

Return To:

Kyle Myers
S30 Frank Johns Rd
Stevenson wa. 98648

HABITAT CONSERVATION AREA NOTICE

Grantor: Kyle & Kate Myers

Grantee: The Public

Tax Parcel #: 03 07 36 14 1301 00

Legal Description: NE 1/4 of Sec. 43, T03N, R07E, W.M.,
Skamania County

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 #: N/A



City of Stevenson **Critical Areas**

CRITICAL AREAS PERMIT

CAP2017-01
Myers Home
6-2-2017

PROJECT

Kyle & Kate Myers are proposing construction of a new residence and associated access routes and utilities on their property at 500 NW Frank Johns Road (Tax Lot #03-07-36-1-4-0301). The applicants have applied for a Critical Areas Permit for completion of the work. The applicants consulted with The Resource Company, Inc. (TRS) to delineate wetland and habitat areas on the subject site.

CRITICAL AREA PRESENCE ON PROPERTY

The Stevenson Critical Areas Map Inventory identifies one potential Type Ns Seasonal Non-Fish bearing stream. The presence of critical areas was confirmed through a Wetland Delineation and Habitat Assessment performed by TRS on March 13, 2017 which identified a Category III wetland and a Type F Fish Bearing Stream on the property. In response to Mr. Myers concerns about a downstream culvert affecting fish passage to the stream reach along this property, Sam Kolb of Washington Department of Fish & Wildlife performed a site visit on April 4, 2017. This visit confirmed the stream typing as Type F, which is based on the physical factors along the reach and does not consider the existing culvert, which may one day be removed.

CRITICAL AREA BUFFER WIDTH

Per Table 18.13.095-1 of the Stevenson Critical Areas Code, Type F streams have a base buffer of 125 feet. Per Table 18.13.100-2, Category III wetlands with low habitat scores and moderate intensity surrounding uses have a base buffer width of 60 feet.

As applied to this property, the base buffers would constrain the lot of record beyond 50%. SMC 18.13.085(B) provides owners of such property a remedy whereby buffer areas are limited to 50% of the lot area located beyond the critical area perimeter. A Critical Areas Buffer Reduction Report was prepared by TRS on May 10, 2017. Pages 1-3 of this report and Figure 3 detail the total lot area in relation to base

buffer areas. The applicants propose to reduce base buffer area by ~7,200 square feet for the Type F stream and 0 square feet for the Category III wetland. This reduction reduces the stream's base buffer width to ~60 feet at the narrowest, but maintains ~55% of the site critical area buffers.

FINDINGS

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

- 1) The applicants have submitted a complete application for a Critical Areas Permit.
- 2) The applicants have prepared and submitted a Wetland Delineation and Habitat Assessment and a Critical Areas Buffer Reduction Report confirming the presence of wetlands and streams on the development property.
- 3) The applicants have appropriately applied the City's preferred mitigation sequence to this proposal.
- 4) Based on the application review and the following conditions, the proposal is deemed to adequately avoid impacts on the wetlands and riparian habitat areas, and fully comply with the provisions of the Stevenson Critical Areas Code.

DECISION

The City of Stevenson Planning Department issues this Critical Areas Permit subject to the following conditions:

Prior to the Start of Construction

- 1) The outer edge of all 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 deed notice on this property using the attached notice form. The deed notice should reference the Critical Areas Buffer Reduction Report and this Permit, which shall also be recorded.

After the Start of Construction

- 3) The applicants shall install a permanent and perpetual physical demarcation along the outer boundary of the buffer areas. 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: "Wetland & Wildlife Habitat Buffer—Please Retain in a Natural State".

General

- 4) This permit is valid for 1 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).
- 5) Any person aggrieved by this decision may, within 30 days of the date of issuance, submit an appeal according to SMC 18.13.065.

Beyond these conditions, the City further recommends:

The applicants contact the US Army Corps of Engineers and the Washington Department of Ecology prior to development within or near the wetlands on this site:

- US Corps of Engineers: Evan Carnes, Evan.G.KreklowCarnes@usace.army.mil, (206) 316-3049
- Department of Ecology: Rebecca Rothwell, Rebecca.Rothwell@ecy.wa.gov, (360) 407-7273
- Department of Fish & Wildlife: Sam Kolb, Samuel.Kolb@wdfw.wa.gov, (360) 260-6365

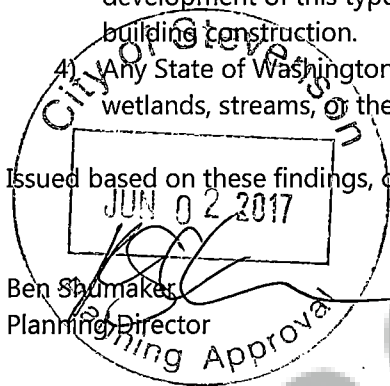
LIMITATIONS

This Critical Areas Permit applies only to the above described project's review under the City of Stevenson Critical Areas Code. This exemption expressly does not apply to the following:

