

FILED FOR RECORD AT THE REQUEST OF,  
AND WHEN RECORDED RETURN TO:

Mark A. Erikson  
Erikson & Hirokawa, PLLC  
1111 Main Street, Suite 402  
Vancouver, WA 98660-2958

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## CONSERVATION COVENANT RUNNING WITH THE LAND (HABITAT)

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Declarant:	Whipple Creek Properties, L.L.C.
Beneficiary:	Clark County
Legal Description:	TL's 2, 31, 32, 52, & 132 (portion)
Assessor's Tax Parcels:	185540-005, 185422, 185423, 185443, & 185532 (portion)
Related Documents:	AF #3505343 at page 45 through 64

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**THIS COVENANT** to Clark County, Washington (hereinafter referred to as the "County"), was adopted pursuant to the Clark County Habitat Ordinance, CCC 13.51.030, affecting: (i) that certain parcel of real property commonly known as the Habitat Buffer, described in Exhibit A annexed hereto, (ii) that certain parcel of real property commonly known as Whipple Creek Place, Phase E, described in Exhibit B-1 annexed hereto, and (iii) that certain parcel of real property commonly known as Whipple Creek Place, Phase F, described in Exhibit B-2 annexed (collectively referred to herein as the "Property"). Except as defined herein, all terms shall have meanings as defined in that certain *Master Declaration of Whipple Creek Properties*, filed for record at Clark

CLAR0246.D01.wpd

**WHIPPLE CREEK/CLARK COUNTY  
CONSERVATION COVENANT  
RUNNING WITH THE LAND (HABITAT) - 1**

ERIKSON & HIROKAWA, PLLC  
ATTORNEYS AT LAW  
Fourth Floor, Main Place  
1111 Main Street, Suite 402  
Vancouver, WA 98660-2958  
(360) 696-1012

**Recorders Note**  
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this document when received

County Auditor's File No. 3503343, pages 45 to 64. The undersigned owners of the Property, on behalf of themselves, their heirs, assigns and successors in interest, hereby covenant as follows:

1. The undersigned owners are the sole and exclusive owners of the Property.
2. "Habitat Buffer" designated with a honeycomb pattern on the *Tree Protection Plan* dated May 21, 2003, prepared by Planning Solutions, Inc. (a copy of which is annexed hereto as Exhibit C), shall be enhanced, monitored and maintained as provided in the *Habitat Buffer Compensation Plan, Whipple Creek Place - Phases D1, D2, E, F1, & F2*, dated December 13, 2002, prepared by the Resource Company, Inc. (referred to herein as the "Habitat Compensation Plan"), on file with the Clark County Department of Community Development, including Sheets 5 and 7 thereof, copies of which are annexed hereto as Exhibit D.
3. Unless otherwise provided in the Habitat Compensation Plan, or approved by the Clark County Habitat Biologist, the following activities shall not occur within the Habitat Buffer: the construction of any structure; the removal, excavation, grading, or dredging of soil, sand, gravel, minerals, organic matter, or material; the drainage, intentional flooding, or disturbing of the water level or water table; or the destruction or alteration of vegetation through clearing, harvesting, intentional burning, or grazing: provided, however, that the foregoing shall not be construed to prohibit the harvesting of wild crops in a manner that is not injurious to natural production of such crops, or the planting of native vegetation which is indigenous to the area.
4. **Setback Restrictions.** Notwithstanding anything to the contrary contained in applicable zoning and building regulations, or in other covenants which encumber the Whipple

Creek Place:

**4.1     Setbacks.** The following Lots within Whipple Creek Place shall be subject to the following setbacks (hereinafter referred to, collectively, as the "Setback"):

(a)     Lots 1 through 22, Phase E, Whipple Creek Place, shall be subject to a northerly rear yard setback of twenty (20) feet; and

(b)     Lots 11 through 25, Phase F, Whipple Creek Place, shall be subject to a northerly rear yard setback of ten (10) feet.

