

Return To:

Steeves / Richards  
1202 Woodard Ck Rd  
Skamania WA 98648

<b>HABITAT CONSERVATION AREA NOTICE</b>	
Grantor:	<u>Terry Steeves</u>
Grantee:	The Public
Tax Parcel #:	<u>03073614-2900-000</u>
Legal Description:	<u>N 1/2 Sect. 43, T03N, R07E, W.M., Skamania County</u>
<b>NOTICE:</b> 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 #:	_____

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Return To:

Steeves/Richards  
1202 Woodard Ck Rd  
Skamania WA 98648

LANDSLIDE HAZARD AREA NOTICE	
Grantor:	<u>Terry Steeves</u>
Grantee:	<u>The Public</u>
Tax Parcel #:	<u>03673614-2900-000</u>
Legal Description:	<u>N 1/2 Sect. 43, T03N, R07E, W.M., Skamania</u> <u>County</u>
<b>NOTICE:</b> This site lies within a landslide hazard area. Restrictions on use or alteration of the site may exist. For more information contact the City of Stevenson Planning Department.	

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# *City of Stevenson*

## **Critical Areas Permit**

**CAP2012-03**  
**Steeves Site Clearing**  
**1-31-2013**

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### **PROJECT**

Terry Steeves is proposing construction of a driveway and site clearing in preparation for a future house and septic system within the base buffer of Kanaka Creek, a Type F-Fish Bearing stream on Tax Lot # 03-07-36-14-2900. A Habitat Assessment for the project's impact on the base buffer has been prepared by Kevin Grosz of The Resource Company, Inc. An Engineering Geologic Hazard Reconnaissance and Limited Geologic Assessment Report and an Engineering Geologic Plan Review have been prepared by Warren Krager and Marcella Boyer of Chinook GeoServices, Inc.

### **HABITAT BUFFER WIDTH**

Per Table 18.13.095-1 of the Stevenson Critical Areas Code, Kanaka Creek has a base buffer of 125 feet. If applied to the stream on this property, the base buffer would constrain the lot of record beyond 50 percent. 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. Pages 1 and 5 of the Habitat Assessment indicate the site acreage is 1.3 acres (~56,628 square feet). Page 5 and Figure 6 of the Habitat Assessment—Revised” provide the following information used to determine the buffer width for this property:

Total Lot Area:	~56,628 square feet
Lot Area Outside of Critical Area:	~53,505 square feet (Total Lot Area minus ~3,123)
Buffer Area:	~26,752.5 square feet
Useable Lot Area:	~26,752.5 square feet

Based on the 50 percent allowance discussed above, this property's site-specific buffer width for Kanaka Creek is limited to 66 feet on each side of the stream over the full 405 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 avoid impacts on the Kanaka Creek habitat area, avoid creating exacerbating geologic hazards, 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 66 foot buffer area 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 Oregon White Oak Preservation area shall be clearly staked, flagged, and fenced in the field. These markers shall be clearly visible, durable, posted in the ground, and maintained through the duration of construction activities.
- 3) The applicant shall record a conservation covenant on this property using the attached deed notice form. The deed notice should reference the Habitat Assessment—Revised, which shall also be recorded.
- 4) The applicant shall record a geologic hazard area covenant on this property using the attached deed notice form.

### After the Start of Construction

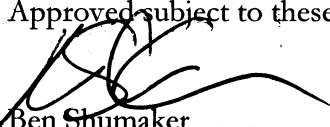
- 5) Per SMC 18.13.095 (D)(3), “a permanent and perpetual physical demarcation along the outer boundary of the habitat buffer area shall be installed and thereafter maintained. Such demarcation may consist of logs, a tree or hedgerow, wood or wood-like fencing, or other prominent physical marking approved by the Planning Department.” In addition, a sign “(minimum size 1 foot x 1 foot and posted 3.5 feet above grade) shall be posted...and perpetually maintained along the outer perimeter of the habitat buffer and worded substantially as follows: ‘Wildlife Habitat Buffer—Please Retain in a Natural State’”.
- 6) Per Page 5 the Engineering Geologic Reconnaissance and Limited Geologic Assessment Report, the stormwater collected from the driveway areas shall not be concentrated in steep slope areas.
- 7) Per the Engineering Geologic Plan Review prepared by Chinook GeoServices Inc. the “small area of fill in question” shall be completely removed down to non-organic native soil.

### General

- 1) This permit is valid only for the driveway construction and site clearing in *preparation* for a future home. It does not cover construction of the home itself. Further critical areas review may be required prior to home construction.

- 2) 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).
- 3) 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

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Page 6 of 20  
January 17, 2013

## Habitat Assessment - Revised

Kanaka Creek Road, Stevenson, Washington



**Prepared for:**  
Ron Richards  
1202 Woodland Creek Road  
Stevenson, WA 98648

**Prepared by:**  
The Resource Company, Inc.  
2008 C Street  
Vancouver, WA 98663  
(360) 693-4555

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The Resource Company, Inc.  
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January 17, 2013

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- FIGURE 5 – DEVELOPMENT WITHIN RIPARIAN ZONE
- FIGURE 6 – BUILDABLE AREA BASED ON STEVENSON CAO

