

## Notice to Parties of Record

**Project Name: Matson and Morgan Appeal**

**Case Number: OLR-2020-00030**

The attached decision of the Land Use Hearing Examiner is final unless a motion for reconsideration is filed or an appeal is filed with Superior Court.

See the *Appeals* handout for more information and fees.

### **Motion for Reconsideration:**

Any party of record to the proceeding before the hearings examiner may file with the responsible official a motion for reconsideration of an examiner's decision within fourteen (14) calendar days of written notice of the decision. A **party of record** includes the applicant and those individuals who signed the sign-in sheet or presented oral testimony at the public hearing, and/or submitted written testimony prior to or at the Public Hearing on this matter.

The motion must be accompanied by the applicable fee and identify the specific authority within the Clark County Code or other applicable laws, and/or specific evidence, in support of reconsideration. A motion may be granted for any one of the following causes that materially affects the rights of the moving party:

- a. Procedural irregularity or error, clarification, or scrivener's error, for which no fee will be charged;
- b. Newly discovered evidence, which the moving party could not with reasonable diligence have timely discovered and produced for consideration by the examiners;
- c. The decision is not supported by substantial evidence in the record; or,
- d. The decision is contrary to law.

Any party of record may file a written response to the motion if filed within fourteen (14) calendar days of filing a motion for reconsideration.

The examiner will issue a decision on the motion for reconsideration within twenty-eight (28) calendar days of filing the motion for reconsideration.

Mailed on: June 25, 2020

DS1333

Revised 7/15/13



Community Development  
1300 Franklin Street, Vancouver, Washington  
Phone: (360) 397-2375 Fax: (360) 397-2011  
[www.clark.wa.gov/development](http://www.clark.wa.gov/development)



For an alternate format,  
contact the Clark County  
ADA Compliance Office.  
Phone: (360)397-2322  
Relay: 711 or (800) 833-6384  
E-mail: [ADA@clark.wa.gov](mailto:ADA@clark.wa.gov)



Based on the applicant's clarification, the Director issued a February 5, 2020 interpretation and analysis of the code provisions implicated in the request (Ex. 4):

1. "The approval criteria for legal lot determinations are found in 40.520.010.E and support these two purpose statements [in CCC 40.520.010(A)(1)]. They are limited to the zoning and platting conditions that must exist for approval of a legal lot determination. These approval criteria do not include review of the access for a parcel." (Ex. 4 at 4)
2. "Staff finds that the previous county code, CCC 12.05, provided provisions for constructing private roads meeting the public road standards within dedicated right-of-way, in both urban and rural areas of the county." (Ex. 4 at 5).

The Director expressly stated that none of the background facts or property-specific circumstances contained in the initial request and supporting documentation were considered in rendering the interpretation of the two code provisions.

### **III. The Requestor's Appeal of the Director's Interpretation:**

The Requestor/applicant timely appealed the Director's interpretation on February 14, 2020 (Ex. 6) along with supporting materials and documents (Exs. 7 & 8). In the appeal, the requestor injected once again an extensive amount of background facts related to the December 27, 2018 Legal Lot Determination (Ex. 24) and the ensuing litigation between the requestor's clients (the interested property owners) and the neighboring subdivision – Cambridge Estates Homeowners' Association (the "HOA") related to access to the interested property owners' parcels that appear to be landlocked without access to NE 49<sup>th</sup> Street in Cambridge Estates. At the end, the requestor/applicant crystalized the appeal arguments in the following terms:

1. County's approval of a legal lot determination necessarily means it recognized that the legal lots have access; otherwise they would not be legal, buildable lots.
2. CCC 12.05.210 only allowed urban private roads in public rights-of-way, not rural private roads, and even if CCC 12.05.210 applies to rural roads, it only applies to roads actually serving less than 9 lots.

The HOA moved to intervene in the appeal and contributed additional background facts and pleadings from the Superior Court litigation between the parties (Ex. 9). The HOA claimed standing to participate because the background facts and ensuing litigation made clear that the applicant/requestor's objective was an interpretation that supported the interested property owners' efforts to gain access to their parcels via NE 49<sup>th</sup> Street – a private street within a public right-of-way – within the Cambridge Estates development. This appears to be the focus of the litigation, *i.e.*, the interested property owners' efforts to obtain access to their properties, which the HOA opposes. On the surface, the HOA appears to support the Director's decision, but opposes the appeal and the broader implications for the interested property owners' lots access to NE 49<sup>th</sup> Street that the appeal articulates.

