

## CLARK COUNTY STAFF REPORT

**DEPARTMENT:** Community Development

**DATE:** April 10, 2020

**REQUESTED ACTION:** Sign a plat alteration declaration to amend a subdivision recorded in Book G Page 596

\_\_\_\_\_ 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 Cedars Phase I, which was recorded in Book G Page 596. The plat included a note delineating all of lot 5 as “Townhouse Area (18 units)”. The portion of Lot 5 that is west of the sanitary sewer easement was platted as the Pensacola Green plat in 1975 and developed with townhomes. The easterly portion of lot 5 has not been developed. The applicant is now requesting to modify the note for the easterly portion of lot 5.

The current zoning of the parcel is R1-20 (Single-family Residential) with an UH-10 (Urban Holding) overlay. Townhomes are not a permitted use in the Urban Holding overlay. Therefore, the plat note delineating all of Lot 5 as “Townhouse Area (18 units)” essentially renders the lot unbuildable. Staff approved the preliminary plat alteration request to remove the note from the easterly portion of lot 5. 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.

**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	

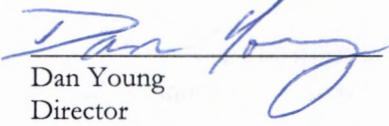
### DISTRIBUTION:

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

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BYUAN MATSON FOR SUSAN  
ELLINGER PER EMAIL AUTHORIZATION

Susan Ellinger  
Land Use Review Manager  
Community Development  
564-397-5122

  
Dan Young  
Director  
Community Development  
564-397-4101

APPROVED:   
Kathleen Otto, Acting County Manager

DATE: 4-15-2020

Serial #: 119202010  
Sec-T-R: That portion of Lot 5 of The Cedars Phase 1, lying easterly of that certain 20 foot sanitary sewer easement as delineated of the recorded plat thereof, the SE ¼ Section 11, Township 3N, Range 2E of the Willamette Meridian  
Project: The Cedars – Phase 1 Subdivision

DECLARATION AMENDING PLAT BOOK G PAGE 596

We, Gene and Jane Jones, the owners of certain real property in Clark County, Washington, legally described therein below (hereinafter "Site"), pursuant to RCW 58.17.215 and CCC 40.540, which, under specific circumstances, allows Clark County to approve alterations to recorded plats, file this declaration to accomplish that end.

*RECITALS:*

Whereas, Gene and Jane Jones are the owners of property, part of a plat recorded under Auditor's number G619020 , Book G Page 596, the Site, which legal description is set forth in in Exhibit "A" attached hereto; and

Whereas, it has become necessary to remove the town house note on the easterly portion of Lot 5 to develop a single family residence in order to comply with the current zoning, overlays, and covenants.

Whereas, this document is required to satisfy RCW 58.17.215 and; now, therefore,

1. The undersigned owners declare that they are the sole and exclusive owners of the real property, described in Exhibit "A", that is affected by the plat alteration. The plat is recorded in Book G Page 596, records of Clark County, Washington.

2. The undersigned owners declare and covenant that the property shall be developed with a single family residence in conformity with any applicable CC&Rs.
3. That approved plat to be amended is shown on Exhibit "B";
3. A drawing of the approved alteration is attached hereto and incorporated herein as Exhibit "C".
4. The final plat is only amended as set forth above and in all other aspects is unaffected by this document. 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.

Dated this 14<sup>th</sup> day of April, 2020.

Gene D Jones  
Property Owner

STATE OF WASHINGTON )

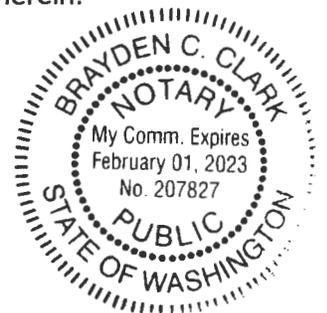
COUNTY OF CLARK )

On this day personally appeared before me Jane & Gene Jones, known to me to be the persons that executed the within and foregoing instrument, and acknowledged said instrument to be his/her free and voluntary act and deed, for the uses and purposes therein mentioned, and on oath stated that he/she was authorized to execute said instrument.

SUBSCRIBED AND SWORN TO BEFORE ME THIS 14<sup>th</sup> DAY OF April, ~~2016~~ 2020

[Signature]  
Notary Public in and for the State of Washington, residing at 2210 W. Main St. Ste 107, 98604, therein.

