

Return Address: Dennis Crow & Anita Gahimer Crow
P.O. Box 235
Cook, WA 98605

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

Administrative Decision

APPLICANT: Dennis Crow and Anita Gahimer Crow

PROPERTY OWNER: Dennis Crow and Anita Gahimer Crow - Lot #3102
SDS Lumber Co., LLC – Lot #3101 (a portion of lot #3100)

FILE NO.: NSA-12-24

PROJECT: Review of the Quit Claim Deeds that will affirm the boundary line locations of parcel no. 03-09-00-0-0-3102-00 (owned by Crow/ Gahimer Crow), which is adjacent to parcel no. 03-09-00-0-0-3101-00 (a portion of lot #3100 which is owned by SDS Lumber Co., LLC). The legal description for parcel no. 3102 relied upon the location of an old portion of Cook Underwood Road which no longer exists. A survey has been conducted by Klein & Associates for the proposed legal description.

LOCATION: Located off of Cook Underwood Road at Milepost 2.5 near Fouts Road, Cook; Section 23 of T3N, R9E, W.M., and identified as Skamania County Tax Lot # 03-09-00-0-0-3102-00, 03-09-00-0-0-3101-00, 03-09-00-0-0-3100-00.

LEGAL: See attached page(s) 7-8.

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ZONING: General Management Area- Commercial Forest (F-1).

DECISION: Based upon the record and the Staff Report, the application by Dennis Crow and Anita Gahimer Crow, described above, **subject to the conditions set forth in this Decision**, is found to be consistent with SCC Title 22 and **is hereby approved**.

Although the proposed development is approved, it may not be buildable due to inadequate soils for septic and/or lack of potable water. These issues are under the jurisdiction of Skamania County's Building Division and the Skamania County Environmental Health Division.

Approval of this request does not exempt the applicant or successors in interest from compliance with all other applicable local, state, and federal laws.

CONDITIONS OF APPROVAL:

The following conditions are required to ensure that the subject request is consistent with Skamania County Code Title 22. **This document, outlining the conditions of approval, must be recorded by the applicant in the deed records of the Skamania County Auditor** in order to ensure notice of the conditions of approval to successors in interest. SCC §22.06.120(C)(2).

- 1) As per SCC §22.06.120(C)(2), this Administrative Decision **SHALL BE RECORDED** by the applicant in the County deed records prior to commencement of the approved project.
- 2) All developments shall be consistent with the enclosed site plan, unless modified by the following conditions of approval. If modified, the site plan shall be consistent with the conditions of approval. (See attached)
- 3) This Decision does not authorize Tract A and Tract B, as described in the legal description for tax parcel no. 03-09-00-0-0-1302-00, as separate parcels.
- 4) The proposed Boundary Line Agreement documents must be modified to include the following language prior to the Community Development Department signing off for the recording of the deeds: "The purpose of this deed is to affect a boundary line adjustment between adjoining parcels of land owned by Grantor and Grantee; it is not intended to create a separate parcel, and is therefore exempt from the requirements of RCW 58.17 and the Skamania County Short Plat Ordinance. The property described in this deed cannot be segregated and sold without conforming to the State of Washington and Skamania County Subdivision laws."