**4.2**     No perimeter nor slab on grade foundations shall be permitted nor constructed within the Setback. Post and pier foundational supports are permitted within the setback for the limited purpose of supporting porches and outbuildings, but not as support for residences. Notwithstanding anything to the contrary contained in the foregoing, no foundational supports, nor other type of construction, shall be permitted in the Setback within ten (10) feet of any tree trunk.

**5.     Tree Retention.**

**5.1     Optional Trees.** The Tree Protection Plan designates eleven (11) existing trees within the Setback as "Optional." Up to fifty percent (50%) of said Optional Trees may be removed prior to recording the final plat for the phase of Whipple Creek Place in which said trees are located. After recording said final plat, no Optional Trees shall be removed from the Setback unless: (a) the Owner of the Lot upon which the tree is located submits to the Clark County Habitat Biologist, the report of a certified arborist concluding that the tree proposed for removal is (i) dead, diseased or hazardous to persons living in the area, or (ii) negatively impacts, or is impacted by,

improvements proposed for the parcel upon which it is located; and (b) said tree is replaced as provided in the Habitat Compensation Plan.

**5.2 Hazard Trees.** Except for Optional Trees discussed in the preceding paragraph, no tree growing in the Habitat Buffer shall be removed. Subject to review and approval by the Clark County Habitat Biologist, based upon the report of a certified arborist concluding that a dead or dying tree protrudes from the Habitat Buffer into the Setback, said tree may be pruned to a height of fifteen (15) feet measured along the trunk from the natural grade, and all branches may be removed therefrom.

6. Nothing in this Covenant shall be construed to provide for public use of, or entry into, the Habitat Buffer as shown on the above-referenced plot plan. However, representatives and agents of Clark County are hereby authorized to make reasonable entry upon such land for purposes related to administering this Covenant; provided that the owners, their successors or assigns, are given at least 24-hours advance notice of any such entry.

7. The provisions of this Covenant are enforceable in law or equity by Clark County and its successors.

8. This Covenant shall run with the Property, and obligations provided herein shall be enforceable against the owner, their heirs, assigns and successors in interest.

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Clark County, WA

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed  
the day and year indicated below.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 200~~8~~<sup>4</sup>.

CLARK COUNTY, WASHINGTON

OWNER:

**Whipple Creek Properties, L.L.C.**

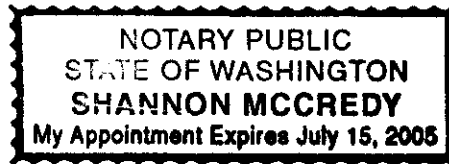
By:

Michael V. Butts,  
Development Services Manager  
Community Development

By:

Randy Clarno, Managing Member

STATE OF WASHINGTON )  
 ) ss.  
County of Clark )



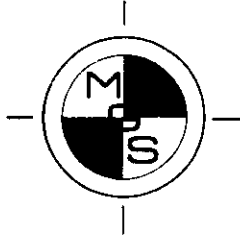
On this 19 day of August, 2003, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Randy S. Clarno, known to me to be the Managing Member of Whipple Creek Properties, L.L.C., that executed the foregoing instrument, and acknowledged said instrument to be the free and voluntary act of said limited liability company, for the uses and purposes therein mentioned, and on oath stated that he/she is authorized to execute said instrument by the Operating Agreement of said limited liability company.

Date: 8/19/03

By: Shannon McCredy

Notary Public in and for the State of Washington  
residing at Vancouver





**MINISTER-GLAESER  
SURVEYING INC.**

(360) 694-3313  
FAX (360) 694-8410  
2200 E. EVERGREEN  
VANCOUVER, WA 98661

**EXHIBIT** A  
Page 1 Of 4

April 30, 2003

EXHIBIT "A"



**WETLANDS, HABITAT AND BUFFERS:**

That parcel of land located in a portion of the Northwest quarter and a portion of the Northeast quarter of Section 22, Township 3 North, Range 1 East, Willamette Meridian, described as follows:

Beginning at the Southwest corner of said Northwest quarter;