My commission expires: 02.01.2023



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: 2020.04.14 12:24 -0700  
Taylor Hallvik,  
Deputy Civil Prosecuting Attorney

DATE: \_\_\_\_\_

Approval pursuant 40.540.070 and 40.540.120:

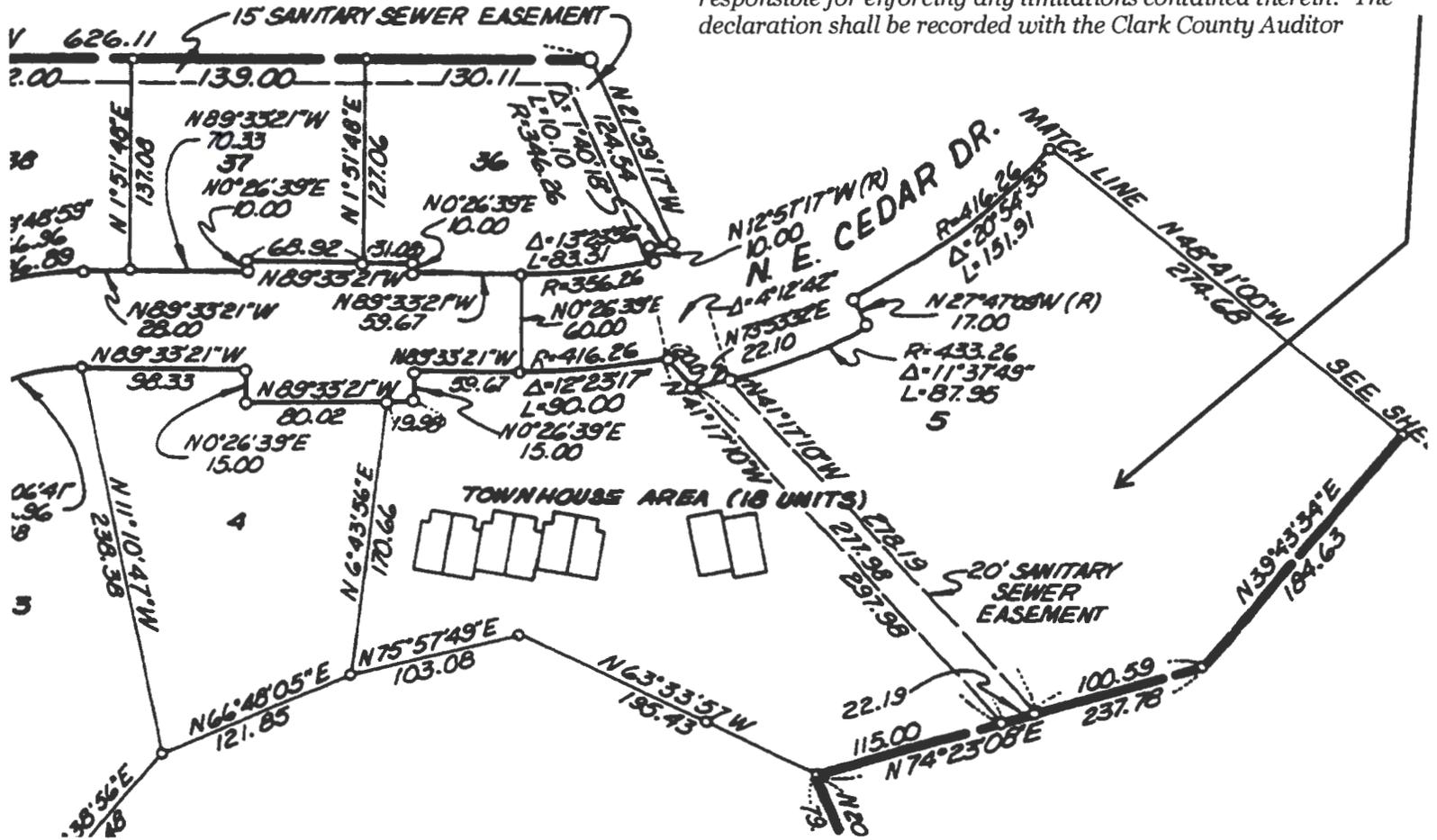
By *Kathleen Otto*  
Kathleen Otto, Acting County Manager

