AFN #2012181906 Recorded 10/29/2012 at 03:12 PM DocType: CRITICAL Filed by: SHAWN B VAN PELT Page: 1 of 18 Auditor Timothy O. Todd Skamania County, WA

Return To:

Shawn Van Pelt
PO Box 165
Carson, WA 98610

HABITAT CONSERVATION AREA NOTICE

Grantor: Shawn Van Pelt

Grantee: The Public

Tax Parcel #: 02070210130000

Legal Description: See Exhibit "A"

NOTICE: This site contains a habitat conservation area. Restrictions on use or alteration of the site may exist. For more information contact the City of Stevenson Planning Department.

Habitat Mitigation Plan Recording #: 2012181906

AFN #2010176618 Recorded 10/14/10 at 12:09 PM DocType: DEED Filed by: SHAWN AND TINA VANPELT Page: 1 of 2 Auditor Timothy O. Todd Skamania County, WA

Exhibit "A"

When recorded return to:

Filed for Record at Request of

Name : Shawn Van Pelt and Tina Van Pelt
Address :
City and State : Stevenson , Washington

STATUTORY WARRANTY DEED

THE GRANTOR(S) HOWARD A. OSTROSKI

REAL ESTATE EXCISE TAX

28796

OCT 14 2010

for and in consideration of 15,000 and no/100 DOLLARS PAID $234.50

SKAMANIA COUNTY TREASURER

in hand paid, conveys, and warrants to SHAWN VAN PELT and TINA VAN PELT

the following described real estate, situated in the County of SKAMANIA , State of Washington:

A tract of land in the Northeast Quarter of Section 2 , Township 2 North, Range 7 East of the Willamette Meridian in the county of Skamania, State of Washington describes as follows :

Beginning at the Northwest corner of the D. Baughman D.L.C. , said point being located in the right of way for the county road known and desingnated as the Red Bluff Road which is the true point of beginning ; Thence South 132 feet ; Thence West 190 feet ; Thence North 132 feet ; Thence East 190 feet to the True Point of Beginning.

ALSO EXCEPT the portion Deeded to Skamania County be instrument recorded March 23 , 1976 in Book 70 , Page 714 , Skamania County Deed Records .
Easement for water main including the terms and provisions thereof recorded in Book 47 , Page 153 , Skamania County Deed Records .

Abbreviated Legal: (Required if full legal not inserted above.)

Skamania County Assessor
Date 10-14-10 Parcel 27-2-1-0-300

Tax Parcel Number(s): 02070210130000

Dated: 10-14-2010

Howard A. Ostroski

STATE OF Washington
COUNTY OF Skamania
ss.

I certify that I know or have satisfactory evidence that Howard A. Ostroski (is/are) the person(s) who appeared before me, and said person(s) acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in this instrument..

Dated: 10-14-10

LESLIE L. MOORE
NOTARY PUBLIC
STATE OF WASHINGTON
COMMISSION EXPIRES
JANUARY 9, 2012

Leslie L. Moore
Notary name printed or typed: Leslie L. Moore
Notary Public in and for the State of Washington
Residing at Carson
My appointment expires: 1-9-2012

City of Stevenson
Critical Areas Permit

CAP2012-01
Van Pelt/Foster Creek Home
10-26-2012

PROJECT

Shawn Van Pelt is proposing construction of a new home within the base buffer of Foster Creek, a Type F-Fish Bearing stream on Tax Lot # 02-07-02-10-1300. A Habitat Mitigation Plan for the project's impact on the base buffer has been prepared by Brian Bair of Bair LLC.

BUFFER WIDTH

Per Table 18.13.095-1 of the Stevenson Critical Areas Code, Foster Creek has a base buffer of 125 feet. If applied to the stream on this property, the base buffer would fully constrain the lot of record. SMC 18.13.085(B) provides owners of such property a remedy whereby buffer areas are limited to 50 percent of the lot area located beyond the critical area perimeter. Figures 3 & 4 of the Bair Habitat Mitigation Plan provide the following information used to determine the buffer width for this property:

Total Lot Area:	24,700 square feet
Lot Area Outside of Critical Area:	21,470 square feet
Buffer Area:	10,735 square feet
Useable Lot Area:	10,735 square feet

Based on the 50 percent allowance discussed above, this property's site-specific buffer width for Foster Creek is limited to 28 feet on each side of the stream over the full 190 foot length of the property.

FINDINGS

The following information is found to be fact about this proposal:

1) The applicant has submitted a complete application for a Critical Areas Permit.
2) The application has been reviewed for compliance with the Stevenson Critical Areas Code.
3) Based on the application review and the following ten (10) conditions, the proposal is deemed to adequately mitigate impacts on the Foster Creek habitat area and fully comply with the provisions of the Stevenson Critical Areas Code.

DECISION

The City of Stevenson Planning Department approves this proposal subject to the following conditions:

Prior to Start of Construction

1) The outer edge of the 28 foot buffer areas shall be clearly staked, flagged, and fenced in the field. These markers shall be clearly visible, durable, posted in the ground, and maintained throughout the duration of construction activities.
2) The applicant shall record a conservation covenant on this property using the attached deed notice form. The deed notice should reference the Habitat Mitigation Plan, which shall also be recorded.

