

Re-Notice of Appeal and Public Hearing

The Department of Community Development has received an Appeal of a Land Use Decision, as described below. This appeal is subject to public notice and public hearing pursuant to Clark County Code (CCC) Chapter 40.510.030(H)

Public Hearing date and time: September 24, 2020 at 6:00 p.m.

Hearing date, time, and location

Due to the ongoing public health threat posed by COVID-19, the associated statewide and local orders, and social distancing guidelines, Clark County has modified the hearing and public testimony procedures relating to this matter. The hearing will be held via Webex (a video conferencing service). Participants do **not** need internet access and can connect by phone. See below for additional information.

You must contact staff no later than noon on September 24 (date of hearing), 2020 to sign up to testify at landuse@clark.wa.gov (preferred) or 564-397-4483. Staff will provide you information on participating in the hearing.

At the hearing, the examiner will consider the following:

- Project Name:** The Cascade Foothills Meadows Project
- Case Number:** OLR-2020-00102
- Location:** 29403 NE 85th Cir
- Request:** The applicant is requesting appeal of the decision WHR-2020-00169
- Appeal Issues:**
- 1). "The site contains multiple Type Ns streams, priority logs and priority snags as shown in the Habitat Determination Map." *Category 1.*
 - 2). "A large portion of the riparian habitat conservation zone (HCZ) has been logged without any permits." *Category 2.*

Revised 5/8/13



Community Development
1300 Franklin Street, Vancouver, Washington
Phone: 564.397.2375 Fax: 564.397.2011
www.clark.wa.gov/development



For an alternate format,
contact the Clark County
ADA Compliance Office.
Phone: 564.397.2322
Relay: 711 or 800.833.6384
E-mail: ADA@clark.wa.gov

- 3). "The 2.57 acres of the impacted riparian habitat conservation zone requires restoration. .. mitigation, maintenance and monitoring." *Categories 3 and 4.*
- 4). "A Mitigation As-Built report must be submitted to the County within 30 days of completion of planting as approved in the mitigation plan." *Category 5.*
- 5). "Petitioners further appeal the jurisdiction and authority of Clark County to designate Critical Areas based on ad hoc field-designations."

Appellant: Erickson & Associates, PLLC
 Attorneys at Law
 Mark A. Erikson
 110 West 13th Street
 Vancouver, WA 98660-2904
mark@eriksonlaw.com
 360-696-1012
 William Banker and Jean Louise Carmichael
 29403 NE 85th Cir
 Camas WA 98607

Date of Notice: September 9, 2020

Neighborhood Proebstel Neighborhood Association
 Neighborhood Quick Map Link

Contact: Contact: 564.397.2316 or marilee.mccall@clark.wa.gov

Staff Contact:

Development Services Planner	Melissa Curtis	5870	Melissa.Curtis@clark.wa.gov
Development Services Manager	Susan Ellinger	5122	Susan.Ellinger@clark.wa.gov
Wetland and Habitat Review Manager	Brent Davis	4152	Brent.Davis@clark.wa.gov
Wetland and Habitat Reviewer	Ariel Whitacre	4747	Ariel.whitacre@clark.wa.gov

Legal Description of Property:

137154-000, Located in the SW and NW quarter of Section 06, Township 2 North, Range 4 East of the Willamette Meridian.

Applicable Laws

Clark County Code: Chapter 40.100 (General Provisions), Chapter 40.500.010 (Summary of Procedures and Processes), 40.630.070 (Appeal), Chapter 40.450 (Habitat Conservation), Chapter 40.260.080 (Forest Practices).

Public Information available

The appeal document, case file, staff report, and decision under appeal, and the Clark County Code are available for review by the public during office hours at the Department of Community Development. A Staff Report and Recommendation to the Hearing Examiner will be prepared by staff and available to the public two weeks prior to the public hearing.

Public Comment

The public is encouraged to comment on this proposal. Comments received by the closing date noted below will be considered in the staff report. This notice is intended to inform potentially interested parties about the application and invite written comments regarding any concerns.

Closing date for public comments: September 24, 2020

An accurate mailing address must be included to qualify as a "Party of Record" and, therefore, have standing to appeal the decision.

You can provide testimony by:

- a. Submitting testimony via email
Please send an email to Melissa Curtis at melissa.curtis@clark.wa.gov or Ariel Whitacre at ariel.whitacre@clark.wa.gov with the case name and number and your testimony.
- b. Submitting testimony via U.S. Mail
Due to remote working conditions necessitated by COVID-19 public health threat, e-mail is strongly preferred (See above). You may also submit written testimony to Melissa Curtis, Community Development, PO Box 9810, Vancouver, WA 98666-9810.

