan Map, the proposed designation must be contiguous along a shared boundary to the requested comprehensive plan or Subarea plan designation by at least 100 feet or 25% of the width of the property proposed to change, whichever is greater.”**

One hundred percent, 553', of the shared west boundary is contiguous to a RL-2 zoning designation.

**6. “Environmental impacts have been disclosed and measures imposed to avoid or, if not possible to avoid, then mitigate said impacts.”**

To the best of our knowledge, there are no environmental impacts associated with the Comprehensive Plan Amendment and Rezone Applications. Full disclosure of known environmental elements in the area is included in the SEPA Checklist prepared for this project. Future impacts, if any, that are identified as part of future development applications will be avoided or mitigated as required.

**7. “The applicant should examine potential ramifications of the proposed text and/or map amendment to other Comprehensive Plan Elements and official controls and show how the potential ramifications have been considered and addressed.”**

The applicant could not find any potential ramifications of the proposed map amendment to other Comprehensive Plan elements or official controls.

## Comprehensive Land Use Plan Compliance Narrative Kellett Rd – Rezone

### 2007 WEST END SUBAREA PLAN LAND USE ELEMENT GOALS AND POLICIES

The following narrative is an analysis of how the proposed comprehensive plan amendment and rezone applications are consistent with and comply with the applicable goals and policies of the West End Subarea Plan. The second section of the analysis is the applicable goals and policies of the Skamania County 2007 Comprehensive Plan.

#### 1. Primary Land Use

***Land developments within the West End Community shall be of a nature that promotes and enhances the rural and natural character of the community.***

The proposal will maintain the peace, solitude, and natural beauty of the West End Community into the future by allowing new single family low density development on 6-acre lots. The low level of new development and minimal impacts resulting from such development will result in continued natural beauty and peaceful character in the area. Visible aesthetic impacts from public view will be limited due to the development taking place away from public roads and the minimal amount of public frontage the property has. The property is also planted in Doug fir trees which will provide a visual screen for any residential development.

#### 2. Secondary Land Use

***The Community recognizes that limited rural employment opportunities are essential to maintaining its quality of life.***

Not applicable since this project is residential in nature and no new employment opportunities will be created.

#### 3. Forestry

***In the areas designated Commercial Resource Lands and Forest Lands, encourage and promote the current and continuing use of area land for the production of timber and miscellaneous forest products consistent with the utilization of Best Management Practices as provided in the Revised Code of Washington (RCW) and Washington Administrative Code (WAC).***

The proposal includes area designated WE-FL 20. This proposal is to divide the 104 acres into seventeen six acre parcels that would have covenants restricting any further division. This will allow the properties to each retain 5 acres in Forest Management Current Use encouraging the homeowners to continue to use their land for the production of timber and miscellaneous forest products. The property has been previously logged and replanted. Currently, there are 5' – 9' Doug fir trees on an 8' grid.

#### 4. Water

***Maintain and protect existing quality and quantity of ground and surface waters for domestic use, for fish and wildlife and to ensure maintenance of existing wetlands.***

The proposal should not have a significant impact on existing water quality and quantity. Future development that will result from the rezone will require individually approved wells or shared water systems, and water runoff generated from the project will be reviewed for compliance at time of development.

## 5. Wildlife

***Protect and encourage area indigenous wildlife, including game and non-game animals, aquatic species, residential and migratory birds, invertebrates, and native plants through maintenance of natural habitats.***

The proposal is consistent with the immediate surroundings of the West End Community and will not result in development that will negatively impact existing wildlife.

## 6. Fish

***Protect waterways and aquatic life by maintaining or reestablishing natural habitat through careful and appropriate land and water use practices.***

There are five non-fish bearing streams on the property that is proposed for rezone. They flow into Canyon Creek, which is a fish bearing stream, at the southern boundary of the parcel. County compliance reviews that will be done at the time of development will ensure that shoreline buffers are not encroached on. Landowners will be encouraged to maintain forested areas through the Current Use Forest Designation tax incentive.

## 7. Community Services

***Support only that development which can be sustained within the limits of existing county and community services.***

Future development that could result from the approval of a rezone would for the most part be self-supporting and are within the limits of existing county and community services. Water will be provided by private wells, individual or community wells. On-site septic systems would also be provided as individual systems or a combined system. Electric service exists in the vicinity and would just need to be extended from Kellett Rd to the future home sites. Any new internal roads that are necessary will be privately constructed and maintained by the future homeowners. There are existing residences, off Kellett Rd., beyond the subject parcel, that are currently served by county and community services.

## 8. Transportation (Circulation)

***Maintaining existing county roads and assure that new development does not compromise the safety and welfare of residents.***

The proposal would utilize Kellett Rd. No new public roadways would be required to serve new development. Internal roads/driveways would be private and maintained by the property owners.

## 9. Evacuation

***Evaluate the capacity of existing infrastructure to handle safe emergency evacuation procedures for current residents before planning for increases in population.***

The existing infrastructure that provides safe emergency evacuation to existing residences is Kellett Rd to Mabee Mines Rd. then Salmon Falls Rd. to State HWY14.

## 10. Geology

***Prohibit development in geologically unstable areas.***

To the best of our knowledge there are no unstable areas within the boundaries of the proposal.

**LU.GP1**

***All West End Community zoning regulations shall be consistent with this Comprehensive Subarea Plan;***

Not Applicable to applications.

**LU.GP2**

***The land use policy framework and planning process should be utilized as a basis for all decisions and actions related to land use and to assure that such decisions and actions are based on factual information;***

By way of this application and concurrent Comprehensive Plan Amendment we are demonstrating that the proposal is consistent with the policies of the Comprehensive Plan.

**LU.GP3**

***Parcels of land which do not meet the minimum lot sizes set out in this comprehensive subarea plan and any ordinance implementing this plan, and which were lawfully created prior to adoption of this plan or any zoning ordinance(s) implementing this plan, may be developed subject to all regulations other than those governing minimum lot sizes and dimensions that are in effect at the same time a development application is filed.***

Not Applicable, but utilized in the calculation of potential undeveloped lots.

**LU.GP4**

***All development shall be in compliance with existing federal, state and local requirements;***

All future development that would result from this proposal would be reviewed for compliance with existing regulations at all levels of government.

**LU.GP5**

***Three types of developments should be established for each land use designation under this plan and for any zone established to implement this plan. If any use is not listed as one of the following types of developments, then the use is prohibited within that land use designation:***

***a. Allowable uses which are permitted without review by the Planning Department except for compliance with setbacks, buffer requirements, critical area regulations, the State Environmental Policy Act and the Shorelines Management Master Program;***

***b. Review uses, which are allowed, with administrative review by the Department for consistency with standards placed upon those uses, with appeal to the Hearing Examiner; and***

***c. Conditional uses, which are subject to review and approval or denial by the Hearing Examiner, with appeal to Superior Court. The Hearing Examiner may deny a conditional use permit if he or she finds the use is inappropriate for the area.***

The future development that would be allowed as a result of this proposal would be a Review use permitted under subsection b. above.

**LU.GP6**

***The Comprehensive planning policies set out herein and all land use designations and land use regulations undertaken pursuant hereto should provide clear and objective standards to govern future development. Said policies, designations and regulations should not be varied or amended without proof of a substantial change in circumstances;***

By way of this application and concurrent Comprehensive Plan Amendment we are demonstrating the substantial change in circumstance related to 60% or more of the potential lots, in the West End RL2 zone being developed. This change in circumstance warrants approval of the applications.

**LU.GP7**

***In the development regulations, land uses which are neither allowed without review by the Planning Department, permitted subject to conditions nor named as conditional uses under a land use designation made in this plan or in an ordinance implementing this plan should be prohibited without proof of a substantial change in circumstances sufficient to justify amendment of the plan;***

Not Applicable, proposed uses would be allowed.

**LU.GP8**

***All land uses in the West End Community shall be classified with a land use designation and shown on the Comprehensive Subarea Plan map (Figure 3-1) and all implementing ordinances shall be in conformance with such map and Plan policies;***

Not Applicable. This policy is directed toward County Departments.

**LU.GP9**

***The areas designated Commercial Resource Lands 40 (CRL40) shall be conserved for a broad range of forest, agricultural and mineral resources uses to the maximum extent possible and protected from the encroachment of incompatible uses;***

Not Applicable

**LU.GP10**

***The areas designated Forest Lands 20 (FL20) shall provide for present and future non-industrial forestry operations, however these areas shall also provide buffers between the Commercial Resource Lands and Rural Lands designations;***

The change from FL20 to RL2 on the subject property will not effect the buffer between Commercial Resource Lands and Rural Lands designations. The 6 acre forested lots will provide a transition between Rural Lands and non-industrial forest operations.

**LU.GP11**

***The area designated as Community Commercial and Neighborhood Commercial along the Washougal River Road on Figure 3-3 shall be phase-zoned in the development regulations. The first phase will include up to 20 acres from the Washougal River Mercantile Store to Laurel Lane (including the Legion Hall). The remaining area shall be zoned as Rural Lands 2 (RL2) until it can be shown that the phase one commercial area has been built out as commercial uses.***

Not Applicable

**LU.GP12**

***All plats, short plats, development permits, and building permits issued for development activities on, or within five hundred feet of, lands designated as Commercial Resources Lands or Forest Lands should contain a notice that the subject property is within or near designated agricultural lands, forest lands, or mineral resource lands on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration. The notice should also inform that an application might be made for mining, extraction, washing, crushing stockpiling, blasting, transporting, and recycling of minerals.***  
These conditions will be enforce/implemented at time of future development permits.

**LU.GP13**

***Billboard signs should be prohibited;***  
Not Applicable

**LU.GP14**

***Local roads and streets should be designated to discourage truck and commercial traffic through residential areas. Loops and cul-de-sacs should be encouraged;***  
No new public roads would be needed as part of the proposal. New roads will be residential in nature and be sized to accommodate driveway traffic and emergency vehicles.

**LU.GP15**

***Land use permitting processes should be simplified and streamlined to the maximum extent possible;***  
This policy is not applicable and is directed towards County Departments.

**LU.GP16**

***Adequate on-site wells and septic systems should be properly installed, monitored and maintained in accordance with local and state health department requirements;***  
Proof of water availability and the ability to locate a septic system will be provided prior to building permit.

**LU.GP17**

***Recognize volunteer fire protection, volunteer emergency services, and County law enforcement protection as appropriate services in rural areas;***  
These public service agencies will have an opportunity to provide public input on the proposal.

**LU.GP18**

***Opportunities shall be provided for citizen involvement and input on issues in advance of making land use decisions;***  
The County will provide public notice of any upcoming Public Hearings regarding the project.

**LU.GP19**

**Countywide plans, policies and regulations governing the State Environmental Policy Act (SEPA), shorelines, critical areas, watersheds, and land divisions are incorporated in this comprehensive subarea plan by reference. Critical areas include wetlands, frequently flooded areas, geologically hazardous areas, wildlife habitat and aquifer recharge areas;**

The proposal is within proximity of Canyon Creek. At time of development, all critical area regulations will be adhered to.

**LU.GP20**

**The Skamania County Parks and Recreation Master Plan shall be the guiding document for future park improvements, however, those improvements are subject to other regulations including but not limited to: zoning, critical areas, shorelines, and land divisions;**

Not Applicable. The proposal does not trigger the need for additional parks.

**LU.GP21**

**Setbacks from new and existing gas pipelines should be required to reduce the potential for accidents near gas pipelines;**

The proposed development, to our knowledge, is not located within proximity of a gas pipeline.

**LU.GP22**

**Land use patterns, which minimize the cost of providing adequate levels of public services and infrastructure, should be encouraged;**

The proposed development will be along an existing private road, Kellett Rd, that provides travel routes for public services (fire and police). Private wells and private septic systems will reduce the need and cost of public infrastructure. There is existing residential development beyond the project site along Kellett Rd.

**LU.GP23**

**Land use patterns should follow along roads, rivers, township lines, range lines, section lines or quarter section lines rather than individual parcel lines to provide for uniform regular boundaries between land use designations;**

Future development that would result from the rezone would follow the existing road system to include Kellett Rd. and a section line.

**LU.GP24**

**Cottage occupations and light home industries should be encouraged in Rural Lands Designations to the extent that they will not require public investment in infrastructure greater than that normally required for residential use of the density allowed in the land use designation;**

Limited public infrastructure is needed for this project. Public services with regards to police and fire protection would be required. All other utilities would be private and be paid for by the future property owners.

## Exhibit 6

### LU.GP25

***Unconcealed, outdoor storage of non-functioning vehicles and parts thereof, appliances, construction materials, debris and household garbage should be discouraged;***

Not Applicable to a rezone application. Enforcement with these regulations would take place if a violation occurs after development.

### LU.GP26

***Nuisance, noise, and solid-waste ordinances should be strictly enforced by the appropriate County Departments;***

Designating the property as RL-2 with minimum lot sizes of 6 acres will result in limited increases in noise and waste. This increase does not appear to be at a level that would be considered a nuisance.

### LU.GP27

***Surface water run-off (including storm water run-off) from developments should be reduced by:***

- a. Encouraging the retention of natural vegetation or the provision of landscaped areas;***
- b. Encouraging the retention, creation and utilization of wetlands;***
- c. Requiring that natural drainage ways be maintained in all new developments and include appropriate setbacks; and,***
- d. Encouraging on site retention/detention of all stormwater.***

To the best ability, based on site conditions, all on-site stormwater runoff will be treated and infiltrated on site. Natural vegetation will be preserved, to the greatest extent feasible, to promote water absorption.

## SKAMANIA COUNTY 2007 COMPREHENSIVE LAND USE PLAN

The following narrative is an analysis of how the proposed comprehensive plan amendment and rezone applications are consistent with and comply with the applicable goals and policies of the Skamania County 2007 Comprehensive Plan.

### **Rural Lands I and II (Page 22 – Page 25)**

The 2007 Comprehensive Plan identifies three land use categories: Rural I, Rural II, and Conservancy. These three classifications apply to lands outside of subarea plans (Page 22, 2007 Comprehensive Plan) and are not applicable to the West End Subarea Plan. For the purpose of consistency analysis, the Rural I and Rural II designations are applicable to Rural/Residential 2 Lands and are analyzed below for compliance with permitted uses and development standards. The Conservancy Designation is not a consistent designation and is not reviewed.

#### **Rural I**

Detached single family dwellings, accessory uses and forest management are listed as appropriate uses within the Rural I Designation. The proposed comprehensive plan amendment and rezone applications would result in the development of detached single family dwellings. The minimum lot sizes for the proposed development, resulting from the applications, would be 6 acres. Water and sewer will be provided by individual wells and individual on-site septic systems. The minimum lot widths would exceed 200 feet. These proposed standards meet the minimum lot sizes and dimensions of the Rural I designation.

#### **Rural II**

Detached single family dwellings, accessory uses and forest management are listed as appropriate uses within the Rural II Designation. The proposed comprehensive plan amendment and rezone applications would result in the development of detached single family dwellings. The minimum lot sizes for the proposed development, resulting from the applications, would be 6 acres; meeting the minimum lot size for the Rural II designation.

#### **LU.5.4**

***Surface water run-off (including stormwater run-off) from developments should be reduced by: encouraging the retention of natural vegetation or the provision of landscaped areas; encouraging the retention, creation and utilization of wetlands; requiring that natural drainage ways be maintained in all new developments and include appropriate setbacks; and, encouraging on site retention/detention of all stormwater.***

To the best ability, based on site conditions, all on-site stormwater runoff will be treated and infiltrated on site. Natural vegetation will be preserved, to the greatest extent feasible to promote water absorption.

#### **LU.5.7**

***Adequate on-site wells and septic systems should be properly installed, monitored and maintained in accordance with local and state health department requirements.***

Proof of water availability and the ability to locate a septic system will be provided prior to building permit.

## Exhibit 6

### LU.6

#### ***To provide opportunities for citizen participation in the government decision process and in planning activities regarding land development.***

The proposed applications are subject to public comment and will be reviewed and application information will be presented in a Public Hearing before the County Hearing Examiner.

### E.1

#### ***To ensure the proper management of the natural environment to protect critical areas and conserve land, air, water, and energy resources.***

The future development of this project will require compliance with Shoreline and Critical Areas regulations.

### E.1.4

#### ***Implement and preserve critical area buffers based on best available science adjacent to critical areas to adequately protect such areas from development and land use impacts.***

The future development of this project will require compliance with Shoreline and Critical Areas regulations.

### T.3

#### ***Public Facilities and Services – Ensure that those public facilities and services necessary to support development should be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.***

Any development resulting from the proposed applications will be serviced by private water and septic systems, reducing any impacts to public facilities. Any road within proposed development will be privately constructed and maintained, also reducing any perceived impacts to public roads.

### AHP.1.1

#### ***Identify and encourage the preservation of lands, sites, and structures that have historical or archaeological significance.***

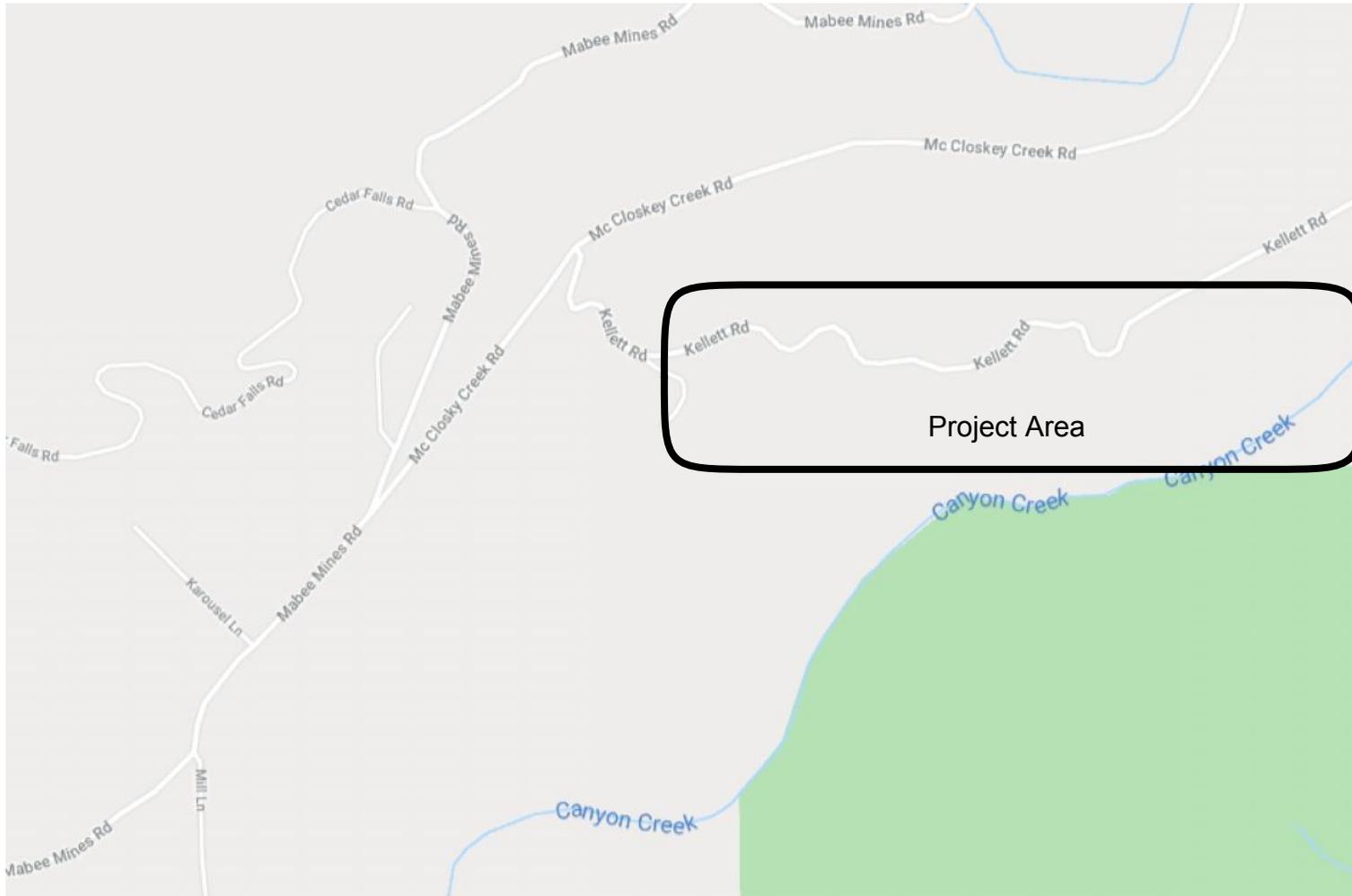
To the best of our knowledge, the lands subject to the proposed applications do not contain structures or artifacts of historical or archaeological significance. If, during construction of any future development, artifacts are discovered, Skamania County and the State Department of Archaeology and Historic Preservation will be contacted.