Thence South  $89^{\circ}03'08''$  East, along the South line of said Northwest quarter for a distance of 657.23 feet to the Southwest corner of "Whipple Creek Place Phase A", according to the plat thereof recorded under Book 311 of Plats at Page 006 records of Clark County, Washington;

Thence North  $01^{\circ}42'14''$  East, along the West line of said "Whipple Creek Place Phase A" for a distance of 820.05 feet to the Northwest corner thereof and being the TRUE POINT OF BEGINNING;

Thence along the perimeter of said "Whipple Creek Place Phase A" the following courses:

Thence South  $89^{\circ}03'45''$  East, for a distance of 124.56 feet;

Thence North  $82^{\circ}51'57''$  East, for a distance of 99.07 feet;

Thence South  $75^{\circ}12'56''$  East, for a distance of 77.61 feet;

Thence South  $77^{\circ}27'37''$  East, for a distance of 108.83 feet;



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Thence South 45°38'27" East, for a distance of 53.43 feet;  
Thence South 36°41'23" East, for a distance of 70.60 feet;  
Thence South 48°06'11" East, for a distance of 130.04 feet;  
Thence South 74°48'43" East, for a distance of 21.60 feet;  
Thence South 52°02'20" East, for a distance of 46.13 feet;  
Thence South 22°28'12" East, for a distance of 48.23 feet;  
Thence South 46°46'55" East, for a distance of 33.18 feet;  
Thence South 76°43'46" East, for a distance of 85.02 feet;  
Thence South 80°44'11" East, for a distance of 107.30 feet;  
Thence North 75°27'53" East, for a distance of 34.81 feet;  
Thence North 20°13'37" East, for a distance of 47.28 feet;  
Thence South 79°33'16" East, for a distance of 35.54 feet;  
  
Thence along the arc of a 223.00 foot radius non-tangent curve  
to the right, the long chord of which bears North 01°51'19"  
West, for a chord distance of 4.29 feet through a central angle  
of 01°06'11", for an arc distance of 4.29 feet;  
  
Thence North 66°48'50" West, for a distance of 328.65 feet;  
Thence North 44°30'04" West, for a distance of 307.70 feet;  
Thence North 00°00'00" East, for a distance of 92.00 feet;  
Thence South 88°00'00" East, for a distance of 209.92 feet;  
Thence South 01°43'06" West, for a distance of 115.00 feet;  
Thence South 88°16'54" East, for a distance of 15.00 feet;  
Thence South 01°43'06" West, for a distance of 130.00 feet;  
Thence South 60°00'00" East, for a distance of 49.42 feet;

EXHIBIT

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Thence, leaving said perimeter, North 00°11'42" West, for a distance of 293.81 feet;

Thence South 88°15'06" East, for a distance of 609.39 feet;

Thence South 01°44'50" West, for a distance of 26.41 feet;

Thence South 63°37'51" East, for a distance of 75.09 feet;

Thence South 89°03'45" East, for a distance of 38.54 feet;

Thence North 64°07'53" East, for a distance of 60.23 feet;

Thence North 00°56'15" East, for a distance of 45.58 feet;

Thence North 44°16'44" East, for a distance of 28.88 feet;

Thence South 89°03'45" East, for a distance of 169.20 feet;

Thence South 30°26'30" East, for a distance of 21.08 feet;

Thence South 00°56'15" West, for a distance of 22.00 feet;

Thence South 89°03'45" East, for a distance of 44.62 feet;

Thence North 22°41'27" East, for a distance of 22.61 feet;

Thence North 00°56'15" East, for a distance of 19.00 feet;

Thence South 89°03'45" East, for a distance of 919.62 feet;

Thence North 01°44'50" East, for a distance of 300.88 feet to the North line of the Southwest quarter of said Northeast quarter;

Thence North 88°54'25" West, along the North line of said Southwest quarter for a distance of 660.04 feet to the Northwest corner thereof;

Thence North 89°04'05" West, along the North line of the South half of said Northwest quarter for a distance of 1972.71 feet to the Northerly extension of the West line of said "Whipple Creek Place Phase A";

Thence South 01°42'14" West, along said Northerly extension for a distance of 496.49 feet to the TRUE POINT OF BEGINNING.

