After Recording, Return to:

Jordan Ramis, PC James D. Howsley 1499 SE Tech Center Place Ste 380 Vancouver WA 98683

VEGETATION REMOVAL AND MAINTENANCE AGREEMENT AND COVENANT

Grantors: Pahlisch Homes Inc., a Washington corporation; City of

Camas, a Washington municipal corporation

Grantees: City of Camas, a Washington municipal corporation;

Pahlisch Homes Inc., a Washington corporation

Abbreviated Legal Description: Lake Hills Lots 51, and 52; City Parcel 986031877

Assessor's Tax Parcel ID#: 986035674 (City's parcel); 986035673 (Lake Hills Lot 51),

and 986035674 (Lake Hills Lot 52)

Reference Nos. of Documents Released or Assigned: Development Agreement Lake Hills AF#4859715 (6/1/12)

An AGREEMENT and COVENANT, by and between the City of Camas ("City"), and Pahlisch Homes Inc., a Washington corporation ("Pahlisch" / "Owner"), is entered into, this ______ and _____, 2016.

WHEREAS, Pahlisch owns real property located in Clark County, Washington (Lake Hills Lots 51 and 52 / "Pahlisch Property" / "subject property"), which property is more particularly described in **Exhibit A** attached hereto and incorporated herein by this reference; and

WHEREAS, the City purchased approximately seven (7) acres currently identified as parcel 986031877 ("City Parcel") located to the north of the subject Property, as a part of a negotiated preservation transaction detailed in a 2012 Development Agreement ("Agreement") recorded as Clark County Auditor File No. 4859715 and effective for ten (10) years or as otherwise extended or terminated through mutual consent;

WHEREAS, the Agreement Section 5(I) provides, in relevant part, that the City in its sole discretion will moderate tree removal and pruning on the City Parcel based upon the assessment and direction of an arborist regarding northerly view sheds and corridors for certain

VEGETATION REMOVAL AND MAINTENANCE COVENANT - 1

parcels, including the subject Property,

WHEREAS, an arborist report was generated in December 17, 2012 and a supplemental arborist report was generated in August 25, 2014; and

WHEREAS, the City issued correspondence dated October 3, 2014, setting forth certain terms and conditions related to the administration of the northerly view sheds and corridors for Lake Hills lots 49 through 52, including the subject Property. This correspondence provides, in relevant part, that the subject Property has a varying degree of tree coverage behind it to the north; and the City agrees to consider on a case-by-case basis the establishment of a view corridor which may be achieved through limited pruning and/or vegetation removal, subject to satisfaction of conditions summarized in the October 3, 2014 correspondence; and

WHEREAS, footprints and elevations have been established on lots 51 and 52, as depicted in **EXHIBITB**, in a manner that provides sufficient basis for the City to move forward with initial view corridor considerations for lots 51 and 52;

WHEREAS, the Owners have submitted an assessment by a wetland biologist to the City addressing view corridor impacts to the functions and values of the City's wetland, attached hereto as **EXHIBIT C**; and

WHEREAS, an additional supplemental final arborist report was generated August 29, 2016 by GRO Outdoor Living, certified arborist Colton Chambers, PN6453-A, to provide specific tree removal recommendations and recommendations for northerly view accommodations for the subject property Lots 51 and 52, with said report attached hereto as **EXHIBIT D**, and

WHEREAS, mitigation plans for the tree removal recommendations for subject property Lots 51 and 52, as specified in the August 29, 2016 GRO Outdoor Living report, are attached hereto as **EXHIBIT E**; and

WHEREAS, Owners and the City agree that a view corridor serving the subject Property (Lake Hills Lots 51, and 52) is appropriate as depicted in **EXHIBIT F** as conditioned herein. Tree and vegetation removal and modification within the view corridor shall be pursuant to the GRO Outdoor Living reports and plans approved by the City and attached as exhibits to this Agreement and Covenant, and the terms and conditions associated with this view corridor shall be formalized through this Covenant and Agreement executed by the Owners and City;

NOW, THEREFORE, the City and Owners agree to the following terms and conditions, which shall constitute a covenant running with the Pahlish Property and City Parcel, and agree that to the extent that this Agreement and Covenant and attached exhibits modify content in any previously executed Development Agreement(s) applicable to the Pahlisch Property, or City Property, regarding view corridor terms, the terms of this Agreement and Covenant and exhibits are binding, and the Parties agree to waive any contrary terms or provisions in any previously executed Development Agreements(s):