### AHP.2

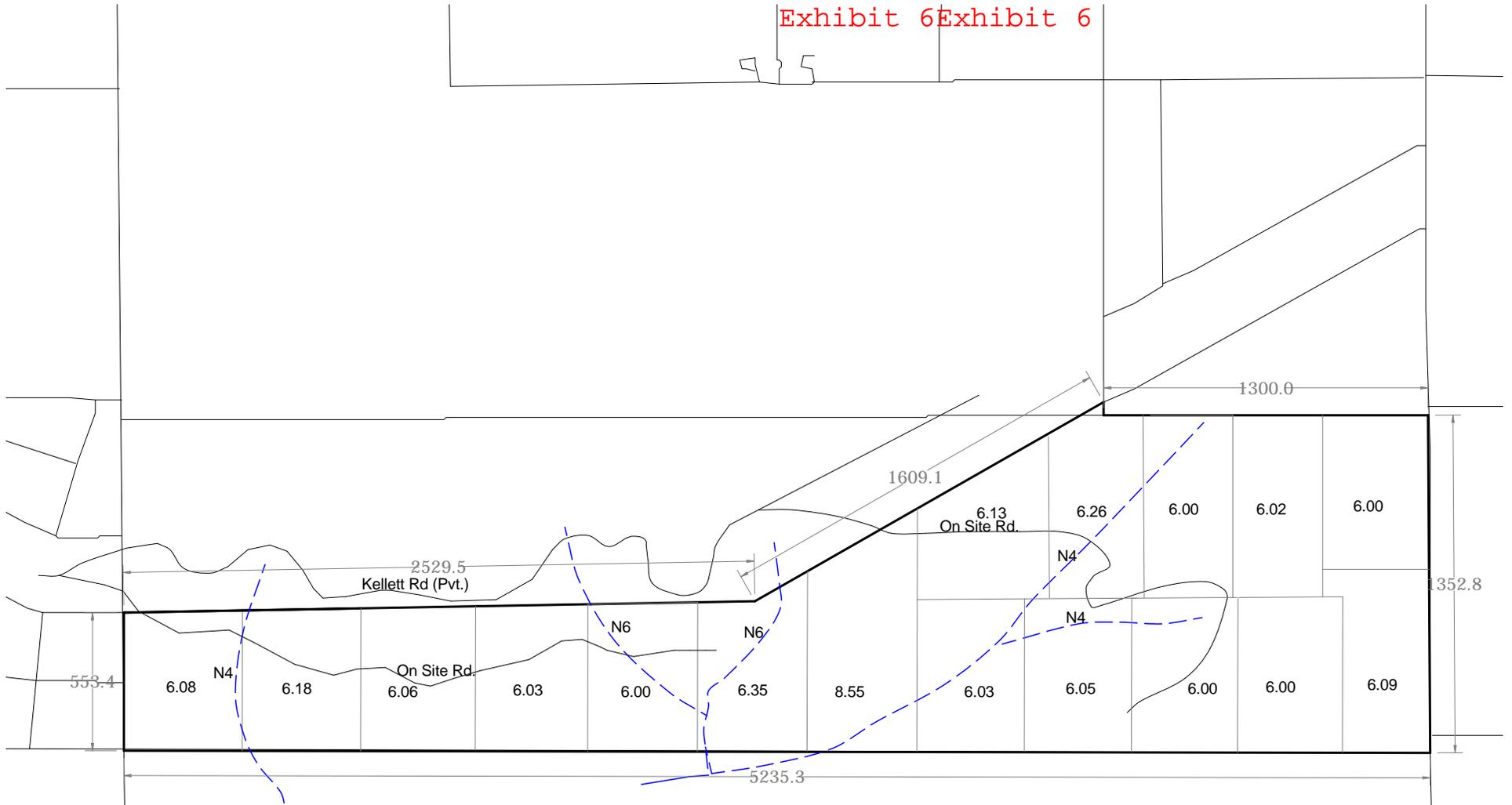
#### ***Increase recognition of historic, archaeological, and cultural resources.***

If, during construction of any future development, artifacts are discovered, Skamania County and the State Department of Archaeology and Historic Preservation will be contacted.

# Kellett Rd Rezone - Vicinity Map



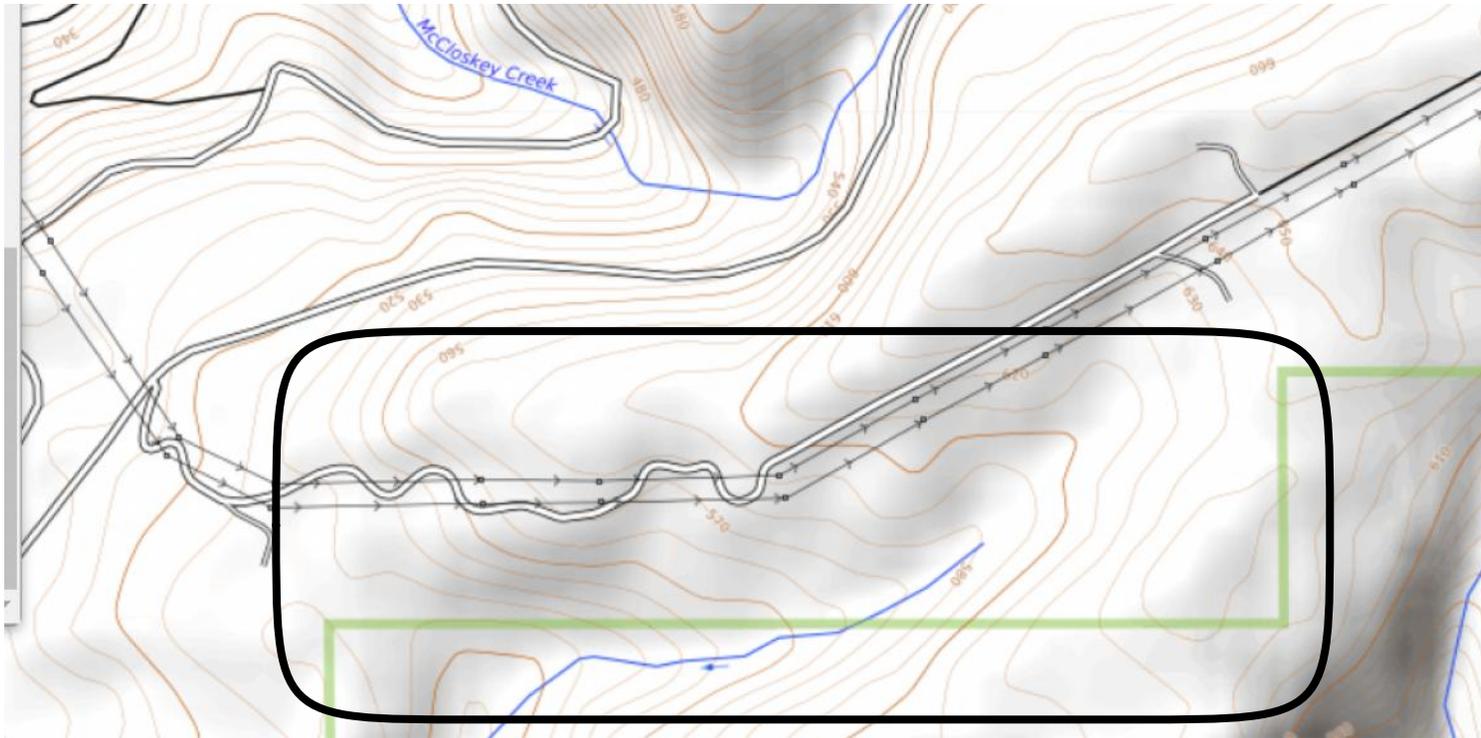
9 5



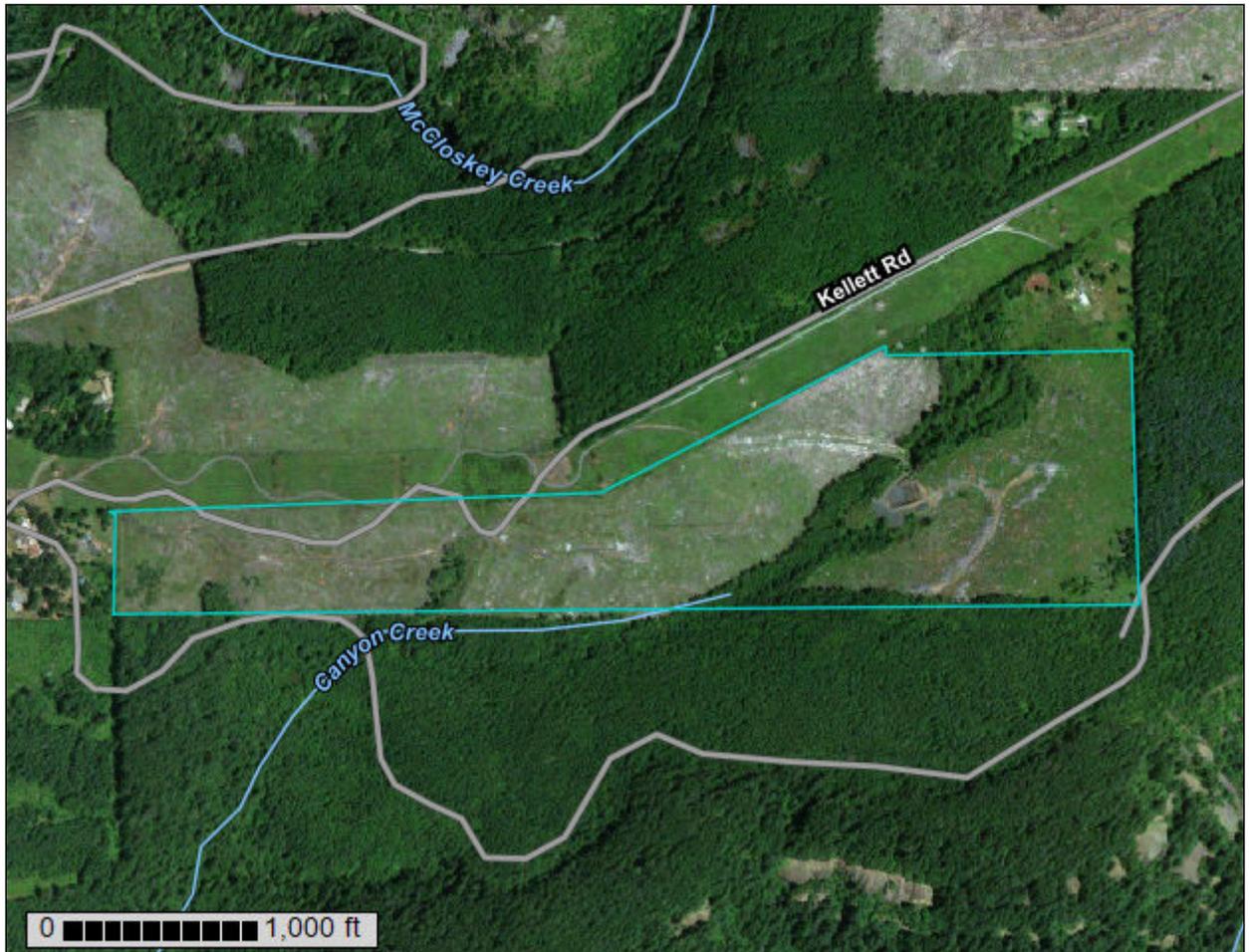
# Parcel # 02052500090000 Kellett Rd. Rezone - Plot Plan

# Kellett Rd Rezone - TOPO Map

in meters



# Custom Soil Resource Report for Skamania County Area, Washington



# Preface

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Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (<http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/>) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (<https://offices.sc.egov.usda.gov/locator/app?agency=nrcs>) or your NRCS State Soil Scientist ([http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2\\_053951](http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951)).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

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## Exhibit 6

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Exhibit 6

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## Exhibit 6

# How Soil Surveys Are Made

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Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage; the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units). Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil

### Custom Soil Resource Report

scientists classified and named the soils in the survey area, they compared the individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Soil scientists make many field observations in the process of producing a soil map. The frequency of observation is dependent upon several factors, including scale of mapping, intensity of mapping, design of map units, complexity of the landscape, and experience of the soil scientist. Observations are made to test and refine the soil-landscape model and predictions and to verify the classification of the soils at specific locations. Once the soil-landscape model is refined, a significantly smaller number of measurements of individual soil properties are made and recorded. These measurements may include field measurements, such as those for color, depth to bedrock, and texture, and laboratory measurements, such as those for content of sand, silt, clay, salt, and other components. Properties of each soil typically vary from one point to another across the landscape.

Observations for map unit components are aggregated to develop ranges of characteristics for the components. The aggregated values are presented. Direct measurements do not exist for every property presented for every map unit component. Values for some properties are estimated from combinations of other properties.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and

## Custom Soil Resource Report

identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

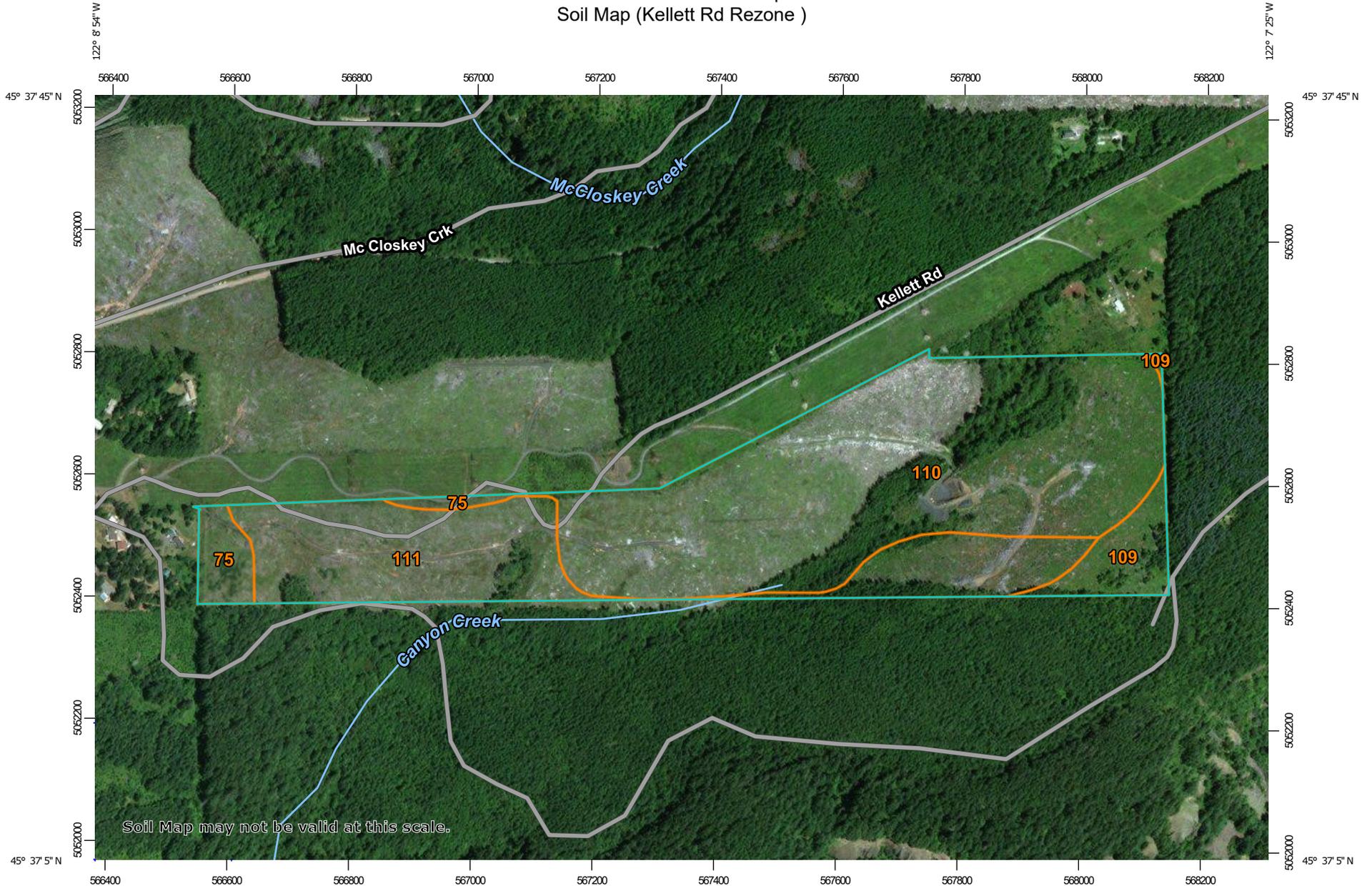
### Exhibit 6

## Soil Map

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The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

Custom Soil Resource Report  
Soil Map (Kellett Rd Rezone )



Soil Map may not be valid at this scale.

Map Scale: 1:8,810 if printed on A landscape (11" x 8.5") sheet.

0 100 200 400 600 Meters

0 400 800 1600 2400 Feet

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 10N WGS84

### MAP LEGEND

**Area of Interest (AOI)**

 Area of Interest (AOI)

**Soils**

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

**Special Point Features**

-  Blowout
-  Borrow Pit
-  Clay Spot
-  Closed Depression
-  Gravel Pit
-  Gravelly Spot
-  Landfill
-  Lava Flow
-  Marsh or swamp
-  Mine or Quarry
-  Miscellaneous Water
-  Perennial Water
-  Rock Outcrop
-  Saline Spot
-  Sandy Spot
-  Severely Eroded Spot
-  Sinkhole
-  Slide or Slip
-  Sodic Spot

-  Spoil Area
-  Stony Spot
-  Very Stony Spot
-  Wet Spot
-  Other
-  Special Line Features

**Water Features**

 Streams and Canals

**Transportation**

-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads

**Background**

 Aerial Photography

### MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service  
 Web Soil Survey URL:  
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Skamania County Area, Washington  
 Survey Area Data: Version 15, Sep 16, 2019

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Aug 19, 2015—Sep 9, 2016

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

## Map Unit Legend (Kellett Rd Rezone )

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
75	Mountzion clay loam, 2 to 15 percent slopes	4.1	4.0%
109	Skoly stony loam, 2 to 15 percent slopes	5.3	5.2%
110	Skoly stony loam, 15 to 30 percent slopes	63.1	61.7%
111	Skoly stony loam, 30 to 65 percent slopes	29.8	29.2%
<b>Totals for Area of Interest</b>		<b>102.4</b>	<b>100.0%</b>

## Map Unit Descriptions (Kellett Rd Rezone )

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

## Skamania County Area, Washington

### 75—Mountzion clay loam, 2 to 15 percent slopes

#### Map Unit Setting

*National map unit symbol:* 1hhts

*Elevation:* 500 to 2,000 feet

*Mean annual precipitation:* 60 to 90 inches

*Mean annual air temperature:* 48 to 52 degrees F

*Frost-free period:* 145 to 200 days

*Farmland classification:* Farmland of statewide importance

#### Map Unit Composition

*Mountzion and similar soils:* 100 percent

*Estimates are based on observations, descriptions, and transects of the mapunit.*

#### Description of Mountzion

##### Setting

*Landform:* Mountain slopes

##### Typical profile

*H1 - 0 to 17 inches:* clay loam

*H2 - 17 to 60 inches:* silty clay loam

##### Properties and qualities

*Slope:* 2 to 15 percent

*Depth to restrictive feature:* More than 80 inches

*Natural drainage class:* Well drained

*Capacity of the most limiting layer to transmit water (Ksat):* Moderately high to high (0.57 to 1.98 in/hr)

*Depth to water table:* More than 80 inches

*Frequency of flooding:* None

*Frequency of ponding:* None

*Available water storage in profile:* High (about 11.5 inches)

##### Interpretive groups

*Land capability classification (irrigated):* None specified

*Land capability classification (nonirrigated):* 3e

*Hydrologic Soil Group:* B

*Forage suitability group:* Soils with Moderate Limitations (G003XF603WA)

*Hydric soil rating:* No

### 109—Skoly stony loam, 2 to 15 percent slopes

#### Map Unit Setting

*National map unit symbol:* 1hhpq

*Elevation:* 20 to 2,200 feet

*Mean annual precipitation:* 70 to 95 inches

*Mean annual air temperature:* 48 to 50 degrees F

*Frost-free period:* 110 to 160 days

## Custom Soil Resource Report

*Farmland classification:* Farmland of statewide importance

**Map Unit Composition**

*Skoly and similar soils:* 100 percent

*Estimates are based on observations, descriptions, and transects of the mapunit.*

**Description of Skoly****Setting**

*Landform:* Mountain slopes

**Typical profile**

*H1 - 0 to 5 inches:* stony loam

*H2 - 5 to 40 inches:* very cobbly loam

*H3 - 40 to 60 inches:* very cobbly loam

**Properties and qualities**

*Slope:* 2 to 15 percent

*Depth to restrictive feature:* More than 80 inches

*Natural drainage class:* Well drained

*Capacity of the most limiting layer to transmit water (Ksat):* Moderately high to high (0.57 to 1.98 in/hr)

*Depth to water table:* More than 80 inches

*Frequency of flooding:* None

*Frequency of ponding:* None

*Available water storage in profile:* Moderate (about 6.3 inches)

**Interpretive groups**

*Land capability classification (irrigated):* None specified

*Land capability classification (nonirrigated):* 3s

*Hydrologic Soil Group:* B

*Forage suitability group:* Droughty Soils (G003XF403WA)

*Hydric soil rating:* No

**110—Skoly stony loam, 15 to 30 percent slopes****Map Unit Setting**

*National map unit symbol:* 1hhps

*Elevation:* 20 to 2,200 feet

*Mean annual precipitation:* 70 to 95 inches

*Mean annual air temperature:* 48 to 50 degrees F

*Frost-free period:* 110 to 160 days

*Farmland classification:* Farmland of statewide importance

**Map Unit Composition**

*Skoly and similar soils:* 100 percent

*Estimates are based on observations, descriptions, and transects of the mapunit.*

**Description of Skoly****Setting**

*Landform:* Mountain slopes

**Typical profile**

*H1 - 0 to 5 inches:* stony loam  
*H2 - 5 to 40 inches:* very cobbly loam  
*H3 - 40 to 60 inches:* very cobbly loam

