TYPE II LAND DIVISION & ENVIRONMENTAL REVIEW, STAFF REPORT & DECISION

Form DS1401 PLD

Project Name:	**BRAINARD SHORT PLAT**
Case Number:	**PLD2009-00034, SEP2009-00059, EVR2009-00027 & EVR2009-00028**
Location:	East terminus of NE 371st Street (Private).
Request:	The applicant is proposing to short plat approximately 20.01 acres into 2 lots in the R-10 zoning district.
Applicant:	Brad Brainard 5838 SE Tikki Court Milwaukie, OR 97267 (503) 786-9403, E-mail: brad_brainard@msn.com
Contact Person:	Travis Johnson P. O. Box 821556 Vancouver, WA 98682 (360) 600-8726, E-mail: travis@plsengineering.com
Property Owner:	(Same as Applicant)

DECISION

Approved, subject to Conditions

DS Manager's Initials: MB **Date Issued:** **February 5, 2010**

County Review Staff:

	Name	Phone Ext.	E-mail Address
Development Services Manager	Michael Butts	4137	Michael.butts@clark.wa.gov
Planner:	Michael Uduk	4385	Michael.uduk@clark.wa.gov
Habitat Biologist:	Dave Howe	4598	David.Howe@clark.wa.gov
Engineer Supervisor: (Trans. & Stormwater):	Tom Grange, P.E.	4102	Tom.Grange@clark.wa.gov
Engineer (Trans. & Stormwater):	Brad Hazel	4346	Brad.hazen@clark.wa.gov
Engineering Supervisor: (Trans. Concurrency):	Steve Schulte, P. E.	4017	Steve.schulte@clark.wa.gov
Engineer (Trans. Concurrency):	David Jardin	4354	David.jardin@clark.wa.gov
Fire Marshal Office	Tom Scott	3323	Tom.scott@clark.wa.gov

Comp Plan Designation: R-10

Parcel Number(s): Tax Lots 37 (278175), located in the NE ¼, of Section 29, Township 5 North, Range 3 East, of the Willamette Meridian.

Applicable Laws:

Clark County Code (CCC) Chapter: 40.350 (Transportation), 40.350.020 (Transportation Concurrency), 40.380 (Storm Water Drainage and Erosion Control), 15.12 (Fire Code), 40.540.030 (Short Plat), 40.610 (Impact Fees), 40.210.020 (Rural Districts, R-10), 40.570.080 (SEPA), 40.570.080 (C) (3) (k) (Historic & Cultural Preservation), 40.430 (Geologic Hazard Areas), 40.440 (Habitat Conservation), 40.500 (Procedure), RCW 58.17 (State Platting Laws)

Neighborhood Association/Contact:

Art Stubbs, Vice Chair (*mailing for NACCC*)
6804 NE 86 Court
Vancouver, WA 98662
891-5685; E-mail: sixsplus8@aol.com

Vesting:

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on May 7, 2009. The pre-application was determined to be contingently vested as of April 10, 2009, (i.e., the date the fully complete pre-application was submitted).

The fully complete application was submitted on June 30, 2009, and determined to be fully complete on September 1, 2009. Given these facts, the application is vested on April 10, 2009. There are no disputes regarding vesting.

Time Limits:

The application was determined to be fully complete on September 1, 2009. Therefore, the County Code requirement for issuing a decision within 78 days lapsed on November 18, 2009. The applicant asked to place the project on hold to resolve potential traffic and sight distance issues thereby extending the deadline by 65 days. Therefore, the decision due date base on time needed to review new information is February 5, 2010.

Public Notice:

Notice of application and likely SEPA Determination of Non-Significance (DNS) was mailed to the applicant and property owners within 500 feet of the site on September 11, 2009.

(Note: This site is not located within the boundaries of a recognized neighborhood association; but a courtesy notice was sent to the Neighborhood Advisory Council of Clark County.)

Public Comments:

The county received letters from the following individuals:

1. Merle L. Moore's and Robert D. Long's letter is dated September 25, 2009, (Exhibit 8). Mr. Long and Ms Moore are concerned about slope stability in the area. They hope that housing developments on the Brainard property do not adversely impact the foundation of their home, or the stability of the slopes on their property.

2. LaVaune Cowl's letter is dated September 26, 2009, (Exhibit 9). Ms Cowl and her husband, Lawrence, are concerned about the potential impacts of the proposed short plat to fish in Bitter Creek.

Response:

1. Geologic hazard areas in Clark County are regulated by 40.430 (Geologic Hazard Areas). The County's Development Engineering staff has reviewed the project and has provided appropriate conditions of approval, which when implemented would mitigate potential adverse impacts resulting from any housing developments on these 2 lots.