The applicant/requestor opposed the HOA's intervention (Ex. 10) asserting that the County's Type I process does not allow participation by anyone but a party of record; the HOA

did not receive notice of the original application, did not submit comments on it, and therefore did not acquire “party of record” standing to appeal. Thus, this appeal comes to the Examiner based on the Director’s interpretation (Ex. 4), the applicant/requestor’s appeal (Exs. 6, 7 & 8), and the HOA’s request for party status (Ex. 9) and arguments (Exs. 14, 16 & 17).

### **III. Summary of the Local Proceeding and the Record:**

All of the applicant/requestor’s original interpretation request materials (Exs. 1 & 2) and subsequent clarification (Ex. 3) are included in the record, as is the Director’s interpretation and notice of decision (Exs. 4 & 5). The applicant/requestor’s appeal consists of the appeal form (Ex. 6) and supporting explanation of the appeal arguments (Exs. 7 & 8), plus subsequent supporting documents and arguments (Exs. 10, 13, 22 & 23), many of which respond to the HOA’s intervention request and arguments (Exs. 9, 14, 16 & 17). Comments were received from a resident property owner in Cambridge Estates and presumably a member of the HOA – Gary Eckert (Ex. 15). County staff provided a copy of the 2018 legal lot determination, which recognized the interested property owners’ parcels as legal lots (Ex. 24) and is referenced by both parties.

The underlying director’s interpretation was processed and decided as a Type I decision, issued on February 5, 2020 (Ex. 4 & 5):

“Interpretations and Authority. Upon request, the responsible official shall issue a formal written interpretation of a development regulation. A formal written interpretation shall be a Type I action and shall be subject to the appeal provisions of Section 40.510.010(E)...” CCC 40.500.010(A)(2)

The only notice of the decision was sent to the applicant. CCC 40.510.010(C)(3). CCC 40.510.010(E) allows an appeal to be filed by “any interested party,” which is then processed through the following hybrid Type III process:

“The hearing examiner shall hear appeals, other than appeals of final site plan/final construction plan decisions, in a de novo hearing. Notice of an appeal hearing shall be mailed to parties of record, but shall not be posted or published. A staff report shall be prepared, a hearing shall be conducted, and a decision shall be made and noticed and can be appealed as for a Type III process.” CCC 40.510.010(E)(3).

On April 9, 2020, the County issued notice of the appeal and a May 14, 2020 hearing to the applicant and those people who apparently had learned of the interpretation and requested notice of any subsequent appeal (Exs. 11 & 12). On May 56, 2020, planning staff issued a comprehensive report on the interpretation request and appeal and recommended that the Hearings Examiner uphold the Director’s interpretation (Ex. 20).

Due to the COVID-19 pandemic, the May 14<sup>th</sup> hearing was held through a Zoom video conference platform; wherein, anyone could request the opportunity to testify, and everyone who participated could hear the testimony of everyone else. At the commencement of the May 14<sup>th</sup> hearing, the Examiner explained the procedure and disclaimed any ex parte contacts, bias, and conflicts of interest. Present in the hearing were Melissa Curtis, County Planning staff, Taylor Hallvik, County Prosecuting Attorney, who collectively provided verbal summaries of the underlying interpretation and responded to the applicant/requestor’s appeal arguments. The applicant was represented by attorney LeAnne Bremmer, who responded to staff and opponents and generally advocated for the interpretation requested in the appeal.

Appearing in opposition to the applicant/requestor's appeal, and advocating for affirmation of the Director's interpretation was Maren Calvert, attorney representing the Cambridge Homeowners' Association. No one else requested the opportunity to testify, and the Examiner kept open the record according to the following schedule:

- 2 weeks (until May 28, 2020) for anyone to submit any written comments on any subject relevant to the proposal;
- 1 week (until June 4, 2020) to respond to material received in the first open record period;
- 1 week (until June 11, 2020) for applicant's final rebuttal, legal argument only, no new evidence.