**Properties and qualities**

*Slope:* 15 to 30 percent  
*Depth to restrictive feature:* More than 80 inches  
*Natural drainage class:* Well drained  
*Capacity of the most limiting layer to transmit water (Ksat):* Moderately high to high (0.57 to 1.98 in/hr)  
*Depth to water table:* More than 80 inches  
*Frequency of flooding:* None  
*Frequency of ponding:* None  
*Available water storage in profile:* Moderate (about 6.3 inches)

**Interpretive groups**

*Land capability classification (irrigated):* None specified  
*Land capability classification (nonirrigated):* 4e  
*Hydrologic Soil Group:* B  
*Forage suitability group:* Droughty Soils (G003XF403WA)  
*Hydric soil rating:* No

**111—Skoly stony loam, 30 to 65 percent slopes**

**Map Unit Setting**

*National map unit symbol:* 1hhpt  
*Elevation:* 20 to 2,200 feet  
*Mean annual precipitation:* 70 to 95 inches  
*Mean annual air temperature:* 48 to 50 degrees F  
*Frost-free period:* 110 to 160 days  
*Farmland classification:* Not prime farmland

**Map Unit Composition**

*Skoly and similar soils:* 100 percent  
*Estimates are based on observations, descriptions, and transects of the mapunit.*

**Description of Skoly**

**Setting**

*Landform:* Mountain slopes

**Typical profile**

*H1 - 0 to 5 inches:* stony loam  
*H2 - 5 to 40 inches:* very cobbly loam  
*H3 - 40 to 60 inches:* very cobbly loam

**Properties and qualities**

*Slope:* 30 to 65 percent  
*Depth to restrictive feature:* More than 80 inches  
*Natural drainage class:* Well drained

*Capacity of the most limiting layer to transmit water (Ksat):* Moderately high to high (0.57 to 1.98 in/hr)

*Depth to water table:* More than 80 inches

*Frequency of flooding:* None

*Frequency of ponding:* None

*Available water storage in profile:* Moderate (about 6.3 inches)

**Interpretive groups**

*Land capability classification (irrigated):* None specified

*Land capability classification (nonirrigated):* 7e

*Hydrologic Soil Group:* B

*Hydric soil rating:* No

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Acreege Breakdown RL2 Potential Lots

PARCEL_ID	Developed	GIS Total/2	< 2 acres	Potential	Reduce	Exclude	Reason
2053130030000	0	41	0	41			
2053140010000	0	21	0	21		21	School
2050000870000	1	19	0	18		7	25 acres in RL5
2052600180000	0	17	0	17			
2053300250000	1	16	0	15			
1050610030000	0	14	0	14			
2053140020000	0	14	0	14		14	School
2053130010000	0	11	0	11		11	School
1050522070000	0	11	0	11			
1050300040200	1	10	0	9			
2053400070000	0	10	0	10	7		Severe Slopes
2053400070100	0	9	0	9			
2053400070200	1	9	0	8			
2053400070300	1	9	0	8			
1050300040300	0	9	0	9			
2053420070000	1	9	0	8		5	11 acres in FA20
2053130040000	1	7	0	6			
2053110030000	1	7	0	6			
2053300250400	1	7	0	6			
2053300250300	0	6	0	6			
2053120080000	1	6	0	5			
2053300250100	1	6	0	5			
2053240010000	0	6	0	6			
2053220030100	1	6	0	5			
2053140040000	1	6	0	5			
2053140030000	1	6	0	5			
2053300160000	0	6	0	6			
2053120070200	0	5	0	5			
2052600210000	0	5	0	5			
2053300040000	0	4	0	4			
2053140150000	0	4	0	4		4	Cemetery
2053332010000	0	4	0	4		4	Church
2053420030000	1	4	0	3			
2053332010200	0	4	0	4		4	Church
2053300180600	1	4	0	3		13	acres in FA20
1050330040000	0	4	0	4			
2053120110000	1	4	0	3	1		Structure placement
2053210040000	1	4	0	3			
1050400130000	1	3	0	2			
2053220030000	1	3	0	2			
2053420041300	1	3	0	2			
1050500080000	0	3	0	3			
1050500070000	0	3	0	3			
2053300170100	1	3	0	2			
2053300251200	0	3	0	3			
1050500070200	0	3	0	3			
1050500070300	0	3	0	3	1		BP-19-0182
2053140070000	1	3	0	2			
1050500110400	1	3	0	2			
1050640020000	1	3	0	2			
2053332080100	0	3	0	3		3	Church
2053420040000	1	3	0	2			
2053300250500	0	3	0	3			
2053300250800	1	2	0	1			
2053220050200	1	2	0	1			
2053300180000	1	2	0	1			
2053230370000	1	2	0	1			
2053420060000	1	2	0	1			
2053220030400	1	2	0	1			
2053300010200	1	2	0	1			
1050640011500	0	2	0	2			
1050800020600	1	2	0	1			
2053230050100	1	2	0	1			
2053230040100	1	2	0	1			
2053300230000	1	2	0	1			
2053220030200	0	2	0	2			
1050500060100	1	2	0	1			
1050500060300	1	2	0	1			

Acreage Breakdown RL2 Potential Lots

Exhibit 6

2053120050000	1	2	0	1		
2053300010100	1	2	0	1		
2053120040000	1	2	0	1		
1050500060600	1	2	0	1		
2053120030000	1	2	0	1		
2053120020000	1	2	0	1	1	Structure placement
2053300080000	1	2	0	1		
2053120060000	1	2	0	1		
2053220030900	1	2	0	1		
1050640010600	1	2	0	1		
2053300020100	1	2	0	1		
2053420041200	1	2	0	1		
2053220040000	1	2	0	1		
1050640011400	1	2	0	1		
1050500110500	0	2	0	2		
1050500070100	0	2	0	2		
2052600200000	1	2	0	1		
2053230330100	1	2	0	1		
2053220031400	1	2	0	1		
1050800090000	1	2	0	1		
2053300250600	1	2	0	1		
1050640010900	1	2	0	1		
2053120090300	1	2	0	1		
2053120090100	0	2	0	2		
2053300011100	1	2	0	1		
2053420041100	1	2	0	1		
1050500090000	0	2	0	2		
2052600200100	0	2	0	2		
1050640010200	0	2	0	2		
1050640010800	1	2	0	1		
1050800020000	0	2	0	2		
1050500090700	0	2	0	2		
2053220030600	0	2	0	2		
2053300250900	1	1	0	0		
1050610140000	1	1	0	0		
2053220050300	1	1	0	0		
2053300250700	1	1	0	0		
1050640010700	1	1	0	0		
2053300181000	0	1	0	1		
2053300120000	1	1	0	0		
2053300180100	1	1	0	0		
2053300070000	1	1	0	0		
2053230110000	1	1	0	0		
2053300030000	1	1	0	0		
2053300010700	1	1	0	0		
2053242020000	1	1	0	0		
2053332010100	1	1	0	0		
1050800010100	0	1	0	1		
2053300170200	1	1	0	0		
1050330090000	1	1	0	0		
1050640011000	1	1	0	0		
2053130010400	1	1	0	0		
2053220050100	1	1	0	0		
1050500060500	1	1	0	0		
2053240070000	0	1	0	1		
2053420040100	1	1	0	0		
1050640010100	0	1	0	1		
2053130020100	1	1	0	0		
2053120020600	0	1	0	1		
1050500110000	1	1	0	0		
2053230010200	1	1	0	0		
2053300170400	1	1	0	0		
2053140020300	1	1	0	0		
1050500090100	1	1	0	0		
1050500110300	1	1	0	0		
2053220030700	1	1	0	0		
2053220050000	0	1	0	1	1	Mobile Home on Property
2053300251000	0	1	0	1		1 County
2053332010300	0	1	0	1		

## Acreage Breakdown RL2 Potential Lots

1050800090100	1	1	0	0		
1050330050000	1	1	0	0		
2053120090600	1	1	0	0		
2053220030500	1	1	0	0		
2053120120300	1	1	0	0		
2053130010100	1	1	0	0		
2053230010300	1	1	0	0		
1050500090500	0	1	0	1		
2053300181100	0	1	0	1		
2053230080000	1	1	0	0		
2053220050400	1	1	0	0		
2053230110400	1	1	0	0		
2053300250200	1	1	0	0		
1050500061100	1	1	0	0		
2053120020500	0	1	0	1		
2053230090100	1	1	0	0		
2053220030300	0	1	0	1		
1050330050300	1	1	0	0		
1050610140100	0	1	0	1		
1050500050000	1	1	0	0		
2052600190000	1	1	0	0		
1050800020500	1	1	0	0		
1050500080100	1	1	0	0		
2053130010300	1	1	0	0		
1050640070900	0	1	0	1		
2053220031000	0	1	0	1		
2053130050300	0	1	0	1		
2053300020000	1	1	0	0		
2053300150000	0	1	0	1	1	County
1050500090600	0	1	0	1		
2053230150000	1	1	0	0		
2053230260000	1	1	0	0		
2053300180500	0	1	0	1		
1050330020100	1	1	0	0		
2053140030300	0	1	0	1		
2053300010000	1	1	0	0		
2052600220300	1	1	0	0		
2053140030500	0	1	0	1		
2052600190100	1	1	0	0		
2053240020000	1	1	0	0		
2053240080000	1	1	0	0		
2053220050600	0	1	0	1		
2053220031100	0	1	0	1		
2052600220200	1	1	0	0		
2053230111300	1	1	0	0		
2053230010100	1	1	0	0		
2053140030400	1	1	0	0		
1050500110100	1	1	0	0		
2053140020500	1	1	0	0		
2053120090500	1	1	0	0		
2053420050000	1	1	0	0		
2053230160000	1	1	0	0		
2053220031200	0	1	0	1		
2053230110200	1	1	0	0		
2053300010300	1	1	0	0		
2053300170300	0	1	0	1	1	FA20 Zone
2053130010200	1	1	0	0		
1050640070100	1	1	0	0		
2053140020600	1	1	0	0		
1050800020200	1	1	0	0		
2053300110000	1	1	0	0		
1050330050200	1	1	0	0		
2053300090000	1	1	0	0		
2053420040800	0	1	0	1		
2052600220000	1	1	0	0		
2052600220100	1	1	0	0		
2053140070200	0	1	0	1		
2053230090000	1	1	0	0		
2053220030800	1	1	0	0		

Acreage Breakdown RL2 Potential Lots

2053120070100	1	1	0	0	
2053300181200	0	1	0	1	
2053140020100	1	1	0	0	
2053130020000	1	1	0	0	
2053140020200	1	1	0	0	
2053300010600	1	1	0	0	
2053130020200	0	1	0	1	
2053300010900	1	1	0	0	
2053120071500	0	1	0	1	
1050330050100	1	1	0	0	
2053120072000	0	1	0	1	
2053140030200	1	1	0	0	
2053230080200	1	1	0	0	
2053120090200	0	1	0	1	
2053332010400	1	1	0	0	
2053230070000	1	1	0	0	
2053300010400	1	1	0	0	
2052600190300	1	1	0	0	
2053332080000	0	1	0	1	1 Church
2053140020400	1	1	0	0	
2053230010400	1	1	0	0	
2053120090400	1	1	0	0	
2053120071000	0	1	0	1	
2053120070300	1	1	0	0	
2053140080000	1	1	0	0	
2053120070000	1	1	0	0	
2052600190200	0	1	0	1	
2053130020300	1	1	0	0	
2053420040700	1	1	0	0	
2053220050700	0	1	0	1	
2053120020200	1	1	0	0	
2053300251100	1	1	0	0	
1050500110200	0	1	0	1	
1050300030000	1	1	0	0	
2053120090000	1	1	0	0	
1050330020000	0	1	0	1	
2053300180200	1	1	0	0	
2053220050500	1	1	0	0	
1050500060700	1	1	0	0	
2053140030100	1	1	0	0	
2053300010500	0	1	0	1	
1050330020200	0	0	1	1	
2053300010800	0	0	1	1	
1050800020400	1	0	1	0	
2053420180000	1	0	1	0	
2053120020300	1	0	1	0	
2053120020100	1	0	1	0	
1050400140000	1	0	1	0	
1050330090300	1	0	1	0	
2053220031300	1	0	1	0	
2053300011000	1	0	1	0	
2053230111200	1	0	1	0	
1050330010100	0	0	1	1	
1050400120000	1	0	1	0	
2053120120200	1	0	1	0	
2053120120100	1	0	1	0	
2053300190000	1	0	1	0	
2053230110800	1	0	1	0	
2053120120000	1	0	1	0	
1050330090100	1	0	1	0	
1050330090200	1	0	1	0	
1050610120000	1	0	1	0	
2053130050200	1	0	1	0	
1050522010200	1	0	1	0	
2053240010200	1	0	1	0	
2053332020000	1	0	1	0	
2053300140000	1	0	1	0	
2053240130000	1	0	1	0	
1050640070800	0	0	1	1	

Acreage Breakdown RL2 Potential Lots

1050330020300	0	0	1	1		
1050522010000	1	0	1	0		
2053420040400	1	0	1	0		
2053300130000	0	0	1	1		
2053230040000	1	0	1	0		
1050522010300	1	0	1	0		
2053230120000	1	0	1	0		
2053140070100	1	0	1	0		
2053420080000	1	0	1	0		
2053130050100	1	0	1	0		
2053420040300	1	0	1	0		
1050330030000	1	0	1	0		
2053420040200	1	0	1	0		
2053230080100	1	0	1	0		
2053420130000	1	0	1	0		
2053240060000	1	0	1	0		
2053240060100	1	0	1	0		
2053230130000	1	0	1	0		
2053332060000	0	0	1	1		1 Church
1050800030000	0	0	1	1		1 Cemetery
2053140120000	1	0	1	0		
2053420140000	1	0	1	0		
2053140090000	1	0	1	0		
1050610070000	0	0	1	1		1 State
2053140060000	1	0	1	0		
2053240090000	1	0	1	0		
2053300100000	1	0	1	0		
2053240090100	0	0	1	1		
2053143100000	1	0	1	0		
1050522050000	1	0	1	0		
1050522030000	1	0	1	0		
2053230180000	1	0	1	0		
2053240100000	1	0	1	0		
2053420170000	1	0	1	0		
2053143020000	1	0	1	0		
2053230260100	1	0	1	0		
2053242010200	1	0	1	0		
2053000170000	0	0	1	1	1	Mobile Home on Property
2053140050000	1	0	1	0		
2053420100100	1	0	1	0		
2053242010800	1	0	1	0		
2053240110000	0	0	1	1		
2053420100000	1	0	1	0		
2053300330000	1	0	1	0		
2053420110000	1	0	1	0		
2053230330000	1	0	1	0		
2053420160000	1	0	1	0		
2053140110000	1	0	1	0		
1050330070000	1	0	1	0		
2053130060000	0	0	1	1		1 School
1050330060000	1	0	1	0		
2053140060100	1	0	1	0		
2053240120000	0	0	1	1		
2053230290100	1	0	1	0		
2053143050000	1	0	1	0		
2053230310100	1	0	1	0		
1050610090100	1	0	1	0		
2053240140000	1	0	1	0		
2053240030000	1	0	1	0		
2053230350000	1	0	1	0		
2053230090200	1	0	1	0		
2053240010100	1	0	1	0		
2053240150000	1	0	1	0		
2053300230100	0	0	1	1		
2053240040000	1	0	1	0		
2053240050000	1	0	1	0		
1050640010500	1	0	1	0		
2053230270000	1	0	1	0		
1050610090300	1	0	1	0		

Acreage Breakdown RL2 Potential Lots

1050640010300	1	0	1	0		
2053230240000	1	0	1	0		
2053332030000	1	0	1	0		
2053332029000	1	0	1	0		
2053420040600	1	0	1	0		
2053420150000	1	0	1	0		
2053143040000	1	0	1	0		
2053242010900	1	0	1	0		
2053143010000	1	0	1	0		
2053143020200	1	0	1	0		
2053230030200	0	0	1	1		
2053230130100	1	0	1	0		
2053230070200	1	0	1	0		
2052700150000	0	0	1	1		
2053230170000	1	0	1	0		
1050330010000	1	0	1	0		
1050640070700	1	0	1	0		
2053230310000	1	0	1	0		
2053140050100	1	0	1	0		
2053242010500	1	0	1	0		
2053230290000	1	0	1	0		
1050522040000	1	0	1	0		
2053230350100	1	0	1	0		
2053230210000	1	0	1	0		
2053143120000	0	0	1	1		1 Environmental Constraints Stream
2053230070100	1	0	1	0		
2053242010300	1	0	1	0		
2053143110000	1	0	1	0		
1050610100000	1	0	1	0		
2053230100000	1	0	1	0		
2053242011000	0	0	1	1		
2053420040500	0	0	1	1		
2053242010100	1	0	1	0		
1050500060900	0	0	1	1		
2053143080000	1	0	1	0		
2053143070000	1	0	1	0		
2053230220000	1	0	1	0		
2053143090000	1	0	1	0		
2053300320100	1	0	1	0		
2053242011100	1	0	1	0		
2053143020100	1	0	1	0		
2053242010600	0	0	1	1		
1050610080000	1	0	1	0		
2053242010400	1	0	1	0		
2053230030000	1	0	1	0		
2053143060000	0	0	1	1		
1050610060000	1	0	1	0		
2053300200000	0	0	1	1		1 State
2053140130000	0	0	1	1	1	Residence on Property
2053230030100	0	0	1	1		
1050610090200	1	0	1	0		
2053300320000	1	0	1	0		
2053140100000	0	0	1	1		19' wide lot
2053230050200	1	0	1	0		
2053230050000	1	0	1	0		
2053230200300	1	0	1	0		
1050610110000	1	0	1	0		
2053140140000	0	0	1	1		
2053230230000	1	0	1	0		
2053143020300	0	0	1	1		140' wide lot
2053300220000	1	0	1	0		
2053332050000	1	0	1	0		
2053300210000	0	0	1	1		
1050610090000	0	0	1	1		
1050610050000	1	0	1	0		
2053230260200	1	0	1	0		
	Developed	2 acre div.	< 2acre	Potential	Reduce	Excluded lots
	302	631	163	492	13	86

Bare Land For Sale on the West End 2/6/2020

RL2 6 Parcels

2053300251200 2821 Salmon Falls Rd 7.7 acres	RL2
02053300250300 331 Silver Star Lane 13.82 acres	RL2 / DFL
02053300011100 302 Carlton Rd 4.23 acres	R2
02053140030500 LOT 5 OF THE SKYE S/D #2006161314 2.24 acres	RL2
02053120071500 Baars Hollow Lot 2 2.04 acres	R2
02053120072000 Baars Hollow Lot 1 2.04 acres	R2

RL5 2 Parcels

01050510020100 3232 Canyon Creek Rd Block 1 lot 2 13.26 acres	R5
01050610150300 Wildlife Dr. LOT 4 MAPLE VIEW ACRES 8.4 acres	R5

R10 2 Parcels

02053400040100 Mabee Mines Rd 66 acres.	R10
02052000090000 21 Dobbins Rd 10.25 acres	R10

FL20 CRL 2 Parcels

02052600170400 Cedar Falls Rd 10.01 acres	Conservancy
W 2000 Rd 79.91 acres	FL20/CRL

References: Realter.com, Zillow.com

Bare Land Sales West End RL2 2013-2019

Exhibit 6

PARCEL_ID	DeedAcres	GIS_Acre	Developed	Sold Date
1050610140100	2.5	2.5540284007	0	2019
2053420100000	0.93	1.0619771758	1	2019
2053220050700	2	2.0075326593	0	2019
1050500090600	2.38	2.3634921844	0	2019
2053300010400	2.03	2.0298911002	1	2018
2053300010700	3.56	3.5506519961	1	2018
1050500110200	2.01	2.0058342752	0	2018
2053300180500	2.42	2.336347209	0	2018
2053140080000	0	2.0161694144	1	2017
2053120020600	3.08	3.150188654	0	2017
2053120120300	2.02	2.8267570613	1	2017
1050400140000	2	1.97466063	1	2017
2053240120000	0.85	0.9959382705	0	2016
2053240110000	0.78	1.0639424798	0	2016
1050330060000	1	1.0065484878	1	2016
2053400070100	20	19.8783279919	0	2016
2053120120000	2.91	1.9267013083	1	2016
1050500070200	6.97	6.9749003127	0	2016
2053140020100	2.08	2.0754712363	1	2015
2053120090400	2.02	2.0185724099	1	2015
2053120090600	2.93	2.9292441302	1	2015
2053120050000	5	4.9952161075	1	2015
2053140030400	2.24	2.2435357362	1	2015
2053420041100	4.22	4.2231790979	1	2015
2053140140000	0	0.2980628691	0	2014
2053140130000	0	0.4440177857	0	2014
2053230090100	2.66	2.6310730612	1	2014
2053240040000	0.5	0.8817009126	1	2014
1050800020000	4.08	4.0708541619	0	2014
2053420040000	6.13	6.1324576792	1	2014
1050500110100	2.24	2.2423502579	1	2014
2053420170000	1.04	1.111935777	1	2013
2053420041200	4.76	4.761971466	1	2013
2053420041300	7.55	7.5533994767	1	2013
2053130020200	2.05	2.0497103404	0	2013
2053130020100	3.16	3.162199639	1	2013