Containing 22.80 acres.

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Together with and subject to easements, reservations, covenants and restrictions apparent or of record.

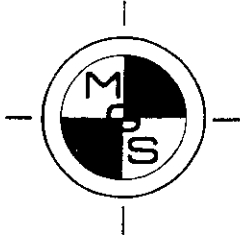
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**3830263**Page: 11 of 20  
05/20/2004 11:15A**MINISTER-GLAESER  
SURVEYING INC.**(360) 694-3313  
FAX (360) 694-8410  
2200 E. EVERGREEN  
VANCOUVER, WA 98661**EXHIBIT** 3-1Page 1 Of 3

September 15, 2003

**PERIMETER DESCRIPTION  
FOR  
WHIPPLE CREEK PLACE PHASE E**

That parcel of land located in a portion of the Northwest quarter and in a portion of the Northeast quarter of Section 22, Township 3 North, Range 1 East, Willamette Meridian, Clark County, Washington, described as follows:

Beginning at a ¾ inch iron pipe marking the Southeast corner of said Northwest quarter;

Thence North 89°03'08" West, along the South line of said Northwest quarter for a distance of 671.80 feet;

Thence North 01°44'50" East, for a distance of 812.83 feet to the Northwest corner of Lot 1 of that certain short plat recorded in Book 3 of Short Plats at Page 340 records of Clark County, Washington, and being the TRUE POINT OF BEGINNING;

Thence South 89°03'33" East, along the North line of said Lot 1 for a distance of 138.51 feet to the Northwest corner thereof;

Thence South 01°44'50" West, along the East line of said Lot 1 for a distance of 44.38 feet to the North line of "Whipple Creek Place Phase C", according to the plat thereof recorded under Book 311 of Plats at Page 067 records of Clark County, Washington;

Thence South 89°03'33" East, along the North line of said "Whipple Creek Place Phase C" for a distance of 593.92 feet;

Thence North 00°56'15" East, along the perimeter of said "Whipple Creek Place Phase C" for a distance of 40.11 feet;

Thence South 89°03'45" East, along the North line of said "Whipple Creek Place Phase C" for a distance of 146.00 feet to the Northeast corner thereof;



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Thence North 00°56'15" East, for a distance of 59.77 feet;

Thence South 89°03'45" East, for a distance of 275.00 feet;

Thence along the arc of a 11.00 foot radius tangent curve to the right, the long chord of which bears South 44°03'45" East, for a chord distance of 15.56 feet through a central angle of 90°00'00", for an arc distance of 17.28 feet;

Thence South 00°56'15" West, for a distance of 26.00 feet;

Thence South 89°03'45" East, for a distance of 46.00 feet;

Thence North 00°56'15" East, for a distance of 26.00 feet;

Thence along the arc of a 11.00 foot radius tangent curve to the right, the long chord of which bears North 45°56'15" East, for chord distance of 15.56 feet through a central angle of 90°00'00", for an arc distance of 17.28 feet;

Thence South 89°03'45" East, for a distance of 77.69 feet;

Thence along the arc of a 11.00 foot radius tangent curve to the right, the long chord of which bears South 43°39'27" East, for a chord distance of 15.67 feet through a central angle of 90°48'35", for an arc distance of 17.43 feet;

Thence South 01°44'50" West, for a distance of 5.07 feet;

Thence South 88°15'10" East, for a distance of 8.00 feet to the West line of that certain parcel of land conveyed to Clark County by deed recorded under Book 238, Page 423 deed records of Clark County, Washington;

Thence North 01°44'50" East, along the West line of said Clark County parcel for a distance of 133.28 feet to the Northwest corner thereof;

Thence South 88°54'25" East, along the North line of said Clark County parcel for a distance of 15.00 feet;