Accommodation of physical Impairments

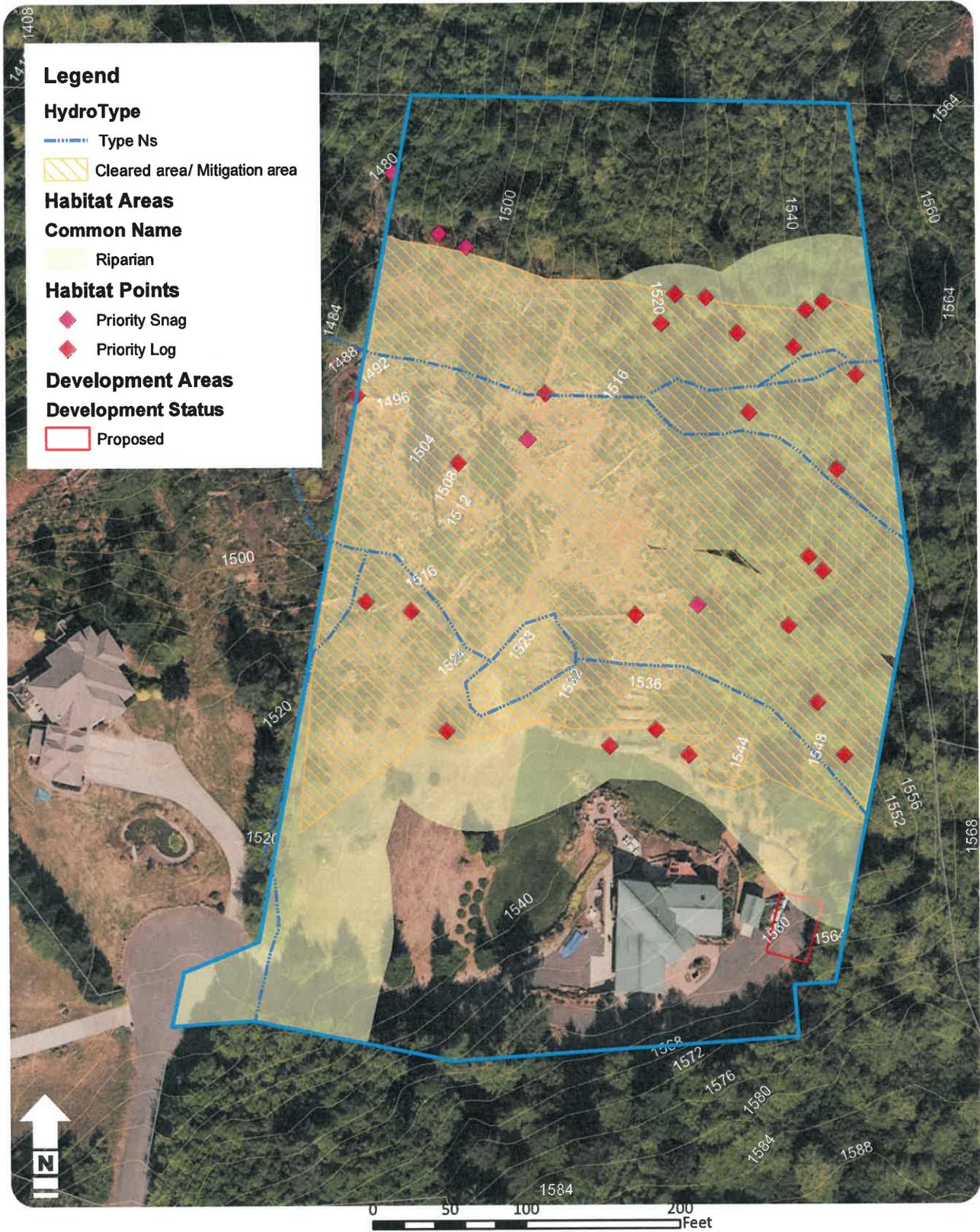
If you need auxiliary aids or services in order to attend, contact the Clark County ADA Office. Voice 564.397.2322; Relay 711 or 800.833.6384; Email ADA@clark.wa.gov.

Appeal of Hearing Examiner Decision

The Hearing Examiner normally issues a decision within two weeks after the close of the record. The decision of the Hearing Examiner is final unless:

- A motion for reconsideration is filed within fourteen (14) days of written notice of the decision, as provided under Clark County Code, Section 2.51.160; or,
- An appeal is filed with Clark County Superior Court.

Due to remote working conditions necessitated by COVID-19 public health threat, applications are currently being accepted on-line. To submit an appeal, email planningtech@clark.wa.gov . If you do not have access to email, call 465-397-4483. Refer to the *Appeals* handout for more information and fees.



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

WHR-2020-00169
 Mitigation Map
 137154000

Drawn By:
 whitacra
 Sheet
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 6/26/20