Photo-Sheet 1 - Site Photographs



## HABITAT ASSESSMENT

**Project:** Kanaka Road  
**Applicant:** Ron Richards  
**Location:** Kanaka Road, Stevenson, Washington (Fig. 1)  
**Legal Description:** N ½ Sect. 43, T03N, R07E, W.M., Skamania County  
**Serial Number(s):** 03073614-2900-000  
**Project Type:** Single Family Residential  
**Jurisdiction:** Stevenson, Washington  
**Acreage:** Approximately 1.3 acres  
**Assessment by:** Kevin Grosz, P.W.S.  
**Site Visit(s):** February 2, 2006 & August 17, 2011  
**Report Date:** September 7, 2011  
**Revised Report Date:** January 17, 2013

### 1.0 INTRODUCTION

This report details the results of a revised habitat assessment and buildable area report conducted by The Resource Company, Inc. (TRC) on the property located between Kanaka Creek and Kanaka Creek Road, Stevenson, Washington (Fig. 1). The study area is identified as tax lot 03073614-2900-000 and is approximately 1.3 acres in size. This report identifies the extent of any habitat features regulated under the City of Stevenson's (City) Critical Areas and Natural Resource Lands Ordinance 1022 Stevenson Municipal Code (SMC) 18.13. Currently, the property is vacant land that is predominantly forested. The property is relatively flat along the western one-half of the property and slopes steeply on the eastern one-half down to Kanaka Creek (Fig. 2). This revision addresses the re-calculation of the habitat buffer area that will allow for the placement of a house and associated infrastructure.

### 2.0 HABITAT ASSESSMENT

The habitat assessment was conducted in accordance with Chapter 18.13.095 Critical Area - Fish and Wildlife Habitat Conservation Areas of the SMC. SMC 18.13 was enacted to protect environmentally distinct, fragile and valuable fish and wildlife habitat conservation areas. Fish and wildlife conservation areas are generally defined as those areas with which anadromous fish, threatened and endangered species, priority species, and species of local importance have a primary association. Regulated Fish and Wildlife Conservation Areas include:

1. Riparian
2. Threatened or Endangered Species



3. Priority Habitats and Species
4. Locally Important Habitats and Species

Based on this criteria, TRC conducted a habitat survey and assessment within the project boundary. Resource maps were reviewed to determine if previously identified priority habitats or species had been mapped on and around the study area. Site visits were conducted on February 6, 2006 and August 17, 2011 in which the entire site was traversed on foot to determine the presence or absence of any of the above listed fish and wildlife habitat conservation areas. Results from the in-office review and the on-site habitat assessment are detailed below.

### **3.0 RESULTS AND DISCUSSION**

As discussed above, an in-office review of available fish, wildlife and plant data was conducted for areas within and near the project site prior to the site visit. This information was utilized to determine possible priority habitats and/or Endangered/Threatened (E/T) species present within the study site and to aid in surveying for these habitats and species. Upon completion of the in-office review, two site visits were conducted to identify any priority habitat conservation areas and classify the habitat types. The results of the office review and on site investigation are discussed below.

#### **3.1 RIPARIAN 18.13.095(B)(1)(a)(i)(iii)(iii)**

Riparian habitat areas are those areas immediately adjacent to waterways that contain elements of both aquatic and terrestrial ecosystems that mutually influence each other. WAC 222-16-031 is the City's classification system for streams. Waters of the State includes lakes, rivers, ponds, streams, inland waters, underground waters, salt waters, and all other surface waters and watercourses within the jurisdiction of the state of Washington as classified in WAC 222-16-031. This classification system classifies waters as Type S (shoreline), Type F (fish bearing), Type Np (non fish bearing perennial) and Type Ns (non fish bearing seasonal) waterways. Riparian buffers are to be of adequate size to maintain healthy, productive fish and wildlife habitat. Approximately, 90 percent of Washington's land based vertebrate species are dependent or prefer riparian habitat for some portion of their life cycle.

The Department of Natural Resources (WDNR) Water Type Map (Fig. 3) was referenced to determine if any mapped streams occur within the study area. In addition, the site was examined for areas that meet the definition above to determine the presence of streams or watercourses within the study area.

The WDNR Water Type Map identifies a Type F Stream along the east property line of the property which is Kanaka Creek. The approximate ordinary high water mark (OHWM) of the stream is shown in Figure 4. According to Table 18.13.095-1 of the SMC, Kanaka Creek is protected by a 125-foot riparian buffer.

### 3.2 THREATENED OR ENDANGERED SPECIES 18.13.095(B)(1)(b)

SMC18.13.095(B)(1)(b)(i) regulates areas that have a primary association with federally listed endangered, threatened or sensitive species of fish and wildlife and which if altered may reduce the likelihood that the species will maintain and reproduce over the long term; and (ii) point source areas are lands where species designated as endangered or threatened have a primary association with that land. Point locations are the specific sites (nests, dens, etc.) where critical wildlife species are found. Many of these sites have been identified and mapped by WDFW. Development of such lands shall be controlled in accordance with a site-specific fish and wildlife management plan formulated from WDFW's Priority Habitats and species management recommendations and prepared by a qualified professional. WDFW should be consulted to provide a technical review and an advisory role in the decision making process.

Washington Department of Fish and Wildlife (WDF&W) indicates that Kanaka Creek contains Coho (*Oncorhynchus kisutch*) and cutthroat (*Oncorhynchus clarki clarki*) in addition to other residential fish. Coho are listed as threatened under the Endangered Species Act (ESA). Cutthroat has been proposed for listing but is not currently listed, however this species is considered a sensitive species. In addition, the property is located within a Spotted-Owl (*Strix occidentalis caurina*) management area. The spotted-owl is listed as threatened according to the ESA.