Year Sold	Total Parcels
2019	4
2018	4
2017	4
2016	6
2015	6
2014	7
2013	5

Total bare parcels sold 2013-2019 36

**Homes for Sale West End 2/8/2020**

01050500110000	31 Dharma Way	3.15 acres	\$549k	37 days (pending)	RL2
02053332050000	11472 Washougal River Rd	8276s/f	\$325k	26 days	RL2
01050400080900	442 White Dog Rd	5.1 acres	\$625k	23 days (pending)	RL5
02053000152000	111 Wright Rd	2.59 acres	\$399k	99 days	RL5
02052930150000	211 Jennifer Lane	2.3 acres	\$735k	154 days	RL10
02051900030700	282 Stevens Rd	5 acres	\$560k	91 days	RL10
02051920011200	3031 Skye Rd	1.72 acres	\$399k	113 days (pending)	RL10
02052000021000	1301 Matthews Rd	3 acres	\$637.5k	121 days (pending)	FA20

References: [Realtor.com](https://www.realtor.com), [Zillow.com](https://www.zillow.com)

## Land Divisions West End 2007 to 2020

Parcel Number	Plat Name	Auditor File Number	New Lots	Year
2053300250000	Adam Rand Short Plat	2019000692	1	2019
2053120070000	Rocky River Short Plat	2019000572	3	2019
2053300180100	Hanlon Short Plat	2019000195	3	2019
1050500090000	Cedar Short Plat	2018002313	3	2018
2053220050000	Eugenia Ritchey Short Plat	2018001124	3	2018
2053120020000	Arrow Head Trails Short Plat	2016001055	2	2016
2053420040000	Stone Land Short Plat	2013000962	3	2013
2053300180000	Nolan Short Plat	2011179679	2	2011
2052600200000	Williams Short Plat	2008168966	1	2008
2053130020000	River Heights Estates	2007168462	3	2007
2053300250000	Doloris Rand Short Plat	2007165260	1	2007

Total New Lots

25

Exhibit 6

Single Family Residences		West End RL2	2019 - 2006
Parcel_ID3	BgType	BgStyle	BgYrBuilt
02053300010700	Mfgd Housing - Multiwide	Doublewide	2019
02053220050100	Single Family Residence	One Story	2019
02053420100000	Single Family Residence	Two Story	2019
02053300180100	Single Family Residence	One Story	2018
02053140030200	Single Family Residence	One Story	2018
01050330020100	Single Family Residence	One Story	2018
02053140020100	Single Family Residence	1 1/2 Story Finished	2017
02053143070000	Single Family Residence	Two Story	2017
02053130020100	Single Family Residence	One Story	2017
01050330060000	Single Family Residence	One Story	2017
01050400140000	Mfgd Housing - Multiwide	Triple Wide	2016
02053120120100	Single Family Residence	One Story	2016
02053120120000	Single Family Residence	Two Story	2016
02053120090600	Single Family Residence	One Story	2016
02053120090500	Single Family Residence	One Story	2016
02053120090400	Single Family Residence	One Story	2016
02053240120000	Single Family Residence	One Story	2016
01050500110100	Single Family Residence	1 1/2 Story Finished	2015
02053420041300	Single Family Residence	1 1/2 Story Finished	2015
02053420041200	Single Family Residence	Two Story	2015
02053140030400	Single Family Residence	One Story	2015
02053420060000	Single Family Residence	One Story	2015
02053420040000	Single Family Residence	One Story	2014
02053420150000	Single Family Residence	1 1/2 Story Finished	2014
02053240040000	Single Family Residence	One Story	2014
01050500060300	Single Family Residence	One Story	2013
02053140040000	Single Family Residence	1 1/2 Story Finished	2013
02053140030100	Single Family Residence	One Story	2013
02053300180600	Single Family Residence	One Story	2013
02053240050000	Single Family Residence	One Story	2013
01050330090300	Single Family Residence	One Story	2013
02053130020000	Single Family Residence	One Story	2012
02053420040400	Single Family Residence	1 1/2 Story Finished	2011
02053140020200	Single Family Residence	Two Story	2011
01050300040200	Single Family Residence	1 1/2 Story Finished	2011
02053300251100	Single Family Residence	One Story	2009
02053220031300	Mfgd Housing - Multiwide	Doublewide	2008
02053230110800	Single Family Residence	1 1/2 Story Finished	2008
02053140020500	Single Family Residence	One Story	2008
02053120090300	Single Family Residence	One Story	2008
02053230030000	Mfgd Housing - Multiwide	Triple Wide	2007
01050500110400	Single Family Residence	1 1/2 Story Finished	2007
01050500110300	Single Family Residence	Two Story	2007
01050500070200	Single Family Residence	1 1/2 Story Finished	2007

02053140020600	Single Family Residence	One Story	2007
02053140020400	Single Family Residence	One Story	2007
02053140020300	Single Family Residence	One Story	2007
02053120030000	Single Family Residence	One Story	2007
02053120020300	Single Family Residence	One Story	2007
02053420050000	Single Family Residence	Two Story	2007
02053242010500	Single Family Residence	Split Level	2007
02053230111200	Single Family Residence	1 1/2 Story Finished	2007
02053230110200	Single Family Residence	One Story	2007
02053130040000	Single Family Residence	Two Story	2007
02053120070000	Single Family Residence	1 1/2 Story Finished	2006
01050610090300	Single Family Residence	Two Story	2006
01050610090100	Single Family Residence	Two Story	2006
02053300250900	Single Family Residence	One Story	2006
02053230130000	Single Family Residence	One Story	2006
02053230111300	Single Family Residence	One Story	2006
02053120120200	Single Family Residence	1 1/2 Story Finished	2006
02053120090300	Single Family Residence	1 1/2 Story Finished	2006
02053120020100	Single Family Residence	Two Story	2006
02053300170100	Single Family Residence	1 1/2 Story Finished	2006
02053240060100	Single Family Residence	One Story	2006
02053240010100	Single Family Residence	One Story	2006
01050640070700	Single Family Residence	Two Story	2006
01050640010500	Single Family Residence	One Story	2006

Year Built	New Residences
2019	3
2018	3
2017	4
2016	7
2015	5
2014	3
2013	6
2012	1
2011	3
2010	0
2009	1
2008	4
2007	14
2006	14

## Skamania County Average Sale Prices 01/01-07/15 2012

### STICK BUILT HOMES

<u>YEAR</u>	<u># OF SALES</u>	<u>AVG PRICE</u>
2003	116	\$181,100
2004	166	\$215,800
2005	179	\$243,000
2006	139	\$326,800
2007	117	\$318,600
2008	67 (3 foreclosures)	\$323,900
2009	69 (28 foreclosures)	\$259,300
2010	90 (28 foreclosures)	\$253,600
2011	63 (7 foreclosures)	\$284,900
2012	43 (7 foreclosures)	\$261,800

### MANUFACTURED HOMES

2003	28	\$120,300
2004	35	\$119,700
2005	60	\$154,100
2006	40	\$217,400
2007	39	\$209,700
2008	20	\$207,600
2009	15	\$180,100
2010	21	\$147,600
2011	13	\$111,600
2012	7	\$151,300

### BARE LAND

2003	121	\$77,600
2004	198	\$79,100
2005	214	\$109,300
2006	190	\$145,900
2007	106	\$153,000
2008	42	\$176,700
2009	33	\$144,100
2010	47	\$144,800
2011	34	\$152,300
2012	19	\$100,500

### Skamania County: Population, 1969-2018



Exhibit 6

Year	Population	Index <sup>1</sup>	Percent Change	Percent of Statewide Total
1969	5,609	100.0	N	0.17
1970	5,834	104.0	4.01	0.17
1971	5,891	105.0	0.98	0.17
1972	6,228	111.0	5.72	0.18
1973	6,232	111.1	0.06	0.18
1974	6,495	115.8	4.22	0.18
1975	6,387	113.9	-1.66	0.18
1976	6,456	115.1	1.08	0.17
1977	6,711	119.6	3.95	0.18
1978	6,766	120.6	0.82	0.17
1979	7,496	133.6	10.79	0.19
1980	7,895	140.8	5.32	0.19
1981	7,785	138.8	-1.39	0.18
1982	7,581	135.2	-2.62	0.18
1983	7,647	136.3	0.87	0.18
1984	7,679	136.9	0.42	0.18
1985	7,663	136.6	-0.21	0.17
1986	7,724	137.7	0.80	0.17
1987	7,791	138.9	0.87	0.17
1988	7,864	140.2	0.94	0.17
1989	8,147	145.2	3.60	0.17
1990	8,326	148.4	2.20	0.17
1991	8,492	151.4	1.99	0.17
1992	8,529	152.1	0.44	0.17
1993	8,723	155.5	2.27	0.17
1994	8,880	158.3	1.80	0.17
1995	9,010	160.6	1.46	0.16
1996	9,208	164.2	2.20	0.17
1997	9,573	170.7	3.96	0.17
1998	9,691	172.8	1.23	0.17
1999	9,774	174.3	0.86	0.17
2000	9,895	176.4	1.24	0.17
2001	9,833	175.3	-0.63	0.16
2002	9,886	176.3	0.54	0.16
2003	10,046	179.1	1.62	0.16
2004	10,236	182.5	1.89	0.17
2005	10,303	183.7	0.65	0.16
2006	10,583	188.7	2.72	0.17
2007	10,786	192.3	1.92	0.17
2008	10,918	194.7	1.22	0.17
2009	10,955	195.3	0.34	0.16
2010	11,115	198.2	1.46	0.16
2011	11,153	198.8	0.34	0.16
2012	11,200	199.7	0.42	0.16
2013	11,308	201.6	0.96	0.16
2014	11,377	202.8	0.61	0.16
2015	11,378	202.9	0.01	0.16
2016	11,585	206.5	1.82	0.16
2017	11,837	211.0	2.18	0.16
2018	11,924	212.6	0.73	0.16

<sup>1</sup> 1969 = 100

**N** Data not available for this year or not meaningful.

**Source:** Calculations by the Washington Regional Economic Analysis Project (WA-REAP) with data provided by the U.S. Department of Commerce, Bureau of Economic Analysis

November 2019

REAP\_PL\_CA1400\_100\_PSN

# LISTINGS AVAILABLE FOR SALE

State of Washington and Counties

End of Second Quarters

County	Q2 2012	Q2 2013	Q2 2014	Q2 2015	Q2 2016	Q2 2017	Q2 2018	% Change
Adams	NA	87	56	46	41	46	38	-17.4
Asotin	435	336	355	341	307	244	240	-1.6
Benton	1,854	1,804	1,584	1,267	1,019	886	753	-15
Chelan	541	482	403	259	348	215	215	0
Clallam	640	628	427	298	320	300	201	-33
Clark	2,580	2,344	1,206	1,418	1,144	1,005	1,226	22
Columbia	547	25	494	416	450	358	317	-11.5
Cowlitz	588	454	534	404	271	224	225	0.4
Douglas	201	161	146	120	106	78	115	47.4
Ferry	75	75	89	67	66	56	51	-8.9
Franklin	1,854	1,804	1,584	1,267	1,019	886	753	-15
Garfield	435	336	355	341	307	244	240	-1.6
Grant	584	582	524	487	410	332	265	-20.2
GraysHarbor	827	774	802	605	525	418	386	-7.7
Island	924	857	780	585	482	439	333	-24.1
Jefferson	531	477	427	360	273	272	189	-30.5
King	4,997	4,209	4,707	3,399	3,140	2,583	3,703	43.4
Kitsap	1,503	1,388	1,416	46	750	712	563	-20.9
Kittitas	525	459	505	438	297	227	225	-0.9
Klickitat	242	249	46	185	160	113	108	-4.4
Lewis	722	723	670	633	403	338	263	-22.2
Lincoln	NA	51	42	45	31	44	43	-2.3
Mason	820	801	780	606	468	355	284	-20
Okanogan	437	469	531	465	430	360	319	-11.4
Pacific	441	435	434	319	292	238	238	0
Pend	551	558	545	467	429	348	260	-25.3
Pierce	3,481	2,976	3,775	2,905	2,285	2,171	2,015	-7.2
SanJuan	468	432	452	398	342	260	247	-5
Skagit	903	792	808	593	503	422	410	-2.8
Skamania	101	107	17	66	44	38	56	47.4
Snohomish	1,985	1,747	2,438	1,913	1,474	1,316	1,513	15
Spokane	NA	3,098	3,290	2,768	2,304	2,131	1,646	-22.8
Stevens	551	558	545	467	429	348	260	-25.3
Thurston	1,329	1,158	1,393	1,088	969	745	646	-13.3
Wahkiakum	NA	NA	NA	44	NA	35	28	-20
WallaWalla	547	543	494	467	450	358	317	-11.5
Whatcom	1,358	1,306	1,430	1,049	845	712	602	-15.4
Whitman	216	200	183	98	147	122	101	-17.2
Yakima	874	896	873	885	694	555	566	2
<b>Statewide</b>	<b>31,827</b>	<b>31,683</b>	<b>32,656</b>	<b>25,550</b>	<b>22,219</b>	<b>19,056</b>	<b>18,707</b>	<b>-1.8</b>

WCRER Estimates

# EXISTING HOME SALES

Exhibit 6

State of Washington and Counties  
Annual, 2011-2017

County	2011	2012	2013	2014	2015	2016	2017	% Change by year
Adams	170	120	90	100	90	120	140	33.3
Asotin	190	190	220	240	320	280	240	-12.5
Benton	2,500	2,560	2,940	3,050	4,030	4,300	3,960	6.7
Chelan	570	730	810	550	740	1,040	980	40.5
Clallam	710	710	950	810	630	1,040	1,040	65.1
Clark	5,100	5,420	6,560	6,410	7,220	8,160	7,410	13.0
Columbia	70	70	110	90	190	80	120	-57.9
Cowlitz	810	790	1,060	1,050	1,240	1,350	1,530	8.9
Douglas	320	340	460	380	430	570	570	32.6
Ferry	0	40	50	50	60	70	100	16.7
Franklin	840	860	990	1,020	1,350	1,440	1,330	6.7
Garfield	40	40	40	50	60	50	50	-16.7
Grant	700	590	980	830	870	890	980	2.3
Grays Harbor	1,260	950	1,130	1,310	1,360	1,690	1,880	24.3
Island	990	1,110	1,870	1,570	1,750	1,920	2,110	9.7
Jefferson	320	410	510	560	650	680	690	4.6
King	19,770	21,920	25,650	25,180	26,370	28,350	28,020	7.5
Kitsap	2,620	2,940	3,650	3,920	3,780	4,720	5,110	24.9
Kittitas	590	880	840	880	1,090	1,170	1,260	7.3
Klickitat	180	190	230	240	270	260	330	-3.7
Lewis	660	870	1,110	910	1,000	1,120	1,320	12.0
Lincoln	220	120	60	210	80	80	160	0.0
Mason	640	700	830	1,030	1,030	1,170	1,420	13.6
Okanogan	200	280	330	340	390	420	450	7.7
Pacific	260	280	360	400	480	530	520	10.4
Pend Oreille	180	190	270	210	240	250	280	4.2
Pierce	9,250	8,980	11,230	11,450	12,650	14,570	16,000	15.2
San Juan	140	230	310	310	290	330	360	13.8
Skagit	1,520	1,350	1,760	1,840	1,990	2,390	2,350	20.1
Skamania	120	160	210	210	220	280	270	27.3
Snohomish	7,900	8,480	9,430	9,240	10,030	11,390	11,240	13.6
Spokane	4,470	3,330	6,190	7,600	7,040	8,440	9,420	19.9
Stevens	520	570	790	630	710	720	830	1.4
Thurston	4,320	2,910	6,270	3,620	3,950	4,860	5,560	23.0
Wahkiakum	40	80	50	140	120	120	80	0.0
Walla Walla	510	560	660	710	820	900	890	9.8
Whatcom	2,530	2,190	3,360	2,690	3,040	3,230	3,320	6.2
Whitman	260	300	400	330	460	450	400	-2.2
Yakima	1,240	1,310	1,520	1,670	1,850	1,930	1,860	4.3
<b>Statewide</b>	<b>72,730</b>	<b>73,750</b>	<b>94,280</b>	<b>91,830</b>	<b>98,890</b>	<b>111,360</b>	<b>114,580</b>	<b>12.6</b>

Number of single-family units sold, excluding new construction.



## Skamania County Community Development Department

Building/Fire Marshal ♦ Environmental Health ♦ Planning

Skamania County Courthouse Annex

Post Office Box 1009

Stevenson, Washington 98648

Phone: 509-427-3900 Inspection Line: 509-427-3922

### MEMO

**Date:** February 20, 2020

**To:** Skamania County Pioneer  
scpioneerleagls@gorge.net

**From:** Planning Division

**RE:** Comprehensive Plan Map Amendments and Petition for Zoning Map Amendments for 2020

---

Per Skamania County Code 21.18.050 Frequency of petitions for zoning map amendments: The hearing examiner will review the list of zoning map amendment applications received at the first meeting in February and set the schedule of hearings. (Ord. 2007-2 (part); Ord. 2005-02 (part)).

The Community Development Department received one complete application packet in 2017 for Comprehensive Plan Map Amendments and Petition for a Zoning Map Amendments to be heard in 2018. The application packet involves three separate tax parcels under separate ownership. The Hearing Examiner will conduct a public hearing on the proposed map amendments at the following dates and time.

**West County (District 1) – Hearing Date: Monday, June 15, 2020 5:30 PM**

CMP-19-01 and REZ-19-01, Dean and Megan Busschau, Tax Parcels 02-05-25-0-0-0901-00; a portion of parcel 02-05-25-0-0-0900-00. Request for a change to the West End Subarea Comprehensive Plan Map; Change map designation from West End Forest Lands 20 (WE-FL20) to West End Rural Lands 2 (WE-RL2) and a Request to Rezone from West End Forest Lands 20 (WE-FL20) to West End Rural Lands 2 (WE-RL2) in the West End Subarea.



## Skamania County Community Development Department

Building/Fire Marshal ♦ Environmental Health ♦ Planning

Skamania County Courthouse Annex

Post Office Box 1009

Stevenson, Washington 98648

Phone: 509-427-3900 Inspection Line: 509-427-3922

### MEMO

**Date:** February 25, 2020

**To:** Skamania County Pioneer  
scpioneerleagls@gorge.net

**From:** Planning Division

**RE:** Correction to Comprehensive Plan Map Amendments and Petition for Zoning Map Amendments for 2020

---

Per Skamania County Code 21.18.050 Frequency of petitions for zoning map amendments: The hearing examiner will review the list of zoning map amendment applications received at the first meeting in February and set the schedule of hearings. (Ord. 2007-2 (part): Ord. 2005-02 (part)).

The Community Development Department received one complete application packet in 2019 for Comprehensive Plan Map Amendments and Petition for a Zoning Map Amendments to be heard in 2020. The application packet involves one tax parcel under a single ownership. The Hearing Examiner will conduct a public hearing on the proposed map amendments at the following dates and time.

**West County (District 1) – Hearing Date: Monday, June 15, 2020 5:30 PM**

CMP-19-01 and REZ-19-01, Dean and Megan Busschau, Tax Parcels 02-05-25-0-0-0901-00; a portion of parcel 02-05-25-0-0-0900-00. Request for a change to the West End Subarea Comprehensive Plan Map; Change map designation from West End Forest Lands 20 (WE-FL20) to West End Rural Lands 2 (WE-RL2) and a Request to Rezone from West End Forest Lands 20 (WE-FL20) to West End Rural Lands 2 (WE-RL2) in the West End Subarea.