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- 5) The following procedures shall be effected when cultural resources are discovered during construction activities:
 - 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 Administrator and the Gorge Commission within twenty-four (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 twenty-four (24) hours.
 - c) Survey and Evaluations. The Gorge Commission shall survey the cultural resources after obtaining written permission from the landowner and appropriate permits from the DAHP. (See Revised Code of Washington 27.53) It shall gather enough information to evaluate the significance of the cultural resources. The survey and evaluation shall be documented in a report that generally follows the provisions in Section 22.22.030 of this Chapter. Based upon the survey and evaluation report and any written comments, the Administrator shall make a final decision on whether the resources are significant. Construction activities may recommence if the cultural resources are not significant.
 - d) Mitigation Plan. Mitigation plans shall be prepared according to the information, consultation and report provisions contained in Section 22.22.050 of this Chapter. Construction activities may recommence when conditions in the mitigation plan have been executed.
- 6) The following procedures shall be effected when human remains are discovered during a cultural resource survey or during construction. Human remains means articulated or disarticulated human skeletal remains, bones or teeth, with or without attendant burial artifacts.
 - a) Halt of Activities. All survey, excavation and construction activities shall cease.
 - b) Notification. Local law enforcement officials, the Administrator, the Gorge Commission, and the Indian tribal governments shall be contacted immediately.
 - c) Inspection. The county coroner, or appropriate official, shall inspect the remains at the project site and determine if they are prehistoric/ historic or modern. Representatives of the Indian tribal governments shall be contacted immediately and have an opportunity to monitor the inspection.

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- d) Jurisdiction. If the remains are modern, the appropriate law enforcement official shall assume jurisdiction and the cultural resource protection process may conclude.
- e) Treatment. The procedures set out in RCW 27.44 and 68.05 shall generally be implemented if the remains are prehistoric/ historic. If human remains will be reinterred or preserved in their original position, a mitigation plan shall be prepared in accordance with the consultation and report requirements set out in Section 22.22.050 of this Chapter. The mitigation plan shall accommodate the cultural and religious concerns of Native Americans. The cultural resource protection process may conclude when conditions set forth in Section 22.22.050(C) of this Chapter are met and the mitigation plan is executed.

Dated and Signed this 17th day of October, 2012, at Stevenson, Washington.


 Jessica Davenport, Planning Manager
 Planning Division

NOTES

Any new residential development, related accessory structures such as garages or workshops, fences, and additions or alterations not included in this approved site plan, will require a new application and review.

EXPIRATION

As per SCC §22.06.150(A), this Administrative Decision approving a proposed development action shall become void in two years if the development is not commenced within that period, or once development has commenced the development action is discontinued for any reason for one continuous year or more.

If the development does not include a structure the permit shall expire two years after the date the land use approval was granted unless the use or development was established according to all specifications and conditions of approval in the approval. For land divisions, "established" means the final deed or plat has been recorded with the county auditor.

If the development includes a **structure** the permit shall expire when construction has not commenced within two (2) years of the date the land use approval was granted; or once the structure has been started and if the structure has not been completed within two (2) years of the date of commencement of construction the permit shall expire. Completion of the structure for

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this purpose means the completion of the exterior surface(s) of the structure; and compliance with all conditions of approval in the land use approval, including, but not limited to, painting of the exterior of the structure.

APPEALS

The Director reserves the right to provide additional comment and findings of fact regarding this decision, if appealed.

This Administrative Decision shall be final unless reversed or modified on appeal. A written Notice of Appeal form must be filed by an interested person within 20 days from the date hereof. Appeals are to be made to the Skamania County Hearing Examiner, P.O. Box 1009, Stevenson, WA 98648. Notice of Appeal forms and mailing lists are available at the Community Development Department and must be accompanied by a \$2,450.00 nonrefundable-filing fee and a Certificate of Mailing.

The final determination of the Environmental Threshold Determination related to this underlying government action can be appealed to a court of competent jurisdiction, along with the underlying government action, only by the parties with standing to the Environmental Threshold Determination. If the underlying government action was exempt from SEPA review, this section does not apply.

WARNING

On November 30, 1998 the Columbia River Gorge Commission overturned a Skamania County Director's Decision 18 months after the 20 day appeal period had expired. You are hereby warned that you are proceeding at your own risk and Skamania County will not be liable for any damages you incur in reliance upon your Administrative Decision or any amendments thereto.