- 1) Development of the above described project occurring more than one year from the date of issuance unless an extension is granted under SMC 18.13.040(D)(3).
- 2) Any development other than that described above that may be within or outside of the wetlands, streams, or the buffers associated with these critical areas.
- 3) Any additional Stevenson Municipal Code section other than SMC 18.13, which may regulate development of this type, especially those, related to fire suppression, public utilities, and/or building construction.
- 4) Any State of Washington or United States regulations which may apply to development in wetlands, streams, or the buffers associated with these critical areas.

Issued based on these findings, conditions, and limitations,

Ben Shumaker
Planning Director



500 Frank Johns Road

CRITICAL AREAS BUFFER REDUCTION REPORT

Stevenson, Washington



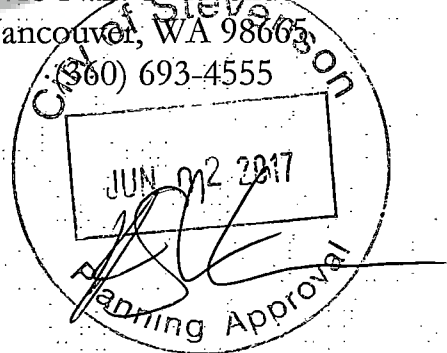
Prepared for:

Kyle Myers
500 Frank Johns Road
Stevenson, WA 98648

Prepared by:

The Resource Company, Inc.
8415 N.E. 8th Avenue
Vancouver, WA 98665
(360) 693-4555

May 10, 2017



**The Resource
Company, Inc.**

ENVIRONMENTAL SERVICES • GIS • HABITAT RESTORATION

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PHOTO SHEETS – SITE PHOTOGRAPHS

CRITICAL AREAS BUFFER REDUCTION

Project: 500 Frank Johns Road
Applicant: Kyle Myers
Location: 500 Frank Johns Road, Stevenson, Washington
Tax Lot No. 03-07-36-1-4-0301
Legal Description: NE ¼ of Sec. 43, T03N, R07E, W. M., Skamania County
Study Area Size: Approximately 2 acres
Project Type: Single Family Residential
Zoning: R1
ComPlan: UR
Assessment by: Kevin Grosz, PWS & Eli Schmitz
Site Visit: February 28, 2017
Critical Areas
Report Date: March 13, 2017
Critical Areas
Buffer Reduction:
Report Date: May 10, 2017

1.0 INTRODUCTION

The Applicant (Kyle Myers) is proposing to construct a single family residence on the approximately 2 acres located at 500 Frank Johns Road, Stevenson, Washington (Fig. 1). This report prepared by The Resource Company (TRC) details the reduction of the critical area buffers as allowed under the City of Stevenson Municipal Code (SMC) 18.13 which was enacted to protect critical areas within the City's Urban Growth Boundary. In March 2017, TRC identified wetlands and a Type F Stream (Fig. 2) on and adjacent to the subject property. These critical areas are regulated by the City under SMC 18.13.100 (Wetland Areas) and SMC 18.13.095 (Fish and Wildlife Habitat Conservation Areas), respectively.

2.0 EXISTING CONDITIONS

Currently, the site is vacant land with a flat terrace near the center of the study area that slopes steeply on both the west and eastern edges of the property. A stream is located on along the eastern edge of the site and a man-made pond occurs in the south-central portion of the property. The center of the property is open grassland that is surrounded by a forest plant community. A more detailed description of these areas follows:

2.1 WETLANDS

Wetland A – 3,977 ft² on-site, Category III (Fig. 2)

Wetland A meets the criteria of a depressional hydrogeomorphic (HGM) wetland class. This wetland is located in a ravine on the west-central portion of the property. The wetland appears to be at least in part the result of a man-made dam within the ravine

south of the subject property. A man-made rock dam causes water to backup water into the study area. Vegetation in the wetland is dominated by an Oregon ash (*Fraxinus latifolia* – FACW), red alder (*Alnus rubra* – FAC) and black cottonwood (*Populus balsamifera* – FAC) tree layer on the southern end of the wetland. The shrub layer is predominantly red-osier dogwood (*Cornus alba* – FACW) and vine maple (*Acer circinatum* – FAC). The herbaceous stratum is dominated by reed canarygrass (*Phalaris arundinacea* – FACW). Blackberry (*Rubus* spp.) occurs on the wetland/upland interface. Wetland A was rated using the Western Washington Wetland Rating Form (WRF) and found to be a Category III wetland. The SMC 18.13.100 provides that Category III wetlands on a project with a moderate land use (1 unit/acre or less) have a buffer width of 60-feet (Fig. 2).