2 CCC 40.440 (Habitat Conservation) regulates habitat areas in Clark County. The County's Habitat Biologist has reviewed this short plat; and has, where appropriate, provided conditions of approval to mitigate potential adverse impacts resulting from and development on the site.

Project Overview

The applicant proposes to short plat approximately 20.01 acres into 2 residential lots in the R-10 zoning district. The R-10 district requires a minimum lot area of 10 acres for single-family residential development. Table 40.210.020-1 (Uses) provides a list of the uses permitted in the R-10 zone.

Table 1 below shows the comprehensive plan designation, zoning, and current land use on the site and on the abutting properties:

Table 1: Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use
Site	Rural – 10 (R-10)	Rural – 10 (R-10)	The property is vacant and heavily forested with second growth trees. It has an undulating topography with Bitter Creek situated along its southeastern section. Although Bitter Creek is a fish bearing stream three miles downstream, the documentation from Washington State Department of Fish and Wildlife indicates that Bitter Creek is non-fish bearing upstream at the project's site. (See Exhibit 10 and the report prepared by the County's Habitat Biologist.)
North	R-10	R-10	Acreage home sites.
East	R-10	R-10	Partially forested / acreage home sites.
South	R-10	R-10	Acreage home sites.
West	R-10	R-10	Forested area parcel.

The USDA Soil Conservation Service, Soil Survey of Clark County, Washington, 1972, classifies the soils at this site as those of Cinebar silt loam (CnB, CnD, CnE, CnG) on slopes ranging from zero to 40 percent. Maps from Clark County's GIS Mapping System indicate that the site contains severe erosion hazard areas and riparian habitat conservation area.

The property is located in rural Clark County. It is situated in an area served by Fire Protection District 10, and Battle Ground School District. Clark Public Utilities provides potable water in the area; but, each lot in this short plat will have its own well for portable water and an on-site septic system.

Staff Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

1. Earth
2. Air
3. Water
4. Plants
5. Animals
6. Energy and Natural Resources
7. Environmental Health
8. Land and Shoreline Use
9. Housing
10. Aesthetics
11. Light and Glare
12. Recreation
13. Historic and Cultural Preservation
14. Transportation
15. Public Services
16. Utilities

Staff then reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

Major Issues:
Only the major issues, errors in the development proposal, or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements and, therefore, are not discussed below.

LAND USE:
Finding 1
The development site is approximately 20.01 acres situated at the east terminus of NE 371st Street, a private road. It is zoned R-10, which requires a minimum of 10 acres for single family residential development. The applicant is proposing a 2-lot short plat.

Finding 2

A. Table 40.210.020-2 (Lot Requirements) provides the lot requirements in the R-10 zone as follows:

- The minimum lot area is 10 acres; or, the lot could legally be described as one one sixty-fourth (1/64) of a section; and,
- The minimum lot width shall be 330 feet. The code does not provide a standard for the minimum lot depth.

B. Table 40.210.020-3 (Setbacks, Lot Coverage and Building Height) provides the following standards in the R-10 district:

1. Minimum front yard setback	50 feet
2. Minimum side yard setback (street)	25 feet
3. Minimum interior side yard setback	20, 50 feet[1]
4. Rear yard setback	20, 50 feet[2]
5. Setback between buildings	8 feet
6. Lot coverage	N/A
7. Maximum building height	35 feet[3]

Staff finds that the proposed short plat can comply with the lot requirements, setbacks lot coverage, and building height standards in the code.

Forest Practices – Current Use

Finding 2:

The County's Forester has provided the following comments:

Parcel # 278175-000 is classified as open space in the County Assessor's Current Use Taxation Program. Each lot in the proposed short plat will need to stay within the 10 acre area threshold (i. e. 11 acres with a home site on 1 acre) to retain the open space status. When the plat is recorded the Assessor will remove any lot that falls under the 10-acres area standard from the open space program. It should be noted that parcels classified as open space may not be permitted to reclassify to any other designation for the purpose of property tax deferments. If the applicant has any questions regarding this information, please contact the county's forester, Jim Vandling, at (360) 397-2375, extension 4714. This finding is for information purposes; therefore, no condition of approval is necessary,

[1] The minimum side setback on each side of the residential dwelling and incidental buildings shall be 20 feet and 50 feet for accessory buildings used for agricultural purposes. Side setbacks for abutting properties zoned for natural resource or surface mining uses shall be a minimum of 50 feet.