DATE: 4-15-2020

# EXHIBIT "C"

## Drawing of the approved alteration

The easterly portion of lot 5, parcel 119202010, may develop as a single family residence. The owner of the easterly portion of lot 5, parcel 119202010, on behalf of themselves and their successors in interest, voluntarily agrees and covenants that they will comply with the design and use limitations applicable to single family residences set forth in any applicable CC&Rs. The parties to any applicable CC&Rs are solely responsible for enforcing any limitations contained therein." The declaration shall be recorded with the Clark County Auditor



**EXHIBIT "A"**  
**Legal Description**

**Lot 5**

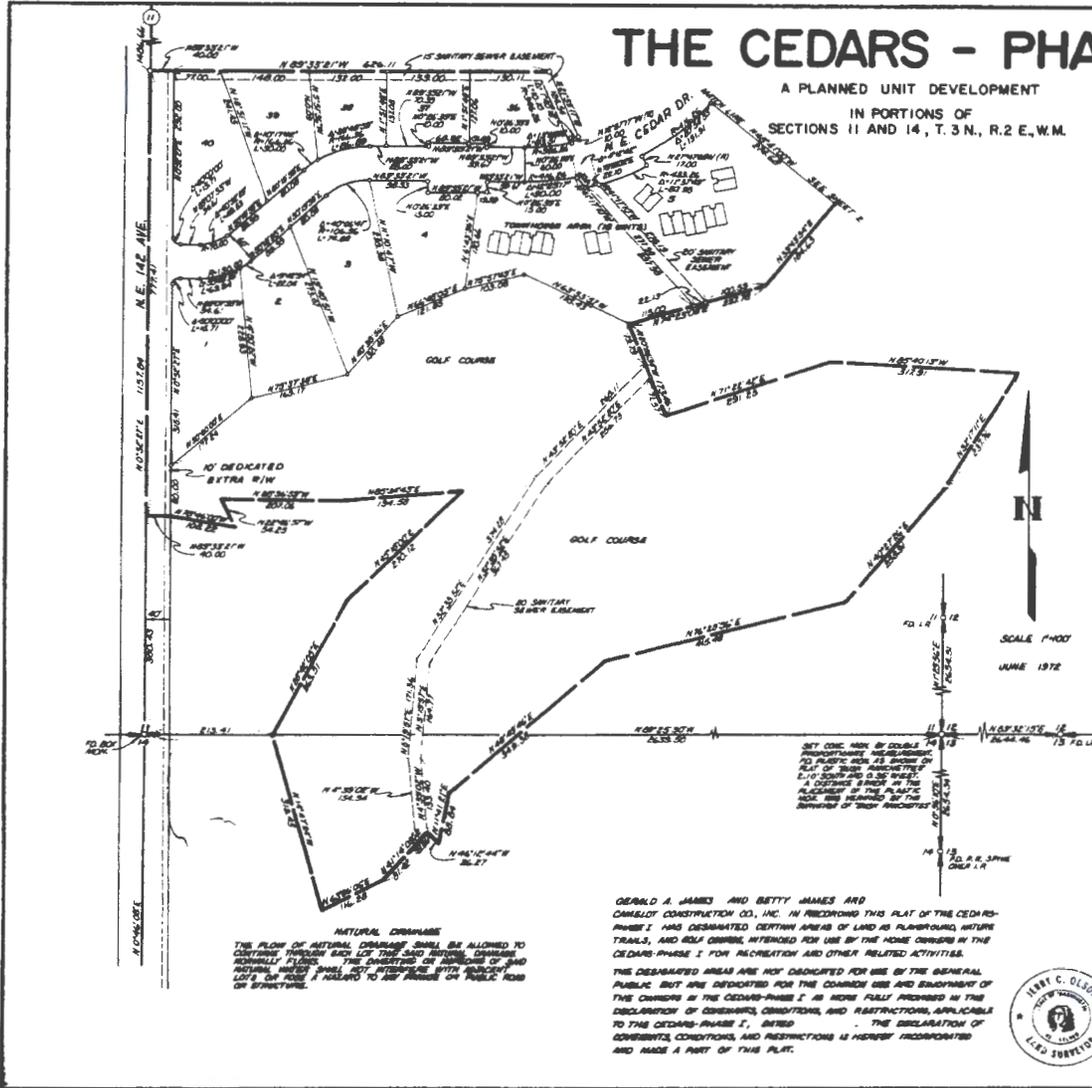
That portion of the SE ¼ Section 11, Township 3N, Range 2E of the Willamette Meridian in Clark County, Washington, lying easterly of that certain 20 foot sanitary sewer easement of Lot 5 of The Cedars Phase 1 as delineated of the recorded plat thereof.