ARTICLE I

VEGETATION REMOVAL AND MAINTENANCE COVENANT

- 1. A view corridor is authorized to serve the subject Property Lots 51 and 52, subject to the terms and conditions herein.
- 2. The maximum dimensions of the view corridor are depicted on EXHIBITF.
- 3. Within this view corridor, trees and vegetation may be modified and/or removed as listed in EXHIBIT G. This EXHIBIT G identifies each specific tree or other vegetation to be altered or removed. This identification includes the size and species of each tree or other vegetation, and includes only those trees for which removal or modification is the only alternative that will address hazard conditions and afford reasonable view possibilities, as detailed in the August 29, 2016 GRO Outdoor Living Report attached as EXHIBIT D. All other vegetation within the view corridor will remain unaltered, except as otherwise explicitly provided in this Agreement and Covenant.
- 4. Except as provided in EXHIBITG, following completion of initial action to create the subject view corridor, no trees or vegetation upon the City Parcel (Clark County parcel 986035674) shall be modified or removed, except through explicit written proposals approved by the City based on specific identification of each tree or other vegetation to be altered or removed, including the size and species of each tree or other vegetation, alternatives considered and employed to minimize impact to the corridor area, and a supporting report by a certified arborist. Any subsequently approved plans shall be attached as addendum exhibits to this Agreement and Covenant. This procedure applies to future action to maintain view corridor conditions.
- The modification and/or removal authorized herein avoids topping of coniferous trees and provides for selective trimming as opposed to topping of deciduous trees whenever possible.
- 6. The Owners agree to replace any trees removed from the City Tract (Clark County parcel 986035674) at a ratio of 2:1, provided that pruning, limbing or other modification short of actual removal shall not trigger this provision. The mitigation plans for Lots 51 and 52, attached as EXHIBIT E, are approved and satisfy the 2:1 mitigation requirement with respect to work defined on EXHIBIT G.
- The Owners agree to provide reasonable advance notice to the City to enable the City to supervise any modification, removal and/or maintenance of any vegetation or trees within the corridor area.

Subject to general City regulations regarding hazard trees, nothing in this Covenant shall restrict or impair the Owners' ability to take action regarding hazard trees. In addition, Owners may present additional view corridor requests to the City for future consideration.

ARTICLE II

GENERAL PROVISIONS

- 2.1 The provisions of this Covenant are enforceable in law or equity by the City and Owners and their successors and assigns. In addition to any other remedies available to the City for enforcement of this covenant, compliance with this covenant is subject to the City's code enforcement authority pursuant to CMC 18.55.400, et seq.
- 2.2 This Covenant shall run with the land and be binding upon the City and Owners and their successors and assigns.
- 2.3 If any provision of this Covenant or the application of any provision to any person or circumstance is declared invalid, then the remainder of the Covenant, or the application of the provision to other persons or circumstances, shall not be affected.
 - 2.4 A copy of this Covenant will be recorded with the Clark County Auditor.
- 2.5 The City and Owners agree to the foregoing terms and conditions and specifications detailed on exhibits attached hereto, which shall constitute a covenant running with the Pahlish Property and City Parcel, and agree that to the extent that this Agreement and Covenant and attached exhibits modify content in the any previously executed Development Agreement(s) or maps or schematics applicable to the Pahlisch Property or City Property regarding view corridors and associated vegetative management, the terms of this Agreement and Covenant are binding, and the Parties agree to waive any contrary terms or provisions in any previously executed Development Agreements(s) and maps and schematics.

IN WITNESS WHEREOF, Deve, 2016.	loper executes this Covenant this	day of
Pahlisch Homes, Inc.		
Ву:		
Name:		
Title:		
STATE OF WASHINGTON)		
COUNTY OF CLARK) ss.		
I certify that I know or have satist person who appeared before me, and sa instrument, on oath stated that he was a	id person acknowledged that he sign	
	of PAHLISCH HOME	
Washington corporation, to be the free a purposes mentioned in the instrument.		
Dated this day of	, 2016.	
	Notary Public for the State of V My Commission Expires:	

City of Camas	
Ву:	
Name:	
Title:	_
STATE OF WASHINGTON)) ss.	
COUNTY OF CLARK)	
instrument, on oath stated that he was acknowledged it as the	is factory evidence that is the said person acknowledged that he signed this authorized to execute the instrument and of the CITY OF CAMAS, to be the free uses and purposes mentioned in the instrument.
Dated this day of	, 2016.
APPROVED AS TO FORM:	Notary Public for the State of Washington My Commission Expires:

EXHIBIT LIST - INDEX

EXHIBIT A – FULL LEGAL DESCRIPTION: PAHLISCH PROPERTY (51 AND 52)