Thence North 01°44'50" East, for a distance of 29.12 feet;

Thence North 89°03'45" West, for a distance of 919.62 feet;

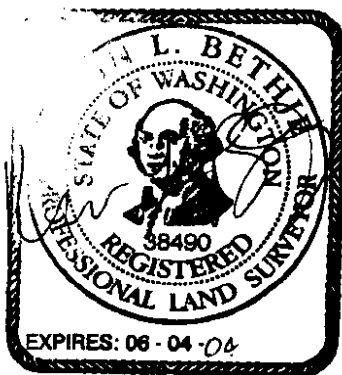
Thence South 00°56'15" West, for a distance of 19.00 feet;

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Thence South 22°41'27" West, for a distance of 22.61 feet;  
Thence North 89°03'45" West, for a distance of 44.62 feet;  
Thence North 00°56'15" East, for a distance of 22.00 feet;  
Thence North 30°26'30" West, for a distance of 21.08 feet;  
Thence North 89°03'45" West, for a distance of 169.20 feet;  
Thence South 44°16'44" West, for a distance of 28.88 feet;  
Thence South 00°56'15" West, for a distance of 45.58 feet;  
Thence South 64°07'53" West, for a distance of 60.23 feet;  
Thence North 89°03'45" West, for a distance of 38.54 feet;  
Thence North 63°37'51" West, for a distance of 75.09 feet to the  
Northerly extension of the West line of said Lot 1;  
Thence South 01°44'50" West, along said Northerly extension for a  
distance of 139.97 feet to the TRUE POINT OF BEGINNING.

Together with and subject to easements, reservations, covenants and restrictions apparent or of record.

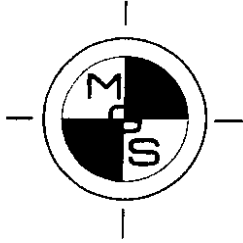
The above description is an accurate description of the land actually surveyed.



7.15.03

*Kevin L. Bethje*  
Kevin L. Bethje  
Professional Land Surveyor  
Minister & Glaeser Surveying, Inc.

EXHIBIT B-1  
Page 3 of 3

**MINISTER-GLAESER  
SURVEYING INC.**

(360) 694-3313  
FAX (360) 694-8410  
2200 E. EVERGREEN  
VANCOUVER, WA 98661

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September 15, 2003

PERIMETER DESCRIPTION  
FOR  
WHIPPLE CREEK PLACE PHASE F

That parcel of land located in a portion of the Southeast quarter of the Northwest quarter of Section 22, Township 3 North, Range 1 East, Willamette Meridian, Clark County, Washington, described as follows:

Beginning at a ¾ inch iron pipe marking the Southeast corner of said Northwest quarter;

Thence North 89°03'08" West along the South line of said Northwest quarter for a distance of 955.26 feet;

Thence North 00°56'52" East, for a distance of 533.07 feet to the Southwesterly most corner of Tract "C" of "Whipple Creek Place Phase C", according to the plat thereof recorded under Book 311 of Plats at Page 067 records of Clark County, Washington;

Thence along the Westerly line of said Tract "C" along the arc of a 177.00 foot radius non-tangent curve to the right, the long chord of which bears North 02°36'56" East, for a distance of 30.99 feet through a central angle of 10°02'40", for an arc distance of 31.03 feet to the TRUE POINT OF BEGINNING;

Thence continuing along the Westerly and Northerly lines of said Tract "C" the following courses:

Thence North 07°38'16" East, for a distance of 1.62 feet;

Thence South 88°15'06" East, for a distance of 169.22 feet;

Thence North 01°44'54" East, for a distance of 62.88 feet;



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Thence North 40°47'16" West, for a distance of 20.00 feet;

Thence along the arc of a 58.00 foot radius non-tangent curve to the left, the long chord of which bears North 52°07'21" East, for a chord distance of 29.43 feet through a central angle of 29°23'49", for an arc distance of 29.76 feet;