A copy of the Decision was sent to the following:

Skamania County Building Division

A copy of this Decision, including the Staff Report, was sent to the following:

SDS Co., LLC

Persons submitting written comments in a timely manner

Yakama Indian Nation

Confederated Tribes of the Umatilla Indian Reservation

Confederated Tribes of the Warm Springs (electronic)

Nez Perce Tribe

Cowlitz Tribe

Department of Archaeology and Historic Preservation

Columbia River Gorge Commission (electronic)

U.S. Forest Service - NSA Office (electronic)

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Board of County Commissioners (electronic)
State of Washington Department of Commerce – Paul Johnson (electronic)
Department of Fish and Wildlife (electronic)

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AFN #2012181211 Record 07/31/2012 at 05:04 PM DocType: DEED Filed by: ANITA GAHIMER CROW Page: 1 of 2 Auditor Timothy O. Todd Skamania County, WA

Current Legal
#3102

REAL ESTATE EXCISE TAX

Filed for Record at request of:

Dennis Crow and Anita Gahimer Crow
161 Fouts Road, Cook, WA 98605-9052

29656
AUG -1 2012

PAID *Wm Pt*
Vicki Chellard
SKAMANIA COUNTY TREASURER

CONTACT INFORMATION
STATUTORY WARRANTY DEED

THE GRANTOR, SKAMANIA COUNTY, a municipal corporation, for and in consideration of TEN DOLLARS (\$10.00), in hand paid, conveys and warrants to Dennis Crow and Anita Gahimer Crow the following described real estate, situated in the County of Skamania, State of Washington:

OFFICIAL COPY

A tract of land located in the Northwest Quarter of the Southeast Quarter (NW 1/4 SE 1/4) of Section 23, Township 3 North, Range 9 E. W. M., described as follows: Beginning at a point on the westerly right of way line of the county road known and designated as the Cook-Underwood Road, said point being 1,491.36 feet north and 846.76 feet east of the quarter corner on the south line of the said Section 23; thence north 16° 54' west 518.66 feet; thence south 73° 06' west 40 feet; thence north 16° 54' west 268.3 feet; thence north 13° 31' west 82.70 feet; thence north 76° 29' east 40 feet; thence north 13° 31' west 370 feet, more or less, to intersection with the north line of the NW 1/4 of the SE 1/4 of the said Section 23; thence east 30 feet to the westerly right of way line of the said county road as existing on January 1, 1960; thence following the westerly right of way line of the said county road as aforesaid in a southerly direction to the point of beginning; said tract containing 5.8 acres, more or less;

ALSO: A tract of land located in the Northwest Quarter of the Southeast Quarter (NW 1/4 SE 1/4) of Section 23, Township 3 North, Range 9 E. W. M., described as follows: Beginning at a point marking the intersection of the easterly right of way line of the county road known and designated as the Cooks-Underwood Road with the south line of the NW 1/4 of the SE 1/4 of the said Section 23; thence east 65 feet along said south line; thence north 02° 15' east 215 feet, more or less, to intersection with the easterly right of way line of said county road; thence following the easterly right of way line of said county road in a southerly direction to the point of beginning; said tract containing 0.3 acres, more or less.

Skamania County Assessor
Date 7-31-12 Parcel# 03-09-00-00-3102-00

Assessor=s Property Tax Parcel/Account Number: 03090000310200

DATED this 31st day of July, 2012.

Paul Pearce
PAUL PEARCE, CHAIRMAN
Skamania County Board of Commissioners

current legal # 3100

PARCEL 1: The Northwest Quarter, the Northeast Quarter of the Southwest Quarter and the Northwest Quarter of the Southeast Quarter, all in Section 23, Township 3 North, Range 9 East of the Willamette Meridian, in the County of Skamania, State of Washington.

EXCEPT that portion conveyed to Skamania County by instrument recorded February 26, 1960 in Book 47, Page 99.