The only post-hearing submission received was the applicant/requestor's final concluding legal arguments (Ex. 25), after which the record closed at the end of the final rebuttal period on June 11, 2020.

#### **IV. Findings:**

Only issues and criteria raised in the course of the application, during the hearing and before the close of the record are discussed in this section. All approval criteria not raised by staff, the applicant or a party to the proceeding have been waived as contested issues, and no argument regarding these issues can be raised in any subsequent appeal. The Examiner finds those criteria to be met, even though they are not specifically addressed in these findings.

#### **Procedural Issues:**

Several other preliminary matters relate to the County's hybrid process in this matter and the ability of the HOA and others to participate in the appeal. In particular, the applicant objected to the intervention and participation of the HOA because it did not provide comments during the Type I administrative proceeding that gave rise to the appeal and did not become a party of record, as defined in CCC 40.100.070 (Ex. 10). The applicant asserts that the Examiner should deny the HOA any opportunity to participate and reject its arguments. To counter this, the HOA asks the Examiner to strike from the record certain references from the requestor/applicant's materials that are property-specific and party-specific. Understandably, the HOA cites no authority for striking documents, or references within documents, that were submitted during the open record of a quasi-judicial land use proceeding.

This procedural squabble flows directly from the hybrid nature of the procedure for code interpretations and appeals therefrom. The director's interpretation request is clearly designated as Type I by CCC 40.500.010(2). That interpretation process, however, anticipates a relatively sterile non-factual code interpretation exercise, akin to statutory interpretation by the courts and controlled by the same principles of statutory interpretation. Under this Type I process, nobody was sent notice of the interpretation request, and no one was invited to comment on it. CCC 40.500.010(2) also specifies that appeals of an interpretation are heard pursuant to CCC 40.510.010(E), which provides a Type III process before the hearings examiner, but with limited notice of the hearing:

"The hearing examiner shall hear appeals, other than appeals of final site plan/final construction plan decisions, in a de novo hearing. Notice of an appeal hearing shall be mailed to parties of record, but shall not be posted or published. A staff report

shall be prepared, a hearing shall be conducted, and a decision shall be made and noticed and can be appealed as for a Type III process.” CCC 40.510.010(E)(3)(a)

Under this process, the hearing notice is truncated and sent only to “parties of record;” however, because no notice was provided for the previous Type I process, there are or should be no parties of record and the applicant/requestor. While the appellant fixates on who is or who can become a party of record, the Examiner focuses on the de novo nature of the present Type III appeal proceeding.

De novo connotes a “new proceeding,” which the Examiner interprets to mean without limitation as to who may participate nor what issues may be raised. Thus, a de novo Type III hearing process, regardless of who gets notice, begins with an open record as to parties, evidence and legal issues that may be asserted. The process set forth in CCC 40.510.010(E) dictates how notice of the hearing is disseminated, but the hearing itself is de novo. This means that if a person or other entity manages to find out about the hearing proceeding because of the limited notice, they may participate fully. This makes sense in the quasi-judicial land use context because it would be improper to begin narrowing parties, issues, or limiting evidence before there has been an evidentiary hearing, and only after the hearing occurs, is it proper to do so.

For these reasons, the HOA has full party status in this de novo hearing and may raise any relevant issue and submit into the record any evidence it wishes. In the context of a de novo Type III hearing, there is no legal basis to prevent the HOA from participating, nor is there any basis to reject any of its legal arguments or evidence, with the understanding that much of its evidence and many of its arguments may be irrelevant to the narrow interpretational issues before the Examiner.