EXHIBIT B – HOUSING FOOTPRINT AND ELEVATION

EXHIBIT C - WETLAND BIOLOGIST REPORT

EXHIBIT D – FINAL AUGUST 29, 2016 GRO OUTDOOR LIVING ARBORIST REPORT FOR LOTS 51 AND 52

<u>EXHIBIT E</u> – FINAL SEPTEMBER 8, 2016 GRO OUTDOOR LIVING ARBORIST MITIGATION PLANS FOR LOTS 51 AND 52

EXHIBIT F - MAP OF VIEW CORRIDOR

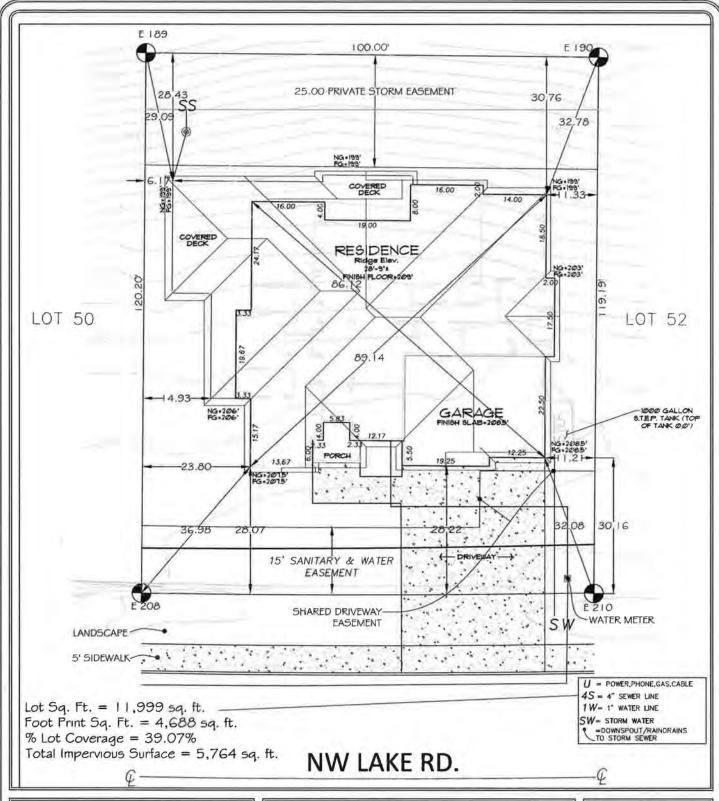
EXHIBIT G – SPECIFIC LISTS OF TREES IDENTIFIED BY NUMBER: APPROVED FOR MODIFICATION OR REMOVAL

EXHIBIT A - LEGAL DESCRIPTION: PAHLISCH PROPERTY (LOTS 51 AND 52)

LEGAL DESCRIPTION

Lot(s) 51 & 52, LAKE HILLS, according to the plat thereof, recorded in Volume 311 of Plats, Page 760, records of Clark County, Washington.

EXHIBIT B - HOUSING FOOTPRINT AND ELEVATION





BEND, OREGON 97701 PH: (541) 385-6762 FAX: (541) 385-6742 Lot # Lot 51 Lake Hills

Address: TBD NW Lake Road

Plan Name: Silverleaf 3-P-3031-1

Date: 8.4.15



Scale:1"=20'

THE GENERAL CONTRACTOR SHALL RILLY COPPLY WITH THE CERTISH INTERNATIONAL RESIDENTIAL CODE (RIC) AND ALL ADDITIONAL STATE AND LOCAL HANCIPPAL CODE REGISHERSTATE. THE CONTRACTOR SHALL ASSULE RILL RESPONSIBILITY FOR ANY WORK INCURRENCY PERSONAL PERSONALITY FOR THE WORK INCURRENCY FOR SHALL ALSO PERSONALITY WITH ALL WILLIESS AND STATE CONTRACTOR SHALL ALSO PERSONALITY WITH ALL WILLIESS AND STATE SERVICE MITHORITIES.

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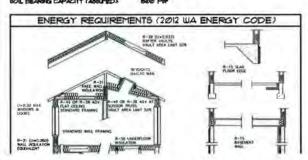
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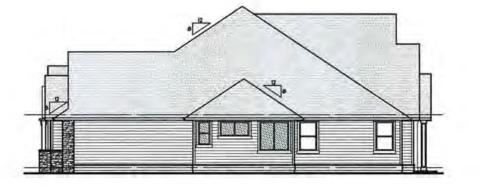


FRONT ELEVATION

14' . 1-0"



LEFT ELEVATION



RIGHT ELEVATION



REAR ELEVATION

14" + 1-0"

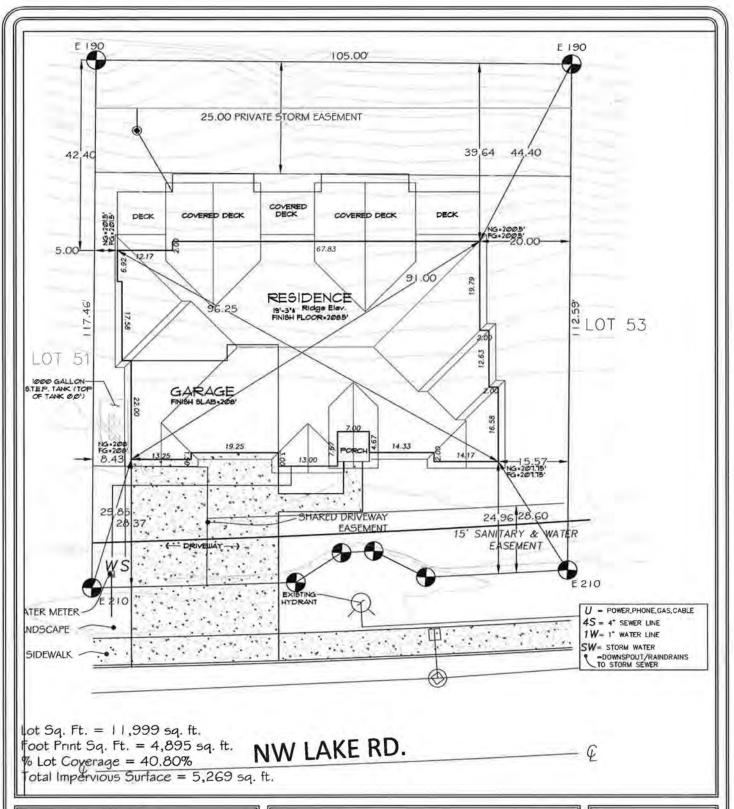
HOMES INC



MAIN LEVEL 3031 SQFT.