[2] The minimum rear yard setback shall be 50 feet when abutting property zoned for natural resources or surface mining uses.

[3] Applies to residential buildings only

Conclusion (Land Use):
Staff concludes that the proposed preliminary plan, subject to conditions identified above, meets the land use requirements of the Clark County Code.

ARCHAEOLOGY:
The applicant has submitted an archaeological pre-determination to the State Department of Archaeology and Historic Preservation (DAHP) prior to submittal of the application.

The DAHP concurs with the recommendation of the pre-determination that no additional studies are necessary; however, a note on the final construction plans will require that if resources are discovered during ground disturbance, work shall stop and DAHP and the county will be contacted. (See Conditions A-1a and Plat Note D-7b)

Conclusion (Archaeology):
Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the archaeology requirements of the Clark County Code.

HABITAT:
Finding 1:
Bitter Creek, a Department of Natural Resources (DNR) mapped type Np (non-fish bearing, perennial) stream flows through the eastern portions of the property. According to Title 40.440.010(C)(1)(a), a DNR type Np watercourse requires a 100-foot riparian Habitat Conservation Zone (HCZ) in order to protect fish and wildlife habitat. The riparian HCZ extends 100' horizontally outward from the ordinary high water mark.

Finding 2:
State forest practice mapping indicates the possibility of some additional tributaries present on the property. The applicant submitted analysis from Ecological Land Services, Inc. indicating the mapping was in error. Staff concurs with this determination.

Finding 3:
That applicant has delineated building envelopes that are outside of the riparian HCZ on the site. Staff finds this meets the exemption criterion identified in Table 40.440.010-1, row 2 of the Habitat Conservation Ordinance, subject to Condition A-1b and Plat Note D-7i.

Conclusion (Habitat):
The proposed short plat can comply with the Habitat Conservation Ordinance, subject to the following condition of approval.

GEO-HAZARD:

Applicability

Finding 1

All development activities in or adjacent (i. e. within 100 feet) to geologic hazard areas shall comply with the provisions of CCC 40.430. The county's GIS mapping system indicates that a large portion of the property is designated as areas of potential slope instability. Therefore, any structures or housing development proposed within or adjacent to the areas of potential slope instability will require geotechnical analysis prepared by and engineer or geologist licensed in the State of Washington. (See Plat Note D-7g and Condition E-2a)

Finding 2

The applicant provided a Limited Slope Stability Reconnaissance report prepared by Chinook GeoServices, Incorporated, dated September 29, 2009, stamped and signed by Marcella M. Boyer, a professional engineer licensed in the state of Washington and also stamped and signed by Warren Krager, a geologist licensed in the state of Washington. The report indicates that no evidence of recent slope instability activities have been observed in the immediate vicinity of the subject property.

The geotechnical report recommends that additional geotechnical evaluation be carried when a home site is chosen by the applicant. Therefore the following note shall be added to final plat stating that:

"When specific grading and home development plans are available for the home site, that applicant shall contact a professional engineer and geologist licensed in the State of Washington to review the plans to determine site specific and appropriate geotechnical engineering mitigation for potential development impact. If home sites are proposed near the steeper slopes, a geotechnical evaluation of these locations should be conducted prior to issuance of a building or grading permit, whichever comes first." (See Plat Note D-7g and Condition E-2a)

Conclusion (Geo-Hazard):

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the geo-hazard requirements of the Clark County Code.

TRANSPORTATION:

Roads

Finding 1

NE 216th Avenue is an offsite Rural Private Roadway. Offsite private roadways are to be a minimum 18 feet wide with 1 foot of gravel shoulder on each side; otherwise the offsite roadway must be improved to a 20-foot roadway width.

The applicant has submitted a road modification to allow the existing 15 foot wide offsite private roadway serve the proposed 2-lot short plat. In lieu of widening the offsite roadway, the applicant proposes to construct 3 passing turnouts per Clark County

standard drawing # 33. The road modification has been approved subject to conditions. (See the attached Road Mod Decision, Exhibit 12, and Finding 5) (See Condition A-2a)

Driveway Requirements
Finding 2
Driveways shall have a minimum width of 12 feet of clear, unobstructed driving surface. Driveways longer than 300 feet shall be provided with an approved turnaround at the terminus. There shall also be approved turnouts constructed such that the maximum distance from turnout to turnout or from turnout to turnarounds does not exceed 500 feet.

Standard Clark County hammerhead or cul-de-sac turnarounds are required at the ends of both proposed driveways.