### **Substantive Issues:**

As a preliminary matter, the original interpretation request (Ex. 2), and in fact the appeal narrative and supporting documents (Exs. 7 & 8) exceed what is allowed or contemplated by a Director’s Interpretation under CCC 40.500.010(2). The depth of factual detail presented in these materials is more consistent with a quasi-judicial case or controversy. Moreover, the factual information provided, especially when countered by the similarly fact-laden arguments and trial court pleadings of the HOA (Exs. 9, 14, 16 & 17) could be viewed as a collateral attack on the 2018 legal lot determination in MZR2018-00149. For these reasons, the Examiner will rely upon the applicant’s more focused and non-fact-specific requests (Exs. 3 & 7):

1. Does Section 40.520.010 require the County to confirm legal lots have access when it approves a legal lot determination? County’s approval of a legal lot determination necessarily means it recognized that the legal lots have access; otherwise they would not be legal, buildable lots.
2. Does CCC 12.05.210(a)(1) apply to rural roads in public rights-of-way? CCC 12.05.210 only allowed urban private roads in public rights-of-way, not rural private roads, and even if CCC 12.05.210 applies to rural roads, it only applies to roads actually serving less than 9 lots.

**Question 1.** Does a legal lot determination include a determination of legal access? The focus of the CCC 40.520.010 proceeding is to determine if a particular parcel qualifies as a “lot

of record” consistent with state law and the local code. Critical for such an inquiry is the local definition of “lot of record” in 40.100.070:

“Lot of record” means a parcel which was in compliance with both the platting, if applicable, and zoning laws in existence when the parcel was originally created or segregated, or which is otherwise determined to be consistent with the criteria of the UDC. Owners of such lots shall be eligible to apply for building permit or other county development review, pursuant to the county code. Parcels segregated for tax purposes are not lots of record unless they comply with both platting and zoning laws in existence at the time that an application for segregation is received by the county assessor, or are otherwise determined to be consistent with the criteria of the UDC.

As stated above, the objective in a code interpretation is to determine the meaning of the code language, which relies on standard canons of statutory interpretation, none of which involves the factual backdrop that either party to this proceeding provided:

“The court’s fundamental objective in construing a statute is to ascertain and carry out the legislature’s intent. ... Statutory interpretation begins with the statute’s plain meaning. Plain meaning is to be discerned from the ordinary meaning of the language at issue, the context of the statute in which that provision is found, related provisions, and the statutory scheme as a whole. ... While we look to the broader statutory context for guidance, we must not add words where the legislature has chosen not to include them, and we must construe statutes such that all of the language is given effect. ... If the statute is unambiguous after a review of the plain meaning, the court’s inquiry is at an end. ... But if the statute is ambiguous, this court may look to the legislative history of the statute and the circumstances surrounding its enactment to determine legislative intent. ...”

*Lake v. Woodcreek Homeowners Ass'n*, 169 Wash. 2d 516, 526-27, 243 P3d 1283 (2010) (citations and internal quotes omitted)

Nothing in the above-quoted definition indicates that a legal lot determination under CCC 40.520.010 also involves a determination of legal access. This conclusion is bolstered by the submission requirements for a legal lot determination set forth in CCC Table 40.510.050-1:

(7) Legal Lot Determination Information. The preliminary site plan shall encompass the entire area of the legal lot(s) involved in the site plan and designate the proposed use (i.e., lots, tracts, easements, dedications) for all land contained within the plan and any boundary line adjustments to be completed prior to final site plan approval. In order to demonstrate that the subject lot(s) has been created legally, the following must be submitted:

- a. Current owner’s deed if lot determination not required, as specified in the pre-application conference report, or one (1) of the following:
- b. Prior county short plat, subdivision, lot determination or other written approvals, if any, in which the parcel was formally created or determined to be a legal lot; or
- c. Sales or transfer deed history dating back to 1969, to include copies of recorded deeds and/or contracts verifying the date of creation of the parcel in chronological order with each deed identified with the assessor’s lot number.

Instead, it appears that a legal access determination is something that affects the development potential of a parcel, and thus an issue evaluated during development review or the land use check attendant to a building permit. Again, this conclusion is bolstered by the statement in the definition of “lot of record” that “Owners of such lots [of record] shall be eligible to apply for building permit or other county development review, pursuant to the county code.” Approval of such an application is not guaranteed. The applicant/requestor in this case takes the position that a legal lot determination is supposed to validate such issues as legal access in advance of the development review process. The applicant/requestor asserts, without authority, that a parcel validated through a legal lot determination process is also deemed buildable (Ex. 7); whereas, the two notions: legal lot versus buildable lot, are two separate and different determinations. There simply is no textual basis for the applicant/requestor’s conclusion given the plain language of the “lot of record” definition, nor in CCC 40.520.010 governing legal lot determinations.

