

From: [olena.leontiy](#)
To: [Ariel Whitacre](#)
Cc: [Brent Davis](#); [April Furth](#); [Michelle Belkot](#); [Sue Marshall](#); [Matt Little](#); [Kathleen Otto](#); [Cnty CommDev Wetland and Habitat Review Program](#); [Wil Fuentes](#); [CommDev OA Land Use](#); [Cnty 2025 Comp Plan](#); [Bart Catching](#); [Oliver Oriako](#); [Jeffrey Delapena](#); [Jose Alvarez](#); [Lance Watt](#)
Subject: Re: WHR-2022-00218, parcel #193615000
Date: Wednesday, January 14, 2026 10:25:35 AM
Attachments: [image006.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image001.png](#)
[image002.png](#)

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Clark County Community Development
Wetland and Habitat Review
1300 Franklin Street
P.O. Box 9810
Vancouver, Washington 98666

FOR THE PUBLIC RECORD
January 14th, 2026

Dear Community Development,

After reviewing the letter I've sent yesterday, I decided to add a few more details. We wonder why you would stand by a determination that is incorrect. The hay company who makes the hay on the land reported that there is no problem with wetland ground when he harvests the hay, and he has never seen any sign of a wetland on the property for all the years he has been farming it. In addition, two other credible persons walked the entire five acres and could not find any sign of a wetland. The only place there was water and scattered marginal wetland plants was on the ditchline, next to a blacktop driveway, on the West of the property.

There would have been no way your staff could have verified any wetland boundaries on our property, as it was all hay grass growing at the time, throughout the parcel. We have never seen the photos you sent yesterday, and these photos don't prove anything. We see that you have indicated the wetland boundaries by following the transitional hydric soil boundaries that are noted on the GIS soil maps, but that doesn't prove a wetland is present, absent the predominant wetland plants and predominant water. In addition, that soil is considered transitional soil in the NRCS USDA soil manual.

The wetland consultant, AshEco, said that mitigation plan prepared was based on the findings (wetland delineation) of the county's wetland biologist (Ariel Whitacre). That's what she wrote in her email: " I did not perform the wetland delineation, but used Ariel's findings to produce the wetland mitigation plan." They simply agreed to your map and didn't perform any soil tests. They said if we wanted them to do that, we would have to pay them more. We thought we had to hire that company, according to your demands, but now we know that was not true. We were coerced into hiring them to legitimize your incorrect designation, where they simply rubber stamped what you wrote.

The fact that the land is farmland is indeed more important than the possibility of a

questionable fabricated wetland. The county councilors are demanding that farmland be preserved for farming, and our land is a prime location for that. If we comply with your demands, it would be impossible to farm the land, as it had always been done for decades. You performed no scientific tests to confirm a wetland, and spent very little time at the sight. Your report simply lists all of the plants along the roadside ditches, but none of them were growing on our five acres.

This is what the Army Corp of Engineers has for a wetland definition:

The U.S. Army Corps of Engineers (USACE) defines a wetland as an area saturated by surface or groundwater frequently enough and for long enough during the growing season to support plants adapted to waterlogged soil, requiring three key elements:

[wetland hydrology](#) (water presence), [hydric soils](#) (water-adapted soil), and [hydrophytic vegetation](#) (wetland plants) like cattails or willows, including swamps, marshes, bogs, and wet meadows.

Key Characteristics

- Hydrology: Water must be present at or near the soil surface for a significant period, often indicated by visible water, water marks on trees, or debris lines.
- Soils: Soils must be waterlogged ([hydric soils](#)) due to prolonged saturation, leading to chemical changes.
- Vegetation: The area must support plants ([hydrophytes](#)) that thrive in saturated soil conditions, such as sedges, rushes, or cypress trees.