The applicant has submitted a road modification to allow a sideway hammerhead turnaround at the end of both proposed driveways. The road modification has been approved subject to conditions. (See the attached Road Mod Decision, Exhibit 12, and Finding 5 for details) (See Condition F-2)

Off site roadway intersection Sight Distance
Finding 3
For the lack of sight distance at the offsite intersection of NE 216th Avenue and SR 503, the applicant's engineer has stated that looking to the northeast along SR 503, there is 500 feet of sight distance; and looking to the south there is about 320 feet. Minimum sight distance required is 500 feet. The applicant has provided an engineer's estimate for this work stating the total cost for this offsite improvement would be $79,590 and would be grossly disproportional to the impacts created per CCC 40.550.010(A)(1)(d). Engineering staff was unable to recommend approval of this road modification request due to a conflict with public safety.

The applicant's engineer has performed a speed study at the location where the sight distance is deficient. The speed study indicates that the 85th percentile speed in this location is 40 mph. The applicant's engineer has revised the road modification request at this intersection to the following: Due to the fact the 85th percentile of speed is 40 mph around this corner, the applicant is requesting the project to be required to provide 400 feet of sight distance facing south on SR503 from NE 216th Avenue by removing some of the embankment out of WSDOT right-of-way. The road modification has been approved subject to conditions. (See the attached Road Mod Decision, Exhibit 12, and Condition A-2b)

Joint Driveway Requirements
Finding 4
All new Driveways/new Joint Driveways shall have a minimum width of 12 feet of clear, unobstructed driving surface. Joint driveways shall have a minimum 20 foot wide easement established over the driveway; therefore, Lot 2 shall grant lot 1 a minimum 20 foot wide joint driveway easement over the joint driveway.

Driveways longer than 300 feet shall be provided with an approved turnaround at the terminus. There shall also be approved turnouts constructed such that the maximum distance from turnout to turnout or from turnout to turnarounds does not exceed 500 feet per standard detail drawing # 33. (See Condition A-2c and Condition F-3)

Road Modification (EVR2009-00027)
Finding 5
The applicant has requested the following road modifications:
1. To modify a standard tee hammerhead turnaround to a sideway hammerhead.
2. To delete the offsite improvement requirement for widening the offsite private roadway from 15 feet wide to 20 feet wide and about 1,800 feet long; and in lieu of the widening, construct three passing turnouts per Standard Detail Drawing 33.
3. To reduce the sight distance mitigation needed to achieve 500 feet of sight distance at the intersection of NE 216th Avenue and State Route 503.

Approval Criteria
If the development cannot comply with the Transportation Standards, modifications may be granted in accordance with the procedures and conditions set out in CCC 40.550. The request shall meet one (or more) of the following four specific criteria:

a. *Topography, right-of-way, existing construction or physical conditions, or other geographic conditions impose an unusual hardship on the applicant, and an equivalent alternative, which can accomplish the same design purpose, is available.*
b. *A minor change to a specification or standard is required to address a specific design or construction problem, which, if not enacted, will result in an unusual hardship.*
c. *An alternative design is proposed which will provide a plan equal to or superior to these standards.*
d. *Application of the standards of the Transportation Standards to the development would be grossly disproportional to the impacts created.*

Staff finds that the applicant has provided sufficient justification for the road modification requests and staff concurs with the recommended mitigation measures the engineer has discussed. Staff believes the proposal complies with 40.550.010(A)(1)(d). Staff, therefore, has recommended Approval of the three road modification requests subject to conditions. Development Engineering Manager has approved the road modification requests. (See Exhibit 12 and Conditions A-2a, A-2b, A-2c)

Conclusion (Transportation):
Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the transportation requirements of the Clark County Code.

TRANSPORTATION CONCURRENCY:
None

STORMWATER:
Applicability
Finding 1
Stormwater and Erosion Control Ordinance CCC 40.380 applies to development activities that results in 5,000 square feet or more of new impervious area within the rural area and all land disturbing activities, except those exempted in Section CCC 40.380.030(A).

According to the applicant when fully developed, the short plat will create approximately 4,150 square feet of impervious surface. The future homes will create approximately 4,000 square feet of impervious surface and the individual driveways will add another 27, 000 square feet of impervious surfaces. Exactly how much area on each lot will be impacted is currently not known. These areas will be partially replaced with impervious surface such as gravel, pavement, concrete, and roofs. The project creates more than 5,000 square feet of impervious surfaces and is a land disturbing activity not exempted in Section CCC 40.380.030(A). Therefore, this development shall comply with the Stormwater and Erosion Control Ordinance, CCC 40.380.