# Exhibit 8

## West End Short Plats Rural Lands 2

Parcel Number	Plat Name	Auditor File Number	Web Link	Zoning	#Lots
2053300250000	Doloris Rand Short Pla	2007165260	<a href="https://auditor.co.skamania.wa.us/DigitalResearchRoom/Image/DocumentImage?year=2007&amp;itemId=165260">https://auditor.co.skamania.wa.us/DigitalResearchRoom/Image/DocumentImage?year=2007&amp;itemId=165260</a>	West End Rural Lands 2	2
2053130020000	River Heights Estates	2007168462	<a href="https://auditor.co.skamania.wa.us/DigitalResearchRoom/Image/DocumentImage?year=2007&amp;itemId=168462">https://auditor.co.skamania.wa.us/DigitalResearchRoom/Image/DocumentImage?year=2007&amp;itemId=168462</a>	West End Rural Lands 2	4
2052600200000	Williams Short Plat	2008168966	<a href="https://auditor.co.skamania.wa.us/DigitalResearchRoom/Image/DocumentImage?year=2008&amp;itemId=168966">https://auditor.co.skamania.wa.us/DigitalResearchRoom/Image/DocumentImage?year=2008&amp;itemId=168966</a>	West End Rural Lands 2	2
2053300180000	Nolan Short Plat	2011179679	<a href="https://auditor.co.skamania.wa.us/DigitalResearchRoom/Image/DocumentImage?year=2011&amp;itemId=179679">https://auditor.co.skamania.wa.us/DigitalResearchRoom/Image/DocumentImage?year=2011&amp;itemId=179679</a>	West End Rural Lands 2	3
2053420040000	Stone Land Short Plat	2013000962	<a href="https://auditor.co.skamania.wa.us/DigitalResearchRoom/Image/DocumentImage?year=2013&amp;itemId=962">https://auditor.co.skamania.wa.us/DigitalResearchRoom/Image/DocumentImage?year=2013&amp;itemId=962</a>	West End Rural Lands 2	4
2053120020000	Arrow Head Trails Sho	2016001055	<a href="https://auditor.co.skamania.wa.us/DigitalResearchRoom/Image/DocumentImage?year=2016&amp;itemId=1055">https://auditor.co.skamania.wa.us/DigitalResearchRoom/Image/DocumentImage?year=2016&amp;itemId=1055</a>	West End Rural Lands 2	3
2053220050000	Eugenia Ritchey Short	2018001124	<a href="https://auditor.co.skamania.wa.us/DigitalResearchRoom/Image/DocumentImage?year=2018&amp;itemId=1124">https://auditor.co.skamania.wa.us/DigitalResearchRoom/Image/DocumentImage?year=2018&amp;itemId=1124</a>	West End Rural Lands 2	4
1050500090000	Cedar Short Plat	2018002313	<a href="https://auditor.co.skamania.wa.us/DigitalResearchRoom/Image/DocumentImage?year=2018&amp;itemId=2313">https://auditor.co.skamania.wa.us/DigitalResearchRoom/Image/DocumentImage?year=2018&amp;itemId=2313</a>	West End Rural Lands 2	4
2053300180100	Hanlon Short Plat	2019000195	<a href="https://auditor.co.skamania.wa.us/DigitalResearchRoom/Image/DocumentImage?year=2019&amp;itemId=195">https://auditor.co.skamania.wa.us/DigitalResearchRoom/Image/DocumentImage?year=2019&amp;itemId=195</a>	Split Zone West End Rural Lands 2/ West End Forest Lands 20	4
2053120070000	Rocky River Short Plat	2019000572	<a href="https://auditor.co.skamania.wa.us/DigitalResearchRoom/Image/DocumentImage?year=2019&amp;itemId=572">https://auditor.co.skamania.wa.us/DigitalResearchRoom/Image/DocumentImage?year=2019&amp;itemId=572</a>	West End Rural Lands 2	4
2053300250000	Adam Rand Short Plat	2019000692	<a href="https://auditor.co.skamania.wa.us/DigitalResearchRoom/Image/DocumentImage?year=2019&amp;itemId=692">https://auditor.co.skamania.wa.us/DigitalResearchRoom/Image/DocumentImage?year=2019&amp;itemId=692</a>	West End Rural Lands 2	2
<b>Total</b>					<b>36</b>

# COMPREHENSIVE PLAN CHANGE APPLICATION NARRATIVE For Kellett Rd. Rezone

## Description of the Requested Amendment

This application seeks approval for a Comprehensive Plan Map Amendment to change the land use designation for parcel #02052500090000, 104 acres, from West End Forest Lands 20 to Rural Land 2:

## Why the Amendment is being proposed and Parts of the Comprehensive Plan that need (to be) changed

The amendment is being proposed to allow for appropriate low density development of residential structures on 6-acre lots. The subject parcel was designated West End Forest Lands 20 (WE-FL20) as part of the County's adoption of the West End Community Subarea Plan in 2007.

The purpose of the FL20 designation is to provide land for present and future non-industrial forestry operations and to provide buffers between Commercial Resource Lands and Rural Lands designations. The nearest Commercial Resource Lands are approximately 2450' to the south with 1500' of Open Space designation within that distance. There are no Commercial Resource Lands in the immediate vicinity; therefore this property is not intended to act as a buffer.

The property has been recently re-forested with Doug fir planted on an 8' grid. The trees are healthy and an average of about 8' tall. The intent of this proposal is to create seventeen, 6 acre, lots with each lot withdrawing 1 acre (17 acres total) from Current Use Designated Forest Land for residential purposes and retaining the balance, 87 acres, in timber management.

The properties to the west are zoned Rural Lands 2, the rest of the adjacent properties are zoned Forest Land 20, however, the northeastern adjacent properties served by Kellett Rd are between 5 and 12 acre parcels with existing residential development. Changing the designation to RL-2 with 6 acre lots would not impact the surrounding properties by eliminating an intended purpose of the original land use designation.

The parts of the Comprehensive Plan that need to be changed and/or revised include:

- Figure 3-1 Comprehensive Subarea Plan Map, Page 36, 2007 West End Subarea Plan
- Figure 3-2 Comprehensive Subarea Plan Map, Page 37, 2007 West End Subarea Plan
- Table 3.1 Page 33
- Table 3.2 Page 33

## Draft Text Amendment Language

The applicant will work with County Staff to identify the updates needed in the buildout potential that would result from the requested Comprehensive Plan Amendment. No specific text amendments are proposed as part of this application.

## Criteria for Approval

The Comprehensive Plan Change must meet the following criteria:

**1. “A text and/or map amendment is necessary to resolve inconsistencies within the County Comprehensive Plan with which the county has no objection.”**

As part of the overall proposal, the applications propose to change the zoning designation from WE-FL20 to RL-2. There is an inconsistency in the West End Sub Area Plan in the assumption that growth would continue at the rate that it had been in the years prior to the adoption of the plan in 2007. Countywide, there were around 200 bare land sales per year for the three years preceding the plan. Bare land sales fell by 44% after adoption of the plan, in 2007 to 106 sales and the another 60% in 2008 to 42 sales. By 2012 it was down to 19 bare land sales for the entire county. The West End RL2 zone has only had 4 bare land sales per year for the past three years. The framers of the plan have failed to factor in the lack of willingness of landowners to divide their property to allow for creation of more lots. It appears that current Skamania County residents still value the privacy that is hard to enjoy with 2 acre lots and they are reluctant to divide them. Rezoning this property would allow the creation of 17, 6 acre, parcels zoned RL-2 that would allow for additional development within the zoning designation while maintaining the rural character and allowable density. This proposal would only increase the total potential lots in RL2 by 2% while greatly increasing the bare land market inventory for future growth.

The West End Sub Area Plan states

**“Rural Residential areas should generally be developed at low levels of intensity (5 acre and 10 acre lots) so that demands will not be created for high levels of public services and facilities. County requirements for housing in rural areas should encourage residential development that is compatible with farming, open space, outdoor recreation, protection of significant cultural resources, rural service levels, and generally with the rural character. Existing areas of more intense rural residential development (2 acre lots) should be acknowledged and maintained, but should not be expanded.”**

The planning department has interpreted this as allowing any existing parcels in the RL2 zone to be divided down to 2 acre parcels but not allow acreage rezoned into the RL2 zone to be divided to less than 5 acre parcels. As the bare land inventory decreases, increasing scarcity will drive the value of parcels in the West End high enough to eventually motivate current property owners to divide to 2 acre parcels. This proposal would offer inventory to the West End that fits the low levels of intensity desired by the plan while reducing scarcity.

The rezoning and Comprehensive Plan change will better implement the framers' vision of controlled growth while still maintaining a rural setting.

**2. “Conditions have significantly changed since the adoption of the Comprehensive Plan or Official Controls to the extent that the existing adopted plan provision or map designation is inappropriate. Examples of significantly changed conditions include, but are not limited to:**

**(a) sixty percent (60%) infill of existing lots within the entire mapping designation being proposed for change; or**

**(b) new technology and uses not originally considered in the text have been developed.”**

(Note: The West End Community Comprehensive Subarea Plan and concurrent zoning were adopted on February 27, 2007. It must be proved that a substantial change in circumstances has occurred since February of 2007. 2(a) was redefined in 2018 to be more restrictive Chapter 21.08 of the Skamania County Code defines a special change in circumstance as **“Substantial change in circumstances” means a significant change in**

*conditions affecting the planning area as a whole or a substantial portion thereof. Examples include, but are not limited to, substantial development affecting the rural character of a community, sixty percent of full buildout has been achieved within the proposed zoning designation. “Full buildout” means the total number of existing and potential future lots based on the minimum parcel size within the zoning designation. Percent of full buildout is equal to (number of existing developed lots) divided by (total number of existing and potential lots based on acreage within the land use designation) times one hundred, or legal circumstances sufficient to defeat the purposes of a policy established in the comprehensive plan or subarea plan. However, the creation of the National Scenic Area and any zone changes or existing zone districts within adjacent counties will not be considered to be a substantial change in circumstance. ...”*

The people that petitioned for this change claimed that the original framers of the plan that wrote “ **(a) sixty percent (60%) infill of existing lots within the entire mapping designation being proposed for change;**” actually meant to write **(a) sixty percent (60%) infill of existing lots and potential lots within the entire mapping designation being proposed for change;**” The framers definitely knew the difference between existing lots and potential lots which is shown by the calculations and text present in the plan. There was no proof offered to the contrary. The Planning Staff Report recommended not to make the change.)

This proposal meets the original intent of the plan with 76% of existing lots in the West End RL2 zone being developed .

**West End Sub Area Plan RL2 Capacity Projections:**

Based on the West End Subarea Plan, when it was adopted in 2007, there were a total of 706 potential lots, including 329 existing parcels, in the West End RL-2 zone. It appears that the total potential lots were calculated by taking the total amount of acreage in the subarea and dividing by two acres and adding in existing lots that were less than 2 acres. This resulted in 706 potential lots. Of those potential lots, 204 were developed and 502 potential lots were available for development.

2007 Existing Lots	329	100%
2007 Developed Lots	204	62%
2007 Bare Lots	125	38%
2007 Potential Lots	706	100%
2007 Developed Lots	204	29%
2007 Potential Bare Lots	502	71% (125 existing, 377 require land divisions)

Note: According to County Data , Land Divisions West End 2007 to 2020.xlsx, there have been 25 RL2 lots added through Short Plats since 2007 which would make a total of 354 existing parcels. There are currently 410 parcels in the RL2 zoning area which is a discrepancy of 56 extra parcels.

**West End RL2 Acreage Analysis:**

Based on Skamania County Assessor Data, There are currently 410 parcels, totaling 1599 GIS acres, included in the West End RL-2 zone. 15 of these parcels are owned by churches (5), schools (4), cemeteries (2), county(2) and state (2) and should be excluded from parcels for residential development.

The remainder 395 parcels have been analyzed for development and potential division. Assessor's data and building permit data shows that there are 302 developed lots in the RL-2 zone. There are 93 existing lots in the zone that are undeveloped.

All of the 395 existing parcels in the zone were analyzed for maximum division. The RL-2 zone allows for a minimum lot size of 2 acres.

Existing Residential Lots	395	100%
Developed Lots	302	76%
Bare Lots	93	24%

Potential Residential Lots	794	100%
Developed Lots	302	38%
Bare Potential Lots	492	62% (93 existing , 399 require land divisions)

Reference: Acreage Breakdown RL2 Potential Lots.pdf compiled from County Data **Population Growth:**

**Average Annual Percent Change**

Years	Skamania	Washington
2010-2018	0.95	1.37
2018	0.73	1.48

Reference: <https://washington.reaproject.org/analysis/comparative-trends-analysis/population/tools/530000/530059/>

According to the West End Sub Area Plan, the five years prior to the adoption of the plan in 2007 had a growth increase of 3.9% per year while the Washington State Office of Financial Management (OFM) was predicting a growth rate of 1.25% . The actual growth is substantially less than the assumptions.

**Bare Land Sales West End RL2 2013 - 2019:**

Year Sold	Total Parcels
2013	5
2014	7
2015	6
2016	6
2017	4
2018	4
2019	4

Reference: Bare Land Sales West End RL2 2013-2019.pdf

**Bare Land Sales Skamania County 2003-2012:**

Year	Sales
2003	121
2004	198
2005	214
2006	190
2007	106
2008	42
2009	33
2010	47
2011	34
2012	19

Reference: Skamania County Average Sale Prices 2003-2012.pdf - County web site

**Current Bare Land Listings West End RL2 Zone 2/6/2020:**

02053300251200 2821 Salmon Falls Rd 7.7 acres Short Plat 2019  
 02053300250300 331 Silver Star Lane 13.82 acres Short Plat 2019  
 02053300011100 302 Carlton Rd 4.23 acres  
 02053140030500 LOT 5 OF THE SKYE S/D #2006161314 2.24 acres  
 02053120071500 Baars Hollow Lot 2 2.04 acres Short Plat 2019  
 02053120072000 Baars Hollow Lot 1 2.04 acres Short Plat 2019

References: Realtor.com and Zillow.com - Land Divisions West End 2007 to 2020.xlsx

The bare land sales show a substantial change in circumstances where, countywide, there was an average of 200 bare land sales per year in the three years prior to the adoption of the West End Sub Area Plan dropping 90% by 2012. This appears to be from a diminishing inventory of bare parcels that current landowners are willing to part with or divide existing parcels. While there are 492 potential lots in the RL2 zoning area only 6 of those are currently offered for sale. Of those 6 lots, 4 were short platted in 2019.

**Stick Built Home Sales Skamania County:**

Year	Sales
2003	116
2004	166
2005	179
2006	139
2007	117
2008	67
2009	69
2010	90
2011	63
2012	43

Reference: Skamania County Average Sale Prices 2003-2012.pdf - County web site

There was a substantial change, countywide, in the number of stick built home sales dropping 63% from 2007 to 2012.

There are currently only 2 homes for sale in the RL2 zone. One of them has a pending sale.

01050500110000 31 Dharma Way 3.15 acres \$549k 37 days (pending) RL2  
 02053332050000 11472 Washougal River Rd 8276s/f \$325k 26 days RL2

References: Realtor.com and Zillow.com

**Single Family Residence Construction West End RL2 2006 – 2019:**

Year Built	New Residences
2006	14
2007	14
2008	4
2009	1
2010	0
2011	3

2012	1
2013	6
2014	3
2015	5
2016	7
2017	4
2018	3
2019	3

Reference: Single Family Residence Construction in RL2 2019-2006 .pdf - compiled from County Data

There has substantial change in the number of new construction of residences in the RL2 zoning area, dropping 78% from 2007 to 2019.

### **Technology:**

Since 2007 there has been a significant increase in internet connectivity and speed that has increased to the point where it is now feasible for many to work from home eliminating a commute and making rural living a possibility for more people.

### **3. “The proposed text and/or map amendment is consistent with the overall intent of the goals, maps, and land use element of the Comprehensive Plan.”**

See the attached Kellett Comp Plan Compliance Narrative, as part of the Comprehensive Plan Amendment Application, that demonstrates how the proposal is consistent with the land Use Element Goals and Policies of the West End Subarea Plan.

### **4. “The proposed text and/or map amendment is consistent with RCW 36.70, those sections of RCW 36.70A to which Skamania County is required to plan under, and Comprehensive Plan policies.”**

The proposed map amendment is consistent with the West End Community Subarea Plan and Comprehensive Plan goals and policies.

See the attached Kellett Comp Plan Compliance Narrative.

### **5. “Additionally, for an amendment to the Comprehensive Plan or any Subarea Plan Map, the proposed designation must be contiguous along a shared boundary to the requested comprehensive plan or Subarea plan designation by at least 100 feet or 25% of the width of the property proposed to change, whichever is greater.”**

One hundred percent, 553', of the shared west boundary is contiguous to a RL-2 zoning designation.

### **6. “Environmental impacts have been disclosed and measures imposed to avoid or, if not possible to avoid, then mitigate said impacts.”**

To the best of our knowledge, there are no environmental impacts associated with the Comprehensive Plan Amendment and Rezone Applications. Full disclosure of known environmental elements in the area is included in the SEPA Checklist prepared for this

project. Future impacts, if any, that are identified as part of future development applications will be avoided or mitigated as required.

**7. “The applicant should examine potential ramifications of the proposed text and/or map amendment to other Comprehensive Plan Elements and official controls and show how the potential ramifications have been considered and addressed.”**

The applicant could not find any potential ramifications of the proposed map amendment to other Comprehensive Plan elements or official controls.

# EXISTING HOME SALES

State of Washington and Counties  
Annual, 2011-2017

County	2011	2012	2013	2014	2015	2016	2017	% Change by year
Adams	170	120	90	100	90	120	140	33.3
Asotin	190	190	220	240	320	280	240	-12.5
Benton	2,500	2,560	2,940	3,050	4,030	4,300	3,960	6.7
Chelan	570	730	810	550	740	1,040	980	40.5
Clallam	710	710	950	810	630	1,040	1,040	65.1
Clark	5,100	5,420	6,560	6,410	7,220	8,160	7,410	13.0
Columbia	70	70	110	90	190	80	120	-57.9
Cowlitz	810	790	1,060	1,050	1,240	1,350	1,530	8.9
Douglas	320	340	460	380	430	570	570	32.6
Ferry	0	40	50	50	60	70	100	16.7
Franklin	840	860	990	1,020	1,350	1,440	1,330	6.7
Garfield	40	40	40	50	60	50	50	-16.7
Grant	700	590	980	830	870	890	980	2.3
Grays Harbor	1,260	950	1,130	1,310	1,360	1,690	1,880	24.3
Island	990	1,110	1,870	1,570	1,750	1,920	2,110	9.7
Jefferson	320	410	510	560	650	680	690	4.6
King	19,770	21,920	25,650	25,180	26,370	28,350	28,020	7.5
Kitsap	2,620	2,940	3,650	3,920	3,780	4,720	5,110	24.9
Kittitas	590	880	840	880	1,090	1,170	1,260	7.3
Klickitat	180	190	230	240	270	260	330	-3.7
Lewis	660	870	1,110	910	1,000	1,120	1,320	12.0
Lincoln	220	120	60	210	80	80	160	0.0
Mason	640	700	830	1,030	1,030	1,170	1,420	13.6
Okanogan	200	280	330	340	390	420	450	7.7
Pacific	260	280	360	400	480	530	520	10.4
Pend Oreille	180	190	270	210	240	250	280	4.2
Pierce	9,250	8,980	11,230	11,450	12,650	14,570	16,000	15.2
San Juan	140	230	310	310	290	330	360	13.8
Skagit	1,520	1,350	1,760	1,840	1,990	2,390	2,350	20.1
Skamania	120	160	210	210	220	280	270	27.3
Snohomish	7,900	8,480	9,430	9,240	10,030	11,390	11,240	13.6
Spokane	4,470	3,330	6,190	7,600	7,040	8,440	9,420	19.9
Stevens	520	570	790	630	710	720	830	1.4
Thurston	4,320	2,910	6,270	3,620	3,950	4,860	5,560	23.0
Wahkiakum	40	80	50	140	120	120	80	0.0
Walla Walla	510	560	660	710	820	900	890	9.8
Whatcom	2,530	2,190	3,360	2,690	3,040	3,230	3,320	6.2
Whitman	260	300	400	330	460	450	400	-2.2
Yakima	1,240	1,310	1,520	1,670	1,850	1,930	1,860	4.3
<b>Statewide</b>	<b>72,730</b>	<b>73,750</b>	<b>94,280</b>	<b>91,830</b>	<b>98,890</b>	<b>111,360</b>	<b>114,580</b>	<b>12.6</b>

Number of single-family units sold, excluding new construction.

# LISTINGS AVAILABLE FOR SALE

Exhibit 9

## State of Washington and Counties End of Second Quarters

County	Q2 2012	Q2 2013	Q2 2014	Q2 2015	Q2 2016	Q2 2017	Q2 2018	% Change
Adams	NA	87	56	46	41	46	38	-17.4
Asotin	435	336	355	341	307	244	240	-1.6
Benton	1,854	1,804	1,584	1,267	1,019	886	753	-15
Chelan	541	482	403	259	348	215	215	0
Clallam	640	628	427	298	320	300	201	-33
Clark	2,580	2,344	1,206	1,418	1,144	1,005	1,226	22
Columbia	547	25	494	416	450	358	317	-11.5
Cowlitz	588	454	534	404	271	224	225	0.4
Douglas	201	161	146	120	106	78	115	47.4
Ferry	75	75	89	67	66	56	51	-8.9
Franklin	1,854	1,804	1,584	1,267	1,019	886	753	-15
Garfield	435	336	355	341	307	244	240	-1.6
Grant	584	582	524	487	410	332	265	-20.2
GraysHarbor	827	774	802	605	525	418	386	-7.7
Island	924	857	780	585	482	439	333	-24.1
Jefferson	531	477	427	360	273	272	189	-30.5
King	4,997	4,209	4,707	3,399	3,140	2,583	3,703	43.4
Kitsap	1,503	1,388	1,416	46	750	712	563	-20.9
Kittitas	525	459	505	438	297	227	225	-0.9
Klickitat	242	249	46	185	160	113	108	-4.4
Lewis	722	723	670	633	403	338	263	-22.2
Lincoln	NA	51	42	45	31	44	43	-2.3
Mason	820	801	780	606	468	355	284	-20
Okanogan	437	469	531	465	430	360	319	-11.4
Pacific	441	435	434	319	292	238	238	0
Pend	551	558	545	467	429	348	260	-25.3
Pierce	3,481	2,976	3,775	2,905	2,285	2,171	2,015	-7.2
SanJuan	468	432	452	398	342	260	247	-5
Skagit	903	792	808	593	503	422	410	-2.8
Skamania	101	107	17	66	44	38	56	47.4
Snohomish	1,985	1,747	2,438	1,913	1,474	1,316	1,513	15
Spokane	NA	3,098	3,290	2,768	2,304	2,131	1,646	-22.8
Stevens	551	558	545	467	429	348	260	-25.3
Thurston	1,329	1,158	1,393	1,088	969	745	646	-13.3
Wahkiakum	NA	NA	NA	44	NA	35	28	-20
WallaWalla	547	543	494	467	450	358	317	-11.5
Whatcom	1,358	1,306	1,430	1,049	845	712	602	-15.4
Whitman	216	200	183	98	147	122	101	-17.2
Yakima	874	896	873	885	694	555	566	2
<b>Statewide</b>	<b>31,827</b>	<b>31,683</b>	<b>32,656</b>	<b>25,550</b>	<b>22,219</b>	<b>19,056</b>	<b>18,707</b>	<b>-1.8</b>