2.2 FISH AND WILDLIFE HABITAT CONSERVATION AREA

A stream is identified by Washington Department of Natural Resources (DNR) on the eastern edge of the property. DNR classifies this stream as a fish-bearing stream (Type F). Fish-bearing streams are protected by a 125-foot riparian buffer (Fig. 2) from the ordinary high water mark (OHWM) as per SMC Table 18.13.095. The plant community within the riparian zone is predominantly forested. Vegetation in this plant community consists of a Douglas-fir and red alder tree layer with a hazelnut, Oregon grape (*Mahonia nervosa* – FACU) and vine maple shrub stratum. Ground cover consists of swordfern and blackberry.

2.3 UPLANDS

The upland portion of the property consists of an open grassland plant community in the central portion of the site that is surrounded by a forested plant community. Vegetation in the grassland community is sparse and consists of upland grasses and forbs. Vegetation in the tree layer consists of Douglas-fir (*Pseudotsuga menziesii* – FACU), bitter cherry (*Prunus emarginata* – FACU) and big-leaf maple (*Acer macrophyllum* – FACU). The shrub layer is predominantly hazelnut (*Corylus cornuta* – FACU), vine maple (*Acer circinatum* – FAC) and Indian plum (*Oemleria cerasiformis* – FACU). Ground cover is dominated by swordfern (*Polystichum munitum* – FACU), English ivy (*Hedera helix* – FACU) and blackberry.

Photographs of the study and surrounding areas are shown in Photo-sheet 1.

3.0 CRITICAL AREAS BUFFER REDUCTIONS

To allow for development on existing lots of record, the City has adopted the regulations outlined below that allow for buffer reduction on legal lots of record encumbered by greater than 50 percent by critical area buffers (SMC 18.13.085(B)(1) (a-c). Using this section of the SMC, TRC has prepared a critical area buffer reduction plan that allows for the construction of a house and septic drainfield on the property as outlined below.

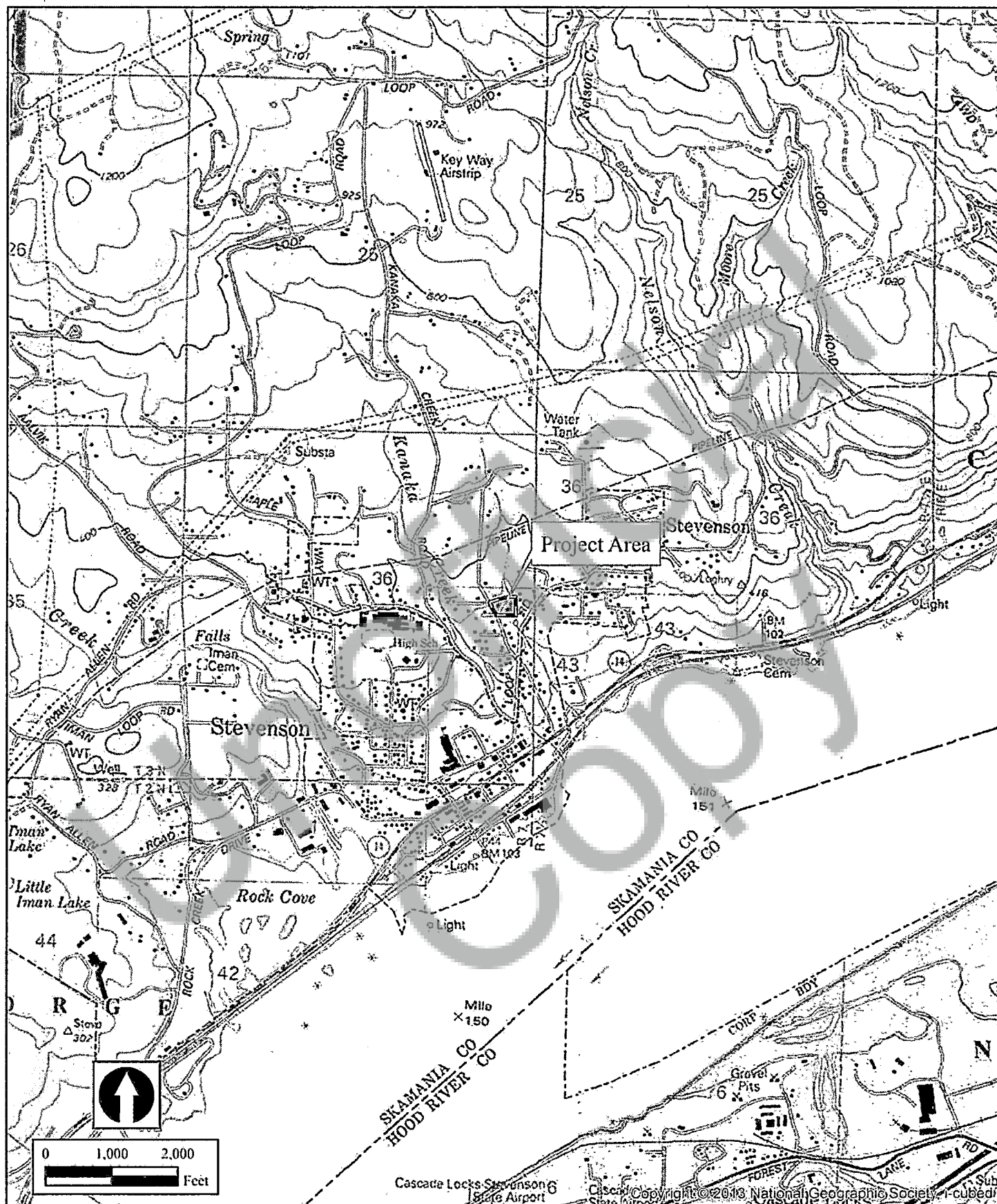
SMC 18.13.085 - Nonconforming uses—Legal lots of record.