EXHIBIT "B"  
Approved Plat

THE CEDARS - PHASE I

SHEET 1 OF 2

A PLANNED UNIT DEVELOPMENT  
IN PORTIONS OF  
SECTIONS 11 AND 14, T. 3 N., R. 2 E., W.M.



UTILITY BASEMENT  
A BASEMENT IS HEREBY RESERVED UNDER AND UPON THE EXTERIOR SIX (6) FEET OF FRONT AND REAR BOUNDARY LINES AND THE EXTERIOR THREE (3) FEET OF SIDE BOUNDARY LINES OF ALL LOTS FOR THE PURPOSE OF LAYING, CONSTRUCTING, RESERVING, OPERATING, AND MAINTAINING ELECTRIC AND TELEPHONE SERVICE.

APPROVED  
*[Signature]*  
CHAIRMAN COUNTY PLANNING COMMISSION

APPROVED  
*[Signature]*  
1/19/72  
COUNTY ENGINEER

THIS PLAT MEETS THE REQUIREMENTS OF R.C.M. #432-16.010, L.B.M. OF WISCONSIN 1961, TO BE KNOWN AS THE CEDARS - PHASE I PLAT NO. E.S. 11 IN THE COUNTY OF CLARK, STATE OF WISCONSIN.

*[Signature]*  
COUNTY ASSISTANT

APPROVED AND ACCEPTED BY THE BOARD OF COUNTY COMMISSIONERS, COUNTY OF CLARK, STATE OF WISCONSIN THIS 10th DAY OF JUNE 1972.

*[Signature]*  
CHAIRMAN OF THE BOARD

LOTS \_\_\_\_\_ ARE APPROVED. AN APPROVED PUBLIC WATER SUPPLY IS \_\_\_\_\_ NECESSARY.

*[Signature]*  
CLARK COUNTY DISTRICT HEALTH OFFICER

ATTEST

*[Signature]*  
COUNTY CLERK



I HEREBY CERTIFY THAT THIS PLAT AS SHOWN IS A TRUE RETURN FROM THE FIELD AND THAT THE DELINEATION IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

*[Signature]*  
JERRY C. OLSON - REAL ESTATE BROKER

NATURAL DRAINAGE  
THE FLOW OF NATURAL DRAINAGE SHALL BE ALLOWED TO CONTINUE THROUGH EACH LOT THE SAID NATURAL DRAINAGE CHANNELS SHALL BE KEPT OPEN AND FREE OF OBSTRUCTION. THE CHANNELS OR PORTIONS OF SAID NATURAL WATER SHALL NOT INTERFERE WITH ADJACENT LOTS OR WITH A HOLLAND TO ANY PUBLIC OR PUBLIC USE OF STRUCTURE.

GERALD A. JAMES AND BETTY JAMES AND CARLETON CONSTRUCTION CO., INC. IN RECORDING THIS PLAT OF THE CEDARS - PHASE I AND DESIGNATED LEFT-HAND AREAS OF LAND TO REMAIN OPEN FOR TRAILS, AND ROAD GRADING, INTENDED FOR USE BY THE HOME OWNERS IN THE CEDARS - PHASE I FOR RECREATION AND OTHER RELATED ACTIVITIES. THE DESIGNATED AREAS ARE NOT DEDICATED FOR USE BY THE GENERAL PUBLIC BUT ARE DEDICATED FOR THE COMMON USE AND ENJOYMENT OF THE OWNERS IN THE CEDARS - PHASE I AS MORE FULLY PROVIDED IN THE DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS, APPLICABLE TO THE CEDARS - PHASE I, INTENTED. THE DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS IS HEREBY INCORPORATED AND MADE A PART OF THIS PLAT.

*[Handwritten Signature]* 540-1

# THE CEDAR

A PLANN

SECTIONS