Prior to Occupancy

3) Himalayan blackberries shall be eradicated according to the methods on Page 4 of the Habitat Mitigation Plan prepared for this project.
4) Riparian over- and under-story reforestation shall occur according to the methods and densities on pages 4 to 5 of the Habitat Mitigation Plan prepared for this project.
5) The Habitat Conservation buffer area shall be permanently demarcated according to the methods on Page 6 of the Habitat Mitigation Plan prepared for this project.

After Occupancy

6) The performance standards specified on pages 5 to 6 of the Habitat Mitigation Plan prepared for this project shall be met.
7) In order to ensure that the performance standards are met, the applicant, or the applicant's successors in interest shall submit monitoring reports to the City by the date specified on Page 7 of the Habitat Mitigation Plan prepared for this project in 2013, 2014, 2015, 2017, 2019, and 2022.
8) At a minimum, the monitoring reports shall contain photos taken from the photo stations specified on Figure 3, provided however, that after submittal of the site photos, the City may request more complete data collection using the methods and vegetation plots described on pages 6 to 7 of the Habitat Mitigation Plan prepared for this project.
9) Despite the statement to the contrary on Page 7 of the Habitat Mitigation Plan, maintaining plant density and health may be required for the entire habitat conservation area, not just the photo plot stations.

General

10) Use of the proposed septic reserve field is not approved through this permit. Future use of that area will require a new critical areas permit as well as any State permits required to cross the Type F stream.
11) This permit is valid for one year from the date of issuance and shall expire at the end of that time unless, upon written request by the original permit holder or successor in title, an extension is granted according to SMC 18.13.040(D)(3).
12) Any person aggrieved by this decision may, within 30 days of the date of issuance, submit an appeal according to SMC 17.13.065.

Approved subject to these conditions,

Ben Shumaker
Planning Director

City of Stevenson Critical Areas

Habitat Mitigation Plan

Lot 1300

NE ¼ Section 2, T.2N., R.7E. W.M.

Prepared by

Brian Bair, Fish Biologist, BAIRllc

181 McEvoy Lane

Stevenson, WA

for

Land Owner / Applicant: Shawn VanPelt

July 7th, 2011

Amended

October 22, 2012

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INTRODUCTION

The following report provides the Critical Areas Habitat Mitigation Plan for City lot 1300 owned by Shawn Van Pelt. The lot is located on Foster Creek road within the city limits of Stevenson Washington, NE ¼ Section 2, T.2N., R.7E. W.M. (see Attachment A sheet 1). The lot dimensions are 130 feet by 190 feet and are bound by residential lot 1200 to the North, Skamaina Lodge Golf Course to the West and South and Foster Creek Road to the East. The lot was surveyed on March 11th & 18th and April 24th, 2011 by Greg Robertson, Fish Biologist of RTllc and Brian Bair, Fish Habitat Biologist of BAIRllc. The surveys consisted of stream channel measurements of the wetted perimeter, ordinary high water mark, flood prone area and entrenchment (flood prone width / ordinary high water width). In addition storm water drainage paths were identified and mapped, vegetation species were recorded and significant trees were identified and mapped.

Lot 1300 is bisected by Foster Creek which is a classified by the Washington Department of Natural Resources as type "F" for fish bearing (formerly type 2 or 3). The Washington Department of Fish and Wildlife online data base does not list the species of fish present in Foster Creek, however it is assumed that salmon and steelhead have access to and utilize the stream seasonally. The Foster Creek catchment is 0.75 square miles and drains south, southeast into Rock Creek Cove and the Columbia River (Figure 1). The stream channel thalweg slope is 1.2% with average ordinary high water width of 17 feet. The stream channel is entrenched; flood prone widths and ordinary high water widths are approximately the same meaning that all but perhaps the most extreme peak flood flow events are contained within the stream channel. Foster Creek exits the property through a 36" diameter corrugated metal pipe. The stream continues downstream 1,230 feet through a second culvert entering Rock Creek Cove. Two storm water drainage paths enter the property from Skamania Lodge golf course; the first enters the property on the Northwest corner and immediately enters Foster Creek, the second enters the property from the South and then enters Foster Creek immediately upstream of the culvert/Foster Creek road crossing (see Attachment A sheets 2 & 3). The property does not have any designated wetlands or geological, landslide, erosion or seismic hazards.