The erosion control ordinance is intended to minimize the potential for erosion and a plan is required for all projects meeting the applicability criteria listed in CCC 40.380,050. This project is subject to the erosion control ordinance.

Stormwater Proposal:
Finding 2
The runoff from the project's impervious surfaces will be dispersed through the existing pervious surfaces and proposed landscaping for water quality and water quantity. This development is currently vested under the previous stormwater code, CCC 40.380. The superseded code allows full dispersion as a form of water quality and quantity mitigation as an Experimental Best Management Practices described in Section CCC 40.380.040(9).

A note shall be placed on the final plat stating that:
Prior to building permit issuance, the application owner must submit a plan for drainage project review and obtain approval for the onsite stormwater control system, unless the stormwater control system for the lot is pre-designed and approved with the preliminary or a final stormwater plan, or demonstrate CCC 40.380.040(B) and CCC 40.380.040(C) do not apply. (See Plat Note D-7h and Condition E-2b)

The stormwater control facilities as proposed will be a privately owned and maintained by each of the homeowners of this short plat. (See Condition D-7f)

Conclusion (Stormwater):
Based upon the development site characteristics, the proposed stormwater plan, the requirements of the County's stormwater ordinance, and findings above, staff concludes that the proposed preliminary stormwater plan is feasible subject to conditions. Therefore, the requirements of the preliminary plan review criteria are satisfied.

FIRE PROTECTION:

Fire Marshal Review

Finding 1

This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375, ext. 4095 or 3323; or, e-mail at Tom.scott@clark.wa.gov. Information can be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

Building Construction

Finding 2

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. (See Condition B-2a

Fire Flow

Finding 3

Fire flow in the amount of 500 gallons per minute supplied for 30 minutes duration is required for this application. Information from the water purveyor indicates that the required fire flow is not available within 1000 feet of the property line. Fire hydrants will not be required. Alternative construction methods shall be used to meet fire flow; this will require 30 foot rear and side setbacks and a class "A" rated roof. An automatic fire sprinkler system may be required for new residential structures exceeding 3,600 square feet of habitable space. (See Condition D-4a)

Fire Vehicle Route

Finding 4

The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standard. Provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus. (See Condition D-4b)

Vehicle Turnaround

Finding 5

Turnouts and turnarounds are required and as indicated are adequate. (See Condition D-4c)

Conclusion (Fire Protection):

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the fire protection requirements of the Clark County Code.

WATER & SEWER SERVICE:

Finding 1

Clark Public Utilities (CPU) provides potable water in the area. A utility review from CPU indicates that public water is not available to the site because the nearest water

main is 3 miles away. Therefore, each lot will have its own well to provide potable water and an onsite septic system for sewage for effluent collection and disposal. The applicant shall implement the improvements necessary to provide each lot with its own onsite well and septic system percolation approval prior to final plat recording. (See Condition D-3j)

Finding 2
The use of water wells and septic systems are proposed to serve the site. A "Health Department Evaluation Letter" has been submitted that confirms the Health Department conducted an evaluation of the site and determined that no existing wells or septic systems are located on the site, and no structures on the site have been hooked up to water and sewer. The letter also confirms that the proposed wells and septic systems are feasible, subject to conditions of approval. (See Condition A-7)

Finding 3
Where use of wells or septic systems is proposed, the Health Department must sign the final plat prior to submittal to the county for final plat review and recording. (See Condition D-3)

Conclusion (Water & Sewer Service):
Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the water and sewer service requirements of the Clark County Code.

IMPACT FEES:
Finding 1
There is no defined parks improvement district in the area; but, Battle Ground School District Impact Fees (SIF) and Rural 2 Traffic Impact Fees (TIF) will be assessed on the 2-lot short plat prior to building permit issuance in accordance with CCC 40.610.

The following note shall be placed on the final plat stating that:
"In accordance with CCC 40.610, park, school and traffic impact fees shall be assessed on the 2 lots as follows:

1. $8,290.00 SIF per new single-family dwelling in Battle Ground School District; and,
2. $593.82 TIF per new single-family dwelling in Rural 2 Traffic Impact fee district

"The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated _____, and expiring on _____. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedules." (See Conditions D-5f and E-1)

SEPA DETERMINATION

As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are

possible significant adverse environmental impacts associated with this proposal. The options include the following:

- **DS = Determination of Significance** (The impacts cannot be mitigated through conditions of approval and, therefore, require the preparation of an Environmental Impact Statement (EIS).

- **MDNS = Mitigated Determination of Non-Significance** (The impacts can be addressed through conditions of approval); or,

- **DNS = Determination of Non-Significance** (The impacts can be addressed by applying the County Code).