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QUITCLAIM DEED
(Affirming Boundary Line Locations)

PROPOSED

To confirm the locations of common boundary lines because previously existing landmarks have been altered or removed, the Grantors, Dennis Crow and Anita Gahimer Crow, having an address of 161 Fouts Road, Cook, Washington 98605 convey and quitclaim to S.D.S. CO., L.L.C., a Washington limited liability company, dba Stevenson Land Company all interest in all property located in the NW 1/4 of the SE 1/4 of Section 23, Township 3 North, Range 9 East of the Willamette Meridian, County of Skamania, State of Washington, LESS AND EXCLUDING the following property:

LEGAL DESCRIPTION TRACT "A"

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 3 NORTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN, COUNTY OF SKAMANIA, STATE OF WASHINGTON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 3 NORTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN; THENCE NORTH 01°37'36" EAST, 1282.52 FEET, TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 23; THENCE SOUTH 88°08'52" EAST, 813.91 FEET TO A POINT ON THE EAST RIGHT-OF-WAY OF COOK-UNDERWOOD ROAD; THENCE NORTH 12°16'30" WEST, 271.49 FEET TO A POINT ON THE WEST RIGHT-OF-WAY OF SAID COOK-UNDERWOOD ROAD AND THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTHERLY ALONG THE WEST RIGHT-OF-WAY OF SAID COOK-UNDERWOOD THE FOLLOWING SIX (6) COURSES 1.) THENCE NORTH 18°58'36" WEST, 518.66 FEET; 2.) THENCE SOUTH 71°01'24" WEST, 40.00 FEET; 3.) THENCE NORTH 18°58'36" WEST, 268.30 FEET; 4.) THENCE NORTH 15°35'36" WEST, 82.70 FEET; 5.) THENCE NORTH 74°24'24" EAST, 40.00 FEET; 6.) THENCE NORTH 15°35'36" WEST, 222.76 FEET, MORE OR LESS TO A POINT ON THE NORTH LINE OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 23; THENCE SOUTH 88°58'53" EAST ALONG AFORESAID NORTH LINE A DISTANCE OF 94.71 FEET TO A POINT ON THE EAST RIGHT-OF-WAY OF SAID COOK-UNDERWOOD ROAD; THENCE SOUTH 15°04'25" EAST ALONG SAID EAST RIGHT-OF-WAY OF COOK-UNDERWOOD ROAD A DISTANCE OF 75.00 FEET; THENCE SOUTH 39°49'54" EAST ALONG THE TOP OF BANK A DISTANCE OF 63.53 FEET TO A 5/8" REBAR SET BY

KLEIN & ASSOCIATES IN RECORD OF SURVEY, UNDER AUDITOR'S FILE NO. 2009173545; THENCE IN A SOUTHERLY DIRECTION ALONG SAID TOP OF BANK IN WHICH 5/8" REBAR WERE SET BY AFORESAID KLEIN & ASSOCIATES IN RECORD OF SURVEY, UNDER AUDITOR'S FILE NO. 2009173545 THE FOLLOWING TEN (10) COURSES; 1.) THENCE SOUTH 43°34'22" EAST, 105.80 FEET; 2.) THENCE SOUTH 60°02'59" EAST, 141.09 FEET; 3.) THENCE SOUTH 24°00'43" EAST, 197.39 FEET; 4.) THENCE SOUTH 63°15'08" EAST, 127.39 FEET; 5.) THENCE SOUTH 77°21'55" EAST, 197.13 FEET; 6.) THENCE SOUTH 54°18'33" EAST, 102.33 FEET; 7.) THENCE SOUTH 39°19'06" WEST, 173.14 FEET; 8.) THENCE SOUTH 72°04'43" WEST, 170.27 FEET; 9.) THENCE SOUTH 26°37'01" WEST, 195.01 FEET; 10.) THENCE SOUTH 26°07'29" WEST, 84.44 FEET; THENCE NORTH 82°53'00" WEST, 86.70 FEET, BACK TO THE POINT OF BEGINNING.