Examples of Wetlands

- Swamps, marshes, bogs, fens, and wet meadows.
- Bottomland forests, prairie potholes, and wet tundra.
- (Wetland Manual) "Use 17. Although this manual was prepared primarily for use by Corps of Engineers (CE) field inspectors, it should be useful to anyone who makes wetland determinations for purposes of Section 404 of the Clean Water Act. The user is 6 Part 1 Introduction directed through a series of steps that involve gathering of information and decisionmaking, ultimately leading to a wetland determination. A general flow diagram of activities leading to a determination is presented in Figure 1. However, not all activities identified in Figure 1 will be required for each wetland determination. For example, if a decision is made to use a routine determination procedure, comprehensive determination procedures will not be employed. Premise for use of the manual 18. Three key provisions of the CE/EPA definition of wetlands include: a. Inundated or saturated soil conditions resulting from permanent or periodic inundation by ground water or surface water. b. A prevalence of vegetation typically adapted for life in saturated soil conditions (hydrophytic vegetation). c. The presence of "normal circumstances." 19. Explicit in the definition is the consideration of three environmental parameters: hydrology, soil, and vegetation. Positive wetland indicators of all three parameters are normally present in wetlands. Although vegetation is often the most readily observed parameter, sole reliance on vegetation or either of the other parameters as the determinant of wetlands can sometimes be misleading. Many plant species can grow successfully in both wetlands and nonwetlands, and hydrophytic vegetation and hydric soils may persist for decades following alteration of hydrology that will render an area a nonwetland. The presence of hydric soils and wetland hydrology

indicators in addition to vegetation indicators will provide a logical, easily defensible, and technical basis for the presence of wetlands. The combined use of indicators for all three parameters will enhance the technical accuracy, consistency, and credibility of wetland determinations. Therefore, all three parameters were used in developing the technical guideline for wetlands and all approaches for applying the technical guideline embody the multiparameter concept."

Logic tells one that farmers don't use wetlands for farming, because there are too many ground restrictions. They choose good ground to grow their hay, because they depend on it to feed their animals. That is the history of our five acres.

When you came on the property, you were simply looking at the drainage area on the West of the lot next to the blacktop drive. That driveway wasn't ditched very well and the water that runs off the blacktop tends to pool somewhat onto our land. Someone needs to ditch that area, so the water doesn't pool. That is what is depicted indoor picture. All the fancy names for plants means nothing to us. Your original determination letter didn't have those pictures and we don't know when you took them. But it wasn't who you originally came to our property, as you would have included them in your original letter.

It is not the Army Corp of Engineer that controls local wetlands, and their definition of a wetland is the same as the Department of Ecology, and your code. There has to be predominant water, predominant wetland plants and predominant hydric soil, and our land doesn't qualify.

Your mitigation requirements were outrageous. You required 1000 trees and shrubs to be planted on our five acres, that had no plants growing on it, other than grass. We don't even think all off those expensive plants would even fit on the land. The cost would be thousands of dollars to buy them and plant them, only to die because we can't water them. What were you thinking? You say we can buy into a wetland bank, but one landowner we know had the same situation as we had, their land was just a hay field, with no wetlands, until county staff fabricated one. They had to pay almost \$50,000 to get out of the mitigation. So just what are you trying to accomplish with all of your mitigation demands?

April Furth was simply going by your information, which is questionable. We did not agree to anything regarding wetland, when we applied for the building permit. We didn't expect anything like that to be determined, because we were told by the county that this land doesn't have wetland, even though we knew there has to be a process for the permit. Imagine our surprise after we got this outrageous determination letter that made no sense, whatsoever. We were trapped.

April Furth's email was well after we received the original determination in 2022, and the ability to appeal was more than over. Since 2022, this is the first time we have had the opportunity to have a meaningful discussion with county staff over the claim of a wetland on our property. It is now 2026.

Sincerely,
Olena Leontiy

19825 NE 89th Ave
Battle Ground, WA 98604
503-516-6953

On Wednesday, January 14, 2026 at 10:22:49 AM PST, olena leontiy <oleontiy@yahoo.com> wrote:

Clark County Community Development
Wetland and Habitat Review
1300 Franklin Street
P.O. Box 9810
Vancouver, Washington 98666

FOR THE PUBLIC RECORD
January 14th, 2026

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There would have been no way your staff could have verified any wetland boundaries on our property, as it was all hay grass growing at the time, throughout the parcel. We have never seen the photos you sent yesterday, and these photos don't prove anything. We see that you have indicated the wetland boundaries by following the transitional hydric soil boundaries that are noted on the GIS soil maps, but that doesn't prove a wetland is present, absent the predominant wetland plants and predominant water. In addition, that soil is considered transitional soil in the NRCS USDA soil manual.