TOTAL 3031 SQFT GARAGE 138 SQFT. COVERED FRONT PORCH 16 SQFT. COVERED DECK 101 SQFT

with the management





BEND, OREGON 97701 PH: (541) 385-6762 FAX: (541) 385-6742 Lot # Lot 52 Lake Hills

Address: TBD NW Lake Road

Plan Name: Addison 3-P-3069-1

Date: 8.4.15



Scale:1"=20'

* DRIVEWAY, WALK, AND PATIO LAYOUTS ARE FOR REFERENCE ONLY AND NOT INTENDED TO BE THE EXACT DEPICTION OF THE FINAL PRODUCT

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DESIGN LIVE LOADS: ROOF. PLOOR. GARAGE PLOOR. EXTERNOR DECKS. 28 PGP 40 PGP 50 PGP OR 2000° PT. LOAD ON 6° 60. 40 PGP 40 PGP

BOIL BEARNS CAPACITY (ASSURED) 500 PEF

ENERGY REQUIREMENTS (2012 WA ENERGY CODE) PHIS SAN PLANT COCK

GAF Timberline - Charcoal SW7014 Eider White HARD EARLY GARD DAVIS 6 2 5 i

SW7017 Dorian Gray

Pro-Fit Ledgestone - Platinum

FRONT ELEVATION





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REAR ELEVATION



TOTAL 3069 SQFT.

GARAGE 726 SQFT COVERED FRONT PORCH 48 SQFT COVERED PATIO 419 SQFT. UNCOVERED PATIO 543 SQFT.

EXHIBIT C - WETLAND BIOLOGIST REPORT



October 5, 2016

Mr. Scott Melton Pahlisch Homes, Inc. 11818 S.E. Mill Plain Road, Ste. 203 Vancouver, WA 98684

RE: Lake Hills, Camas, Washington - Site Corridor Tree Cutting

Mr. Melton,

As per your request, The Resource Company, Inc. (TRC) has evaluated the potential wetland impacts for cutting trees on the City's property to provide view corridors for Lots 51 and 51 of the Lake Hills subdivision. Lots 51 and 52 are located at 3035 and 3025 N.W. Lake Road, respectively. As you are aware, these lots are situated on a ridge adjacent to N.W. Lake Road and overlook parcel 986031-877 (approx. 7 ac.) which is owned by the City of Camas (City). This parcel is predominantly forested and contains a forested wetland that is situated near the center of the property. It is my understanding that the City is concerned about potential impacts to this wetland due to the proposed tree cutting and pruning.

The assessment was conducted based on the tree cutting information that you provided, wetland information that TRC has in its files from previous work conducted on the properties and an on-site visit. The information provided by you indicates that 14 trees greater than 6" diameter breast height (dbh) will be cut for the view corridor for the two lots. Six of the trees proposed for cutting are red alder (Alnus rubra) and eight are bigleaf maple (Acer macrophyllum) ranging in size from 8" to 24" dbh. I overlaid the view corridor cutting plan on a wetland and buffer graphic and determined that four trees (red alder) are within the delineated wetland area, nine within the associated wetland buffer and one outside of the wetland buffer. Typically, the primary function of trees within wetlands is to provide habitat for animal diversity and food chain function for a range of micro- and macro invertebrates, birds, amphibians, reptiles, and small mammals. This function is enhanced as trees age, deteriorate and become snags and large woody debris providing additional habitat. Therefore, it is my recommendation that the trees be cut at least five (5) feet above the ground surface. The cut part of the tree should be allowed to fall within the existing forest. Doing these two actions will provide snags and large woody debris within the wetland and its associated buffer which will enhance the existing habitat function of these critical areas. In addition, the view corridors proposed for the tree cutting contain sufficient large trees that provide shade and a predominantly closed

canopy cover. The removal of the 14 trees will not substantially change the canopy cover within the wetland and its associated buffer. It is my opinion that the removal of the 14 trees identified within the view corridor map provided by you will not significantly impact the wetland on the City's property. If the cutting is conducted as recommended above, it may actually provide enhanced wildlife function within the wetland and its associated buffer.

Should you have any questions or need more information, please contact me.