Within the critical areas established by this chapter, there exist land uses, developments, and lots of record that were lawfully established or approved but which would be prohibited, regulated, or restricted under the terms of this chapter. It is the intent of this section to provide standards by which nonconforming uses are allowed to continue and by which buildable sites on lots of record are to be provided.

B. Lots of Record.

1. *The protections for critical areas contained in this chapter shall apply to all lots of record subject to the following:*
 - a. *Lots of record shall be recognized as legal building sites but new development shall be sited to minimize adverse impacts to critical areas and encroachments into buffer areas. The city may modify underlying zoning district setback standards by up to a fifty percent adjustment, if necessary to protect critical areas;*
 - b. *On lots of record where protective buffer areas are required, the buffer areas shall be limited to no more than fifty percent of the lot area located beyond the critical area perimeter as determined by a qualified professional. In areas where regulations are in conflict, the greater restrictions shall apply; and*
 - c. *That construction, alteration, or expansion of a single-family dwelling unit shall conform to all standards and provisions for the zone in which the residence is located and be used solely for single-family purposes.*

The property and the adjacent (north) waterline easement encompass 92,685 ft² as shown in Figure 3. The 60-foot wetland buffer and the 125-foot riparian buffer cover 55,452 ft², which is 60 percent of the project area (Fig. 3). The Applicant is proposing to reduce the buffer by 7,208 ft² as shown in Figure 4 to allow for the construction of the house and the septic drainfield. The house is proposed to be constructed on the northern portion of the lot which will require removal of trees in this area. However, the area of tree removal is 105 feet (Fig. 4) from the OHWM and will not reduce shading to the stream or impact water quality of the stream. The remainder of the buffer reduction area is in a maintained grassland area. The buffer reduction in this area is a minimum of 60 feet from the OHWM of the stream. Since there are no trees in this area, the buffer reduction will not reduce shading of the stream. The eastern edge of the reduced buffer allows approximately 15 to 20 feet of the grassy area which will continue to provide water quality for the stream. Even with the proposed buffer reduction, the wetlands, stream and associated buffers will encompass 55 percent of the project area as shown in Figure 5.