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The fact that the land is farmland is indeed more important than the possibility of a questionable fabricated wetland. The county councilors are demanding that farmland be preserved for farming, and our land is a prime location for that. If we comply with your demands, it would be impossible to farm the land, as it had always been done for decades. You performed no scientific tests to confirm a wetland, and spent very little time at the sight. Your report simply lists all of the plants along the roadside ditches, but none

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Your mitigation requirements were outrageous. You required 1000 trees and shrubs to be planted on our five acres, that had no plants growing on it, other than grass. We don't even think all off those expensive plants would even fit on the land. The cost would be thousands of dollars to buy them and plant them, only to die because we can't water them. What were you thinking? You say we can buy into a wetland bank, but one landowner we know had the same situation as we had, their land was just a hay field, with no wetlands, until county staff fabricated one. They had to pay almost \$50,000 to get out of the mitigation. So just what are you trying to accomplish with all of your mitigation demands?

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Sincerely,
Olena Leontiy
LDA Transport, LLC
503-516-6953

On Tuesday, January 13, 2026 at 10:39:11 AM PST, olena leontiy <oleontiy@yahoo.com> wrote:

Wetland and Habitat Review
1300 Franklin Street
P.O. Box 9810
Vancouver, Washington 98666

FOR THE PUBLIC RECORD
January 13th, 2026

Dear Community Development,

We wonder why you would stand by a determination that is incorrect. The hay company who makes the hay on the land reported that there is no problem with wetland ground when he harvests the hay and he has never seen any sign of a wetland on the property for all the years he has been farming it. In addition, two other credible persons walked the entire five acres and could not find any sign of a wetland. The only place there was water and wetland plants was on the ditch line, next to a blacktop driveway, on the West of the property.

There would have been no way your staff could have verified any wetland boundaries on our property, as it was all hay grass growing at the time, throughout the parcel. We have never seen the photos you sent yesterday, and these photos don't prove anything. We see that you have indicated the wetland boundaries, following the transitional hydric soil that is noted in the GIS soil maps, but that doesn't prove a wetland is present, absent the predominant wetland plants and predominant water. In addition, that soil is transitional soil.

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When you came on the property, you were simply looking at the drainage area on the West of the lot next to the blacktop drive. That driveway wasn't ditched very well and the water that runs off the blacktop tends to pool somewhat onto our land. Someone needs to ditch that area, so the water doesn't pool. That is what you took a picture of. All the fancy names for plants means nothing to us. It is not the Army Corp of Engineer that controls local wetlands, and their definition of a wetland is the same as the Department of Ecology, and your code. There has to be predominant water, predominant wetland plants and predominant hydric soil, and our land doesn't qualify.

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April Furth was simply going by your information, which is questionable. We did not agree to anything regarding wetland, when we applied for the building permit. We didn't expect anything like that to happen, because we were told by the county that this land doesn't have wetland, even though we knew there has to be a process for the permit. Imagine our surprise after we got this outrageous determination letter that made no sense, whatsoever. We were trapped into that determination.

We did our best to discuss the matter with you, but you refused to respond, until after the appeal time had run out. You caught us in a web of your own making and that web is not backed up by scientific evidence that will hold up in court. You simply made a mistake in you desire to preserve our land in some way, and that needs to be corrected. The

highest and best use for the land is farmland. As the farmer, we need to be on the land to take good care of it.

Sincerely,
Olena Leontiy
503-516-6953

On Monday, January 12, 2026 at 04:08:30 PM PST, Ariel Whitacre <ariel.whitacre@clark.wa.gov> wrote:

Ms. Leontiy,

The county stands by its prior wetland determination. Staff conducted a site visit in February of 2022 and verified the wetland boundaries as shown in the wetland permit map. The wetland consultant you hired (AshEco Solutions) concurred with the County's wetland boundary (See page 1 of the attached mitigation plan). You had an opportunity to appeal the wetland permit and revised wetland permit once issued but failed to do so within the appeal period timeline(s).

The fact that the property has been historically used for farming does not preclude there from being any wetlands on the property. When I conducted the site visit, I observed hydric soils and wetland hydrology indicators (see photos below) within the mapped wetland boundary. I also observed areas dominated by *Phalaris arundinacea* which is a facultative wetland plant. In following the Army Corp's wetland criteria, wetland plant dominance is not a requirement in areas that have been manipulated or have been historically disturbed, such as hay fields or pastures, as is the case here.

The amount of required mitigation was based on the proposed development footprint and was capped based on the estimated building valuation of your proposed development. If you do not wish to plant onsite, then we could look at mitigating offsite in the form of wetland mitigation bank credit purchase, but it would still be based off the wetland impacts (direct and indirect) and would be capped at no more than 7.5% of your building valuation.

Also, it does look like April Firth had previously responded to your email in September of 2024 which I have attached here for reference.