### 3.3 PRIORITY HABITAT AND SPECIES 18.13.095(B)(1)(c)(i)(ii)

Priority Habitat and Species (PHS) areas are identified by and consistent with WDFW priority habitats and species criteria. WDFW has identified and mapped PHS areas within the City's limits. Alteration to these areas may reduce the likelihood that the species will maintain and reproduce over the long-term. Fish and wildlife habitat conservation areas may include commercial and recreational shellfish; smelt spawning areas, naturally occurring ponds under 20 acres and submerged aquatic beds that provide fish and wildlife habitat; waters of the state; lakes, streams, ponds and rivers planted with game fish by a governmental or tribal entity; and state natural area preserves and natural resource conservation areas.

As noted above, the Kanaka Creek contains Coho salmon and cutthroat trout. In addition, the site is within a Spotted-Owl management area.

During the on-site visit, several Oregon white oaks (*Quercus garryana*) were observed in the western half of the property. Oregon white oak is listed as a priority species according the WDFW due to its importance as a mast producing tree and the habitat that it provides for wildlife species.

### 3.4 LOCAL SPECIES AND HABITATS OF IMPORTANCE

#### 18.13.095(B)(1)(d)(i)(ii)(iii)

Locally important habitats and species include a seasonal range or habitat element with which a given species has a primary association and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term.

No locally important habitats or species have been identified on the subject property.

### 3.5 PLANT COMMUNITIES

The site is predominantly forested. The vegetation on the site is typical of Westside lowland coniferous forests that were once logged. The site has an overstory comprised of young to medium aged Douglas-fir (*Psuedotsuga menziesii* – FACU) and a few scattered red alder (*Alnus rubra* – FAC) trees. Shrub layer vegetation is dominated by snowberry (*Symphoricarpos albus* – FACU), salmonberry (*Rubus spectabilis* – FAC), red elderberry (*Sambucus racemosa ssp. pubens* – FACU), and beaked hazelnut (*Corylus cornuta* – FACU). Herbaceous layer vegetation is dominated by swordfern (*Polystichum munitum* – FACU), salal (*Gaultheria shallon* – UPL), and Oregon grape (*Mahonia nervosa* – UPL). Blackberry dominates in the area where the house and septic system are proposed. Photographs of the site are located in Photosheet 1.

### 4.0 REGULATORY ISSUES

The project area contains riparian habitat, threatened and sensitive species and priority species as described above that are regulated under SMC 18.13.095. The applicant is proposing the construction of a single family residence including the septic system, drainfield and access drive as shown in Figure 5. These features will be constructed in western half of the site that is relatively flat. This project will have no impact on Kanaka Creek and the fish that reside in the stream, if constructed as proposed. In addition, the applicant will preserve all of the Oregon white oak trees that occur on property. Therefore, it is my professional opinion that a specific fish and wildlife management plan should not be required for this project.

The project will be constructed within the 125-foot riparian buffer for Kanaka Creek as shown in Figure 5. SMC 18.13.095(F) allows for the reduction of the riparian buffer through the enhancement of a degraded buffer (18.13.095(F)(3)(a)) or buffer averaging (18.13.095(F)(3)(b)). The existing buffer is a fully vegetated, multi-canopy plant community and is not degraded. Therefore, enhancement of the existing buffer is not an option. Buffer averaging allows for the maximum reduction of 10 percent of the base buffer (18.13.095(F)(3)(b)(iii)). For this project the 10 percent buffer reduction would reduce the buffer width from 125 feet down to 112.5 feet. As shown in Figure 6, reducing the buffer to 112.5 feet would not allow for the proposed development since the development would still be within the riparian buffer.

Neither the use of enhancement or buffer averaging as outlined above will allow development of the legal lot. However, the City included a Nonconforming Uses: Legal Lot of Record (SMC 18.13.085) section to deal with legal established lots that would be prohibited, regulated or restrict under SMC 18.13. The intent of this section is to provide standards by which nonconforming uses are allowed to continue and by which buildable sites on lots of record are to be provided. SMC 18.13.085(B)(1)(b) states that: on legal lots of record where protective buffer areas are required, the buffer areas shall be limited to no more than 50 percent of the lot area located beyond the critical area perimeter as determined by a qualified professional. As per this provision, a 66.0 foot buffer width will allow for use of 50 percent of the lot. This buffer width was determined as follows (Fig. 6):

Lot Area = 56,628 sq.ft.

Kanaka Creek Ordinary High Water Mark (OHM) Area On-Site = 3,123.75 sq.ft.

Lot Area – On-Site OHM Area – 56,628-3,123.75 = 53,504.25 sq.ft.

$53,504.25 \times 50\% = 26,752.125$  sq.ft.

North – South Lot Length = 405 linear feet

$26,752.125 / 405 = 66.05$  buffer width

The development area is on the bench above the creek. No development is proposed for or should occur east of the break of slope as shown on Figure 6.

In addition, the Oregon white oak located in the area shown on Figure 6 will be preserved as part of this project.