Regards,

Kevin L. Grosz, P.W.S

President

EXHIBIT D – FINAL AUGUST 29, 2016 GRO OUTDOOR LIVING ARBORIST REPORT FOR LOTS 51 AND 52



August 29, 2016

To Whom It May Concern,

This letter is regarding multiple trees within a City of Camas tract of land bordering the Lake Hills subdivision. These trees have been proposed to be removed to provide sight corridors for lots 51 and 52 of this development. The proposed removals are part of a tree plan which labels them as follows-

#3372 Red alder, #3382, Red alder, #3388 Bigleaf maple, #3389 Red alder, #3390 Red alder, #3461 Red alder, #3469 Bigleaf maple, #3471 Bigleaf maple, #4681 Red alder, #4722 Bigleaf maple, #4723 Bigleaf maple, #4730 Bigleaf maple, #4732 Bigleaf maple, #4738 Bigleaf maple, #4738 Bigleaf maple, #4738 Bigleaf maple, #4758 Bigleaf maple

These trees have all grown within a stand of mature fir trees that have been recently thinned out. This has left this undergrowth of deciduous trees exposed to elements they are not used to.

Smaller trees growing in completion with larger trees have a harder time reaching for light from above, thus altering their growth pattern. This has the tendency to create taller, more slender trunks, with a weakened integrity. All of the trees listed above have misshaped canopies and are unbalanced.

Given the altered environment that has been provided for these trees, it is my opinion and recommendation that they be removed. They could be considered a potential hazard to any foot traffic moving through these areas. During my site visit on 8/31/16, I observed, directly nearby to these areas, a fallen Bigleaf maple very similar to many of the proposed trees listed above. The tree had failed due to wind exposure for what is likely the result of reasons listed above. Please note that this occurred within the last month, as it was still standing upon my previous site visit, approximately thirty days earlier. During my recent site visit I took some photos of the failed tree. These should be attached with this letter.

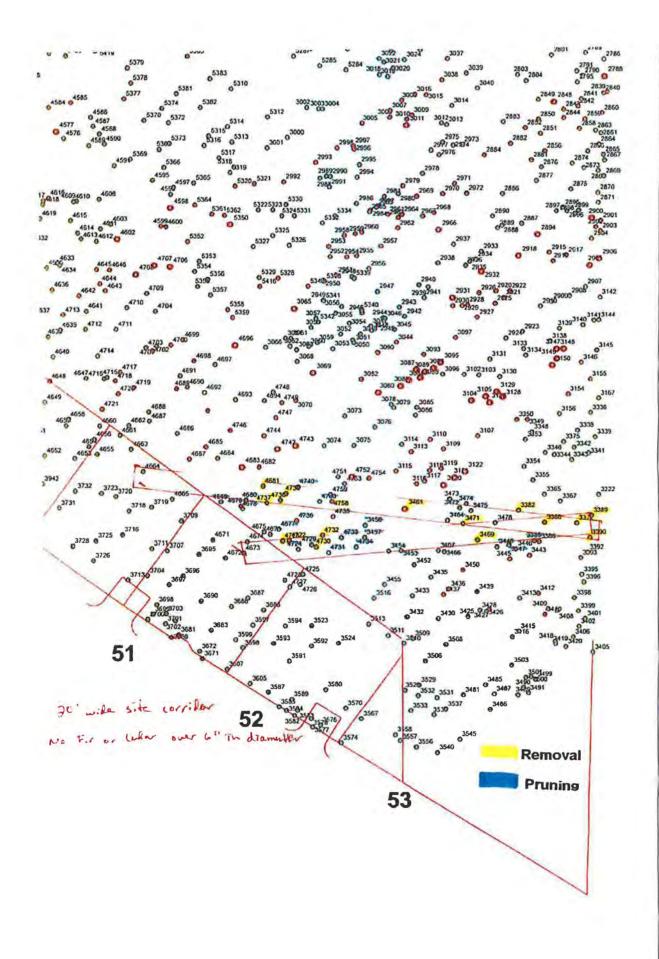
Removal of the proposed trees should not have any effect on the mature surrounding trees. Most all of the trees listed above have canopies of which do not breech the lower canopy heights of the mature (to be retained) conifers, thus providing them with no additionally helpful wind screen. It could be argued, that removal of the proposed trees, would allow for an additional nutrient supply for the retained trees, adding to their health and vigor.