WCRER Estimates

### Skamania County: Population, 1969-2018



Year	Population	Index <sup>1</sup>	Percent Change	Percent of Statewide Total
1969	5,609	100.0	N	0.17
1970	5,834	104.0	4.01	0.17
1971	5,891	105.0	0.98	0.17
1972	6,228	111.0	5.72	0.18
1973	6,232	111.1	0.06	0.18
1974	6,495	115.8	4.22	0.18
1975	6,387	113.9	-1.66	0.18
1976	6,456	115.1	1.08	0.17
1977	6,711	119.6	3.95	0.18
1978	6,766	120.6	0.82	0.17
1979	7,496	133.6	10.79	0.19
1980	7,895	140.8	5.32	0.19
1981	7,785	138.8	-1.39	0.18
1982	7,581	135.2	-2.62	0.18
1983	7,647	136.3	0.87	0.18
1984	7,679	136.9	0.42	0.18
1985	7,663	136.6	-0.21	0.17
1986	7,724	137.7	0.80	0.17
1987	7,791	138.9	0.87	0.17
1988	7,864	140.2	0.94	0.17
1989	8,147	145.2	3.60	0.17
1990	8,326	148.4	2.20	0.17
1991	8,492	151.4	1.99	0.17
1992	8,529	152.1	0.44	0.17
1993	8,723	155.5	2.27	0.17
1994	8,880	158.3	1.80	0.17
1995	9,010	160.6	1.46	0.16
1996	9,208	164.2	2.20	0.17
1997	9,573	170.7	3.96	0.17
1998	9,691	172.8	1.23	0.17
1999	9,774	174.3	0.86	0.17
2000	9,895	176.4	1.24	0.17
2001	9,833	175.3	-0.63	0.16
2002	9,886	176.3	0.54	0.16
2003	10,046	179.1	1.62	0.16
2004	10,236	182.5	1.89	0.17
2005	10,303	183.7	0.65	0.16
2006	10,583	188.7	2.72	0.17
2007	10,786	192.3	1.92	0.17
2008	10,918	194.7	1.22	0.17
2009	10,955	195.3	0.34	0.16
2010	11,115	198.2	1.46	0.16
2011	11,153	198.8	0.34	0.16
2012	11,200	199.7	0.42	0.16
2013	11,308	201.6	0.96	0.16
2014	11,377	202.8	0.61	0.16
2015	11,378	202.9	0.01	0.16
2016	11,585	206.5	1.82	0.16
2017	11,837	211.0	2.18	0.16
2018	11,924	212.6	0.73	0.16

<sup>1</sup> 1969 = 100

**N** Data not available for this year or not meaningful.

**Source:** Calculations by the Washington Regional Economic Analysis Project (WA-REAP) with data provided by the U.S. Department of Commerce, Bureau of Economic Analysis

November 2019

REAP\_PL\_CA1400\_100\_PSN

## Skamania County Average Sale Prices 01/01-07/15 2012

### STICK BUILT HOMES

<u>YEAR</u>	<u># OF SALES</u>	<u>AVG PRICE</u>
2003	116	\$181,100
2004	166	\$215,800
2005	179	\$243,000
2006	139	\$326,800
2007	117	\$318,600
2008	67 (3 foreclosures)	\$323,900
2009	69 (28 foreclosures)	\$259,300
2010	90 (28 foreclosures)	\$253,600
2011	63 (7 foreclosures)	\$284,900
2012	43 (7 foreclosures)	\$261,800

### MANUFACTURED HOMES

2003	28	\$120,300
2004	35	\$119,700
2005	60	\$154,100
2006	40	\$217,400
2007	39	\$209,700
2008	20	\$207,600
2009	15	\$180,100
2010	21	\$147,600
2011	13	\$111,600
2012	7	\$151,300

### BARE LAND

2003	121	\$77,600
2004	198	\$79,100
2005	214	\$109,300
2006	190	\$145,900
2007	106	\$153,000
2008	42	\$176,700
2009	33	\$144,100
2010	47	\$144,800
2011	34	\$152,300
2012	19	\$100,500

Single Family Residences		West End RL2	2019 - 2006
Parcel_ID3	BgType	BgStyle	BgYrBuilt
02053300010700	Mfgd Housing - Multiwide	Doublewide	2019
02053220050100	Single Family Residence	One Story	2019
02053420100000	Single Family Residence	Two Story	2019
02053300180100	Single Family Residence	One Story	2018
02053140030200	Single Family Residence	One Story	2018
01050330020100	Single Family Residence	One Story	2018
02053140020100	Single Family Residence	1 1/2 Story Finished	2017
02053143070000	Single Family Residence	Two Story	2017
02053130020100	Single Family Residence	One Story	2017
01050330060000	Single Family Residence	One Story	2017
01050400140000	Mfgd Housing - Multiwide	Triple Wide	2016
02053120120100	Single Family Residence	One Story	2016
02053120120000	Single Family Residence	Two Story	2016
02053120090600	Single Family Residence	One Story	2016
02053120090500	Single Family Residence	One Story	2016
02053120090400	Single Family Residence	One Story	2016
02053240120000	Single Family Residence	One Story	2016
01050500110100	Single Family Residence	1 1/2 Story Finished	2015
02053420041300	Single Family Residence	1 1/2 Story Finished	2015
02053420041200	Single Family Residence	Two Story	2015
02053140030400	Single Family Residence	One Story	2015
02053420060000	Single Family Residence	One Story	2015
02053420040000	Single Family Residence	One Story	2014
02053420150000	Single Family Residence	1 1/2 Story Finished	2014
02053240040000	Single Family Residence	One Story	2014
01050500060300	Single Family Residence	One Story	2013
02053140040000	Single Family Residence	1 1/2 Story Finished	2013
02053140030100	Single Family Residence	One Story	2013
02053300180600	Single Family Residence	One Story	2013
02053240050000	Single Family Residence	One Story	2013
01050330090300	Single Family Residence	One Story	2013
02053130020000	Single Family Residence	One Story	2012
02053420040400	Single Family Residence	1 1/2 Story Finished	2011
02053140020200	Single Family Residence	Two Story	2011
01050300040200	Single Family Residence	1 1/2 Story Finished	2011
02053300251100	Single Family Residence	One Story	2009
02053220031300	Mfgd Housing - Multiwide	Doublewide	2008
02053230110800	Single Family Residence	1 1/2 Story Finished	2008
02053140020500	Single Family Residence	One Story	2008
02053120090300	Single Family Residence	One Story	2008
02053230030000	Mfgd Housing - Multiwide	Triple Wide	2007
01050500110400	Single Family Residence	1 1/2 Story Finished	2007
01050500110300	Single Family Residence	Two Story	2007
01050500070200	Single Family Residence	1 1/2 Story Finished	2007

Exhibit 9

02053140020600	Single Family Residence	One Story	2007
02053140020400	Single Family Residence	One Story	2007
02053140020300	Single Family Residence	One Story	2007
02053120030000	Single Family Residence	One Story	2007
02053120020300	Single Family Residence	One Story	2007
02053420050000	Single Family Residence	Two Story	2007
02053242010500	Single Family Residence	Split Level	2007
02053230111200	Single Family Residence	1 1/2 Story Finished	2007
02053230110200	Single Family Residence	One Story	2007
02053130040000	Single Family Residence	Two Story	2007
02053120070000	Single Family Residence	1 1/2 Story Finished	2006
01050610090300	Single Family Residence	Two Story	2006
01050610090100	Single Family Residence	Two Story	2006
02053300250900	Single Family Residence	One Story	2006
02053230130000	Single Family Residence	One Story	2006
02053230111300	Single Family Residence	One Story	2006
02053120120200	Single Family Residence	1 1/2 Story Finished	2006
02053120090300	Single Family Residence	1 1/2 Story Finished	2006
02053120020100	Single Family Residence	Two Story	2006
02053300170100	Single Family Residence	1 1/2 Story Finished	2006
02053240060100	Single Family Residence	One Story	2006
02053240010100	Single Family Residence	One Story	2006
01050640070700	Single Family Residence	Two Story	2006
01050640010500	Single Family Residence	One Story	2006

Year Built	New Residences
2019	3
2018	3
2017	4
2016	7
2015	5
2014	3
2013	6
2012	1
2011	3
2010	0
2009	1
2008	4
2007	14
2006	14

## Homes for Sale West End 2/8/2020

01050500110000	31 Dharma Way	3.15 acres	\$549k	37 days (pending)	RL2
02053332050000	11472 Washougal River Rd	8276s/f	\$325k	26 days	RL2
01050400080900	442 White Dog Rd	5.1 acres	\$625k	23 days (pending)	RL5
02053000152000	111 Wright Rd	2.59 acres	\$399k	99 days	RL5
02052930150000	211 Jennifer Lane	2.3 acres	\$735k	154 days	RL10
02051900030700	282 Stevens Rd	5 acres	\$560k	91 days	RL10
02051920011200	3031 Skye Rd	1.72 acres	\$399k	113 days (pending)	RL10
02052000021000	1301 Matthews Rd	3 acres	\$637.5k	121 days (pending)	FA20

References: [Realtor.com](https://www.realtor.com), [Zillow.com](https://www.zillow.com)

## Bare Land Sales West End RL2 2013-2019

PARCEL_ID	DeedAcres	GIS_Acre	Developed	Sold Date
1050610140100	2.5	2.5540284007	0	2019
2053420100000	0.93	1.0619771758	1	2019
2053220050700	2	2.0075326593	0	2019
1050500090600	2.38	2.3634921844	0	2019
2053300010400	2.03	2.0298911002	1	2018
2053300010700	3.56	3.5506519961	1	2018
1050500110200	2.01	2.0058342752	0	2018
2053300180500	2.42	2.336347209	0	2018
2053140080000	0	2.0161694144	1	2017
2053120020600	3.08	3.150188654	0	2017
2053120120300	2.02	2.8267570613	1	2017
1050400140000	2	1.97466063	1	2017
2053240120000	0.85	0.9959382705	0	2016
2053240110000	0.78	1.0639424798	0	2016
1050330060000	1	1.0065484878	1	2016
2053400070100	20	19.8783279919	0	2016
2053120120000	2.91	1.9267013083	1	2016
1050500070200	6.97	6.9749003127	0	2016
2053140020100	2.08	2.0754712363	1	2015
2053120090400	2.02	2.0185724099	1	2015
2053120090600	2.93	2.9292441302	1	2015
2053120050000	5	4.9952161075	1	2015
2053140030400	2.24	2.2435357362	1	2015
2053420041100	4.22	4.2231790979	1	2015
2053140140000	0	0.2980628691	0	2014
2053140130000	0	0.4440177857	0	2014
2053230090100	2.66	2.6310730612	1	2014
2053240040000	0.5	0.8817009126	1	2014
1050800020000	4.08	4.0708541619	0	2014
2053420040000	6.13	6.1324576792	1	2014
1050500110100	2.24	2.2423502579	1	2014
2053420170000	1.04	1.111935777	1	2013
2053420041200	4.76	4.761971466	1	2013
2053420041300	7.55	7.5533994767	1	2013
2053130020200	2.05	2.0497103404	0	2013
2053130020100	3.16	3.162199639	1	2013

## Year Sold

## Total Parcels

2019	4
2018	4
2017	4
2016	6
2015	6
2014	7
2013	5

Total bare parcels sold 2013-2019 36

Bare Land For Sale on the West End 2/6/2020

RL2 6 Parcels

2053300251200 2821 Salmon Falls Rd 7.7 acres	RL2
02053300250300 331 Silver Star Lane 13.82 acres	RL2 / DFL
02053300011100 302 Carlton Rd 4.23 acres	R2
02053140030500 LOT 5 OF THE SKYE S/D #2006161314 2.24 acres	RL2
02053120071500 Baars Hollow Lot 2 2.04 acres	R2
02053120072000 Baars Hollow Lot 1 2.04 acres	R2

RL5 2 Parcels

01050510020100 3232 Canyon Creek Rd Block 1 lot 2 13.26 acres	R5
01050610150300 Wildlife Dr. LOT 4 MAPLE VIEW ACRES 8.4 acres	R5

R10 2 Parcels

02053400040100 Mabee Mines Rd 66 acres.	R10
02052000090000 21 Dobbins Rd 10.25 acres	R10

FL20 CRL 2 Parcels

02052600170400 Cedar Falls Rd 10.01 acres	Conservancy
W 2000 Rd 79.91 acres	FL20/CRL

References: Realter.com, Zillow.com

# Exhibit 9

Acreage Breakdown RL2 Potential Lots							
PARCEL_ID	Developed	GIS Total/2	< 2 acres	Potential	Reduce	Exclude	Reason
2053130030000	0	41	0	41			
2053140010000	0	21	0	21		21	School
2050000870000	1	19	0	18		7	25 acres in RL5
2052600180000	0	17	0	17			
2053300250000	1	16	0	15			
1050610030000	0	14	0	14			
2053140020000	0	14	0	14		14	School
2053130010000	0	11	0	11		11	School
1050522070000	0	11	0	11			
1050300040200	1	10	0	9			
2053400070000	0	10	0	10	7		Severe Slopes
2053400070100	0	9	0	9			
2053400070200	1	9	0	8			
2053400070300	1	9	0	8			
1050300040300	0	9	0	9			
2053420070000	1	9	0	8		5	11 acres in FA20
2053130040000	1	7	0	6			
2053110030000	1	7	0	6			
2053300250400	1	7	0	6			
2053300250300	0	6	0	6			
2053120080000	1	6	0	5			
2053300250100	1	6	0	5			
2053240010000	0	6	0	6			
2053220030100	1	6	0	5			
2053140040000	1	6	0	5			
2053140030000	1	6	0	5			
2053300160000	0	6	0	6			
2053120070200	0	5	0	5			
2052600210000	0	5	0	5			
2053300040000	0	4	0	4			
2053140150000	0	4	0	4		4	Cemetery
2053332010000	0	4	0	4		4	Church
2053420030000	1	4	0	3			
2053332010200	0	4	0	4		4	Church
2053300180600	1	4	0	3		13	acres in FA20
1050330040000	0	4	0	4			
2053120110000	1	4	0	3	1		Structure placement
2053210040000	1	4	0	3			
1050400130000	1	3	0	2			
2053220030000	1	3	0	2			
2053420041300	1	3	0	2			
1050500080000	0	3	0	3			
1050500070000	0	3	0	3			
2053300170100	1	3	0	2			
2053300251200	0	3	0	3			
1050500070200	0	3	0	3			
1050500070300	0	3	0	3	1		BP-19-0182
2053140070000	1	3	0	2			
1050500110400	1	3	0	2			
1050640020000	1	3	0	2			
2053332080100	0	3	0	3		3	Church
2053420040000	1	3	0	2			
2053300250500	0	3	0	3			
2053300250800	1	2	0	1			
2053220050200	1	2	0	1			
2053300180000	1	2	0	1			
2053230370000	1	2	0	1			
2053420060000	1	2	0	1			
2053220030400	1	2	0	1			
2053300010200	1	2	0	1			
1050640011500	0	2	0	2			
1050800020600	1	2	0	1			
2053230050100	1	2	0	1			
2053230040100	1	2	0	1			
2053300230000	1	2	0	1			
2053220030200	0	2	0	2			
1050500060100	1	2	0	1			
1050500060300	1	2	0	1			

Acreage Breakdown RL2 Potential Lots

2053120050000	1	2	0	1		
2053300010100	1	2	0	1		
2053120040000	1	2	0	1		
1050500060600	1	2	0	1		
2053120030000	1	2	0	1		
2053120020000	1	2	0	1	1	Structure placement
2053300080000	1	2	0	1		
2053120060000	1	2	0	1		
2053220030900	1	2	0	1		
1050640010600	1	2	0	1		
2053300020100	1	2	0	1		
2053420041200	1	2	0	1		
2053220040000	1	2	0	1		
1050640011400	1	2	0	1		
1050500110500	0	2	0	2		
1050500070100	0	2	0	2		
2052600200000	1	2	0	1		
2053230330100	1	2	0	1		
2053220031400	1	2	0	1		
1050800090000	1	2	0	1		
2053300250600	1	2	0	1		
1050640010900	1	2	0	1		
2053120090300	1	2	0	1		
2053120090100	0	2	0	2		
2053300011100	1	2	0	1		
2053420041100	1	2	0	1		
1050500090000	0	2	0	2		
2052600200100	0	2	0	2		
1050640010200	0	2	0	2		
1050640010800	1	2	0	1		
1050800020000	0	2	0	2		
1050500090700	0	2	0	2		
2053220030600	0	2	0	2		
2053300250900	1	1	0	0		
1050610140000	1	1	0	0		
2053220050300	1	1	0	0		
2053300250700	1	1	0	0		
1050640010700	1	1	0	0		
2053300181000	0	1	0	1		
2053300120000	1	1	0	0		
2053300180100	1	1	0	0		
2053300070000	1	1	0	0		
2053230110000	1	1	0	0		
2053300030000	1	1	0	0		
2053300010700	1	1	0	0		
2053242020000	1	1	0	0		
2053332010100	1	1	0	0		
1050800010100	0	1	0	1		
2053300170200	1	1	0	0		
1050330090000	1	1	0	0		
1050640011000	1	1	0	0		
2053130010400	1	1	0	0		
2053220050100	1	1	0	0		
1050500060500	1	1	0	0		
2053240070000	0	1	0	1		
2053420040100	1	1	0	0		
1050640010100	0	1	0	1		
2053130020100	1	1	0	0		
2053120020600	0	1	0	1		
1050500110000	1	1	0	0		
2053230010200	1	1	0	0		
2053300170400	1	1	0	0		
2053140020300	1	1	0	0		
1050500090100	1	1	0	0		
1050500110300	1	1	0	0		
2053220030700	1	1	0	0		
2053220050000	0	1	0	1	1	Mobile Home on Property
2053300251000	0	1	0	1		1 County
2053332010300	0	1	0	1		

Acreage Breakdown RL2 Potential Lots

1050800090100	1	1	0	0	
1050330050000	1	1	0	0	
2053120090600	1	1	0	0	
2053220030500	1	1	0	0	
2053120120300	1	1	0	0	
2053130010100	1	1	0	0	
2053230010300	1	1	0	0	
1050500090500	0	1	0	1	
2053300181100	0	1	0	1	
2053230080000	1	1	0	0	
2053220050400	1	1	0	0	
2053230110400	1	1	0	0	
2053300250200	1	1	0	0	
1050500061100	1	1	0	0	
2053120020500	0	1	0	1	
2053230090100	1	1	0	0	
2053220030300	0	1	0	1	
1050330050300	1	1	0	0	
1050610140100	0	1	0	1	
1050500050000	1	1	0	0	
2052600190000	1	1	0	0	
1050800020500	1	1	0	0	
1050500080100	1	1	0	0	
2053130010300	1	1	0	0	
1050640070900	0	1	0	1	
2053220031000	0	1	0	1	
2053130050300	0	1	0	1	
2053300020000	1	1	0	0	
2053300150000	0	1	0	1	1 County
1050500090600	0	1	0	1	
2053230150000	1	1	0	0	
2053230260000	1	1	0	0	
2053300180500	0	1	0	1	
1050330020100	1	1	0	0	
2053140030300	0	1	0	1	
2053300010000	1	1	0	0	
2052600220300	1	1	0	0	
2053140030500	0	1	0	1	
2052600190100	1	1	0	0	
2053240020000	1	1	0	0	
2053240080000	1	1	0	0	
2053220050600	0	1	0	1	
2053220031100	0	1	0	1	
2052600220200	1	1	0	0	
2053230111300	1	1	0	0	
2053230010100	1	1	0	0	
2053140030400	1	1	0	0	
1050500110100	1	1	0	0	
2053140020500	1	1	0	0	
2053120090500	1	1	0	0	
2053420050000	1	1	0	0	
2053230160000	1	1	0	0	
2053220031200	0	1	0	1	
2053230110200	1	1	0	0	
2053300010300	1	1	0	0	
2053300170300	0	1	0	1	1 FA20 Zone
2053130010200	1	1	0	0	
1050640070100	1	1	0	0	
2053140020600	1	1	0	0	
1050800020200	1	1	0	0	
2053300110000	1	1	0	0	
1050330050200	1	1	0	0	
2053300090000	1	1	0	0	
2053420040800	0	1	0	1	
2052600220000	1	1	0	0	
2052600220100	1	1	0	0	
2053140070200	0	1	0	1	
2053230090000	1	1	0	0	
2053220030800	1	1	0	0	

Acreage Breakdown RL2 Potential Lots

2053120070100	1	1	0	0	
2053300181200	0	1	0	1	
2053140020100	1	1	0	0	
2053130020000	1	1	0	0	
2053140020200	1	1	0	0	
2053300010600	1	1	0	0	
2053130020200	0	1	0	1	
2053300010900	1	1	0	0	
2053120071500	0	1	0	1	
1050330050100	1	1	0	0	
2053120072000	0	1	0	1	
2053140030200	1	1	0	0	
2053230080200	1	1	0	0	
2053120090200	0	1	0	1	
2053332010400	1	1	0	0	
2053230070000	1	1	0	0	
2053300010400	1	1	0	0	
2052600190300	1	1	0	0	
2053332080000	0	1	0	1	1 Church
2053140020400	1	1	0	0	
2053230010400	1	1	0	0	
2053120090400	1	1	0	0	
2053120071000	0	1	0	1	
2053120070300	1	1	0	0	
2053140080000	1	1	0	0	
2053120070000	1	1	0	0	
2052600190200	0	1	0	1	
2053130020300	1	1	0	0	
2053420040700	1	1	0	0	
2053220050700	0	1	0	1	
2053120020200	1	1	0	0	
2053300251100	1	1	0	0	
1050500110200	0	1	0	1	
1050300030000	1	1	0	0	
2053120090000	1	1	0	0	
1050330020000	0	1	0	1	
2053300180200	1	1	0	0	
2053220050500	1	1	0	0	
1050500060700	1	1	0	0	
2053140030100	1	1	0	0	
2053300010500	0	1	0	1	
1050330020200	0	0	1	1	
2053300010800	0	0	1	1	
1050800020400	1	0	1	0	
2053420180000	1	0	1	0	
2053120020300	1	0	1	0	
2053120020100	1	0	1	0	
1050400140000	1	0	1	0	
1050330090300	1	0	1	0	
2053220031300	1	0	1	0	
2053300011000	1	0	1	0	
2053230111200	1	0	1	0	
1050330010100	0	0	1	1	
1050400120000	1	0	1	0	
2053120120200	1	0	1	0	
2053120120100	1	0	1	0	
2053300190000	1	0	1	0	
2053230110800	1	0	1	0	
2053120120000	1	0	1	0	
1050330090100	1	0	1	0	
1050330090200	1	0	1	0	
1050610120000	1	0	1	0	
2053130050200	1	0	1	0	
1050522010200	1	0	1	0	
2053240010200	1	0	1	0	
2053332020000	1	0	1	0	
2053300140000	1	0	1	0	
2053240130000	1	0	1	0	
1050640070800	0	0	1	1	