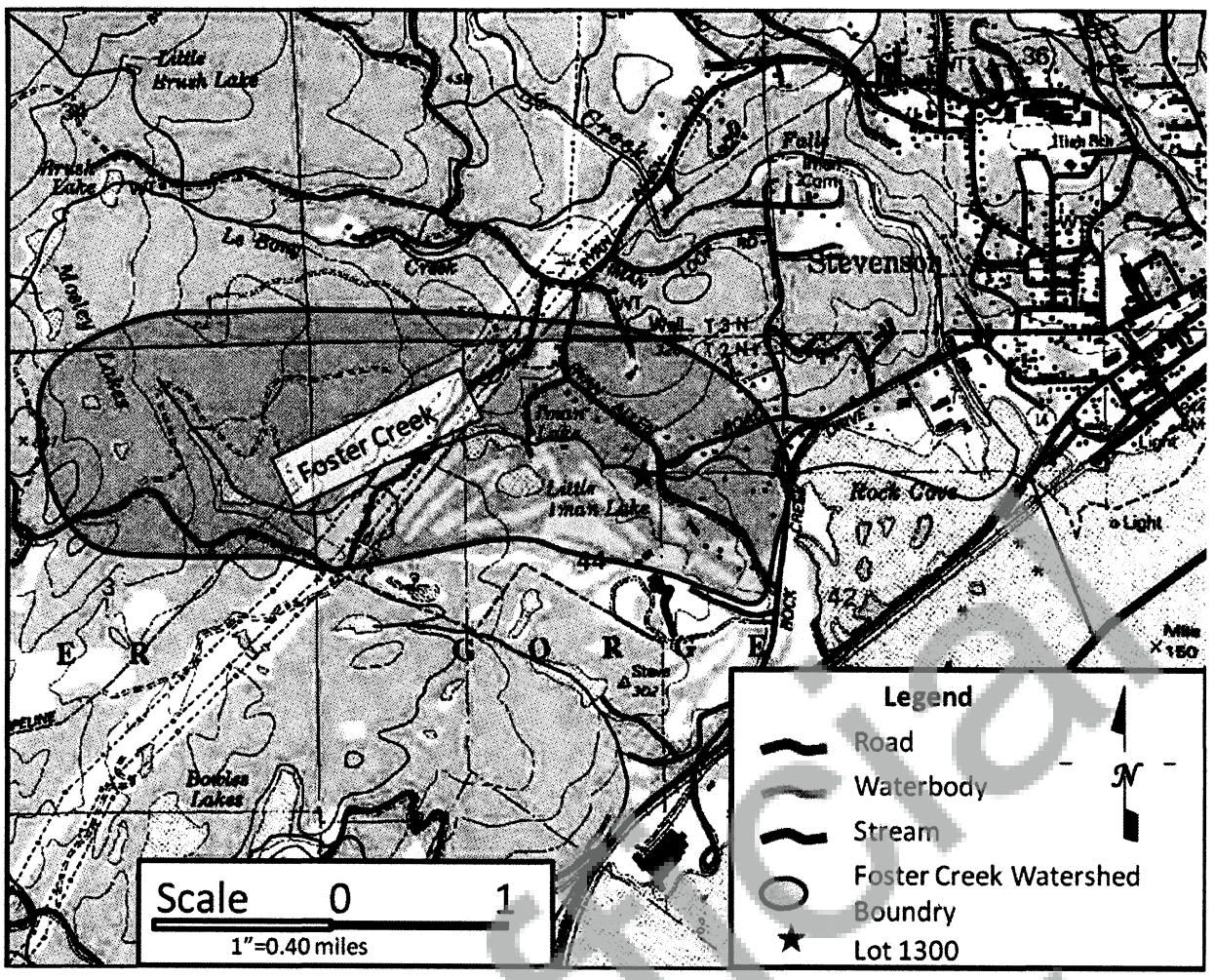


Figure 1. Location of the Foster Creek watershed, City of Stevenson, Skamania County, WA.

Vegetation along the creek and throughout the lot is dominated with red alder (*Alnus rubra)*, vine maple (*Acer circinatum*) and Himalayan black berry (*Rubus armeniacus*). There are also low densities of second growth Douglas fir (*Pseudotsuga menziesii*), western red cedar (*Thuja plicata*) and western hemlock (*Tsuga heterophylla*) on the property. The majority of alder are less than 10 inches in diameter with conifers ranging from 8 inches to 28 inches in diameter at breast height.

SMC 18.13.095.E requires 125 foot buffers outward from the ordinary high water mark on type F streams. Base riparian habitat buffers can be reduced through enhancement of degraded buffers, though a buffer averaging plan, and/or through off-site mitigation. If the 125 foot buffers were applied to lot 1300 it would encompass the entire lot. Therefore a series of office and field meetings with the Planning Director were conducted to determine minimum buffer widths for the site. On April 4th, 2011 it was determined by the Planning Director that the due to the impacts of required riparian buffer on the property, the buffer could be automatically reduced according to SMC 18.13.085.B1.b which states that 50% of the property located

beyond the streams ordinary high water mark could be used for building. In addition, the buffer widths could be further reduced according to SMC 18.13.095.F.3.c (On-Site Mitigation) and SMC 18.13.095.F.3.b (Buffer Averaging). The Habitat Conservation Area buffer including the area of the stream channel ordinary high water mark corridor for lot 1300 is 13,965ft^2, which is 57% of the total lot area (see Attachment A Sheet 2).