CONTAINING 320,577 SQ FT, 7.36 ACRES, MORE OR LESS.

LEGAL DESCRIPTION TRACT "B"

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 3 NORTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN, COUNTY OF SKAMANIA, STATE OF WASHINGTON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

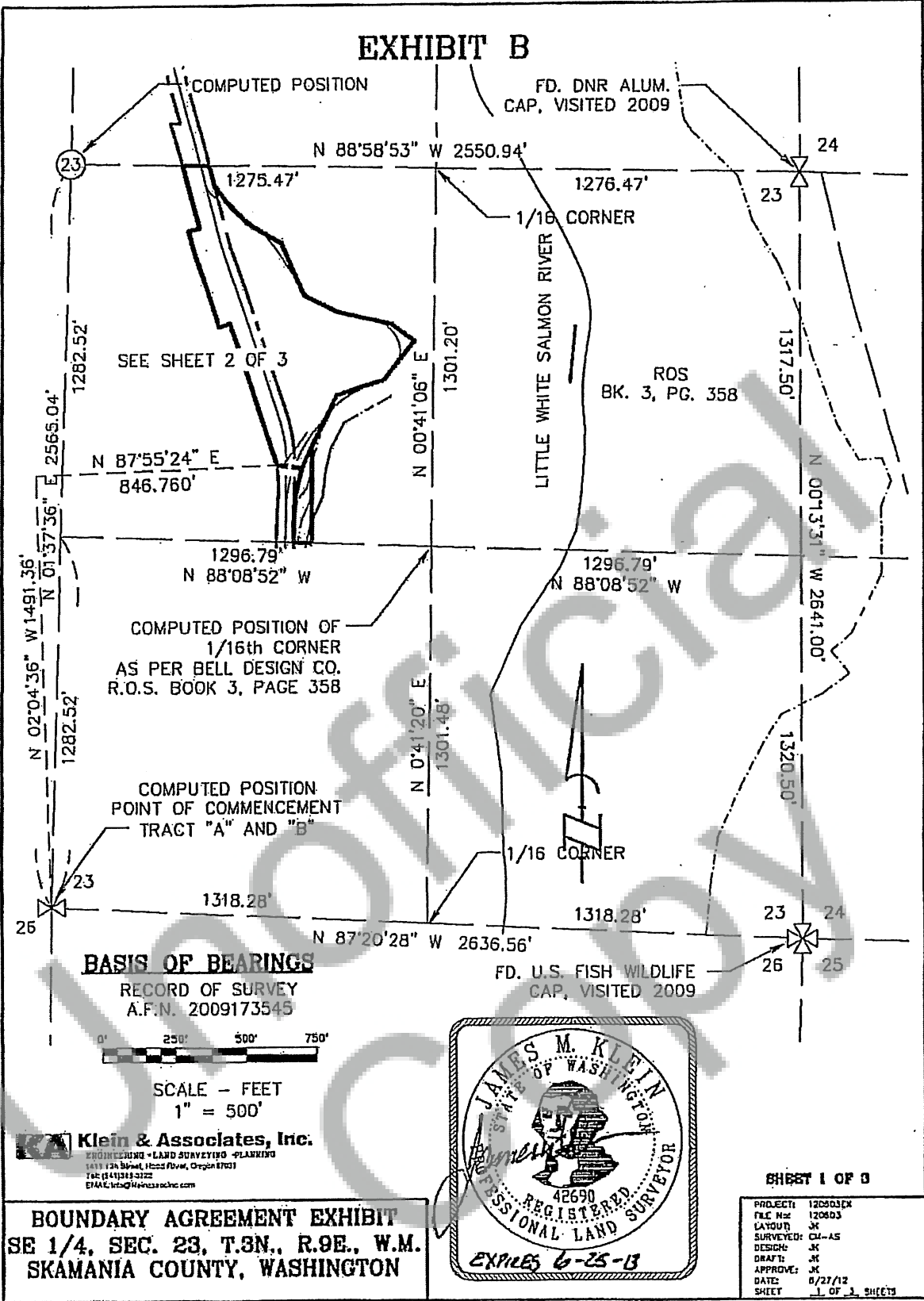
COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 3 NORTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN; THENCE NORTH 01°37'36" EAST, 1282.52 FEET, TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 23; THENCE SOUTH 88°08'52" EAST, 813.91 FEET TO A POINT ON THE EAST RIGHT-OF-WAY OF COOK-UNDERWOOD ROAD AND THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING SOUTH 88°08'52" EAST, ALONG AFORESAID SOUTH LINE A DISTANCE OF 65.00 FEET; THENCE NORTH 00°05'30" EAST, 332.49 FEET TO A 5/8" REBAR SET BY KLEIN & ASSOCIATES IN RECORD OF SURVEY UNDER AUDITOR'S FILE NO. 2009173545; THENCE SOUTH 26°07'29" WEST, 84.44 FEET TO A 5/8" REBAR SET BY KLEIN & ASSOCIATES IN RECORD OF SURVEY UNDER AUDITOR'S FILE NO. 2009173545 AND A POINT ON A NON-TANGENT CURVE CONCAVED EASTERLY AND HAVING A RADIUS OF 702.71 FEET; THENCE SOUTHERLY ALONG SAID NON-TANGENT CURVE THROUGH A CENTRAL ANGLE OF 12°04'50", AN ARC LENGTH OF 148.16 FEET, A CHORD WHICH BEARS SOUTH 10°20'39" WEST, A CHORD DISTANCE OF 147.89 FEET TO A POINT ON