Thence South 52°34'39" East, for a distance of 13.99 feet;

Thence South 88°15'06" East, for a distance of 79.52 feet;

Thence North 01°42'32" East, for a distance of 229.06 feet;

Thence South 88°57'58" East, for a distance of 21.15 feet to the most Northerly Northeast corner of said Tract "C";

Thence leaving said Tract "C", North 01°44'50" East, for a distance of 100.00 feet;

Thence North 88°15'06" West, for a distance of 609.39 feet;

Thence South 00°11'42" East, for a distance of 333.65 feet;

Thence South 59°14'26" East, for a distance of 55.00 feet;

Thence South 65°48'56" East, for distance of 195.62 feet;

Thence South 13°17'23" West, for distance of 13.59 feet to the North line of "Whipple Creek Place Phase A", according to the plat thereof recorded under Book 311 at Page 006 records of Clark County, Washington;

Thence South 79°33'16" East, along said North line of "Whipple Creek Place Phase A", for a distance of 35.54 feet;

Thence along the arc of a 223.00 foot radius non-tangent curve to the right, the long chord of which bears North 02°36'56" East, for a chord distance of 39.04 feet through a central angle of 10°02'40", for an arc distance of 39.09 feet;

Thence North 07°38'16" East, for a distance of 10.00 feet;

Thence along the arc of a 177.00 foot radius tangent curve to the left, the long chord of which bears North 07°11'02" East, for a chord distance of 2.81 feet through a central angle of 00°54'29", for an arc distance of 2.81 feet;

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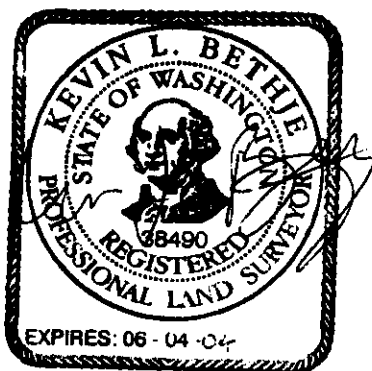
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Thence South 66°48'50" East, for distance of 47.77 feet to the TRUE  
POINT OF BEGINNING.

Together with and subject to easements, reservations, covenants and restrictions apparent  
or of record.

The above description is an accurate description of the land actually surveyed.



915-03

*Kevin L. Bethje*  
Kevin L. Bethje  
Professional Land Surveyor  
Minister & Glaeser Surveying, Inc.

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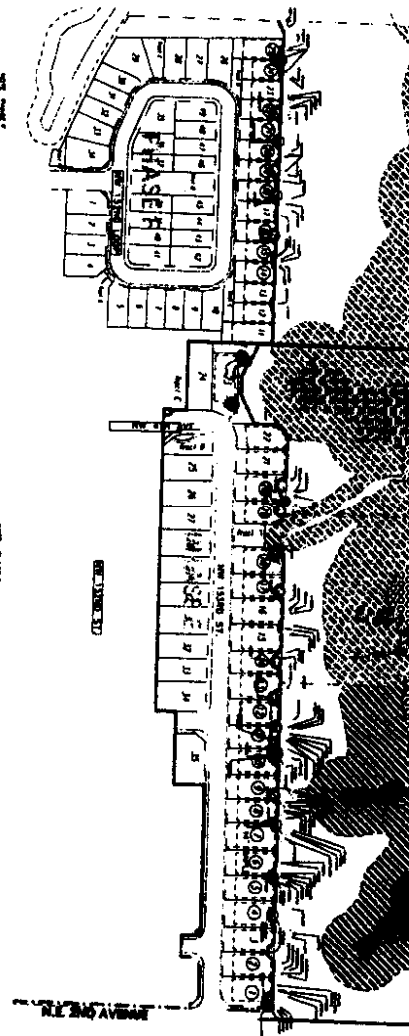




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**EXHIBIT C**

Site Plan 1  
 This site plan shows the proposed building layout, parking areas, and surrounding streets. The plan is subject to the approval of the Clark County Planning Commission.