HABITAT MITIGATION PLAN

The goals of the following on-site mitigation measures are to minimize impacts and rehabilitate the riparian area of Foster Creek. The objectives to meet these goals are: 1) Eradicate all Himalayan blackberries from the property and 2) accelerate the recovery of the riparian vegetation and restore the area to a western hemlock climax ecosystem by replanting native tree species at appropriate densities.

Himalayan Blackberry Eradication

Himalayan blackberries will be spot treated, cutting back the above-ground blackberry bramble as close to the ground as possible and then applying glyphosate based herbicide directly to freshly cut canes. Do to the proximity of Foster Creek, only herbicides containing glyphosate such as Rodeo (Dow) or Aquamaster (Monsanto) with LI-700 surfactant will be used. Herbicide will not be applied within 10 feet of the ordinary high water mark; all blackberries within 10 feet of the stream will be manually extracted, no herbicide will be applied.

Blackberry eradication will occur at least once a year for five years.

Riparian Reforestation

Over-story

The following tree species mix and densities will be planted and maintained for 10 years to restore and enhance the riparian area over-story to a native Western Hemlock Climax type ecosystem:

16 (39%) (*Tsuga heterophylla*) western hemlock

8 (19%) (*Thuja plicata*) western redcedar

6 (14%) (*Acer macrophyllum*) big leaf maple,

4 (9%) (*Abies grandis*) grand fir

3 (7%) (*Pseudotsuga menziesii*) Douglas-fir

3 (7%) (*Taxus brevifolia*) Pacific yew

1 (4%) (*Abies amabilis*) Pacific silver fir

Trees will be planted on 10 foot X 10 foot plant spacing intervals. Planting areas for trees will be prepared by scalping a four foot square area, removing all vegetation and root matter. Scalped areas will be mulched with weed barrier mat and/or four inches of wood chips after trees are planted. Tree survival will be assessed every year for ten years. Dead trees will be replaced species specifically.

Understory

The following native plant species mix will also be planted in disturbed areas to restore and enhance the riparian area understory component. The number of species and percentage ground cover occupied by any individual species will change over time as the over-story canopy develops, shade increases and natural succession occurs. The primary objective will be to maintain the native plant understory species at 98% total ground cover (excluding mulched and scalped areas for trees) by year five after implementation. The initial understory re-vegetation species mix and respective percentage of ground cover for disturbed and bare areas are as follows:

30% (*Polystichum munitum*) Sword Fern

30% (*Berberis aquifolium*) Oregon-grape

15% (*Symphoricarpos mollis*) Snowberry

10% (*Cornus sericea*) Red Osier Dogwood

10% (*Rosa woodsii) Wood's Rose*

5% (*Rhododendron occidentale*) Western Azalea

PERFORMANCE STANDARDS

Performance Standards for the Habitat Conservation Area buffer are presented in Table 1. Planted woody vegetation will be monitored years 1- 10 and will consist of monitoring of percent woody species survival and percent herbaceous vegetation canopy cover. In addition, erosion within the buffer will also be monitored to prevent any significant rills or gullies within the buffer. The percent ground cover of non-weed perennial vegetation will be monitored years 1-5. If monitoring indicates that targets are not achieved then appropriate maintenance activities (e.g., reseeding, replanting, increased frequency of weed eradication etc.) will be implemented. If significant rills or gullies begin to develop within the buffer a Geo-Technical Engineer, Hydraulic Engineer or other qualified specialist will be consulted and a rehabilitation plan will be developed and implemented.

Table 2. Performance Standards for Habitat Conservation Area Buffer, Lot 1300, City of Stevenson, Washington.

Performance Standards for Riparian Buffer - Habitat Conservation Area				
Year	% Planted Woody Species Survival	% Herbaceous Vegetation Canopy Cover	% Total Ground Cover of Non Weed Perennial Vegetation	Erosion
1	90	98	90	No Significant Rills or Gullies
2	90	98	95	No Significant Rills or Gullies
3	90	98	98	No Significant Rills or Gullies
4	90	98	98	No Significant Rills or Gullies
5	90	98	98	No Significant Rills or Gullies
6	90	98	N/A	No Significant Rills or Gullies
7	90	98	N/A	No Significant Rills or Gullies
8	90	98	N/A	No Significant Rills or Gullies
9	90	98	N/A	No Significant Rills or Gullies
10	90	98	N/A	No Significant Rills or Gullies

HABITAT CONSERVATION AREA DELINIATION

The Habitat Conservation stream buffer will have a permanent physical demarcation of logs, a tree or hedgerow, wood or wood like fencing, which will be approved by the City of Stevenson Planning Department. In addition, a sign (minimum size 1 foot x 1 foot and posted 3.5 feet above grade) worded: WILDLIFE HABITAT BUFFER – PLEASE RETAIN IN A NATURAL STATE will be posted along the outer perimeter of the habitat buffer.

PHOTO STATION AND SURVEY PLOTS

There are 3 photo/survey stations labeled on figure 3. The exact location of each station is critical for future survey plots to be accurate and usable, therefore the center point of the radius of each station will be permanently marked on the site with a metallic permanent marker labeled appropriately "Photo Station #1", Photo Station #2 and Photo Station #3". Each marker designates the location of where photos should be taken from, and also the center point of a 25 foot radius survey plot.