THE EASTERLY RIGHT-OF-WAY OF COOK-UNDERWOOD ROAD; THEN
SOUTH 00°55'29" WEST, ALONG SAID EASTERLY RIGHT-OF-WAY OF
COOK-UNDERWOOD ROAD A DISTANCE OF 109.07 FEET BACK TO
THE POINT OF BEGINNING

CONTAINING 16,161 SQ FT, 0.37 ACRES, MORE OR LESS.

Tract "A" and Tract "B" are depicted in the attached Exhibit B.

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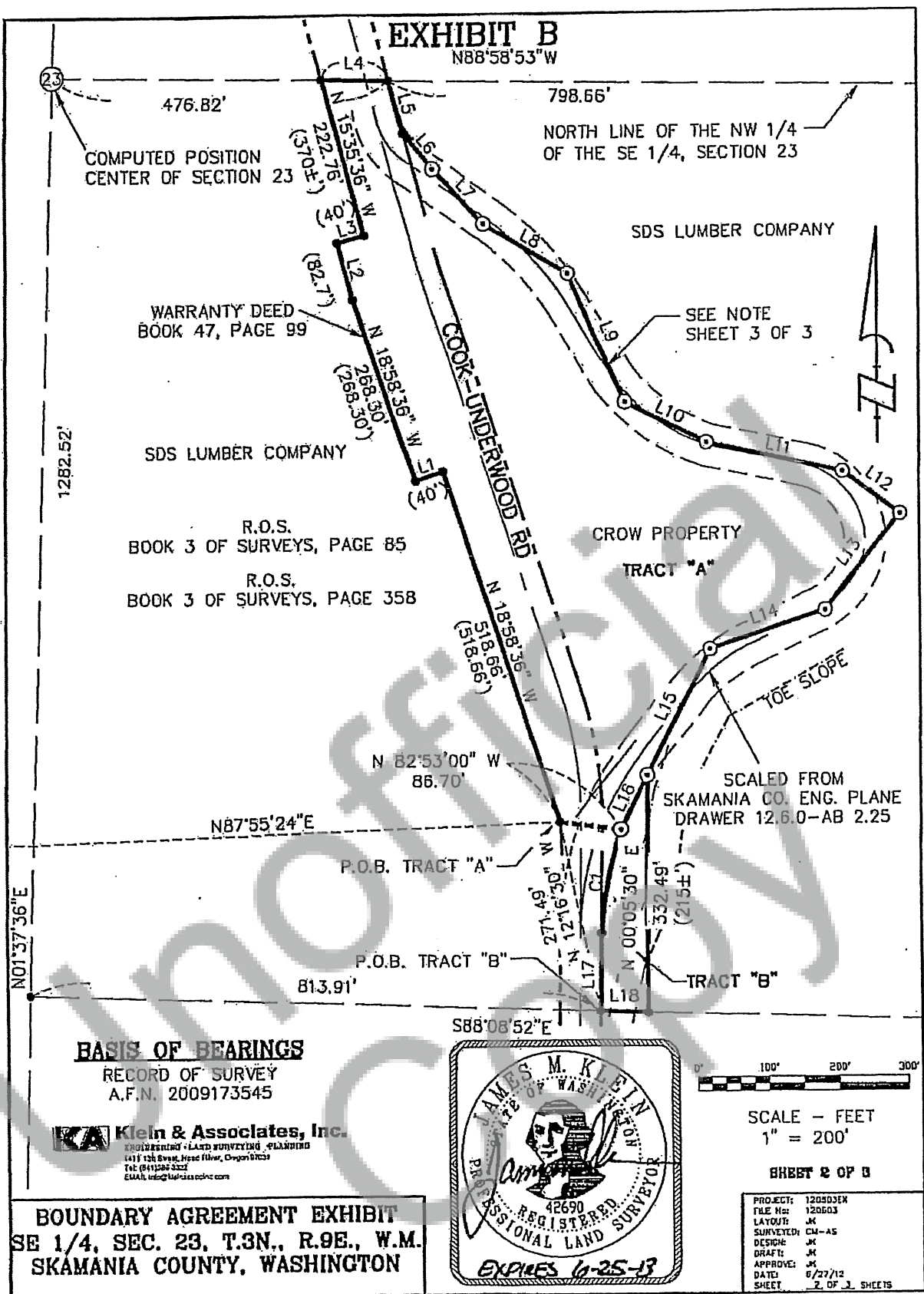


EXHIBIT B

| LINE TABLE | | |
|------------|---------------|--------|
| LINE | BEARING | LENGTH |
| L1 | S 71°01'24" W | 40.00 |
| L2 | N 15°35'36" W | 82.70 |
| L3 | N 74°24'24" E | 40.00 |
| L4 | S 88°58'53" E | 94.71 |
| L5 | S 15°04'25" E | 75.00 |
| L6 | S 39°49'54" E | 63.53 |
| L7 | S 43°34'22" E | 105.80 |
| L8 | S 60°02'59" E | 141.09 |
| L9 | S 24°00'43" E | 197.39 |
| L10 | S 63°15'08" E | 127.39 |
| L11 | S 77°21'55" E | 197.13 |
| L12 | S 54°18'33" E | 102.33 |
| L13 | S 39°19'06" W | 173.14 |
| L14 | S 72°04'43" W | 170.27 |
| L15 | S 26°37'01" W | 195.01 |
| L16 | S 26°07'29" W | 84.44 |
| L17 | S 00°55'29" W | 109.07 |
| L18 | S 88°08'52" E | 65.00 |

LEGEND

- BOUNDARY LINE
- RIGHT-OF-WAY (ROAD)
- CENTERLINE (ROAD)
- FOUND KLEIN & ASSOC. REB
ROS, A.F.N. 2009173545
- COMPUTED CORNER
- ROS RECORD SURVEY
- A.F.N. AUDITOR FILE NO
- (100') DEED DISTANCE
- P.O.B. POINT OF BEGINNING

| CURVE TABLE | | | | | |
|-------------|--------|--------|-----------|-----------------|--------------|
| CURVE | LENGTH | RADIUS | DELTA | CHORD DIRECTION | CHORD LENGTH |
| C1 | 148.16 | 702.71 | 12°04'50" | S 10°20'39" W | 147.89 |