The likely SEPA determination of Non-Significance (DNS) in the Notice of Development Review Application issued on September 11, 2009, is hereby final.

SEPA APPEAL PROCESS:

An **appeal** of this SEPA determination and any required mitigation must be filed with the Department of Community Development within fourteen (14) calendar days from the date of this notice. The SEPA appeal fee is **$1,493**.

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

SEPA Appeals must be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;

2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030 (H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;

3. A brief statement describing why the SEPA determination is in error.

The decision of the Hearing Examiner on any SEPA procedural appeal can not be appealed to the Board of County Commissioners, but must pursue judicial review.

Staff Contact Person: Michael Uduk, (360) 397-2375, ext. 4385
Michael V. Butts, (360) 397-2375, ext. 4137

Responsible Official: Michael V. Butts, Development Services Manager

DECISION

Based upon the proposed plan (identified as Exhibit 1), and the findings and conclusions stated above, the Development Services Manager hereby **APPROVES** this request, subject to the following conditions of approval:

CONDITIONS OF APPROVAL

A Final Construction Review for Land Division
Review & Approval Authority: Development Engineering

Prior to construction, a Final Construction Plan shall be submitted for review and approval, consistent with the approved preliminary plan and the following conditions of approval:

A-1 Final Construction Plan:
The applicant shall submit and obtain County approval of a final construction plan with the following:

a. Archaeology
A note shall be placed on the face of the final construction plans as follows:
"If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Department of Archaeology and Historic Preservation in Olympia shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines." (See Archaeology Findings)

b. Habitat Plan:
(See Plat Note D-7i)

A-2 Final Transportation Plan/On-Site:
The applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350 and the following conditions of approval:

a. Prior to final plat approval, the applicant shall construct 3 approved turnouts along the offsite private road per the approved engineering drawing. (**See Transportation Finding 1)**

b. Prior to final plat approval the applicant shall provide 400 feet of sight distance facing south on SR 503 from NE 216th Avenue by removing some of the

embankment out of the WSDOT right-of-way per approved engineering drawing. **(See Transportation Finding 3)**

c. The applicant shall establish a minimum 20 foot wide Joint driveway easement over lot 2. All new Driveways/new Joint Driveways shall have a minimum width of 12 feet of clear, unobstructed driving surface. Driveways longer than 300 feet shall be provided with an approved turnaround at the terminus. There shall also be approved turnouts constructed such that the maximum distance from turnout to turnout or from turnout to turnarounds does not exceed 500 feet per standard detail drawing # 33. (See Transportation Finding 4)

A-3 Final Transportation Plan/Off Site (Concurrency):

None

A-4 Transportation:

a. Traffic Control Plan: Prior to issuance of any building or grading permits for the development site, the applicant shall obtain written approval from WSDOT of the applicant's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system.

A-5 Final Stormwater Plan:

None

A-6 Erosion Control Plan:

The applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.380.

A-7 Health Department Review:

Submittal of a "Health Department Project Evaluation Letter" is required as part of the Final Construction Plan Review or early grading application. If the Evaluation Letter specifies that certain actions are required, the Evaluation Letter will specify the timing of when those activities must be completed (e.g., prior to Final Construction Plan Review, construction, Provisional Acceptance, Final Plat Review, building permit issuance, or occupancy), and approved by the Health Department. (See Water and Sewer Services Finding 2)

A-8 Fire Marshal Requirements:

(See Conditions B-2a, D-4a, b, c)

A-9 Excavation and Grading:

Excavation / grading shall be performed in compliance with CCC Chapter 14.07.

B Prior to Construction of Development
Review & Approval Authority: Development Inspection

Prior to construction, the following conditions shall be met:

B-1 Pre-Construction Conference:

a. Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.

B-2 Fire Marshal Requirements:

a. Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. (See Fire Protection Finding 2)

B-3 Erosion Control:

Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.

B-4 Erosion Control:

Erosion control facilities shall <u>not</u> be removed without County approval.

C Provisional Acceptance of Development
Review & Approval Authority: Development Inspection

Prior to provisional acceptance of development improvements, construction shall be completed consistent with the approved final construction plans and the following conditions of approval:

C-1 None

D Final Plat Review & Recording
Review & Approval Authority: Development Engineering

Prior to final plat approval and recording, the following conditions shall be met:

D-1 Land Use:

The applicant shall comply with the development standards in Table 40.210.020-3 (Setbacks, Lot Coverage and Building Height) in the R-10 district. (See Land Use Finding 2)

D-2 Health Department Signature Requirement:

The Health Department is <u>not</u> required to sign the final plat, <u>unless</u> the use of well or septic systems is proposed.