Acreage Breakdown RL2 Potential Lots

1050330020300	0	0	1	1		
1050522010000	1	0	1	0		
2053420040400	1	0	1	0		
2053300130000	0	0	1	1		
2053230040000	1	0	1	0		
1050522010300	1	0	1	0		
2053230120000	1	0	1	0		
2053140070100	1	0	1	0		
2053420080000	1	0	1	0		
2053130050100	1	0	1	0		
2053420040300	1	0	1	0		
1050330030000	1	0	1	0		
2053420040200	1	0	1	0		
2053230080100	1	0	1	0		
2053420130000	1	0	1	0		
2053240060000	1	0	1	0		
2053240060100	1	0	1	0		
2053230130000	1	0	1	0		
2053332060000	0	0	1	1		1 Church
1050800030000	0	0	1	1		1 Cemetery
2053140120000	1	0	1	0		
2053420140000	1	0	1	0		
2053140090000	1	0	1	0		
1050610070000	0	0	1	1		1 State
2053140060000	1	0	1	0		
2053240090000	1	0	1	0		
2053300100000	1	0	1	0		
2053240090100	0	0	1	1		
2053143100000	1	0	1	0		
1050522050000	1	0	1	0		
1050522030000	1	0	1	0		
2053230180000	1	0	1	0		
2053240100000	1	0	1	0		
2053420170000	1	0	1	0		
2053143020000	1	0	1	0		
2053230260100	1	0	1	0		
2053242010200	1	0	1	0		
2053000170000	0	0	1	1	1	Mobile Home on Property
2053140050000	1	0	1	0		
2053420100100	1	0	1	0		
2053242010800	1	0	1	0		
2053240110000	0	0	1	1		
2053420100000	1	0	1	0		
2053300330000	1	0	1	0		
2053420110000	1	0	1	0		
2053230330000	1	0	1	0		
2053420160000	1	0	1	0		
2053140110000	1	0	1	0		
1050330070000	1	0	1	0		
2053130060000	0	0	1	1		1 School
1050330060000	1	0	1	0		
2053140060100	1	0	1	0		
2053240120000	0	0	1	1		
2053230290100	1	0	1	0		
2053143050000	1	0	1	0		
2053230310100	1	0	1	0		
1050610090100	1	0	1	0		
2053240140000	1	0	1	0		
2053240030000	1	0	1	0		
2053230350000	1	0	1	0		
2053230090200	1	0	1	0		
2053240010100	1	0	1	0		
2053240150000	1	0	1	0		
2053300230100	0	0	1	1		
2053240040000	1	0	1	0		
2053240050000	1	0	1	0		
1050640010500	1	0	1	0		
2053230270000	1	0	1	0		
1050610090300	1	0	1	0		

Acreage Breakdown RL2 Potential Lots

1050640010300	1	0	1	0		
2053230240000	1	0	1	0		
2053332030000	1	0	1	0		
2053332029000	1	0	1	0		
2053420040600	1	0	1	0		
2053420150000	1	0	1	0		
2053143040000	1	0	1	0		
2053242010900	1	0	1	0		
2053143010000	1	0	1	0		
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2053230130100	1	0	1	0		
2053230070200	1	0	1	0		
2052700150000	0	0	1	1		
2053230170000	1	0	1	0		
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2053140050100	1	0	1	0		
2053242010500	1	0	1	0		
2053230290000	1	0	1	0		
1050522040000	1	0	1	0		
2053230350100	1	0	1	0		
2053230210000	1	0	1	0		
2053143120000	0	0	1	1	1	Environmental Constraints Stream
2053230070100	1	0	1	0		
2053242010300	1	0	1	0		
2053143110000	1	0	1	0		
1050610100000	1	0	1	0		
2053230100000	1	0	1	0		
2053242011000	0	0	1	1		
2053420040500	0	0	1	1		
2053242010100	1	0	1	0		
1050500060900	0	0	1	1		
2053143080000	1	0	1	0		
2053143070000	1	0	1	0		
2053230220000	1	0	1	0		
2053143090000	1	0	1	0		
2053300320100	1	0	1	0		
2053242011100	1	0	1	0		
2053143020100	1	0	1	0		
2053242010600	0	0	1	1		
1050610080000	1	0	1	0		
2053242010400	1	0	1	0		
2053230030000	1	0	1	0		
2053143060000	0	0	1	1		
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2053300200000	0	0	1	1	1	State
2053140130000	0	0	1	1	1	Residence on Property
2053230030100	0	0	1	1		
1050610090200	1	0	1	0		
2053300320000	1	0	1	0		
2053140100000	0	0	1	1		19' wide lot
2053230050200	1	0	1	0		
2053230050000	1	0	1	0		
2053230200300	1	0	1	0		
1050610110000	1	0	1	0		
2053140140000	0	0	1	1		
2053230230000	1	0	1	0		
2053143020300	0	0	1	1		140' wide lot
2053300220000	1	0	1	0		
2053332050000	1	0	1	0		
2053300210000	0	0	1	1		
1050610090000	0	0	1	1		
1050610050000	1	0	1	0		
2053230260200	1	0	1	0		
	Developed	2 acre div.	< 2acre	Potential	Reduce	Excluded lots
	302	631	163	492	13	86

**Andrew Lembrick**

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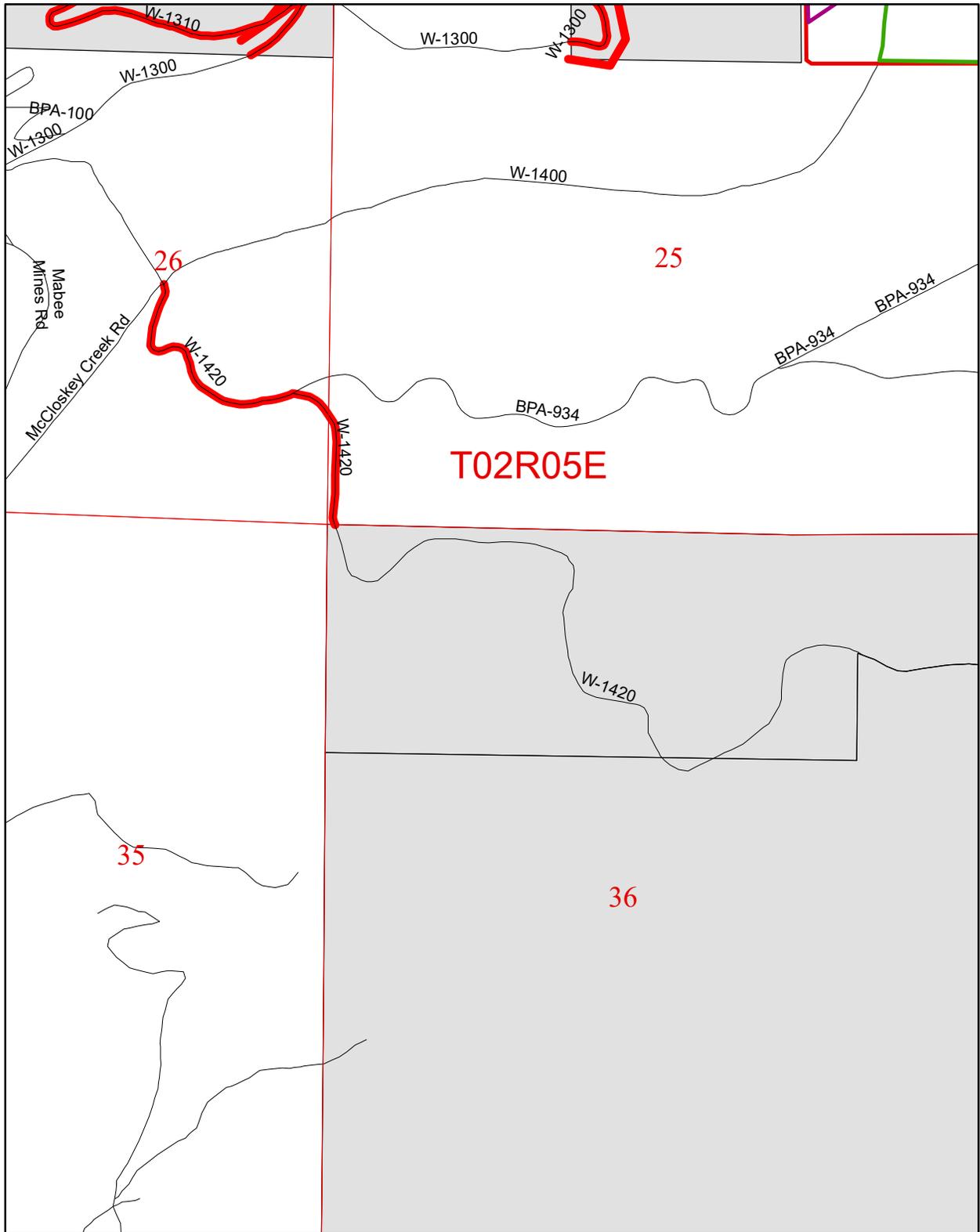
**From:** SCHAIBLE, WAYDE (DNR) <WAYDE.SCHAIBLE@dnr.wa.gov>  
**Sent:** Thursday, February 27, 2020 9:06 AM  
**To:** Andrew Lembrick  
**Subject:** MDNS SEP-19-20 (REZ-19-01/CMP-19-01)  
**Attachments:** Skamania county SEPA.pdf

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RE: SEPA SEP-19-20 (REZ-19-01/CMP-19-01)

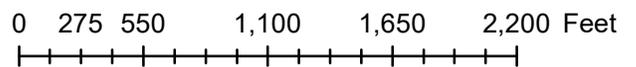
Dir sirs,  
DNR has permanent easement that is not being shown in the tract maps, the road as shown is not accurate. The W-1420 road that runs along the Western section line of the SW1/4SW1/4 of section 25 is actually as shown on this attached map and the DNR has permanent easement on this road Granted to the state of Washington Department of natural resources in 1974 by the Campbell group and is permanent easement. This is an encumbrance on the Tax parcel #2052500090000 and specifically on the 6.08 planned lot development on the West end of the rezone plats. This road must remain open cannot be severed.

Wayde Schaible  
Asset Management Specialist  
Pacific Cascade Region  
Washington State  
Department of Natural Resources  
360-575-5052



**Legend**

- DNR trust lands
- Existing roads
- Permanent easement



**Andrew Lembrick**

---

**From:** ECY RE SWRO SEPA COORDINATOR <swrosepacoordinator@ECY.WA.GOV>  
**Sent:** Thursday, February 27, 2020 10:29 AM  
**To:** Andrew Lembrick  
**Cc:** Alan Peters  
**Subject:** RE: 202001085 SEP-20-01 Revised MDNS Notification

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Thank you, Andrew! Yes my apologies, I meant to reply to Skamania County File SEP-19-20. This provides some great background, I'll consult we our specialists as well.

Thanks in advance for your help,

**Morgan Dorner**  
**SEPA Coordinator | Southwest Regional Office**  
P: 360-407-6313 | F: 360-407-6305



---

**From:** Andrew Lembrick <lembrick@co.skamania.wa.us>  
**Sent:** Thursday, February 27, 2020 10:26 AM  
**To:** ECY RE SWRO SEPA COORDINATOR <swrosepacoordinator@ECY.WA.GOV>  
**Cc:** Alan Peters <apeters@co.skamania.wa.us>  
**Subject:** RE: 202001085 SEP-20-01 Revised MDNS Notification

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Hi Morgan,

Morgan,

Based on the site plan and description below I am assuming that we are referring to Skamania County File SEP-19-20. I realize that I sent out two SEPA notifications relatively close together. We have not received any environmental reports from the applicant. The impacts of the road construction and development along and across Canyon Creek appear to be associated with forest practices activities. This portion of Canyon Creek would have been reviewed under our critical areas ordinance. Under the critical areas ordinance, forest practices activities would have fallen under the Washington State Forest Practices Act under RCW 76.09 and WAC 222. The parcel was formerly owned by Longview Timberlands. The current owner purchased the property last year after forest practices activities had occurred. I'll work with the planning director to determine an appropriate path forward. I believe that we could be receptive to those mitigations but will check.

Andrew P. Lembrick, L.G. | Land Use Planner  
[lembrick@co.skamania.wa.us](mailto:lembrick@co.skamania.wa.us)

Exhibit 10

Skamania County Community Development  
170 NW Vancouver Avenue  
P.O. Box 1009  
Stevenson, WA 98648

(509) 427-3900

[www.skamaniacounty.org](http://www.skamaniacounty.org) (<http://www.skamaniacounty.org/>)

---

**From:** ECY RE SWRO SEPA COORDINATOR <[swrosepacoordinator@ECY.WA.GOV](mailto:swrosepacoordinator@ECY.WA.GOV)>  
**Sent:** Thursday, February 27, 2020 9:51 AM  
**To:** Andrew Lembrick <[lembrick@co.skamania.wa.us](mailto:lembrick@co.skamania.wa.us)>  
**Subject:** RE: 202001085 SEP-20-01 Revised MDNS Notification

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Did the applicant provide any environmental reports/information for this proposal (critical areas, wetland, geotechnical report)? I noticed that the USDA soils report maps does not reflect the National Hydrography Dataset (NHD) mapping of Canyon Creek and potentially associated riparian habitat.

The SEPA analyses should reflect an environmental analysis of the whole proposal not just the rezone and comp plan amendment. Please see the guidance below:

“Per WAC 197-11-060 (3)(b), the proposed actions and future development would be considered related actions. Since future construction and/or use of the site would/could not proceed without this currently proposed action, these actions shall be considered together as one proposal under SEPA and be evaluated in the same environmental document. The proposed activities are interdependent parts of a larger proposal and future development may depend on the larger proposal as their justification or for their implementation.”

I realize the County made notes in the checklist to try and address the actual project but would the County be receptive to mitigation for the suspected impacts to Canyon Creek at this stage in review and would that mitigation be later enforced through a critical areas review/permit? We’re hesitant about deferring environmental review to a separate stage of review out of SEPA. Let me know your thoughts on this.

From the aerial, it appears that impacts to Canyon Creek and associated riparian habitat may have already occurred from an internal road. Could you help clarify this?



Thanks,

**Morgan Dorner**  
**SEPA Coordinator | Southwest Regional Office**  
P: 360-407-6313 | F: 360-407-6305



---

**From:** Andrew Lembrick <[lembrick@co.skamania.wa.us](mailto:lembrick@co.skamania.wa.us)>  
**Sent:** Thursday, February 27, 2020 9:03 AM  
**To:** ECY RE SEPA REGISTER <[separegister@ecy.wa.gov](mailto:separegister@ecy.wa.gov)>  
**Subject:** RE: 202001085 SEP-20-01 Revised MDNS Notification

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Yes. The comment deadline is March 11<sup>th</sup>, 2020 at 5:30 PM. Thank you for your inquiry.

Andrew P. Lembrick, L.G. | Land Use Planner  
[lembrick@co.skamania.wa.us](mailto:lembrick@co.skamania.wa.us)

Skamania County Community Development  
170 NW Vancouver Avenue  
P.O. Box 1009

(509) 427-3900

[www.skamaniacounty.org](http://www.skamaniacounty.org) (<http://www.skamaniacounty.org/>)

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**From:** ECY RE SEPA REGISTER <[separegister@ecy.wa.gov](mailto:separegister@ecy.wa.gov)>  
**Sent:** Thursday, February 27, 2020 9:01 AM  
**To:** Andrew Lembrick <[lembrick@co.skamania.wa.us](mailto:lembrick@co.skamania.wa.us)>  
**Subject:** RE: 202001085 SEP-20-01 Revised MDNS Notification  
**Importance:** High

**WARNING:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Andrew,

Just confirming that the comment deadline for this is March 11?

Thanks,

**Morgan Dorner**  
**SEPA Coordinator | Southwest Regional Office**  
P: 360-407-6313 | F: 360-407-6305



---

**From:** Andrew Lembrick <[lembrick@co.skamania.wa.us](mailto:lembrick@co.skamania.wa.us)>  
**Sent:** Tuesday, February 25, 2020 5:21 PM  
**To:** Guy Skeele <[gskeele.son@gmail.com](mailto:gskeele.son@gmail.com)>; Bruce Vincent <[brucevincent@embarqmail.com](mailto:brucevincent@embarqmail.com)>; Tim Elsea <[elsea@co.skamania.wa.us](mailto:elsea@co.skamania.wa.us)>; Sadi' Stouder-Pettenger <[sadi@co.skamania.wa.us](mailto:sadi@co.skamania.wa.us)>; DOR Skamania County <[spencer@co.skamania.wa.us](mailto:spencer@co.skamania.wa.us)>; Nikki Rohan <[rohan@co.skamania.wa.us](mailto:rohan@co.skamania.wa.us)>; Debbie Slack <[slack@co.skamania.wa.us](mailto:slack@co.skamania.wa.us)>; DNR RE SEPACENTER <[SEPACENTER@dnr.wa.gov](mailto:SEPACENTER@dnr.wa.gov)>; [jons@yakama.com](mailto:jons@yakama.com); Alan Peters <[apeters@co.skamania.wa.us](mailto:apeters@co.skamania.wa.us)>; ECY RE SEPA REGISTER <[separegister@ecy.wa.gov](mailto:separegister@ecy.wa.gov)>; Marlon Morat <[morat@co.skamania.wa.us](mailto:morat@co.skamania.wa.us)>; [nreynolds@cowlitz.org](mailto:nreynolds@cowlitz.org); [permitreview@cowlitz.org](mailto:permitreview@cowlitz.org); [nakiaw@NezPerce.org](mailto:nakiaw@NezPerce.org); Kolb, Samuel S (DFW) <[Samuel.Kolb@dfw.wa.gov](mailto:Samuel.Kolb@dfw.wa.gov)>; [Jeanette@ykfp.org](mailto:Jeanette@ykfp.org); [KristenTiede@ctuir.org](mailto:KristenTiede@ctuir.org); [Johnson@yakama.com](mailto:Johnson@yakama.com); SEPA (DAHP) <[sepa@dahp.wa.gov](mailto:sepa@dahp.wa.gov)>; [christian.nauer@ctwsbnr.org](mailto:christian.nauer@ctwsbnr.org); Carnes, Evan G CIV USARMY CENWS (USA) <[Evan.G.Carnes@usace.army.mil](mailto:Evan.G.Carnes@usace.army.mil)>; [casey\\_barney@yakama.com](mailto:casey_barney@yakama.com); SEPADesk2 (DFW) <[SEPAdesk2@dfw.wa.gov](mailto:SEPAdesk2@dfw.wa.gov)>; [mountainsweetcicely@yahoo.com](mailto:mountainsweetcicely@yahoo.com); Mark King <[mark@laurieblack.com](mailto:mark@laurieblack.com)>; [pat.arnold@friendsofthewhitesalmon.org](mailto:pat.arnold@friendsofthewhitesalmon.org); Bill Fulton <[wm.fulton@icloud.com](mailto:wm.fulton@icloud.com)>; Kitchin, Lori <[Lori.Kitchin@providence.org](mailto:Lori.Kitchin@providence.org)>; sarah cain <[rahcain17@gmail.com](mailto:rahcain17@gmail.com)>; La Laurrien <[laurrien@gmail.com](mailto:laurrien@gmail.com)>; [morton2@skybeam.com](mailto:morton2@skybeam.com); Pikey Tolmie <[gdtbrain@gmail.com](mailto:gdtbrain@gmail.com)>  
**Subject:** 202001085 SEP-20-01 Revised MDNS Notification

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## Exhibit 10

Linked below, please find the revised MDNS for file SEP-20-01, proposed Forest Practices Application and Short Plat of parcel 03-10-03-0-0-0305-00. The revised MDNS was published in the Skamania County Pioneer for tomorrow's publication date of February 26, 2020. The public comment period will begin tomorrow, the date of publication. Please let me know if you have any questions. Thank you.