The definition of “lot of record” expressly states that the next step is that one who possesses a lot of record is then “eligible to apply” for building permits or development review, during which legal access and a host of other development issues are addressed. In other words, the legal lot determination occurs first, and then there is a determination of whether and to what degree the parcel is buildable. The necessary extension of this conclusion is that there may be many parcels of land that qualify as legal “lots of record” that do not have adequate or any legal access and are not buildable for multiple reasons. There is nothing that precludes that situation, and the Examiner assumes it is not uncommon.

For the foregoing reasons, the Examiner concludes that nothing in a legal lot determination under CCC 40.520.010 addresses or validates the existence (or absence) of legal access to a parcel, nor does the legal lot determination process address whether a parcel is buildable. A determination of whether a lot is buildable, including whether it has legal access, is a separate evaluation attendant to development or building permit review, and is not necessarily addressed in a legal lot determination.

**Question 2.** Does CCC 12.05.210(a)(1) apply to rural roads in public rights-of-way? This question pertains to a prior version of CCC 12.05.210 and to situations where the County has allowed the construction and operation of private roadways within dedicated public rights-of-way. In particular, the former version of CCC 12.05.210 (Urban Private Roadway Standards) provides in pertinent part:

“Where nine (9) or more potential lots/units may be served, but the actual number of lots/units is fewer than nine, right-of-way shall be dedicated to the county in accordance with the design criteria of Section 12.05.025, within which a private road may be constructed in accordance with subsection (2).”

CCC 12.05.025, referenced in this section, provides standards for road design criteria for both rural and urban roads but does not specify whether the roads described are (or can be) private versus public. What is clear from the plain language of both sections, when taken together, is that private roads are allowed under some circumstances within public rights-of-way. The more ambiguous part of CCC 12.05.210, however, is its limitation on the number of “potential lots/units” that can be served by a private roadway in a public right-of-way. The plain language indicates that a private roadway within a public right-of-way can be approved where there are 9 or more potential lots or units, but fewer than 9 actual lots or units in existence at the time. Again, the plain language of the code provision appears to apply to a single point-in-time

determination of how many lots/units are potentially possible versus how many lots/units actually exist at that time, which may change after that point-in-time determination is made.

In response to this interpretation request, the Director focused on the logical conclusion that CCC 12.05.025 simply allowed private roadways within public rights-of-way in both rural and urban settings, and provided the following answer:

It is important to note that this code section indicates that a private road may be constructed within a public right-of-way. It further indicates that the construction of the private road must be in compliance with the "roads design criteria of Section 12.05.025" which references the tables for arterial and non-arterial roads. The "Non-Arterial Roads" table provides standards for both "Rural" and "Urban" roads and it does not specify if the roads are required to be either public or private.

\* \* \*

Staff finds that the previous county code, CCC 12.05, provided provisions for constructing private roads meeting the public road standards within dedicated right-of-way, both in urban and rural areas of the county." (Ex. 4)

In response to the appeal and the applicant's somewhat revised and clarified request, staff refocused on the 9-lot limit for private roadways being allowed in the public right-of-way and provided the following clarified response:

"Staff concedes that, depending upon the applicable code year revision, CCC 12.05.210(a)(1) generally applied to urban roads and/or cluster subdivisions of 8 lots or less in the rural area. However, depending upon the circumstances of particular developments that did not meet this criteria, the County may also have approved the placement of private roads in dedicated public rights of way by approving road modifications and/or variances, or by otherwise approving or accepting a particular development without requiring dedication of the roadway." (Ex. 20)

What is clear from staff's somewhat refined response is that there are many circumstances under which CCC 12.05.025 may have allowed private roadways to be built in the past and operated within public rights-of-way depending upon how many lots/units were potential, how many lots/units actually existed, and whether the area was rural or urban. Additionally, that calculus would necessarily change with the passage of time. For example, a private roadway may have been allowed in a public right-of-way in either an urban or rural setting because there were 8 or fewer homes served, but over time that number of homes may have increased, but the roadway would have remained private, and presumably lawful.