Myers Home Site Project

APPLICANT:
 Kyle Myers
 500 Frank Johns Road
 Stevenson, WA 98648

PURPOSE: Critical Areas - Buffer
 Reductions

Project Location Map Myers Home Site Project Stevenson, Washington

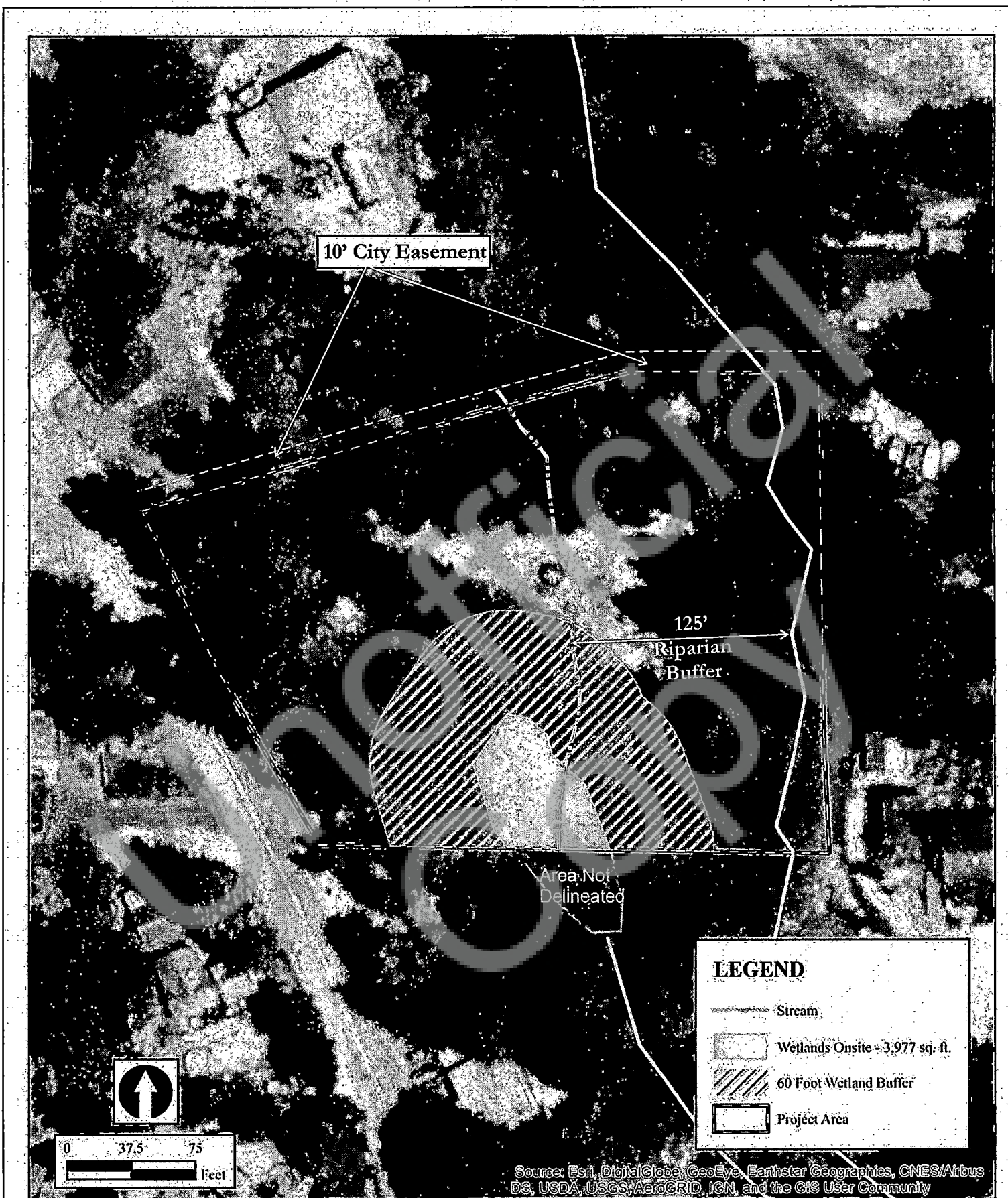


**The Resource
 Company, Inc.**

ENVIRONMENTAL SERVICES • GIS • HABITAT RESTORATION
 8415 N.E. 8th Avenue, Vancouver, WA 98665 ph: 360-693-4555 fax: 360-699-8242

PROPOSED ACTIVITIES IN:

Columbia River Watershed
LEGAL: NE ¼ of Section 43, T3N, R7E,
 W.M.,
NEAR: Stevenson, Washington
COUNTY: Skamania
DATE: May 10, 2017
Figure 1



Myers Home Site Project

APPLICANT:
 Kyle Myers
 500 Frank Johns Road
 Stevenson, WA 98648

PURPOSE: Critical Areas - Buffer Reductions

Existing Critical Areas & Buffers
 Myers Home Site Project
 Stevenson, Washington