<https://www.skamaniacounty.org/home/showdocument?id=2187>

Andrew P. Lembrick, L.G. | Land Use Planner  
[lembrick@co.skamania.wa.us](mailto:lembrick@co.skamania.wa.us)

Skamania County Community Development  
170 NW Vancouver Avenue  
P.O. Box 1009  
Stevenson, WA 98648

(509) 427-3900

[www.skamaniacounty.org](http://www.skamaniacounty.org) (<http://www.skamaniacounty.org/>)

**Andrew Lembrick**

---

**From:** ECY RE SWRO SEPA COORDINATOR <swrosepacoordinator@ECY.WA.GOV>  
**Sent:** Wednesday, March 11, 2020 1:06 PM  
**To:** Permitcenter  
**Cc:** Adams, Miranda (ECY); Marcoe, Sheila (ECY); Rockett, Derek (ECY); jack@shorelinepermits.com; dmbusschau@yahoo.com  
**Subject:** ECY SEPA 202001086 - Busschau 17-lot Subdivision - Comments  
**Attachments:** 202001086 ECY Comments.pdf  
**Importance:** High

**WARNING:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Alan Peters, AICP, Assistant Planning Director:

Thank you for the opportunity to comment on the Busschau 17-lot Subdivision Project (Lead Agency File No(s). SEP-19-20, REZ-19-01, CMP-19-01). Ecology's comments are attached.

[ [Statewide SEPA Register](#) No. 202001086 ]

Have a great day,

Morgan Dorner  
SEPA Coordinator | Southwest Regional Office  
P: 360-407-6313 | F: 360-407-6305





STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300  
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

March 11, 2020

Alan Peters, AICP, Assistant Planning Director  
Skamania County  
Planning and Community Development  
PO Box 1009  
Stevenson, WA 98648

Dear Alan Peters:

Thank you for the opportunity to comment on the mitigated determination of nonsignificance for the Busschau 17-lot Subdivision Project (SEP-19-20, REZ-19-01, CMP-19-01) as proposed by Shoreline Permits for Dean and Megan Busschau. The Department of Ecology (Ecology) reviewed the environmental checklist and has the following comment(s):

**SHORELANDS & ENVIRONMENTAL ASSISTANCE:  
Miranda Adams, Wetlands/Shorelands Specialist (360) 690-7164**

Lots which are constrained by critical areas should be reconfigured in a manner which prevents the need for the owner to obtain variance or conditional use permits in order to develop the property. In other words, lots which cannot be developed without impacting critical areas should be combined with other lots so that there's adequate space to avoid impacts to stream buffers.

**WATER QUALITY/WATERSHED RESOURCES UNIT:  
Sheila Marcoe (360) 407-6329**

Erosion control measures must be in place prior to any clearing, grading, or construction. These control measures must be effective to prevent stormwater runoff from carrying soil and other pollutants into surface water or stormdrains that lead to waters of the state. Sand, silt, clay particles, and soil will damage aquatic habitat and are considered to be pollutants.

Any discharge of sediment-laden runoff or other pollutants to waters of the state is in violation of Chapter 90.48 RCW, Water Pollution Control, and WAC 173-201A, Water Quality Standards for Surface Waters of the State of Washington, and is subject to enforcement action.

Construction Stormwater General Permit:

The following construction activities require coverage under the Construction Stormwater General Permit:

1. Clearing, grading and/or excavation that results in the disturbance of one or more acres **and** discharges stormwater to surface waters of the State; and

2. Clearing, grading and/or excavation on sites smaller than one acre that are part of a larger common plan of development or sale, if the common plan of development or sale will ultimately disturb one acre or more **and** discharge stormwater to surface waters of the State.
  - a) This includes forest practices (including, but not limited to, class IV conversions) that are part of a construction activity that will result in the disturbance of one or more acres, **and** discharge to surface waters of the State; and
3. Any size construction activity discharging stormwater to waters of the State that Ecology:
  - a) Determines to be a significant contributor of pollutants to waters of the State of Washington.
  - b) Reasonably expects to cause a violation of any water quality standard.

If there are known soil/ground water contaminants present on-site, additional information (including, but not limited to: temporary erosion and sediment control plans; stormwater pollution prevention plan; list of known contaminants with concentrations and depths found; a site map depicting the sample location(s); and additional studies/reports regarding contaminant(s)) will be required to be submitted.

You may apply online or obtain an application from Ecology's website at: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/> - [Application](#). Construction site operators must apply for a permit at least 60 days prior to discharging stormwater from construction activities and must submit it on or before the date of the first public notice.

**SOLID WASTE MANAGEMENT: Derek Rockett (360) 407-6287**

All grading and filling of land must utilize only clean fill. All other materials may be considered solid waste and permit approval may be required from the local jurisdictional health department prior to filling. All removed debris resulting from this project must be disposed of at an approved site. Contact the local jurisdictional health department for proper management of these materials.

Ecology's comments are based upon information provided by the lead agency. As such, they may not constitute an exhaustive list of the various authorizations that must be obtained or legal requirements that must be fulfilled in order to carry out the proposed action.

If you have any questions or would like to respond to these comments, please contact the appropriate reviewing staff listed above.

Department of Ecology  
Southwest Regional Office

(MLD: 202001086)

cc: Miranda Adams, SEA  
Sheila Marcoe, WQ  
Derek Rockett, SWM  
Jack Loranger, Shoreline Permits (Agent)  
Dean and Megan Busschau (Applicants/Owners)

Exhibit 11

County Population (only 2010 is an  
Census Number, All other years are  
estimates by the Washington Office of  
Financial Management)

Year	Unincorporated County	County Population	County Population Growth Rate	Unincorporated Growth Rate		
2010	11066	8645	0	0	2000	1868
2011	11150	8685	0.753363229	0.460564191	2001	1885.372
2012	11275	8755	1.10864745	0.799543118	2002	1902.906
2013	11300	8780	0.221238938	0.284738041	2003	1920.603
2014	11370	8855	0.615655233	0.846979108	2004	1938.465
2015	11430	8895	0.524934383	0.449690838	2005	1956.493
2016	11500	8955	0.608695652	0.67001675	2006	1974.688
2017	11690	9120	1.625320787	1.809210526	2007	1993.053
2018	11890	9300	1.682085786	1.935483871	2008	2011.588
2019	12060	9410	1.409618574	1.168969182	2009	2030.296
	Average Growth Rate =		0.949951115	0.936132847	2010	2049.178
					2011	2068.235
					2012	2087.47
					2013	2106.883
					2014	2126.477
					2015	2146.253
					2016	2166.213
					2017	2186.359
					2018	2206.692
					2019	2227.215
					2020	2247.928
					2021	2268.833
					2022	2289.934
					2023	2311.23
					2024	2332.724 OFM Estim Building Permit Estimate
					2025	2354.419 2414 4135

**Andrew Lembrick**

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**From:** Nikki Hollatz <nikkih@klickitatcounty.org>  
**Sent:** Tuesday, March 24, 2020 12:18 PM  
**To:** Andrew Lembrick; Alan Peters  
**Subject:** Fwd: guidance

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

From: **Smitherman, Opal (ECY)** <[ODAV461@ecy.wa.gov](mailto:ODAV461@ecy.wa.gov)>  
Date: Tuesday, March 24, 2020  
Subject: guidance  
To: Nikki Hollatz <[nikkih@klickitatcounty.org](mailto:nikkih@klickitatcounty.org)>

Nikki,

Here is a link to the 1997 AGO opinion Water Wells and Developments.

<https://www.atg.wa.gov/ago-opinions/water-water-rights-wells-status-water-rights-system-exempt-ground-water-withdrawals>

Subdivisions are considered a project under RCW 90.44.050 that are allowed one exemption of 5,000 gallons per day and up to one-half acre lawn or non-commercial irrigation. In this case with 17 parcels being developed this subdivision is more than likely going to require a water right permit from Ecology.

I thought I had commented on SEPA when it had come through but it appears I did not. Here is what our comments would have stated:

Consultation with Ecology's Water Resources Program may be needed to address adequate water supply and limitations. The applicant, Shoreline Permits for Dean and Megan Busschau, should submit a pre-application consultation form with their project details, and water use estimates to the Department of Ecology Water Resources Program for review. The pre-application consultation form can be found on Ecology's website using this link: <https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Water-rights-permits>

Combined Domestic Use Limitations:

The Attorney General's opinion (AGO 1997 No. 6), regarding the status of exempt ground water withdrawals, states that a group of wells drilled by the same person or group of persons, at or about the same time, in the same area for the same purpose or project should be considered a single withdrawal and would not be exempt from the permitting requirement contained in RCW 90.44.050, if the total amount withdrawn for domestic use exceeds 5,000 gallons per day.

The Attorney General's opinion asserts that caution should be used in finding developments to be exempt from needing a water right permit if the possibility exists that the development of the project will result in the ultimate withdrawal of water in excess of 5,000 gallons per day. Per RCW 90.44.050, the ground water permit exemption for the entire "Busschau 17-lot Subdivision" project combined use is allowed one domestic exemption of 5,000 gallons per day for domestic purposes.

Combined Irrigation Use Limitations:

In addition, the entire Busschau 17-lot Subdivision project is limited to a combined total of one-half acre lawn or non-commercial garden irrigation. RCW 90.44.050 still limits the overall withdrawal to 5,000 gallons per day and up to one-half acre lawn or non-commercial irrigation for a project as long as the maximum annual average does not exceed 3,000 gallons per day per connection. Any exceedance of 5,000 gallons per day or the irrigation of more than one-half acre of lawn or non-commercial garden irrigation requires a water right permit from the Department of Ecology.

Well Construction/Installation:

All water wells shall be constructed in accordance with the provisions of Chapter 173-160 WAC by a driller licensed in the State of Washington. Well reports must be submitted to Ecology within 30 days after completion of a well.

All water wells that may be drilled must be a minimum of 100 feet from any known, suspected, or potential source of contamination. Wells shall not be located within 1,000 feet of a solid waste landfill. WAC 173-160-171(1) The proposed water well shall be located where it is not subject to ponding and is not in the floodway, except as provided in Chapter 86.16 RCW. (2) It shall be protected from a one hundred year flood and from any surface or subsurface drainage capable of impairing the quality of the ground water supply.

Thank you,

Opal Smitherman

Department of Ecology

Southwest Regional Office

360-407-6859

[odav461@ecy.wa.gov](mailto:odav461@ecy.wa.gov)

The Department of Ecology Southwest Regional Office is not accepting walk-in service from the public until further notice as we adhere to the statewide effort to slow the spread of the coronavirus (COVID-19). I am available by telephone, and email, information is also available on our website. We remain committed to service, so don't hesitate to reach out to us.

---

**From:** Nikki Hollatz <[nikkih@klickitatcounty.org](mailto:nikkih@klickitatcounty.org)>  
**Sent:** Tuesday, March 24, 2020 8:54 AM  
**To:** Smitherman, Opal (ECY) <[ODAV461@ECY.WA.GOV](mailto:ODAV461@ECY.WA.GOV)>  
**Subject:** guidance

**THIS EMAIL ORIGINATED FROM OUTSIDE THE WASHINGTON STATE EMAIL SYSTEM - Take caution not to open attachments or links unless you know the sender AND were expecting the attachment or the link**

Opal,

We have a rezone application in Skamania County that will potentially create a 17 lot subdivision (6acre parcels). Our water code is incredibly outdated and still has the 6-pack rule codified that requires a water right for the creation of more than 6 lots.

Working with the planners, I am trying to locate the AG opinion piece that overturned the 6-pack rule. I think its likely been a decade? Could you possibly direct me to this opinion and or guidance on how to interpret the groundwater exemption in regards to subdivisions? If you are not the correct person maybe you can direct me to someone else.

Thanks

Nikki

Exhibit 12

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Nikki Rohan

Environmental Health Specialist II

Klickitat/Skamania County Public Health

[501 NE Washington](#) - PO Box 159

White Salmon, WA 98672

Phone: (509) 493-6034

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Nikki Rohan

Environmental Health Specialist II

Klickitat/Skamania County Public Health

501 NE Washington - PO Box 159

White Salmon, WA 98672

Phone: (509) 493-6034

## Andrew Lembrick

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**From:** Nikki Rohan  
**Sent:** Tuesday, March 24, 2020 8:48 AM  
**To:** Andrew Lembrick; Alan Peters  
**Subject:** Re: Water Rights for 17 lot subdivision.

Andrew,

We do have specific policies and guidelines- local and state. His assumptions on usage will not hold up.

For starters - our water code in title 8 needs to be updated. This will be the first project we have had that will run up against the language in the current code that limits development to 6 lots. (Check Title 8) The Six pack rule was overturned but we never did an update.

Assuming we can update this code in a timely manner, the Dept. of Ecology and the State AG released an opinion that put the total number of homes that can use the groundwater exemption to something more like 12 or 13 depending on what part of the state you are in.

I need to do some digging and find the opinion.

This water issue is just as much a land use issue. Alan might be the best person to interpret the State's opinion. I will try to dig up the resources this week but I would ask Alan to contact other westside counties and see how they are interpreting the water (groundwater exemption) policy? We also need to look at the WRIA plan.

Curious ---For a rezone, isn't it the applicants job to hire a consultant to do a thorough review including water policy, etc. to justify the project?

Nikki

---

**From:** Andrew Lembrick <lembrick@co.skamania.wa.us>  
**Sent:** Tuesday, March 24, 2020 8:30 AM  
**To:** Nikki Rohan <rohan@co.skamania.wa.us>  
**Subject:** FW: Water Rights for 17 lot subdivision.

Hi Nikki,

Do you have a contact at department of health or department of ecology I can request information on how the water usage and requirements are determined? The math below generally makes sense but what is policy?

Andrew P. Lembrick, L.G. | Land Use Planner  
[lembrick@co.skamania.wa.us](mailto:lembrick@co.skamania.wa.us)

Skamania County Community Development  
170 NW Vancouver Avenue  
P.O. Box 1009  
Stevenson, WA 98648

(509) 427-3900

[www.skamaniacounty.org](http://www.skamaniacounty.org) (<http://www.skamaniacounty.org/>)

---

**From:** Jack Loranger <[jack@shorelinepermits.com](mailto:jack@shorelinepermits.com)>  
**Sent:** Tuesday, March 24, 2020 7:29 AM  
**To:** Andrew Lembrick <[lembrick@co.skamania.wa.us](mailto:lembrick@co.skamania.wa.us)>; [dmbusschau@yahoo.com](mailto:dmbusschau@yahoo.com)  
**Cc:** Nikki Rohan <[rohan@co.skamania.wa.us](mailto:rohan@co.skamania.wa.us)>  
**Subject:** RE: Water Rights for 17 lot subdivision.

**WARNING:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Andrew and Nikki,  
The last census shows an average of 2.47 persons per household in Skamania County.  
Household usage of water is about 100 gals a day per person.  
 $17 \times 2.47 \times 100 = 4199$  gals per day for the project.  
Thanks,  
Jack

Sent on the new Sprint Network from my Samsung Galaxy S®4

----- Original message -----

From: Andrew Lembrick <[lembrick@co.skamania.wa.us](mailto:lembrick@co.skamania.wa.us)>  
Date: 03/23/2020 11:02 AM (GMT-08:00)  
To: Jack <[jack@shorelinepermits.com](mailto:jack@shorelinepermits.com)>, [dmbusschau@yahoo.com](mailto:dmbusschau@yahoo.com)  
Cc: Nikki Rohan <[rohan@co.skamania.wa.us](mailto:rohan@co.skamania.wa.us)>  
Subject: Water Rights for 17 lot subdivision.

In terms of the proposed rezone/comprehensive plan amendment and development of 17 homesites, have you guys given any consideration to the Department of Ecology requirement for a water right for any groundwater withdrawal over 5,000 gallons per day for each development? <https://app.leg.wa.gov/RCW/default.aspx?cite=90.44.050>

<https://ecology.wa.gov/Water-Shorelines/Water-supply/Water-rights/Groundwater-permit-exemption>

Please contact Nikki or myself to discuss. Thanks.

Andrew P. Lembrick, L.G. | Land Use Planner  
[lembrick@co.skamania.wa.us](mailto:lembrick@co.skamania.wa.us)

Skamania County Community Development  
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P.O. Box 1009  
Stevenson, WA 98648

(509) 427-3900



**Andrew Lembrick**

---

**From:** Jack Loranger <jack@shorelinepermits.com>  
**Sent:** Tuesday, March 24, 2020 7:29 AM  
**To:** Andrew Lembrick; dmbusschau@yahoo.com  
**Cc:** Nikki Rohan  
**Subject:** RE: Water Rights for 17 lot subdivision.  
**Attachments:** Homewateruse\_IG5.pdf

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----- Original message -----

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Date: 03/23/2020 11:02 AM (GMT-08:00)  
To: Jack <jack@shorelinepermits.com>, dmbusschau@yahoo.com  
Cc: Nikki Rohan <rohan@co.skamania.wa.us>  
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Please contact Nikki or myself to discuss. Thanks.

Andrew P. Lembrick, L.G. | Land Use Planner

[lembrick@co.skamania.wa.us](mailto:lembrick@co.skamania.wa.us)

## Exhibit 12

Skamania County Community Development

170 NW Vancouver Avenue  
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[www.skamaniacounty.org](http://www.skamaniacounty.org) (<http://www.skamaniacounty.org/>)

# Gallons Used Per Person Per Day

---

The average person uses **101.5 gallons** of water Per day. Here's How:



A full tub is about **36 gallons**

---



3 gallons per flush x 6-8 flushes per day = **18-24 gallons<sup>2</sup>**

---



10 minute showers x 2 gallons a minute = **20 gallons**

---



A washing machine utilizes **15 gallons** a load

---



Depending on efficiency of dishwasher: **4 to 10 gallons**

---



Hygiene (washing face, brushing teeth, etc.) **2.5 gallons**

---



8 glasses of 8<sup>oz</sup> cups of water is recommended **1 gallon**

# Gallons Used Per Person Per Day

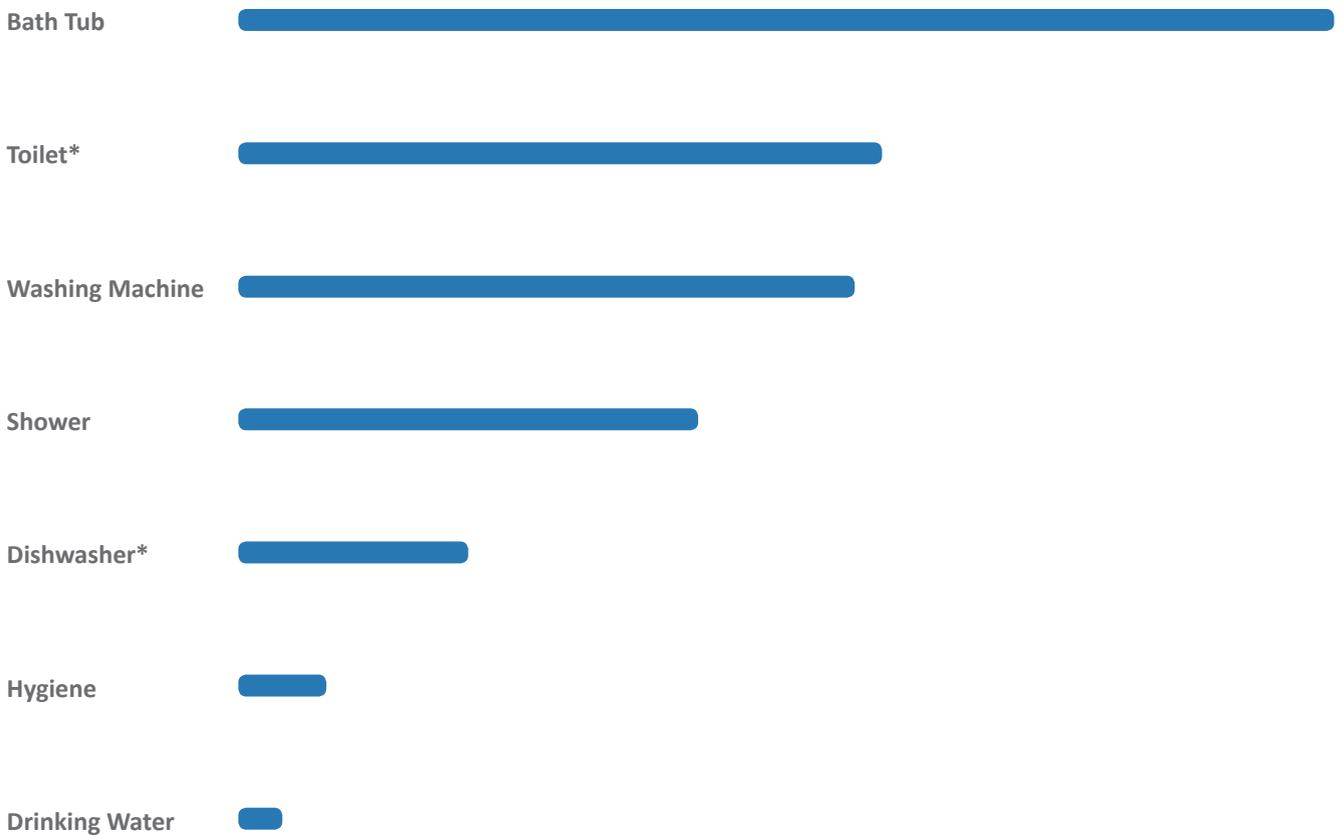
In the United States, we are lucky to have easy access to some of the safest treated water in the world—just by turning on the tap.

We wake up in the morning, take a shower, brush our teeth, grab a cup of coffee and head out for the day. Water is an important part of our daily lives and we use it for a wide variety of purposes, but do we really understand how much we use?

The average American family uses more than 300 gallons of water per day at home. Roughly 70 percent of this use occurs indoors.



## Consumption Data on Various Household Appliances in Gallons



\* Average number used

In addition, there are other miscellaneous uses of water in the house which may be very significant, depending on the degree of water conservation by the household. Such consumption includes household leaks from piping, toilets and other appliances, dripping faucets and the hosing of sidewalks, driveways, garages and buildings.