NOTE:

THAT PORTION OF THE ABANDONED COOK-UNDERWOOD ROAD WAS SCALED FROM SKAMANIA COUNTY ENGINEER PLANE DRAWER 12.6.0-AB 2.25. THE TOP OF BANK WAS FIELD LOCATED MARCH 2009 AND MONUMENTS SET AS SHOWN IN RECORD OF SURVEY, UNDER AUDITORS FILE NO. 2009173545. MONUMENTS WERE RECOVERED FOR THE PROPOSED OF ESTABLISHING THE BOUNDARY LINE BETWEEN SDS LUMBER AND THE CROW'S PROPERTY FOR THE PROSE OF A BOUNDARY AGREEMENT. MONUMENTS WERE NOT SET AS APART OF THIS PROJECT.

THE TOP OF BANK AS SHOWN IN RECORD OF SURVEY UNDER AUDITOR'S FILE NO. 2009173545 DOES NOT AGREE WITH THE SCALED PORTION OF THE ABANDONED ROAD. FOR THE PROPOSE OF THIS SURVEY, THE TOP OF BANK AND THE MONUMENTS PREVIOUSLY ESTABLISHED BY SAID RECORD OF SURVEY WERE HELD FOR THE LOCATION OF A BOUNDARY LINE AGREEMENT WHICH SAID LINE WAS ACCEPTED AS THE BEST AVAILABLE EVIDENCE TO THE TRUE LOCATION OF SAID ROAD.

BASIS OF BEARINGS

RECORD OF SURVEY
A.F.N. 2009173545

K Klein & Associates, Inc.
ENGINEERING • LAND SURVEYING • PLANNING
1611 12th Street, Hood River, Oregon 97031
TEL: (503) 325-5322
EMAIL: info@kai-inc.com



BOUNDARY AGREEMENT EXHIBIT
SE 1/4, SEC. 23, T.3N., R.9E., W.M.
SKAMANIA COUNTY, WASHINGTON

SHEET 3 OF 3

PROJECT: 120803EX
FILE No: 120803
LAYOUT: JK
SURVEYED: CU-AS
DESIGN: JK
DRAFT: JK
APPROVE: JK
DATE: 6/27/12
SHEET: 3 OF 3 SHEETS

**NOTICE OF DECISION AND OPPORTUNITY TO APPEAL
for
Expedited Development Review**

Enclosed is the Staff Report including the findings and conclusions, and the Administrative Decision including the conditions of approval for the application by Dennis Crow and Anita Gahimer Crow for the Review of the Quit Claim Deeds that will affirm the boundary line locations of parcel no. 03-09-00-0-0-3102-00 (owned by Crow/ Gahimer Crow), which is adjacent to parcel no. 03-09-00-0-0-3101-00 (a portion of lot #3100 which is owned by SDS Lumber Co., LLC). The legal description for parcel no. 3102 relied upon the location of an old portion of Cook Underwood Road which no longer exists. A survey has been conducted by Klein & Associates for the proposed legal description.

Any person shall be allowed to appeal a decision issued under the expedited review process. To appeal this decision, a written Notice of Appeal form must be filed within **20 days** from the date the Administrative Decision is issued. Appeals are to be made to the Skamania County Hearing Examiner, P.O. Box 1009, Stevenson, WA 98648. Notice of Appeal forms are available at the Skamania County Community Development Department Office and must be accompanied by a \$2,450.00 nonrefundable-filing fee and certificate of mailing. The appellant shall mail the Notice of Appeal to all Parties of Record. Proof of service must be submitted by the appellant in the form of a Certificate of Mailing.

October 17, 2012
Date


Jessica Davenport, Planning Manager
Planning Division