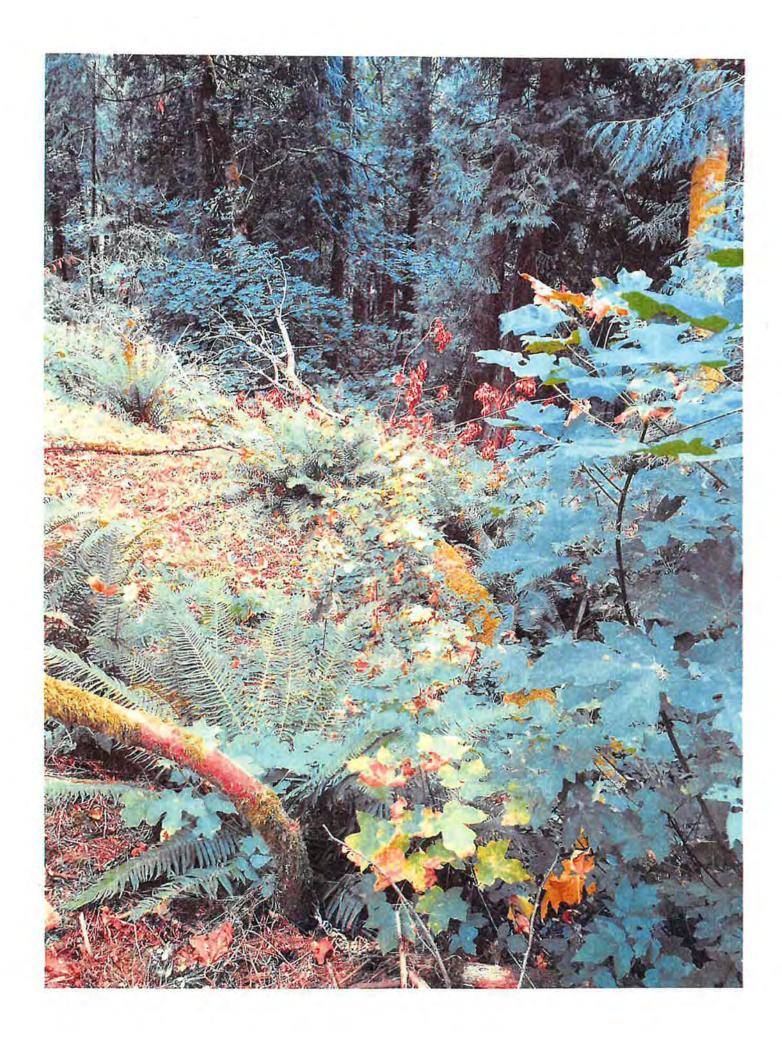
In short, I believe these trees to be good candidates for removal.

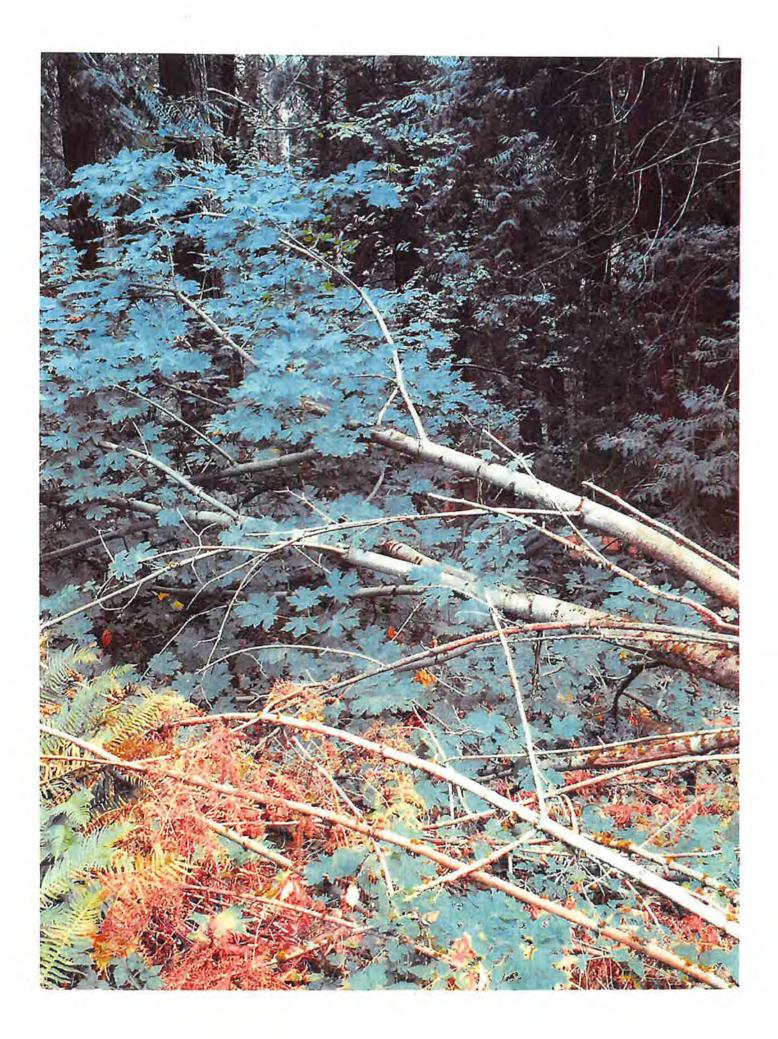
These are my findings and recommendations based on my knowledge and experience as a certified arborist through the International Society of Arboriculture (ISA)