## FIGURES

**FIGURE 1 – PROJECT LOCATION**

**FIGURE 2 – USGS TOPOGRAPHIC MAP**

**FIGURE 3 –DNR WATER-TYPING MAP**

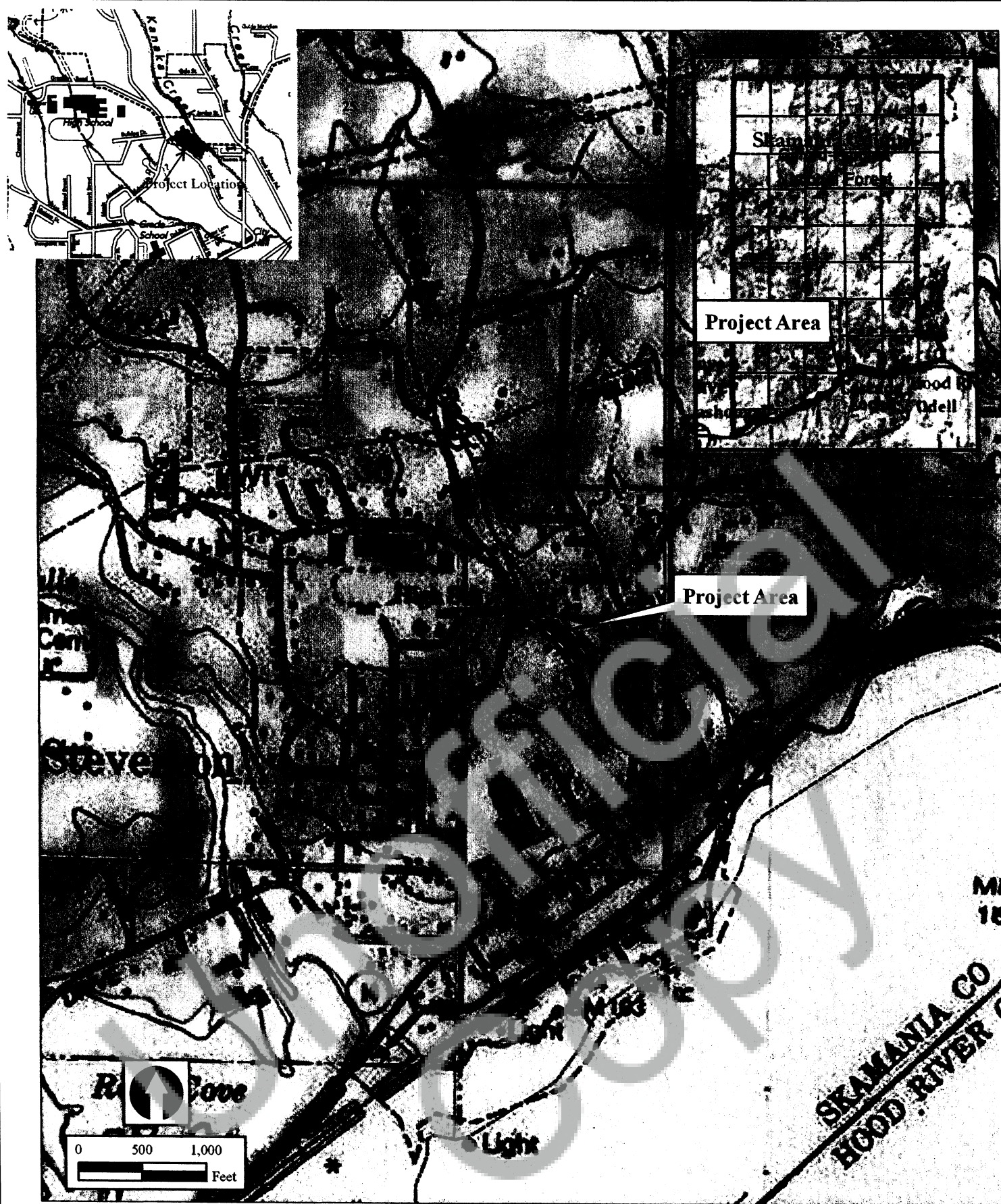
**FIGURE 4 – KANAKA CREEK & ASSOCIATED BUFFER**

**FIGURE 5 – DEVELOPMENT WITHIN RIPARIAN ZONE**

**FIGURE 6 – BUILDABLE AREA BASED ON STEVENSON CAO**

**Photo-Sheet 1 - Site Photographs**





**Ron Richards Project**

**APPLICANT:**  
Ron Richards  
1202 Woodland Creek Rd.  
Stevenson, WA 98648

**PURPOSE:** Habitat Assessment - Revised

**Project Location Map**  
**Kanaka Road Project**  
**Stevenson, Washington**



**PROPOSED ACTIVITIES IN:**  
Columbia River/Rock Creek Watershed  
**LEGAL:** N ½ of Section 43, T03N, R07E,  
W.M.,  
**NEAR:** Stevenson, Washington  
**COUNTY:** Skamania County  
**DATE:** January 17, 2013