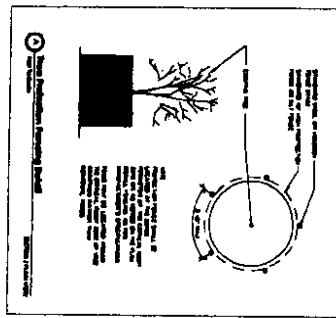
Site Plan 2  
 This site plan shows the proposed building layout, parking areas, and surrounding streets. The plan is subject to the approval of the Clark County Planning Commission.

Clark County Planning Commission  
 1000 1st Avenue, Suite 100  
 Vancouver, WA 98660  
 Phone: (360) 575-4000  
 Fax: (360) 575-4001  
 Email: info@clarkcountypa.gov

Clark County Planning Commission  
 1000 1st Avenue, Suite 100  
 Vancouver, WA 98660  
 Phone: (360) 575-4000  
 Fax: (360) 575-4001  
 Email: info@clarkcountypa.gov

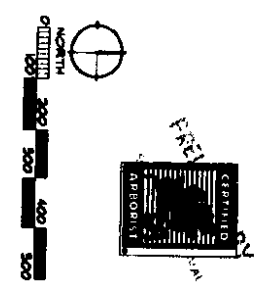
Clark County Planning Commission  
 1000 1st Avenue, Suite 100  
 Vancouver, WA 98660  
 Phone: (360) 575-4000  
 Fax: (360) 575-4001  
 Email: info@clarkcountypa.gov

The proposed building layout, parking areas, and surrounding streets are shown on this site plan. The plan is subject to the approval of the Clark County Planning Commission.



This site plan shows the proposed building layout, parking areas, and surrounding streets. The plan is subject to the approval of the Clark County Planning Commission.

Item	Proposed	Existing
1. Building Footprint	Yes	No
2. Parking Area	Yes	No
3. Landscaping	Yes	No
4. Tree Protection	Yes	No
5. Other	Yes	No



**WCP E & F TREE PLAN**  
 WHIPPLE CREEK PLACE  
 Vancouver, Washington

Item	Proposed	Existing
1. Building Footprint	Yes	No
2. Parking Area	Yes	No
3. Landscaping	Yes	No
4. Tree Protection	Yes	No
5. Other	Yes	No

Recorders Note  
 Legibility poor in a portion of  
 this document when received



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## PLANTING PLAN

Plant materials and planting specifications for the habitat buffer enhancement areas are given in Sheet 6.

Additional planting specifications applicable to this plan are as follows:

The applicant's biologist will determine the areas to be planted. This person will be on-site during any work (blackberry removal, planting) within the habitat area to ensure that impacts in this buffer are minimized and plants are placed in appropriate areas.

Source of Plant Materials. All plants will be obtained from nurseries specializing in native Pacific Northwest plant materials.

Planting Time. Bare-root shrubs and trees should be planted between December 1 and March 31, when plants are dormant. If planting is conducted outside this time period, containerized plant stock will be used and extra care and watering may be needed to ensure that plants become adequately established. Hydroseeding should be accomplished as soon as practical based on the recommendations of the hydroseeding specialist. If seeding occurs during the dry months (June-September), irrigation may be needed to ensure planting success.

Planting Guidelines. A hole, one foot in diameter and one foot deep, shall be excavated for bare root stock. The holes should be large enough to accommodate the plant roots without restriction. Plants will be held in place with the top of the root mass at ground level. Topsoil will be backfilled around the roots and lightly tamped to remove any air pockets in the soil.

Future maintenance should use scarification (by hand) to keep the 1-foot diameter area free of herbaceous vegetation until plants are well established. If the soils are not saturated, each plant should be watered at the time of planting. Supplemental watering (3-4 times during the summer season) may also be required to ensure plant survival and mitigation success.

## PERFORMANCE STANDARDS

Performance standards are used to provide a basis for evaluating whether the project's goals and objectives are being met. Three target density levels have been established to help judge mitigation success on this site.