What is clear is that CCC 12.05.025 was permissive and ambiguous, especially as it incorporates by reference roadway design standards for both urban and rural roads. What is also clear from CCC 12.05.025 is the limitation on the number of lots or units that could exist at the time the roadway was created. But nothing in CCC 12.05.025 prevents that number of existing/actual homes from increasing over time, while still being served by a lawful private roadway. To the extent that the applicant/requestor is looking for a bright line rule of how many rural or urban lots can be served today by a previously approved and still existing private roadway within a public right-of-way, CCC 12.05.025 does not answer that question. The plain language of CCC 12.05.025 only appears to address the County's approval of a private

roadway within a public right-of-way to serve up to 8 homes then-existing at the time approval was sought. As staff correctly points out (Ex. 20), there are multiple situations where a previously approved (even if incorrectly approved) private roadway can lawfully serve today more than 8 homes, in both an urban or rural setting.

In conclusion, and in response to the question "Does CCC 12.05.210(a)(1) apply to rural roads in public rights-of-way," the short answer is "yes." But, by its plain, open-ended, and clearly permissive language, CCC 12.05.210 also applies to more than just rural situations may result in more than 8 lots being served over time. A private roadway previously approved within a public right-of-way pursuant to CCC 12.05.210 may, today, lawfully serve more than 8 units in both urban and rural settings and not run afoul of former CCC 12.05.210.

**V. Decision:**

Based on the foregoing findings, the Examiner accepts and allows the applicant/requestor's appeal and affirms the Director's interpretation.

Date of Decision: June 25, 2020.

By:   
\_\_\_\_\_  
Daniel Kearns,  
Land Use Hearings Examiner

**NOTE:** Only the Decision and Conditions of approval, if any, are binding on the applicant, owner or subsequent developer of the subject property as a result of this Order. Other parts of the final order are explanatory, illustrative or descriptive. There may be requirements of local, state or federal law or requirements that reflect the intent of the applicant, county staff, or the Hearings Examiner, but they are not binding on the applicant as a result of this final order unless included as a condition of approval.

**Motion for Reconsideration**

Any party of record to the proceeding before the hearings examiner may file with the responsible County official a motion for reconsideration of the Examiner's decision within 14 calendar days of written notice of this decision. A party of record includes the applicant and those individuals who signed the sign-in sheet, presented oral testimony at the public hearing, or submitted written testimony prior to or at the Public Hearing on this matter. Any motion for reconsideration must be accompanied by the applicable fee and identify the specific authority in the Code or other applicable laws, and/or specific evidence in support of reconsideration. A motion may be granted for any one of the following causes that materially affects the rights of the moving party:

- a. Procedural irregularity or error, clarification, or scrivener's error, for which no fee will be charged;
- b. Newly discovered evidence, which the moving party could not with reasonable diligence have timely discovered and produced for consideration by the examiners;
- c. The decision is not supported by substantial evidence in the record; or,
- d. The decision is contrary to law.

Any party of record may file a written response to a Motion for Reconsideration if filed within 14 calendar days of the motion for reconsideration. In response to a timely Motion for Reconsideration, the Examiner will issue a decision on reconsideration within 28 calendar days of the date the motion was filed.

### **Notice of Appeal Rights**

This is the County's final decision on this application. Anyone with standing may appeal any aspect of the Hearings Examiner's decision, except the SEPA determination, to Clark County Superior Court pursuant to the Washington Land Use Petition Act, RCW chapter 36.70C.

