

# CLARK COUNTY STAFF REPORT

**DEPARTMENT:** Community Development

**DATE:** July 6, 2020

**REQUESTED ACTION:** Sign a plat alteration declaration to amend a short plat recorded in Book 3 Page 914

\_\_\_\_\_ Consent \_\_\_\_\_ Hearing   X   County Manager

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**BACKGROUND**

This request is to approve the final plat declaration to alter the plat for the Salmon Creek Commercial Short Plat, which was recorded in Book 3 Page 914. The applicant desires to relinquish certain easements that are inconsistent with the proposed use of the property. The easements include stormwater easements, stormwater access easements, stormwater right of entry easements, and a pedestrian easement.

The applicant has received preliminary site plan for an assisted living campus in the general commercial (GC) zone. The approval considered development standards put forth in Title 40 and included approval for the removal of the subject easements, as they are no longer relevant to the proposed development. Approval of this final plat declaration and recording of related documents will complete the process outlined in Clark County Code 40.540.070 and 40.540.120.

**COUNCIL POLICY IMPLICATIONS**

N/A

**ADMINISTRATIVE POLICY IMPLICATIONS**

N/A

**COMMUNITY OUTREACH**

The preliminary portion of the plat declaration was processed as a type II application and included notice sent to property owners within 300 feet of the lot in question on May 14, 2019.

**BUDGET IMPLICATIONS**

YES	NO	
X		Action falls within existing budget capacity.
		Action falls within existing budget capacity but requires a change of purpose within existing appropriation
		Additional budget capacity is necessary and will be requested at the next supplemental. If YES, please complete the budget impact statement. If YES, this action will be referred to the county council with a recommendation from the county manager.

**BUDGET DETAILS**

Local Fund Dollar Amount	
Grant Fund Dollar Amount	
Account	
Company Name	

**DISTRIBUTION:**

Board staff will post all staff reports to The Grid. <http://www.clark.wa.gov/thegrid/>

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*Harriet Padmae for*  
*Susan Ellinger*  
Susan Ellinger *FOR EMAIL Authorization*  
Land Use Review Manager  
Community Development  
564-397-5122

*Dan Young*  
Dan Young  
Director  
Community Development  
564-397-4101

**APPROVED:** *Kathleen Otto*  
Kathleen Otto, Acting County Manager

DATE: *July 8, 2020*

**RETURN ADDRESS:**

The Nathanson Group, PLLC  
600 University Street, Suite 2000  
Seattle, WA 98101  
Attn: Jim Spencer

**Document Title(s):**

Declaration Amending Salmon Creek Commercial Short Plat, Recorded in Book 3 at Page 914 of Short Plat.

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**Reference Number(s) of related documents:**

Short Plat Book 3 Page 914 AFN 4578791, 4575256, 4576442, 4575374, 4576439, 4575375, 4576440, 4575376, 4576441

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**Grantor(s)** (Last name, first name and middle initial):

Salmon Creek Investments, LLC, a Delaware limited liability company

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**Grantee(s)** (Last name, first name and middle initial):

Salmon Creek Investments, LLC, a Delaware limited liability company

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**Abbreviated Legal Description:**

Lots 1, 2, 3 and 4 of Salmon Creek Commercial Short Plat, Book 3, Page 914

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**Assessor's Property Tax Parcel/Account Number:**

186829000, 186810000, 186808000, 186783000

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**DECLARATION AMENDING SALMON CREEK COMMERCIAL SHORT PLAT,  
RECORDED IN BOOK 3 AT PAGE 914 OF SHORT PLAT**

The undersigned, Salmon Creek Investments, LLC, a Delaware limited liability company ("**Salmon Creek Investments**"), is the owner of certain real property located in Clark County, Washington, legally described on Exhibit A (the "**Property**"), attached hereto and incorporated herein; and pursuant to RCW 58.17.215 and CCC 40.540, which, under specific circumstances, allows Clark County to approve alterations to recorded plats, does hereby file this Declaration Amending Salmon Creek Commercial Short Plat, recorded in Book 3 at Page 914 of Short Plat (the "**Declaration**") for the purposes described herein.