Photos shall be taken in the early spring period between March 1st and May 31st, when plants and trees have started to grow, but have not overgrown the plots, obscuring other plants/trees. Photos and

survey will be required on anniversary years 1,2,3,5,7 and 10. Photos should be taken from a standing position preferably with a wide angle lens capable of capturing the entire plot in one photo.

Survey plots shall be measured 25 feet radius from marked center point of each station. Plot shall only cover the area within the HCA boundary. This creates a ¼ circle plot for Plots #1 and #3, and a ½ circle plot for Plot #2. Surveyor should document all tree species within each plot, noting on the attached forms the general health and description of each. All living and Dead trees should be listed. Below each plot, after all trees have been listed, surveyor should write a brief description of the plot, describing the overall condition of each plot. (ie: completely covered in weeds/grasses, moss, well maintained, ect.

Photos and survey results will be received by the City of Stevenson Planning Department no later than June, 15th of each year required. If not received by said date, City of Stevenson reserves the right to enter property for purposes of taking photos from stations and performing surveys as required. In the event survey results do not meet compliance to mitigation plan requirements, City of Stevenson will notify owner in writing of such deficiency, and give owner 90 days to correct said deficiency before pursing compliance by whatever method they choose. ~~Compliance shall only be required for each of the 3 marked stations~~. No additional survey plots will be taken assuming overall condition of HCA area is generally within guidelines of the mitigation plan.

Figures 5-7 show the initial locations of existing tree species within each plot.

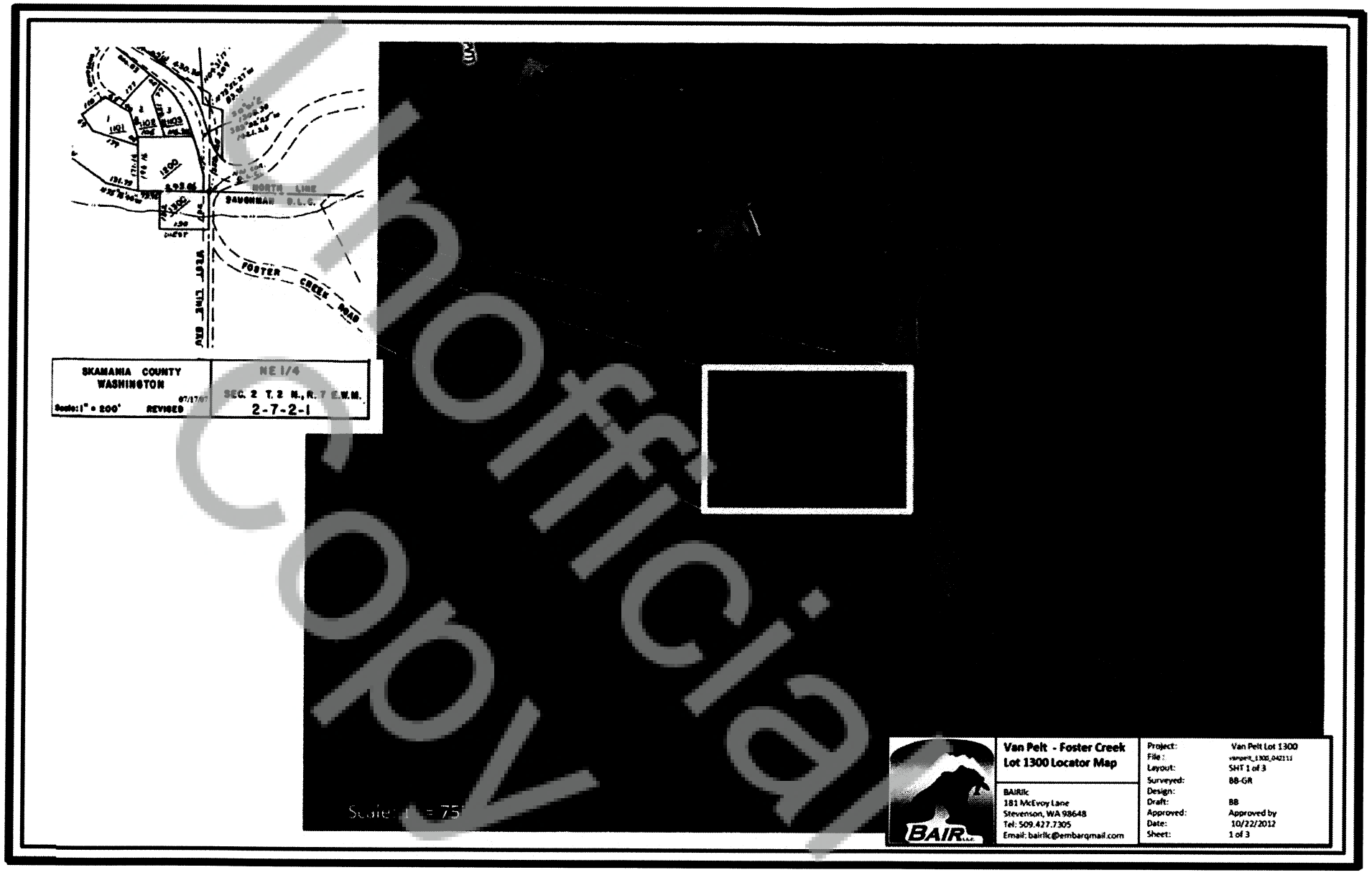


Figure 2. Locator Map for Lot 1300 City of Stevenson, Washington.