D-3 On-Site Water Wells and Sewage System Requirements:

For on-site water wells and sewage system, the following requirements shall be completed:

a. Small public water systems shall be drilled and approved by the Health Department prior to final plat approval;
b. A 100-foot radius of protection for any wells shall be shown on the final plat map and be located within the boundaries of the land division;
c. The location of all existing wells (in use, not in use or abandoned) shall be indicated on the final plat map;
d. Each on-site sewage system shall be on the same lot it serves;
e. Test hole locations corresponding to the designated treatment sites shall be surveyed and indicated on the final plat map;
f. No public or private easements or rights-of-way shall be extended through the approved, reserve or existing on-site sewage system sites;
g. Provisions shall be made to prevent flow or accumulation of surface water over the area where an on-site sewage system is located;
h. A copy of the County approved final drainage plan shall be submitted for review; and,
i. All proposed lots shall have a current approved septic system site evaluation or septic system permit. Should either be allowed to expire, subsequent approval of an on-site sewage treatment system cannot be assured and, therefore, the Health Department will not sign the final plat.
j. The applicant shall implement the improvements necessary to provide each lot with its own on-site well and septic system percolation approval prior to final plat recording. (See Water and Sewer Services Finding 1)

D-4 Fire Marshal Requirements:

a. Fire flow in the amount of 500 gallons per minute supplied for 30 minutes duration is required for this application. Information from the water purveyor indicates that the required fire flow is not available within 1,000 feet of the property line. Fire hydrants will not be required. Alternative construction methods shall be used to meet fire flow; this will require 30 foot rear and side setbacks and a class "A" rated roof. An automatic fire sprinkler system may be required for new residential structures exceeding 3,600 square feet of habitable space. (See Fire Protection Finding 3)

b. The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standard. Provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus. (Fire Protection Finding 4)

c. Turnouts and turnarounds are required and as indicated are adequate. (See Fire Protection Finding 5)

D-5 Developer Covenant:

A "Developer Covenant to Clark County" shall be submitted for recording to include the following:

a. Private Road Maintenance Covenant: A private road maintenance covenant shall be submitted to the responsible official for approval and recorded with the County Auditor. The covenant shall set out the terms and conditions of responsibility for maintenance, maintenance methods, standards, distribution of expenses, remedies for noncompliance with the terms of the agreement, right of use easements, and other considerations, as required under 40.350.030(C)(4)(g).

b. Private Roads: "Clark County has no responsibility to improve or maintain the private roads contained within or private roads providing access to the property described in this development. Any private access street shall remain a private street, unless it is upgraded to meet applicable current road standards at the expense of the developer or abutting lot owners to include hard surface paving and is accepted by the county for public ownership and maintenance."

c. Critical Aquifer Recharge Areas: "The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater / drinking supply protection."

d. Erosion Control: "Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."

e. Land Near Agricultural, Forest or Mineral Resources: Land owners and residents are hereby notified that this plat is located within 500 feet of lands zoned agriculture-wildlife (AG-WL), agriculture (AG-20), forest (FR-40, FR-80), or surface mining (S), or in current use under Revised Code of Washington (RCW) Chapter 84.34. Therefore, the subject property is within or near designated agricultural land, forest land or mineral resource land (as applicable) on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration. Potential discomforts or inconveniences may include, but are not limited to: noise, odors, fumes, dust, smoke, insects, operation of machinery (including aircraft) during any twenty-four (24) hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides.

f. Impact Fees: "In accordance with CCC 40.610, the School and Traffic Impact Fees for each dwelling in this short plat are: $8,290.00 (Battle Ground School District) and $593.82 (Rural 2 TIF District), respectively. The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated _____, and expiring on _____. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule."

D-6 Addressing:

At the time of final plat, existing residence(s) that will remain may be subject to an address change. Addressing will be determined based on point of access.