Success of the enhancement plan will be judged as follows:

1. The vegetated portions of the site shall have a minimum of 80 percent average cover of native species appropriate to the site and to its hydrologic regime.



2. There must be at least 75 percent survival of individual cultivars, transplants, or of native naturally colonizing woody plant species. If planted stock do not survive, but are replaced by native naturally colonizing plant species, the project will be judged to meet the threshold for successful enhancement with respect to the vegetative component. The goal of the mitigation plan is reach a certain density of plant cover (80 percent) by the end of the monitoring period.
3. No more than 10 percent (cumulatively) of the cover during any monitoring period shall consist of noxious weeds, including but not limited to, reed canarygrass, blackberries, ivy, thistle, Scots broom, Queen Anne's lace, purple loosestrife, and/or Japanese knotweed.

## **PROJECT SCHEDULE**

Plantings will occur concurrent with development of those lots adjacent to the habitat buffer covered under this mitigation plan. Planting should occur during the winter of 2003-2004.

## **MONITORING AND MAINTENANCE PLANS**

The following actions will be implemented as part of the monitoring and maintenance plan on this site:

1. The initial and all successive year plantings will be supervised by a qualified professional to ensure that correct planting procedures are followed and that plantings are done according to the planting scheme.
2. Monitoring of all planted areas shall begin once the mitigation site is established and shall continue at least once each year for three successive growing seasons for Clark County during the late spring or summer time period. A report documenting the monitoring results will be submitted to the Clark County Department of Community Development. This report will identify deficiencies in the enhancement progress and any contingency measures that will be taken to correct those deficiencies. Photographs taken from established photo-stations (Sheet 6) will be included with these reports.
3. The annual goal of this plan is to achieve 75 percent cover, 80 percent survival of all woody species planted and exotic species should cover less than 10 percent of the wetland and buffer zone area. If the planted stock do not survive, but native naturally colonizing plant species replace them, then the project may be judged to meet the threshold criteria for successful plant community establishment. (Note: All decisions regarding which volunteer species are to be considered acceptable will be made by Clark County).



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4. To ensure planting success, the Applicant will be responsible for performing minor maintenance over the monitoring period. This will include the selective removal of undesirable plant species such as blackberry (*Rubus* spp.) that may be hindering the growth and establishment of the favored plant stands. An area, 1-foot in diameter surrounding each planted woody species, will be kept free of competing vegetation. This can be accomplished either by scarifying the area by hand or through the use of weed-control rings.
3. Maintenance of the enhancement area will include irrigation of the stocked established performance standards. A watering schedule will be established during the dry months (June through September) so that the plants are watered on a weekly basis during this time period. If necessary, a temporary above ground irrigation system capable of watering the entire enhanced buffer zone area will be installed.

## CONTINGENCY PLANS

Contingency plans are designed to identify potential courses of action, and any corrective measures to be taken when monitoring indicates project goals are not being met. Table 2 summarizes the maintenance and contingency requirements for this project. In general, the contingency measures for this site are as follows:

1. Replacement Plantings—Replacement plantings will also be made throughout the monitoring period if monitoring reveals that unacceptable plant mortality has occurred. Woody species will be re-planted to the original number of plants proposed in the accepted mitigation plan annually throughout the duration of the monitoring and maintenance period.
2. Planting Plan Modifications—Modifications to the planting plan (i.e., plant species and densities) will be made if monitoring identifies problems with the original planting scheme. For example, if annual monitoring identifies that plant mortality is attributed to an inappropriate hydrologic regime, the replacement plantings should be made using a more suitable plant species. Any recommended changes to the planting scheme will be documented in the annual monitoring report. The addition of any new plant species, not already included in this mitigation plan, must be approved by Clark County.
3. Soil Erosion—Any areas demonstrating soil erosion problems will be restored as soon as possible. If there does not appear to be a problem with the original design, the eroded areas will be restored by replacing any lost topsoil and replanted according to the original planting scheme.