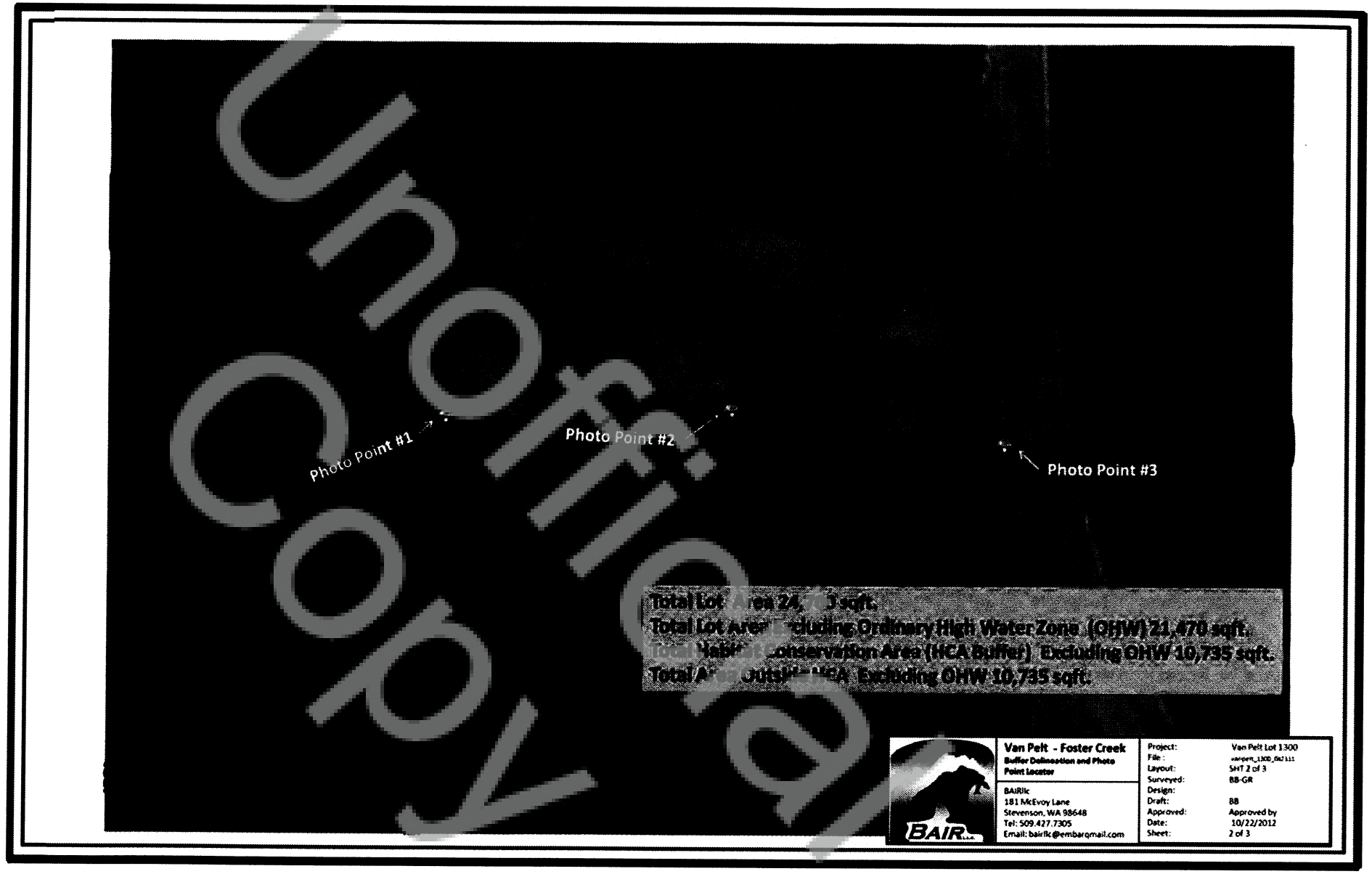


Figure 3. Habitat Buffer Delineation and Photo Point Locator. Lot 1300 City of Stevenson, Washington.