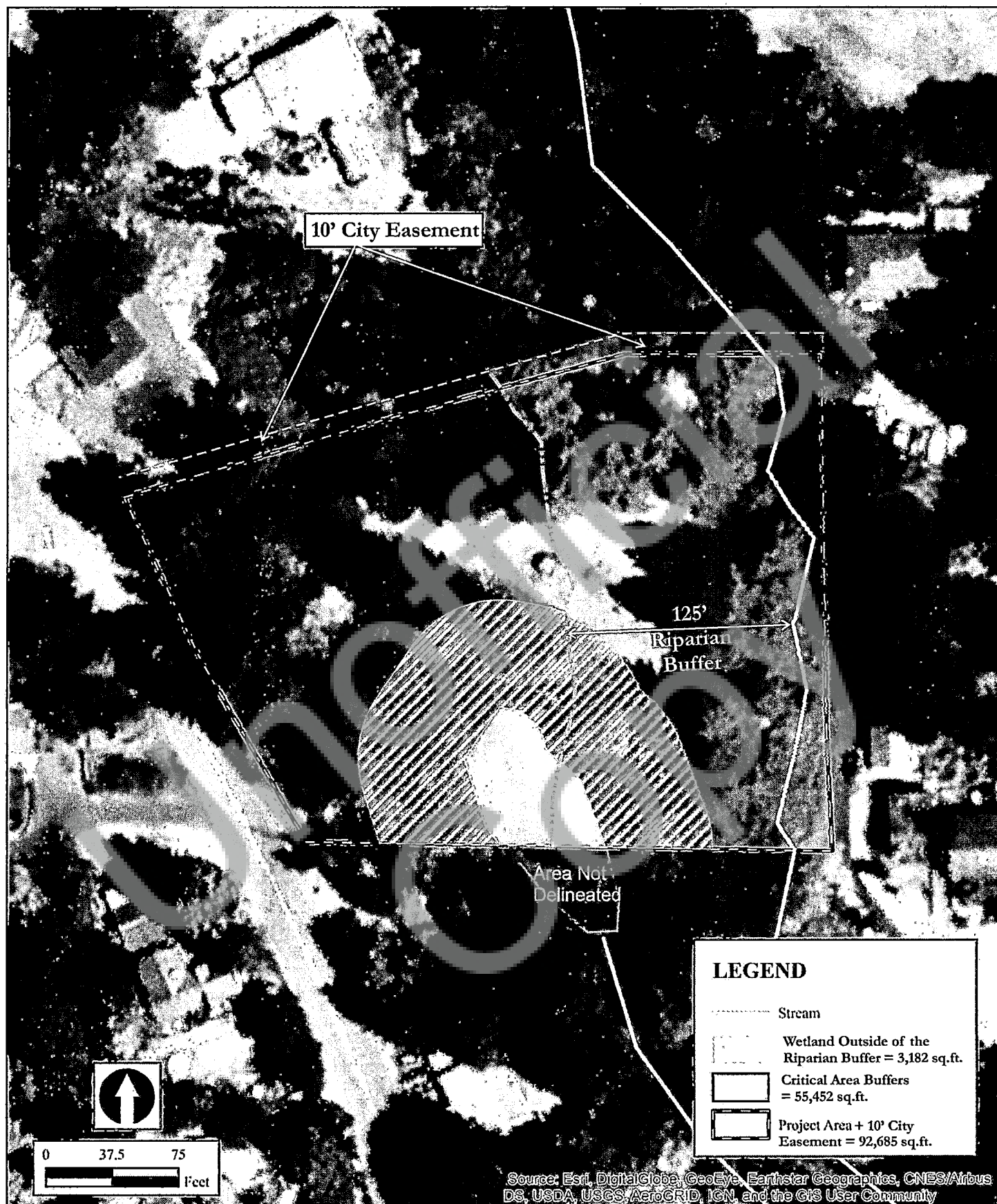


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 8416 N.E. 8th Avenue, Vancouver, WA 98685 Ph: 360-583-4555 fax: 360-699-6242

PROPOSED ACTIVITIES IN:

Columbia River Watershed
LEGAL: NE ¼ of Section 43, T3N, R7E, W.M.,
NEAR: Stevenson, Washington
COUNTY: Skamania
DATE: May 10, 2017
Figure 2