Ariel Whitacre she/her/hers
Biologist
COMMUNITY DEVELOPMENT

564.397.4714



From: Cnty CommDev Wetland and Habitat Review Program
<WetlandHabitatReview@clark.wa.gov>
Sent: Monday, January 12, 2026 10:33 AM
To: Ariel Whitacre <Ariel.Whitacre@clark.wa.gov>
Subject: FW: WHR-2022-00218, parcel #193615000

FYI.

From: olena leontiy <oleontiy@yahoo.com>
Sent: Monday, January 12, 2026 9:38 AM
To: Michelle Belkot <Michelle.Belkot@clark.wa.gov>; Sue Marshall
<Sue.Marshall@clark.wa.gov>; Matt Little <Matt.Little@clark.wa.gov>;
will.fuentes@clark.wa.gov; Kathleen Otto <Kathleen.Otto@clark.wa.gov>; Brent Davis
<Brent.Davis@clark.wa.gov>; Cnty CommDev Wetland and Habitat Review Program
<WetlandHabitatReview@clark.wa.gov>
Subject: WHR-2022-00218, parcel #193615000

You don't often get email from oleontiy@yahoo.com. [Learn why this is important](#)

EXTERNAL: This email originated from outside of Clark County. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Clark County Community Development
Wetland and Habitat Review
1300 Franklin Street
P.O. Box 9810
Vancouver, Washington 98666

FOR THE PUBLIC RECORD

January 8, 2026

Dear Community Development, I have attempted to contact your office and the wetland department on numerous occasions, without success, to protest the wetland determination WHM 2022-00218. Your office never responded to any of my emails to discuss the issues, or with an explanation as to when this illegal determination of "WETLAND" will be removed from our property records.

Yet, last week, I received a form letter from your office in the mail, threatening us that if we don't take any actions, the case will be sent to code enforcement. As I stated many times before, our land is farmland, and has been for many decades. This land was part of a historic farm in the area and has always been used as a highly productive hay field and we can get records from the Merriman Hay Farms to prove it. This company has been harvesting hay from this land for many years. The owner said our land produced good quality grass hay and he had never seen any wetland plants on the lot. There is no wetland and no wetland plants on our land, it's just an open clear farm field.

We still haven't seen any documents from the county, as to how and what they based their findings, when they came up with the wetland determination. A wetland must have predominant hydric soil, hydric plants, and water, to call it a wetland. Just because our property has some hydric soil, that does not equate to a jurisdictional wetland that should be burdened with large buffers, hundreds of shrub plantings and a permanent covenant. The outrageous requirement to plant almost a thousand trees and shrubs would make our land completely unusable and prevent us from using our land for farming. Even if we comply and plant all of those trees and shrubs, they simply won't survive because we don't have irrigation water on our land, and there is no way we would be able to water all of them.

As I mentioned before, we did come to your office, before purchasing this property, to ask if there were any wetlands or other restrictions that would prevent us from building a house and having a farm. We were told that this property has "NO WETLAND" and no restrictions to build a house on it. But as soon as we applied for a building permit, certain county agents decided to change that, based on false information. Instead of preserving farmland, the county is threatening us and preventing us from using our land for farming. In addition to that, we're not willing to sign the permanent covenant the county is requiring us to sign, as we believe that is a constitutional "takings".

It's completely illegal and criminal what the county is trying to do, in order to get control of our land, without paying for it. The county has stepped outside its legal jurisdiction dictating to us how we should use our land. The flawed wetland determination on our land needs to be corrected and removed, and our occupancy permit issued as soon as possible.

Sincerely,

Olena Leontiy
19825 N.E. 89th Avenue
Battle Ground, Washington 98604
Phone: 503-516-6953

Good Afternoon Ms. Leonity –

I have looked into your concerns. The main issue I have today is that the new home construction permit was given for you to build your home because we had an agreed upon mitigation plan under a reasonable use assurance. If I understand correctly, you hired a wetland consultant and that person helped you develop your mitigation plan. From what I can see that mitigation was 39% of what we would normally ask for in this type of situation because strict compliance with the code made building your home significantly less affordable. I am sorry if someone at the county gave you incorrect information and if you have that person's name, I would love to circle back with that person and make sure they understand. If a person at the county did give you incorrect information it doesn't mean you wouldn't have had to comply with county code and I am sorry for

inconvenience that has caused.

From what I can see, we will not be able to issue occupancy on your residence until you have complied with your mitigation plan under the reasonable use assurance, which consists of many things like replanting and a covenant.