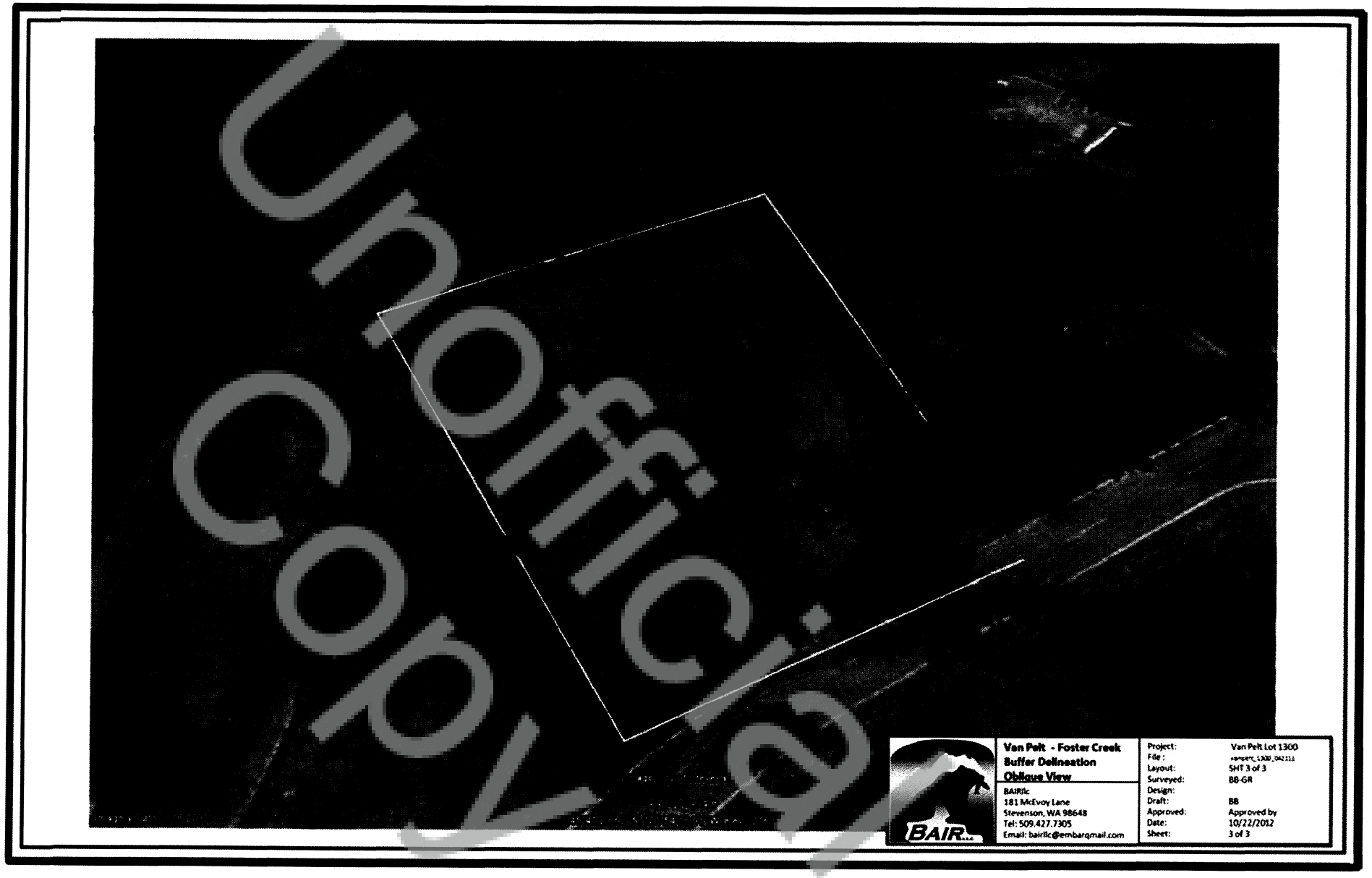


Figure 4. Habitat Buffer Delineation, Oblique View. Lot 1300 City of Stevenson, Washington.

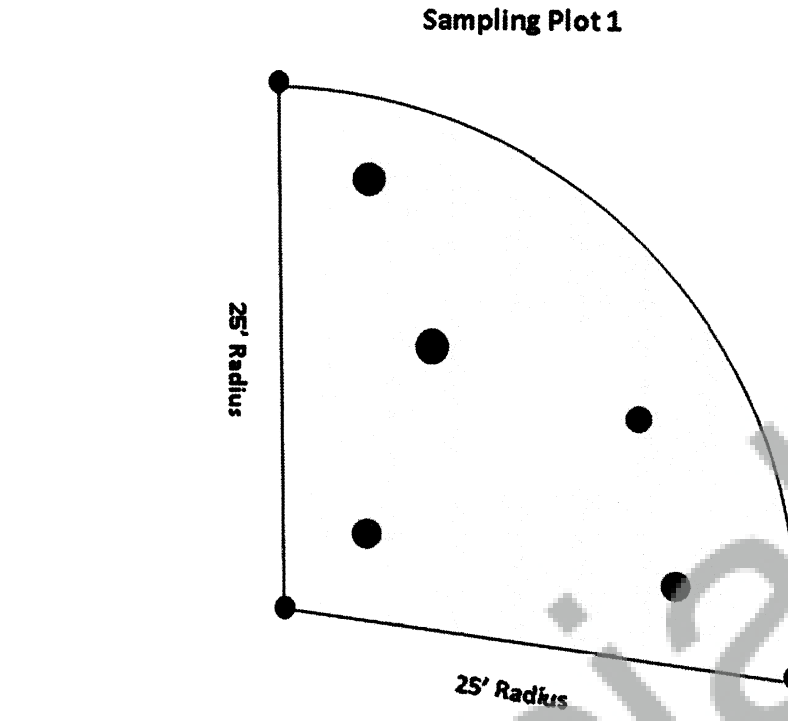


Figure 5. Locations and Species of Trees within Sampling Plot #1. Lot 1300 City of Stevenson, Washington. ***Data collected by Van Pelt Inc.***