Myers Home Site Project

APPLICANT:
 Kyle Myers
 500 Frank Johns Road
 Stevenson, WA 98648

PURPOSE: Critical Areas - Buffer
 Reductions

Wetland & Habitat Buffer Areas
 Myers Home Site Project
 Stevenson, Washington

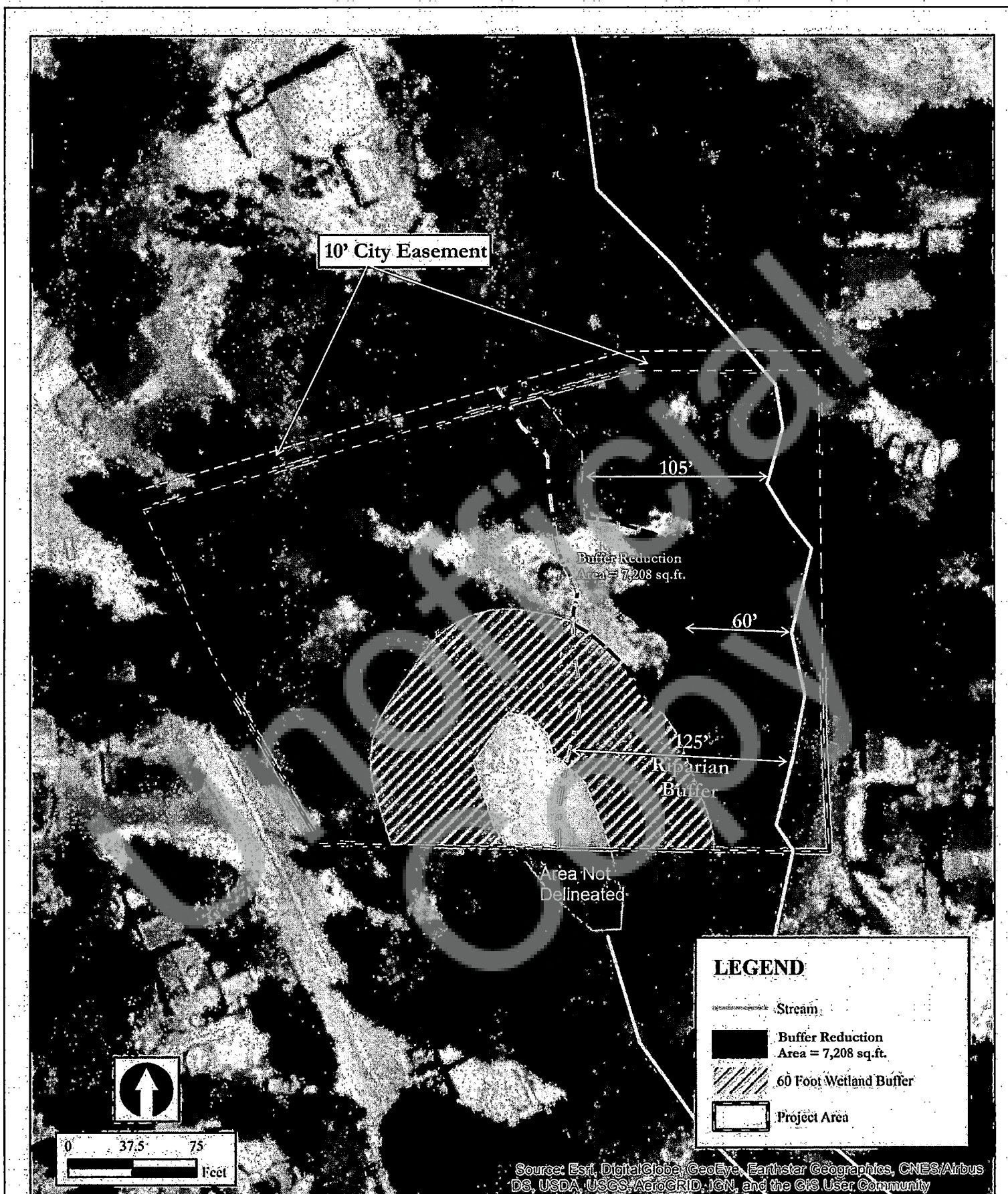


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PROPOSED ACTIVITIES IN:

Columbia River Watershed
LEGAL: NE ¼ of Section 43, T3N, R7E,
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NEAR: Stevenson, Washington
COUNTY: Skamania
DATE: May 10, 2017
Figure 3



Myers Home Site Project

APPLICANT:
 Kyle Myers
 500 Frank Johns Road
 Stevenson, WA 98648

PURPOSE: Critical Areas - Buffer Reductions

Buffer Reduction to Maintain 50% Developable Area
Myers Home Site Project
 Stevenson, Washington