**Figure 1**





**Ron Richards Project**

**APPLICANT:**  
Ron Richards  
1202 Woodland Creek Rd.  
Stevenson, WA 98648

**PURPOSE:** Habitat Assessment - Revised

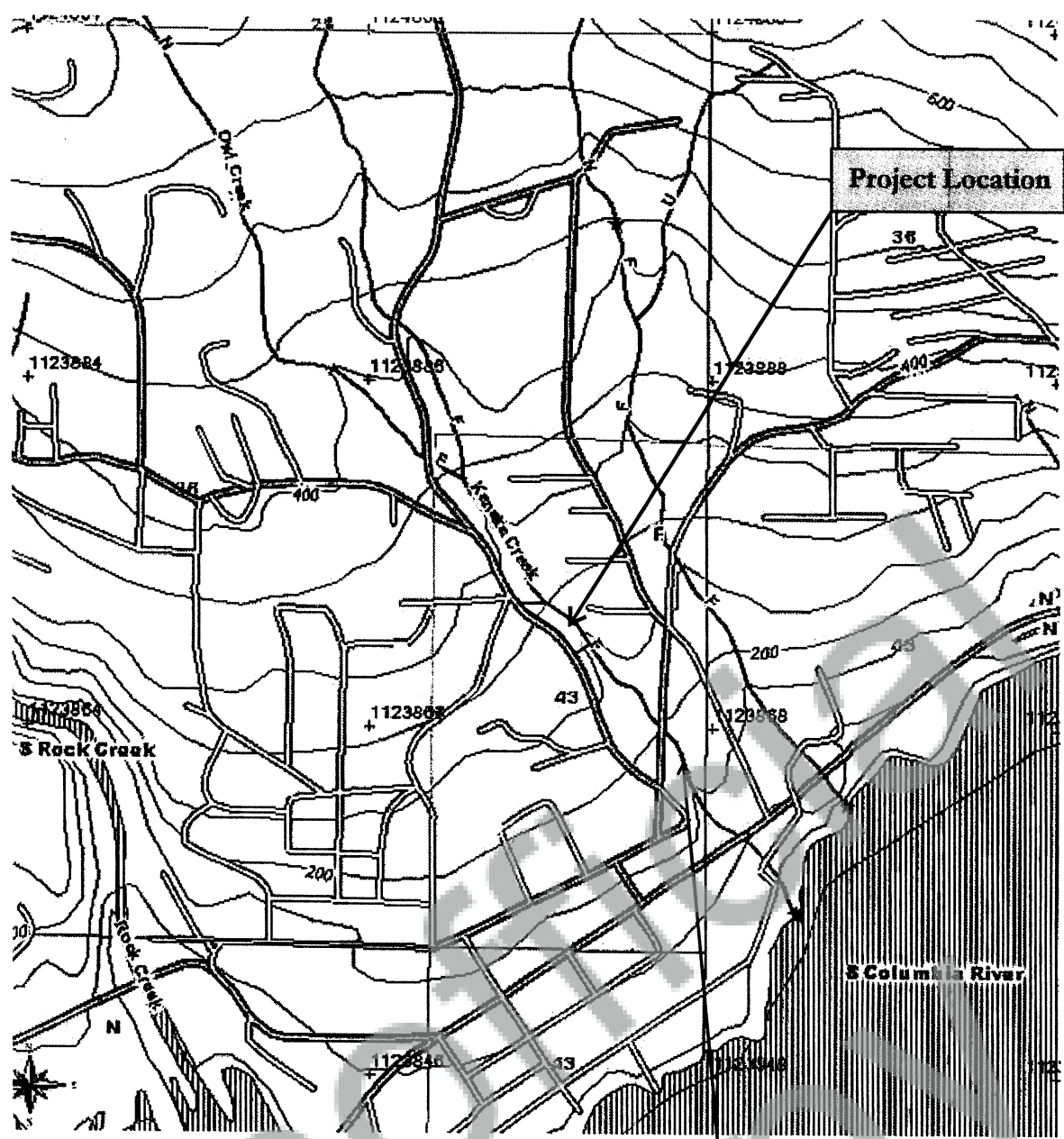
**USGS Topography**  
**Kanaka Road Project**  
**Stevenson, Washington**

 **The Resource Company, Inc.**  
ENVIRONMENTAL SERVICES • GIS • HABITAT RESTORATION  
2008 C Street, Vancouver, WA 98663 ph: 360-693-4555 fax: 360-699-6242

**PROPOSED ACTIVITIES IN:**  
Columbia River/Rock Creek Watershed  
**LEGAL:** N ½ of Section 43, T03N, R07E,  
W.M.,  
**NEAR:** Stevenson, Washington  
**COUNTY:** Skamania County  
**DATE:** January 17, 2013