Role	Company Name	Name	Address 1	Address 2	City	State	Zip Code	Email Address
Planner	Clark County	Melissa Curtis						
Appellant	Miller Nash Graham & Dunn LLP	LeAnne Bremer	500 Broadway	Ste 400	Vancouver	WA	98660	leanne.bremer@millernash.com
Owner		Linda Matson & Danny Morgan	20305 NE 58th St		Vancouver	WA	98682	marilee.mccall@clarke.wa.gov
N/H Association	Proebstel Nbdh Assoc							
Contact Person								
Utility Contact	Clark County	Desiree de Monye						desiree.demonye@clarke.wa.gov
	City of Vancouver	Kristin Lehto						Kristin.Lehto@cityofvancouver.us
		Nicole Daltoso						nicole.daltoso@vansd.org
		Jeff Roberts						jeff@crandallgroup.com
Owner		Kenneth & Denise Fenning	19908 NE 49th St		Vancouver	WA	98682	
Owner		Joseph & Sharon Durbin	19918 NE 49th St		Vancouver	WA	98682	
Owner		Gregory & Luana Wilson	20106 NE 49th St		Vancouver	WA	98682	
Owner		Carmelo & Delia Grenier	19909 NE 49th St		Vancouver	WA	98682	
Owner	Trustees of the Parker Trust	Jefferson & Gale Parker	19919 NE 49th St		Vancouver	WA	98682	
Owner		Siegfried Marin Heller	20101 NE 49th St		Vancouver	WA	98682	
Owner		Roy & Shirly Bilyeu	20205 NE 49th St		Vancouver	WA	98682	
Owner		Gary & Rene Eckert	20215 NE 49th St		Vancouver	WA	98682	
Owner	Trustees of Eckert Revocable	David & Carolyn Becker	20210 NE 49th St		Vancouver	WA	98682	
Owner		Maren L. Calvert	500 Broadway St	Ste 370	Vancouver	WA	98660	maren@horensteinlawgroup.com



# EXHIBIT LIST

Project Name: **Matson and Morgan**

Case Number: **OLR-2020-000030**

EXHIBIT NUMBER	DATE	SUBMITTED BY	DESCRIPTION
<b>OLR-2019-00158</b>			
1		Applicant	Application Form
2		Applicant	Application Memorandum and Attachments
3		CC Land Use	Email from Applicant
4		CC Land Use	Staff Report
5		CC Land Use	Affadivit Of Mailing
<b>OLR-2020-00030</b>			
6		Applicant	Application Form
7		Applicant	Narrative
8a-8p		Applicant	Applicant Submittals for OLR-2019-00158 and MZR2018-00149
9a	3/16/20	Horenstein Law Group	Letter to HE requesting party status
9b	3/16/20	Horenstein Law Group	Applicants Initial Memo, application, Ex A
9c	3/16/20	Horenstein Law Group	Applicants appeal memo and application
9d	3/16/20	Horenstein Law Group	Complaint and answers
9e	3/16/20	Horenstein Law Group	Order Denying Plaintiffs motion for partial Summary Judgement
10	3/17/20	Applicant	Letter to HE
11	4/9/20	CC Land Use	Notice of Appeal
12	4/9/20	CC Land Use	Affidavit of Mailing - Exhibit 11
13	4/14/20	Applicant	Comment - LeAnne Bremer
14	4/15/20	Maren Calvert	Request to Testify
15	4/22/20	Gary W Eckert	Comments Email
15a	4/22/20	Gary W Eckert	Comment Letter
16	4/22/20	Maren Calvert	Email
17	4/22/20	Maren Calvert	Cambridge Estates written submission to Hearing Examiner
18	4/27/20	Engineering	NE 49th Street As built

Copies of these exhibits can be viewed at:  
 Department of Community Development  
 Development Services Division  
 1300 Franklin Street  
 Vancouver, WA 98666-9810

<b>EXHIBIT NUMBER</b>	<b>DATE</b>	<b>SUBMITTED BY</b>	<b>DESCRIPTION</b>
19			
20	5/5/20	CC Land Use	Staff Report and Recommendation
21	5/5/20	CC Land Use	Affidavit of Mailing - Exhibit 20
22	5/8/20	applicant	Letter to the Hearing Examiner
23	5/12/20	Applicant	Supplemental Response
24	12/27/18	CC Land Use	Legal lot determination MZR2018-00149
25	6/4/20	Applicant	Final rebuttal
26	6/25/20	CC Land Use	Hearing Examiner Decision
27	6/25/20	CC Land Use	Affidavit of Mailing - Exhibit 26

Copies of these exhibits can be viewed at:  
Department of Community Development  
Development Services Division  
1300 Franklin Street  
Vancouver, WA 98666-9810