**RECITALS**

WHEREAS, Salmon Creek Investments is the owner of the Property, which is described in the Dedication of Short Plat (the "**Dedication**") and shown on the Final Short Plat of Salmon Creek Commercial (the "**Final Short Plat**"), both of which were recorded on July 1, 2009 in Book 3 of Short Plats, Page 914 under Auditor's File Number 4578791 in the Records of Clark County. The Dedication is attached hereto as Exhibit B and the Final Short Plat is attached hereto as Exhibit C and by this reference both are incorporated herein.

WHEREAS, Salmon Creek Investments desires to amend the recorded Dedication and Final Short Plat as described below.

WHEREAS, as described below, Salmon Creek Investments desires to relinquish certain easements that are inconsistent with its proposed development of the Property.

WHEREAS, this Declaration is required to satisfy the conditions of approval, RCW 58.17.215 and CCC 40.540,

NOW, THEREFORE, in consideration of the foregoing recitals, Salmon Creek Investments declares as follows:

1. Salmon Creek Investments declares that it is the sole and exclusive owner of the Property, as described in Exhibit A that is affected by the Dedication and Final Short Plat, both of which were recorded in the Records of Clark County, Washington as set forth above.
2. That portions of the Dedication and Final Short Plat to be amended are legally described on Exhibit D;
3. The Dedication and Final Short Plat are only amended as set forth herein and in all other aspects are unaffected by this Declaration. A copy of this Declaration shall be filed with the Clark County Auditor so as to appear in the chain of title of the affected parcels.
4. Salmon Creek Investments hereby amends the recorded Dedication and Final Short Plat to consolidate the lots of the Property into one lot as legally described in Exhibit D.
5. Salmon Creek Investments hereby relinquishes and terminates the following easements:
  - a. Stormwater Easement between Wal-Mart Stores, Inc. ("**Wal-Mart**"), as grantor, and owners, their heirs and assigns of Lots 1, 2, 3 and 4 of the Final Short Plat recorded on June 22, 2009 under Auditor's File Number 4575256, which was re-recorded on June 24, 2009 under Auditor's File Number 4576442 in the Records of Clark County;
  - b. Access to Stormwater Control and Treatment Facilities referenced in the Covenant Running with the Land approved by Clark County and executed by Wal-Mart recorded on June 22, 2009 under Auditor's File Number 4575374,

which was re-recorded on June 24, 2009 under Auditor's File Number 4576439 in the Records of Clark County;

- c. Stormwater Right of Entry between Wal-Mart, as grantor, and Clark County, as grantee, recorded on June 22, 2009 under Auditor's File Number 4575375, which was re-recorded on June 24, 2009 under Auditor's File Number 4576440 in the Records of Clark County;
- d. Pedestrian Access Easement between Wal-Mart, as grantor, and Clark County, as grantee, recorded on June 22, 2009 under Auditor's File Number 4575376, which was re-recorded on June 24, 2009 under Auditor's File Number 4576441 in the Records of Clark County

[See Attached Signature Pages]



Approved as to form:

By Taylor Hallvik  
Digitally signed by Taylor Hallvik  
DN: cn=Taylor Hallvik, o=Clark County  
Prosecuting Attorney's Office, ou=Civil Division,  
email=taylor.hallvik@clark.wa.gov, c=US  
Date: 2020.06.19 12:14:35 -0700

Deputy Prosecuting Attorney

Approved and accepted by the County Manager of Clark County, Washington, this \_\_\_\_ day of \_\_\_\_\_, 2020

Attested by: \_\_\_\_\_  
Clerk to the Clark County Manager

## **EXHIBIT A**

**For APN/Parcel ID(s): 186829000, 186810000, 186808000 and 186783000**

Lots 1, 2, 3 and 4 of Salmon Creek Commercial Short Plat, recorded in Book 3 of Short Plats, Page 914, records of Clark County, Washington, being a portion of the Northeast quarter of Section 26, Township 3 North, Range 1 East of the Willamette Meridian, recorded July 1, 2009, under Auditor's File No. 4578791, records of Clark County, Washington.