**Figure 2**





Kanaka Creek Type F

**Ron Richards Project**

**APPLICANT:**  
Ron Richards  
1202 Woodland Creek Rd.  
Stevenson, WA 98648

**PURPOSE:** Habitat Assessment - Revised

**DNR Water-Typing Map  
Kanaka Road Project  
Stevenson, Washington**

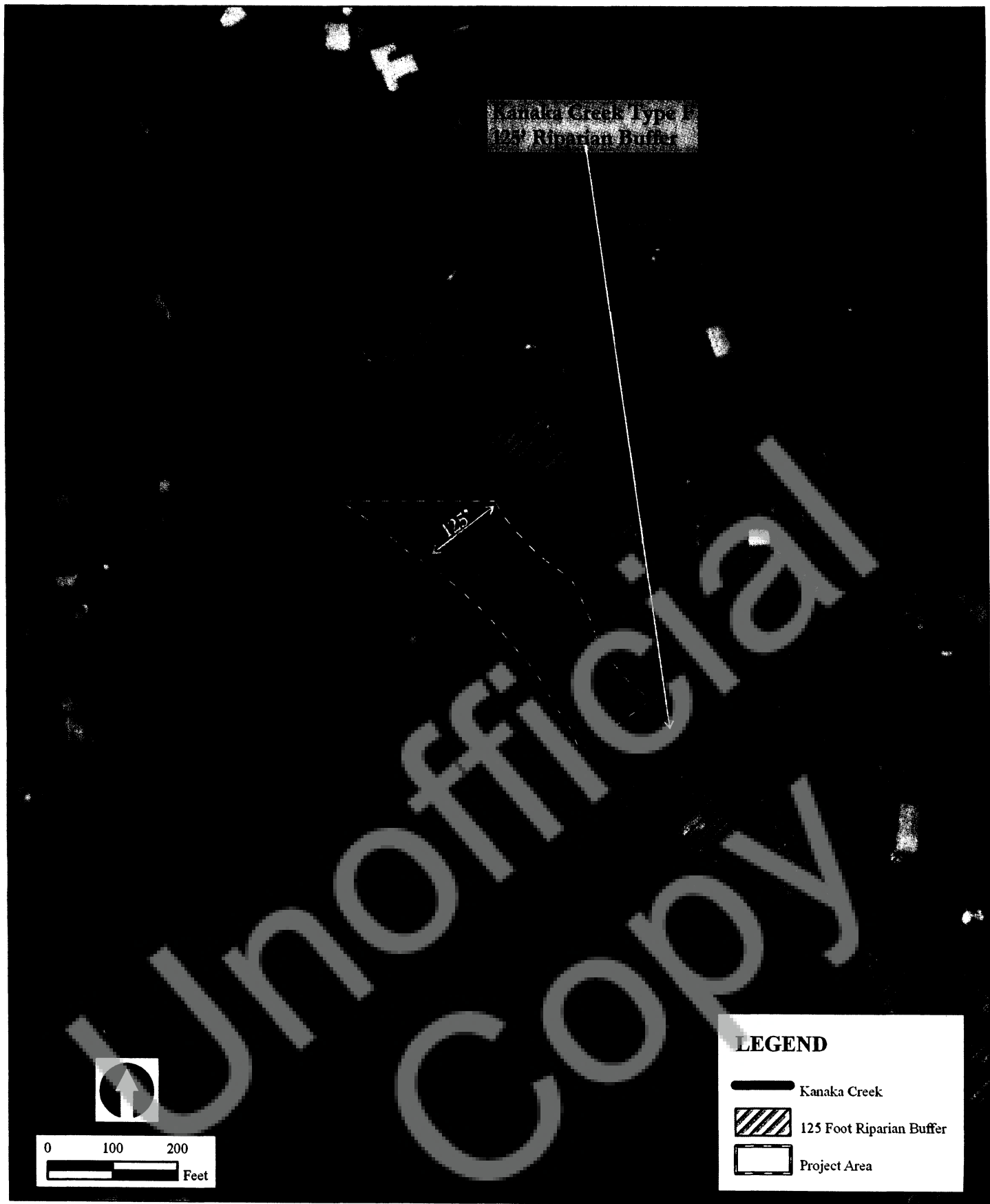


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**COUNTY:** Skamania County  
**DATE:** January 17, 2013