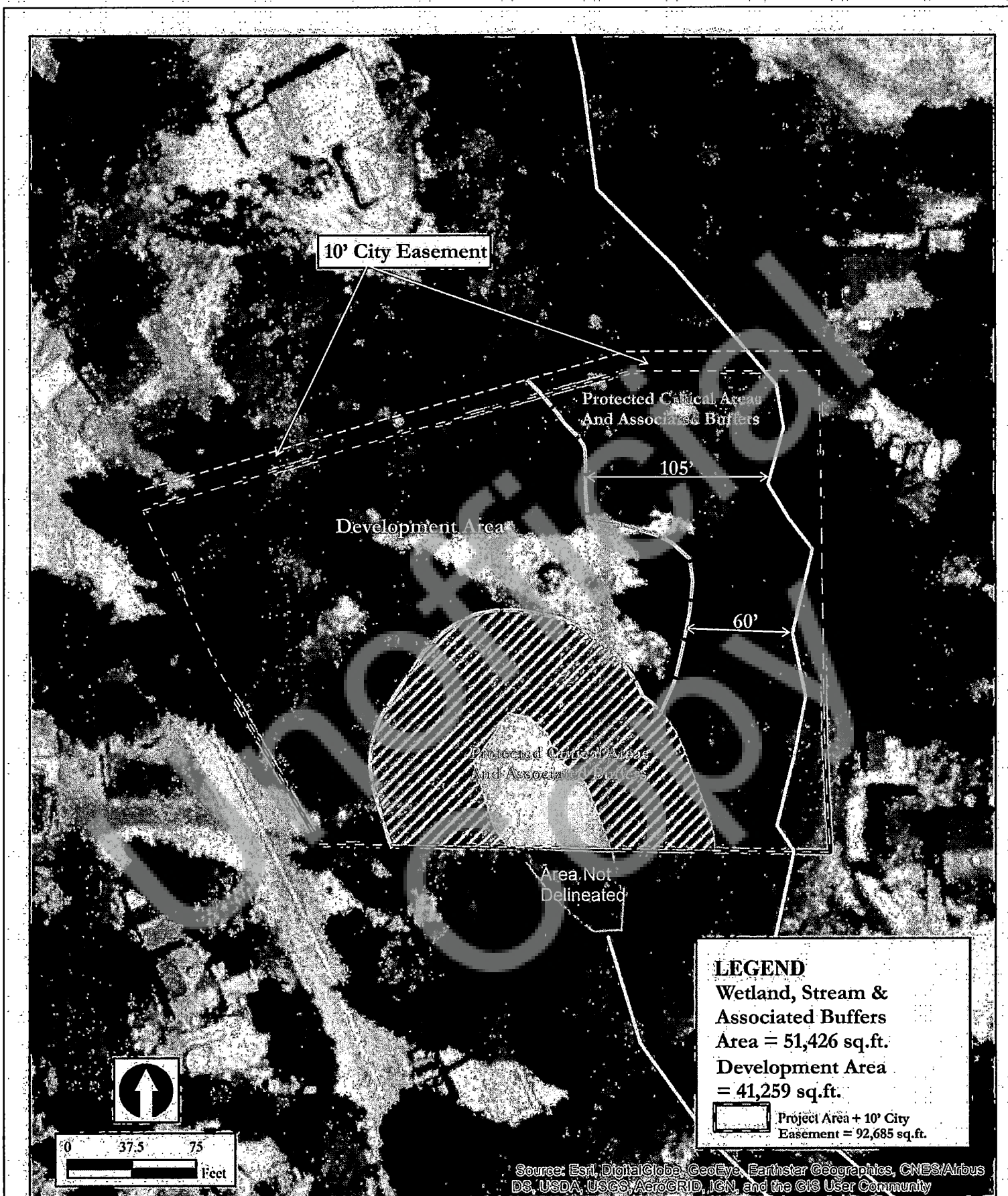


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PROPOSED ACTIVITIES IN:

Columbia River Watershed
LEGAL: NE ¼ of Section 43, T3N, R7E, W.M.,
NEAR: Stevenson, Washington
COUNTY: Skamania
DATE: May 10, 2017
Figure 4



Myers Home Site Project

APPLICANT:

Kyle Myers
 500 Frank Johns Road
 Stevenson, WA 98648

PURPOSE: Critical Areas - Buffer Reductions

Proposed Development Area After Buffer Reductions

Myers Home Site Project
 Stevenson, Washington

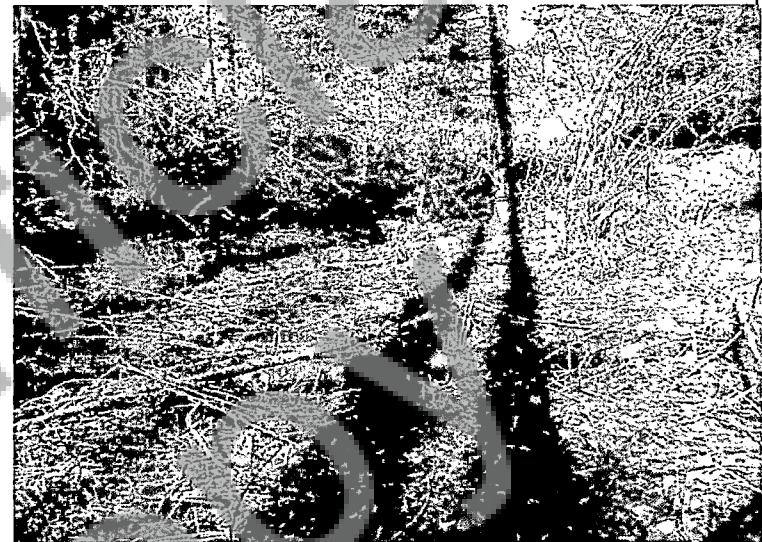


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PROPOSED ACTIVITIES IN:

Columbia River Watershed
LEGAL: NE ¼ of Section 43, T3N, R7E, W.M.,
NEAR: Stevenson, Washington
COUNTY: Skamania
DATE: May 10, 2017
Figure 5



Myers Home Site Project

APPLICANT:
 Kyle Myers
 500 Frank Johns Road
 Stevenson, WA 98648

PURPOSE: Critical Areas - Buffer
 Reductions

Project Photographs
Myers Home Site Project
 Stevenson, Washington



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PROPOSED ACTIVITIES IN:
 Columbia River Watershed
LEGAL: NE ¼ of Section 43, T3N, R7E,
 W.M.,
NEAR: Stevenson, Washington
COUNTY: Skamania
DATE: May 10, 2017
Photo Sheet 1