A non-exclusive easement for the purpose of stormwater drainage as granted and more particularly described within the Drainage Facilities Easement Agreement recorded June 19, 2014, under recording no. 5081113, records of Clark County, Washington.

**EXHIBIT B**

(See Attached)

EXHIBIT B

4578791 SPLAT B: 3 P: 814  
RecFee - \$113.00 Pages: 8 - PUBLIC WORKS/DEVELOPMENT IN  
Clark County, OR 07/01/2009 10:02

BK 3  
P 914

**RETURN ADDRESS**

Clark County - Public Works/Development Engineering

**DOCUMENT TITLE (S)**

Dedication Short Plat

**REFERENCE NUMBER (S) OF RELATED DOCUMENT (S)**

PLD2003-00074/ FLD2009-00008

**GRANTOR (S)**

Wal-Mart Stores, Inc., a Delaware Corporation

**GRANTEE (S)**

Salmon Creek Commercial Short Plat

Private and Public

**LEGAL DESCRIPTION (abbreviated form i.e. lot, block, plat or section, township, range, quarter/quarter)**

Tax Lot 317, 319, 338 and 292, located in the NE ¼ of Section 26, Township 3 North, Range 1 East of the Willamette Meridian

**ASSESSOR'S PROPERTY TAX PARCEL/ACCOUNT NUMBER**

186808-000, 186810-000, 186829-000, 186783-000

The Auditor/Recorder will rely on the information provided on this form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

STATE OF ARKANSAS

ss

County of Benton

I certify that I know or have satisfactory evidence that John Clark signed this instrument, and on oath stated that he is authorized to execute the instrument and acknowledged it as the Regional Vice President of 2nd-Step Glass, Inc. to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

Dated: 6-19-09

Notary Public in and for the State of Arkansas, residing at Bentonville, Ar.

My appointment expires 3/13/2012

Jane Bennett  
County of Benton  
Notary Public - Arkansas  
My Commission Exp. 03/13/2012

**DEDICATION**

Order No.: 947066

**DESCRIPTION**  
See attached Exhibit 'A'

**SHORT PLAT**

We, the undersigned do hereby lay out and Short Plat the above described property into streets and lots, as shown on the Plat Map filed concurrently herewith, and we hereby dedicate the streets as shown on said Plat map as dedicated to Clark County and the public forever. However, the ownership, use and enjoyment of the Lots therein are subject to Easements, conditions and restrictions, which shall run with the Land and be for the mutual benefit and protection of all Lots within said Plat and which by reference, is made a part hereof.

Dated this 19<sup>th</sup> day of June, 2009

  
\_\_\_\_\_  
WAL-MART STORES, INC. a Delaware Corporation  
Regional Vice President

EXHIBIT "A"  
Legal Description  
For  
Final Short Plat  
Salmon Creek Commercial  
By Surveyor

That portion of the Southeast Quarter of the Northeast Quarter of Section 26, Township 3 North, Range 1 East of the Willamette Meridian, Clark County, Washington, described as follows:

Beginning at the East Quarter corner of said Northeast Quarter; thence N01°41'34"E, along the east line of said Northeast Quarter a distance of 40.00 feet to the POINT OF BEGINNING; thence continuing N01°41'34"E along the said East line a distance of 887.31 feet to the Southeast corner of a Tract of land conveyed to Kelvin E. Crafton, by deed recorded under Auditor's file No. G 315358; thence N88°20'10"E along the South line of said Tract of land a distance of 120.00 feet to the Southwest corner of said Tract of land; thence N01°39'42"E a distance of 113.75 feet to a point on the Southerly Right of Way line of NE 134<sup>th</sup> Street said point also being on a non-tangent curve concave to the Northwest end having a radius of 1005.00 feet (from which point a radial line bears N29°15'29"W); thence Southwesterly along said curve through a central angle of 25°03'48" an arc distance of 440.05 feet; thence S01°40'20"W a distance of 635.49 feet to the Northeast corner of Lot 1 as shown on the Short Plat, recorded in Book 2 of Short Plats, Page 818; thence along the Northerly, Westerly and Southerly line of said Lot 1 the following three (3) courses