**Figure 3**



**Ron Richards Project**

**APPLICANT:**  
Ron Richards  
1202 Woodland Creek Rd.  
Stevenson, WA 98648

**PURPOSE:** Habitat Assessment - Revised

**Kanaka Creek & Associated Buffer  
Kanaka Road Project  
Stevenson, Washington**

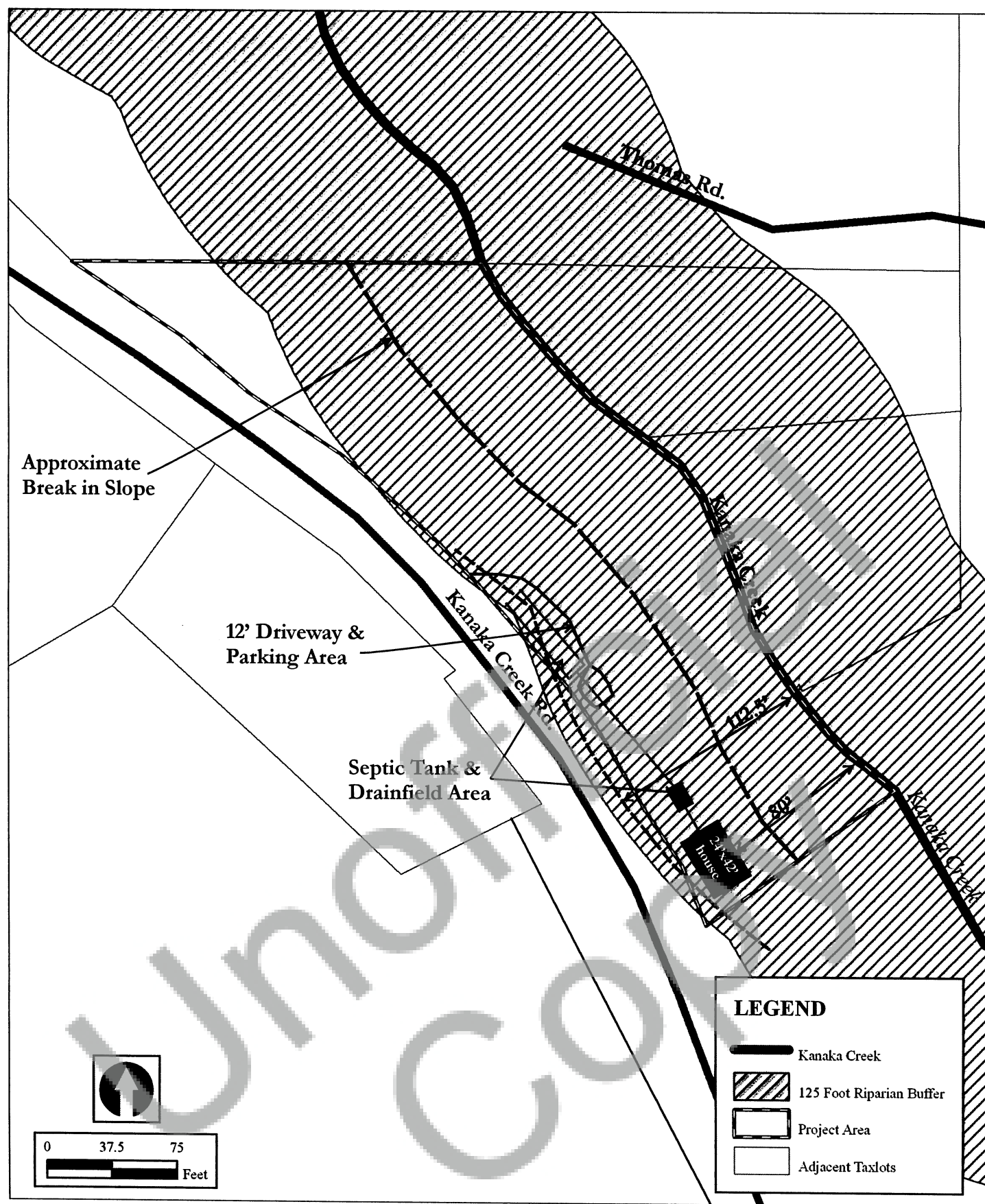


**The Resource  
Company, Inc.**

ENVIRONMENTAL SERVICES • GIS • HABITAT RESTORATION  
2008 C Street, Vancouver, WA 98660 TEL: 360-693-4555 FAX: 360-690-6242

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**NEAR:** Stevenson, Washington  
**COUNTY:** Skamania County  
**DATE:** January 17, 2013

**Figure 4**



**Ron Richards Project**

**APPLICANT:**  
Ron Richards  
1202 Woodland Creek Rd.  
Stevenson, WA 98648

**PURPOSE:** Habitat Assessment - Revised

**Development within Riparian Buffer Zone**

**Kanaka Road Project  
Stevenson, Washington**



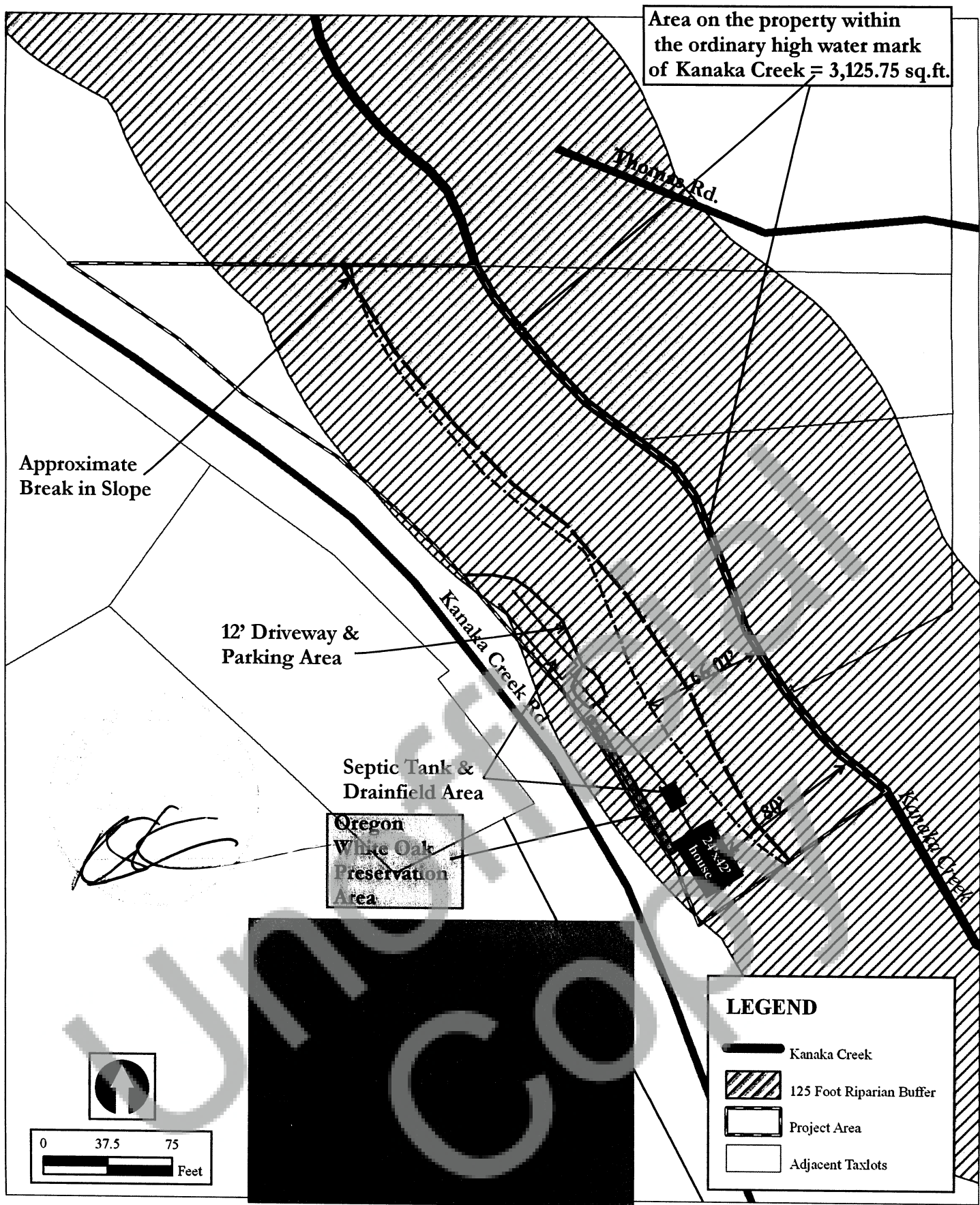
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2008 C Street, Vancouver, WA 98663 tel: 360-693-4555 fax: 360-690-6242