Sincerely,

Colton Chambers Certified Arborist PN6453-A







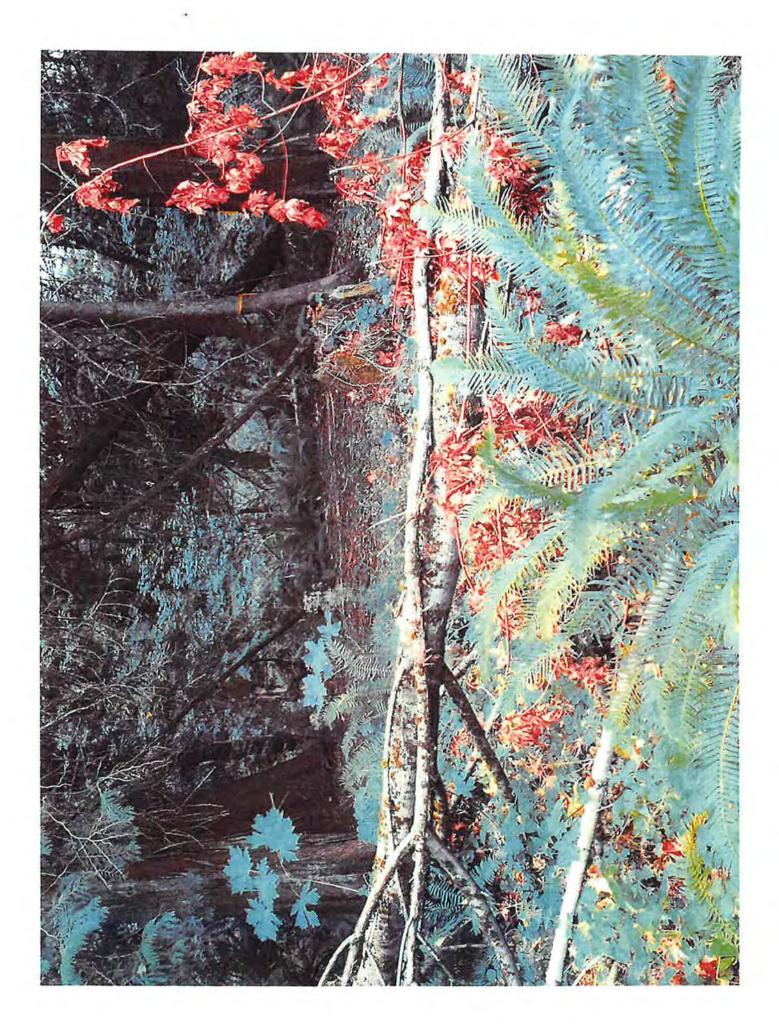


EXHIBIT E – FINAL SEPTEMBER 8, 2016 GRO OUTDOOR LIVING ARBORIST MITIGATION PLANS FOR LOTS 51 AND 52

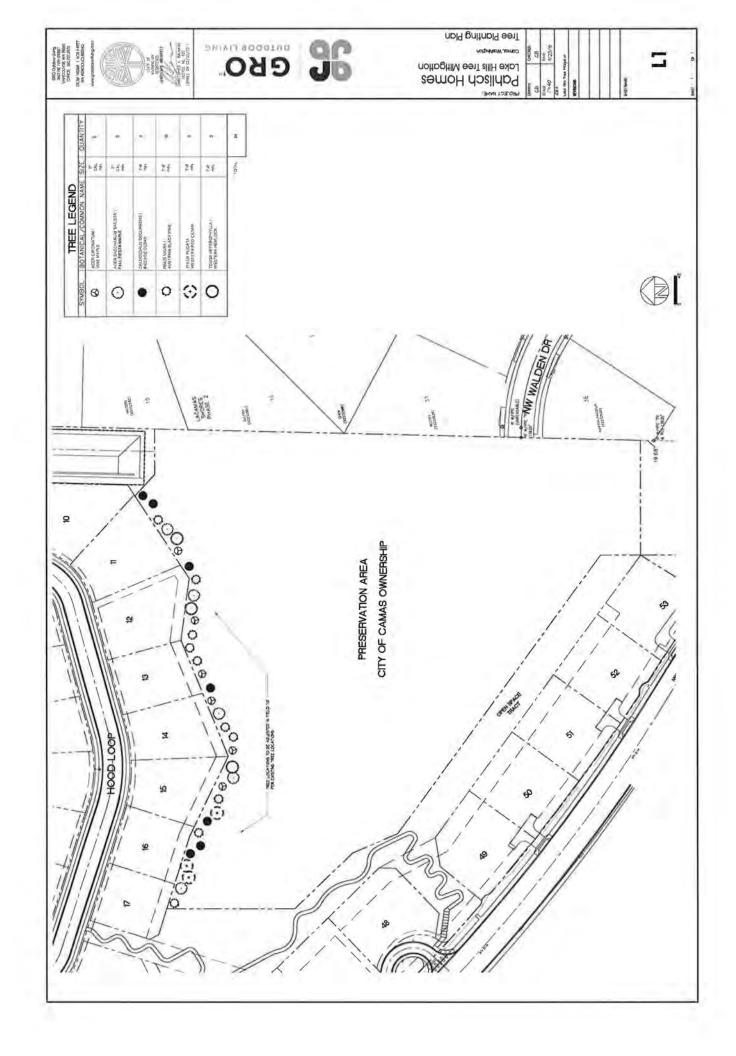


EXHIBIT F - MAP OF VIEW CORRIDOR

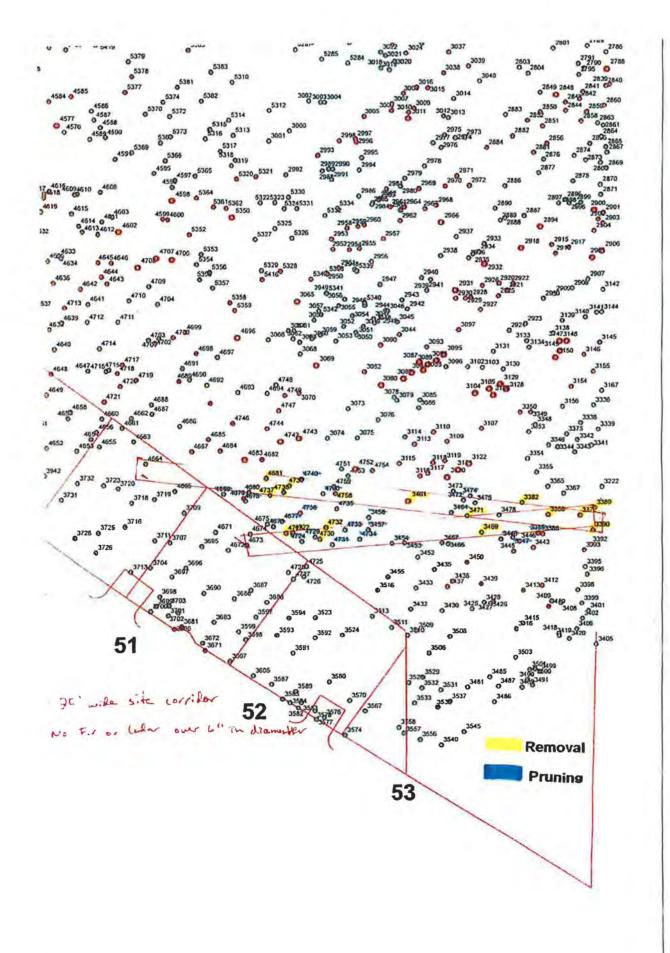


EXHIBIT G – SPECIFIC LISTS OF TREES IDENTIFIED BY NUMBER: APPROVED FOR MODIFICATION OR REMOVAL

Lake Hills Lots 51 52 Tree #'s for Planned Removal

	No.	Common Name	Species Name	DBH	C-Rad
1	3372	red alder	Alnus rubra	8	14
2	3382	red alder	Alnus rubra	16	14
3	3388	bigleaf maple	Acer macrophyllum	16	12
4	3389	red alder	Alnus rubra	2x14	9
_ 5	3390	red alder	Alnus rubra	10	6
6	3461	red alder	Alnus rubra	14	14
7	3469	bigleaf maple	Acer macrophyllum	8	10
8	3471	bigleaf maple	Acer macrophyllum	6	6
9	4681	red alder	Alnus rubra	16	10
10	4722	bigleaf maple	Acer macrophyllum	6	8
11	4723	bigleaf maple	Acer macrophyllum	24	13
12	4730	bigleaf maple	Acer macrophyllum	6	6
13	4732	bigleaf maple	Acer macrophyllum	8	15
14	4737	bigleaf maple	Acer macrophyllum	12	12
15	4738	bigleaf maple	Acer macrophyllum	14	13
16	4739	bigleaf maple	Acer macrophyllum	18	15
17	4758	bigleaf maple	Acer macrophyllum	10	6

Lake Hills Lots 51 and 52 Tree #'s for Possible Pruning

	No.	Common Name	Species Name	DBH	C-Rad