- 1.) N88°19'40"W a distance of 177.67 feet
- 2.) S41°40'40"W a distance of 91.51 feet
- 3.) S48°49'01"E a distance of 174.76 feet; thence continuing S48°48'01"E a distance of 96.11 feet to a point on a line parallel with and 40.00 feet North of the South line of the said Northeast Quarter; thence S88°48'20"E along said line a distance of 581.47 feet to the POINT OF BEGINNING.

Containing 12.15 acres more or less

Except public roads



**CERTIFICATE FOR SHORT PLATTING**

Order No.: 947066

**SHORT PLAT**

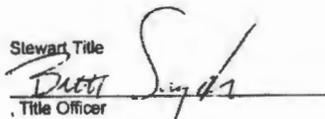
This is to certify that in connection with the recordation of the Short Plat and Dedication of the property described in Exhibit "A"; the following list comprises all necessary parties signatory thereto:

WAL-MART STORES, INC., a Delaware Corporation

This certificate does not purport to reflect a full report on conditions of title, nor nature and extent of interest vested in each of the parties enumerated above, and shall have no force and effect, except in fulfilling the purposes for which it was requested.

Dated this 6<sup>th</sup> day of June, 2009

Stewart Title

  
Title Officer



**DOUG LASHER**  
**Clark County Treasurer**

PO BOX 5000, Vancouver, Washington 98666-5000  
 Telephone (360) 397-2252, Fax (360) 397-6042 Web: www.clark.wa.gov/treas

**Short Plat Certification Letter**

DATE: March 10, 2009

**TO WHOM IT MAY CONCERN:**

This is to certify that the 2009 and all prior years taxes and special assessments have been paid on the property described as follows:

Account Nbr(s)	1st Line Legal(s)	
1) 186808-000	#317 SEC 26 T3N R1EWM	4.48 A M/L
2) 186810-000	#319 SEC 26 T3N R1EWM	5.07 A M/L
3) 186829-000	#338 SEC 26-3-1EWM AKA LOT 1 SP2-818	.78A
4) 186783-000	#292 SEC 26 T3N R1EWM	2.23A

Short Platted By: WAL MART STORES INC  
 C/O PROP TAX DEPT PO BOX 8050 MS 0555  
 BENTONVILLE AR 72716

Paid By: WAL MART STORES INC  
 C/O PROP TAX DEPT PO BOX 8050 MS 0555  
 BENTONVILLE AR 72716

CERTIFICATION FEE PAID BY TREASURER'S RECEIPT NUMBER 492712  
 RCW 58.17-060: "Short plats and subdivision-Summary approval-Regulations-Requirements" states that such regulations must contain a requirement that land in short subdivisions may not be further divided in any manner within a period of five years without the filing of a final plat, except that when the short plat contains fewer than four parcels, nothing in this section shall prevent the owner who filed the short plat from filing an alteration within the five-year period to create up to a total of four lots within the original short plat boundaries.