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**LEGAL:** N ½ of Section 43, T03N, R07E,  
W.M.,  
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**COUNTY:** Skamania County  
**DATE:** January 17, 2013

**Figure 5**





**Ron Richards Project**

**APPLICANT:**  
Ron Richards  
1202 Woodland Creek Rd.  
Stevenson, WA 98648

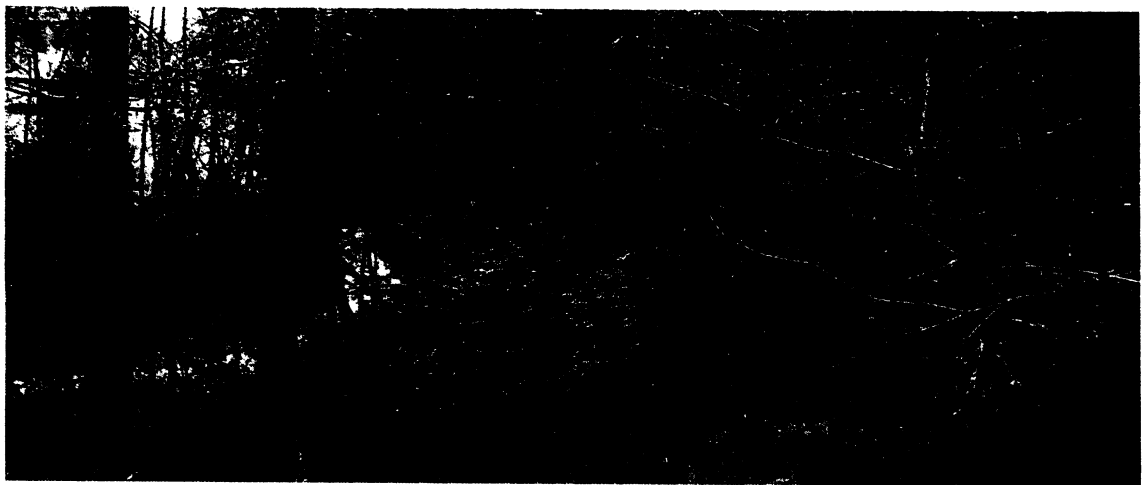
**PURPOSE:** Habitat Assessment - Revised

**Buildable Area Based Stevenson CAO  
Kanaka Road Project  
Stevenson, Washington**

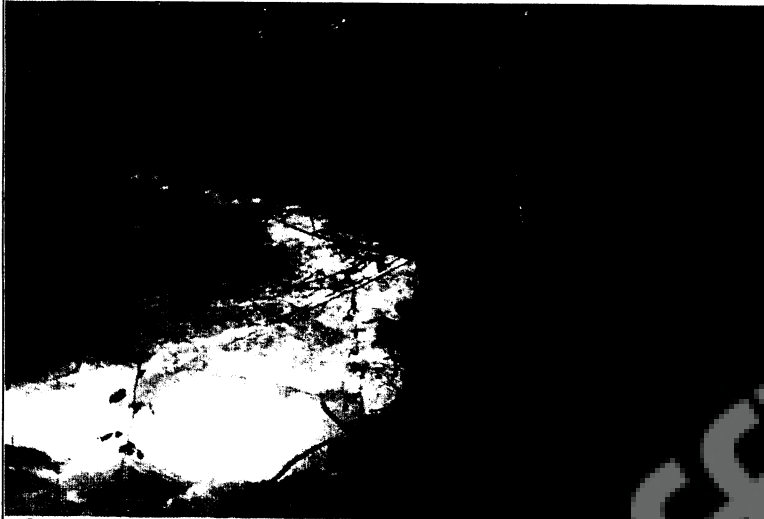
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**Figure 6**



Middle section of stream facing south.



Stream bank full width.



Vegetation in the area of the proposed development



Vegetation in the area of the proposed development



Vegetation in the area of the proposed development

<p><b>Ron Richards Project</b></p> <p><b>APPLICANT:</b> Ron Richards 1202 Woodland Creek Rd. Stevenson, WA 98648</p> <p><b>PURPOSE:</b> Habitat Assessment - Revised</p>	<p><b>Site Photographs</b> <b>Kanaka Road Project</b> <b>Stevenson, Washington</b></p> <p> <b>The Resource Company, Inc.</b> <small>ENVIRONMENTAL SERVICES • GIS • HABITAT RESTORATION 2008 C Street, Vancouver, WA 98663 • 360-693-4555 Fax: 360-690-6242</small></p>	<p><b>PROPOSED ACTIVITIES IN:</b> Columbia River/Rock Creek Watershed <b>LEGAL:</b> N ½ of Section 43, T03N, R07E, W.M., <b>NEAR:</b> Stevenson, Washington <b>COUNTY:</b> Skamania County <b>DATE:</b> January 17, 2013</p> <p><b>Photo Sheet 1</b></p>
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