1	3385	big leaf maple	Acer macrophyllum	6	2
2	3386	big leaf maple	Acer macrophyllum	16	14
3	3447	red alder	Alnus rubra	10	9
4	3448	red alder	Alnus rubra	8	8
5	3453	douglas fir	Pseudotsuga menziesii	16	10
6	3454	douglas fir	Pseudotsuga menziesii	44	16
7	3457	douglas fir	Pseudotsuga menziesii	12	12
8	3458	big leaf maple	Acer macrophyllum	14	12
9	3464	douglas fir	Pseudotsuga menziesii	12	10
10	3466	red alder	Alnus rubra	12	12
11	3467	big leaf maple	Acer macrophyllum	18	15
12	3472	douglas fir	Pseudotsuga menziesii	14	10
13	3474	western red cedar	Thuja plicata	12	10
14	3475	western red cedar	Thuja plicata	16	13
15	4669	douglas fir	Thuja plicata	38	15
16	4676	douglas fir	Thuja plicata	32	14
17	4677	douglas fir	Thuja plicata	16	10
18	4678	douglas fir	Thuja plicata	14	9
19	4679	douglas fir	Thuja plicata	30	14
20	4680	douglas fir	Pseudotsuga menziesii	16	13
21	4724	douglas fir	Pseudotsuga menziesii	28	14
22	4729	douglas fir	Pseudotsuga menziesii	12	12
23	4731	douglas fir	Pseudotsuga menziesii	8	10
24	4733	douglas fir	Pseudotsuga menziesii	12	8
25	4734	douglas fir	Pseudotsuga menziesii	10	11
26	4735	big leaf maple	Acer macrophyllum	12	12
27	4736	big leaf maple	Acer macrophyllum	8	10
28	4740	douglas fir	Pseudotsuga menziesii	20	16
29	4760	douglas fir	Pseudotsuga menziesii	6	8