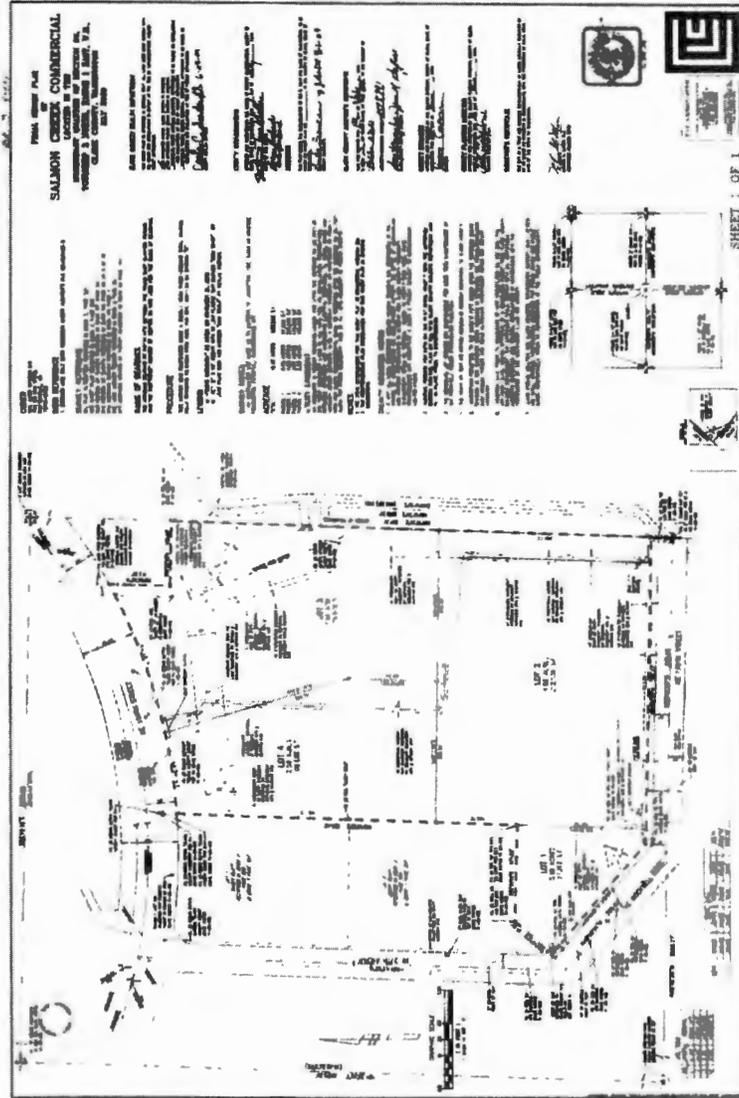
  
 Deputy Treasurer

3/10/2009 9:54:44 AM

Page 1 of 1

**EXHIBIT C**  
(See Attached)

EXHIBIT C



FINAL DESIGN PLAN  
SALMON CENTER COMMERCIAL  
LACROSSE IN 1988  
DESIGNED BY  
C.A. COOPER, ARCHITECT  
1987-1988

THIS PLAN IS THE PROPERTY OF THE ARCHITECT AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.

THE ARCHITECT HAS PREPARED THIS PLAN IN ACCORDANCE WITH THE PROFESSIONAL STANDARDS AND ETHICS OF THE ARCHITECTS AND ENGINEERS BOARD OF WISCONSIN. THE ARCHITECT HAS NOT CONDUCTED A VISUAL SURVEY OF THE SITE AND HAS NOT BEEN ADVISED OF ANY CHANGES TO THE SITE SINCE THE PLAN WAS PREPARED. THE ARCHITECT HAS NOT CONDUCTED A VISUAL SURVEY OF THE SITE AND HAS NOT BEEN ADVISED OF ANY CHANGES TO THE SITE SINCE THE PLAN WAS PREPARED.

THE ARCHITECT HAS NOT CONDUCTED A VISUAL SURVEY OF THE SITE AND HAS NOT BEEN ADVISED OF ANY CHANGES TO THE SITE SINCE THE PLAN WAS PREPARED. THE ARCHITECT HAS NOT CONDUCTED A VISUAL SURVEY OF THE SITE AND HAS NOT BEEN ADVISED OF ANY CHANGES TO THE SITE SINCE THE PLAN WAS PREPARED.

SHEET 1 OF 1  
BK 3 9 774



## **EXHIBIT D**

A parcel of property located in the Southeast quarter of the Northeast quarter of Section 26, Township 3 North, Range 1 East, of the Willamette Meridian, Clark County, Washington described as follows:

Lots 1, 2, 3, and 4 of Salmon Creek Commercial Short plat as recorded in Book 3 of Short Plats at Page 914, records of Clark County, Washington.