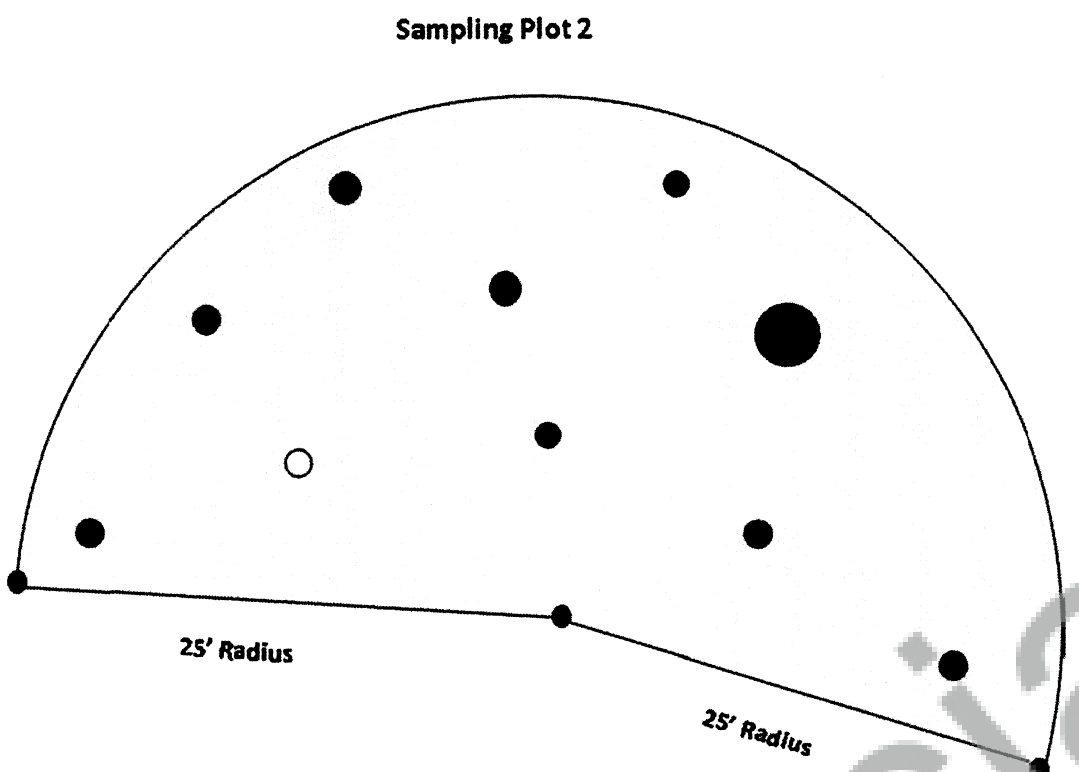
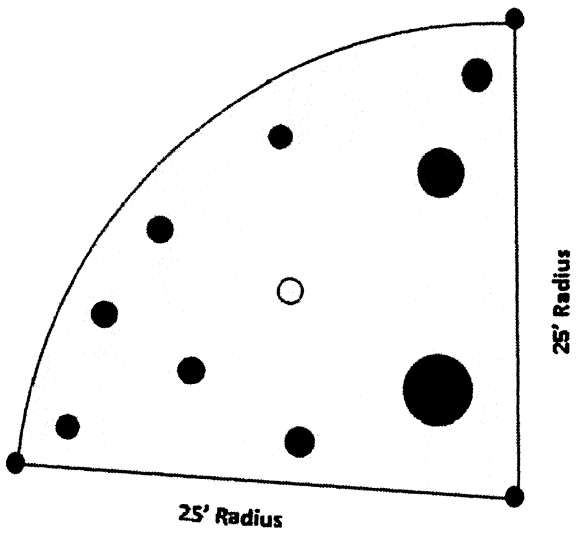


Figure 6. Locations and Species of Trees within Sampling Plot #2. Lot 1300 City of Stevenson, Washington. ***Data collected by Van Pelt Inc.***

Sampling Plot 3



- 2 - Native Big Leaf Maple
- 2 - Western Hemlock
- 2 - Western Red Cedar
- 1 - Grand Fir
- 1 - Douglas Fir
- 1 - Pacific Yew
- 1 - Pacific Silver Fir

10 - Total trees in the Western Hemlock Climax Type Ecosystem

Figure 7. Locations and Species of Trees within Sampling Plot #3. Lot 1300 City of Stevenson, Washington. Data collected by Van Pelt Inc.