Thank you,



April Furth
Director
COMMUNITY DEVELOPMENT
564.397.4484

Join us for Community Development's Learning Lab
Learn more at clark.wa.gov/community-development/learning-lab

From: olena leontiy <oleontiy@yahoo.com>
Sent: Monday, September 23, 2024 2:36 PM
To: Brent Davis <Brent.Davis@clark.wa.gov>; Gary Medvigy <Gary.Medvigy@clark.wa.gov>; Karen Bowerman <Karen.Bowerman@clark.wa.gov>; Michelle Belkot <Michelle.Belkot@clark.wa.gov>; Glen Yung <Glen.Yung@clark.wa.gov>; Sue Marshall <Sue.Marshall@clark.wa.gov>; Kathleen Otto <Kathleen.Otto@clark.wa.gov>; Ariel Whitacre <Ariel.Whitacre@clark.wa.gov>
Subject: Property Identification Number #193615000

EXTERNAL: This email originated from outside of Clark County. Do not click links or open attachments unless you recognize the sender and know the content is safe.

September 23rd, 2024

Ariel Whitacre, Clark County Biologist
Brent Davis, Clark County Wetland and Habitat Review Manager
Clark County Council
P.O. Box 5000
Vancouver, Washington 98666

For the public record

Dear Ariel Whitacre and Mr. Davis,

My name is Olena Leontiy. I'm writing this email letter regarding our property at :
19825 NE 89th Avenue, Battle Ground, Washington, 98604.
Property Identification Number # 193615000
Building permit number NHC-2022-00039

We purchased the 5 Acre in September of 2019, after the Clark County Community Development staff told us there was no wetland or other environmental concerns on the land. I've written multiple letters and sent multiple emails to Mr. Davis and Clark County

Council over the past 6 months, and haven't received a single response back. I even called Clark County Citizens United and asked them to review our situation and give an opinion. I believe they sent you two emails that gave precise information, but they have not received any response to their emails, either.

I'm really hoping that you'll find time to review our request and remove the incorrect designation of wetland determination from our property, and issue us a permanent occupancy permit. Just because our property has some hydric soil, it does not equate to a jurisdictional wetland that should be burdened with buffers, plantings and a covenant.

Your unreasonable and continuous requirements are making our 5 acres basically unusable. You have already made us move our buildings and septic over and over again, and now you expect us to plant a jungle of plants that have never lived here. So far, we have had to pay an additional engineering costs of \$5,716.50 to move the buildings, \$1,500.00 to move the septic, and \$1,120.00 to AshEcho for the wetland issue. Those extra costs amount to \$8,336.50. All of these extra costs are on top of the original engineering, septic costs and fees to AshEco and to Clark County. We can say to double this number would not be unreasonable. We were burdened with approximately \$20,000.00, just for the approval of our building permit based on an incorrect wetland determination. Now you are telling us to pay even more.

A bid from a plant nursery said the plants that are being required would cost \$3,053.00 for six inch starts. Then we would have to hire someone to plant them. The total cost would likely be approximately \$10,000.00. Then we would have to pay for city water to keep them alive. This land was part of a historic farm in the area and has always been used as an agricultural hay field. We wanted to continue that use, along with gardens and an orchard. But your unreasonable requirements will prevent that from happening. There is no wetland and no wetland plants on our land, it's just an open clear farm field. Making us buy and plant 967 trees and shrubs, not native to our specific land, is absolutely wrong, and unacceptable.

After building our house, and complying with many changes the county burdened us with, we simply can't afford to buy and plant all of those 1,000 trees and shrubs. In addition to being a very expensive project to buy and plant those plantings, it will also make our property look like a complete mess. With no way to mow the field around of all those plants, it will be a complete disaster with tall hay grass and all the field mice and rodents living in it. The fire danger would increase dramatically. That won't make us or our neighbors happy. It will become a messy jungle and impossible to maintain. In addition, it would also be impossible to water so many plants. With Battle Ground's very high water rates, we would have to continue to pay thousands of dollars, in order to comply with the illegal county demands. We don't think it is right that the county is dictating to us what our five acre should look like. In addition to that, we're not willing to sign the covenant the county is requiring us to sign. It's completely illegal and criminal what the county is trying to do to us, in order to get control of

our land. We are asking for our permanent occupancy permit, and believe you have enough information to allow that to happen. The wetland designation was incorrect, and the related buffer and covenant should absolutely be rescinded and our permanent occupancy permit issued.

Sincerely,

Olena Leontiy

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