D-7 Plat Notes:

The following notes shall be placed on the final plat:

a. Mobile Homes: "Mobile homes are permitted on all lots subject to the requirements of CCC 40.260.130."

b. Archaeological: "If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Department of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."

c. Septic Systems: "The approved, initial, reserve, and/or existing sewage system sites shall be protected from damage due to development. All sites shall be maintained so they are free from encroachment by buildings and not be subject to vehicular traffic or other activity which would adversely affect the site or system function."

d. Utilities: "An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."

e. Driveways: "All residential driveway approaches entering public roads are required to comply with CCC 40.350."

f. Privately Owned Stormwater Facilities: "The home owner is responsible for long-term maintenance of the privately owned stormwater facilities"

g. Geologic Hazard: "When specific grading and home development plans are available for the home site, that applicant shall contact a professional engineer

and geologist licensed in the State of Washington to review the plans to determine site specific and appropriate geotechnical engineering mitigation for potential development impact. If home sites are proposed near the steeper slopes, a geotechnical evaluation of these locations should be conducted prior to issuance of a building or grading permit, whichever comes first." (See Geologic Hazard Finding 1)

h. Stormwater: "Prior to building permit issuance, the applicant shall submit a plan for drainage project review and obtain approval for the onsite stormwater control system, unless the stormwater control system for the lot is pre-designed and approved with the preliminary or a final stormwater plan, or demonstrate CCC 40.380.040(B) and CCC 40.380.040(C) do not apply." (See Stormwater Finding #2)

i. Habitat Plan: "The applicant shall clearly show building envelopes and habitat areas on the face of the final plat. Any revisions to the proposed building envelopes will require additional review." (See the habitat Findings)

E Building Permits
Review & Approval Authority: Customer Service

Prior to issuance of a building permit, the following conditions shall be met:

E-1 **Impact Fees:** The applicant shall pay impact fees based on the number of dwelling units in the building, as follows:

a. $8,290.00 per dwelling for School Impact Fees (Battle Ground School District); and,

b. $593.82 per dwelling for Traffic Impact Fees (Rural 2 TIF District).

If the building permit application is made more than three years following the date of preliminary land division plan approval, the impact fees shall be recalculated according to the then-current rate.

E-2 **Engineering Requirements:**

a. Geo-hazard Areas: See Plat Note #D-7g

b. Stormwater: See Plat Note #7h

F Occupancy Permits
Review & Approval Authority: Building

Prior to issuance of an occupancy permit, the following conditions shall be met:

F-1 All work shall be completed on the engineering drawings and as-built Mylar shall be submitted for review and approved.

F-2 Prior to issuance of occupancy for each home, the applicant shall construct a sideway hammerhead per the approved engineering drawing. **(See Transportation Finding 2)**

F-3 All new Driveways/new Joint Driveways shall have a minimum width of 12 feet of clear, unobstructed driving surface. Driveways longer than 300 feet shall be provided with an approved turnaround at the terminus. There shall also be approved turnouts constructed such that the maximum distance from turnout to turnout or from turnout to turnarounds does not exceed 500 feet per standard detail drawing # 33. **(See Transportation Finding 1)**

G Development Review Timelines & Advisory Information
Review & Approval Authority: None - Advisory to Applicant

G-1 Land Division:
Within 5 years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.

G-2 Department of Ecology Permit for Construction Stormwater:
A permit from the Department of Ecology (DOE) is required If:

- The construction project disturbs one or more acres of land through clearing, grading, excavating, or stockpiling of fill material; **AND,**
- There is a possibility that stormwater could run off the development site during construction and into surface waters or conveyance systems leading to surface waters of the state.

The cumulative acreage of the entire project whether in a single or in a multiphase project will count toward the one acre threshold. This applies even if the applicant is responsible for only a small portion [less than one acre] of the larger project planned over time. **The applicant shall Contact the DOE for further information**.

H Post Development Requirements
Review & Approval Authority: As specified below

H-1 None

Note: The Development Services Manager reserves the right to provide additional comment and findings of fact regarding this decision, if appealed.

Decision Appeal Process:
An **appeal** of any aspect of this decision may be appealed to the County Hearing Examiner only by a party of record. A "Party of Record" includes the applicant and those

individuals who submitted written testimony to the Development Service Manager within the designated comment period.

The appeal shall be filed with the Department of Community Development, Permit Services Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record. This decision was mailed on February 5, 2010. Therefore any appeal must be received in this office by February 19, 2010.

Any appeal of the final land use decisions shall be in writing and contain the following:

- Case number designated by the County;
- Name of the applicant;
- Name of each petitioner;
- Signature of each petitioner or his or her duly authorized representative;
- A statement showing the following:
  - That each petitioner is entitled to file the appeal as an interested party in accordance with CCC 40.510.030(H);
  - The specific aspect(s) of the decision being appealed;
  - The reasons why each aspect is in error as a matter of fact or law;
  - The evidence relied on to prove the error; and,
- The appeal fee of **$5,240** (Planning = $4,826 + Engineering = $414).

Ninety percent (90%) of the fee will be refunded if the appeal is withdrawn in writing by the petitioner at least 15 calendar days before the public meeting to consider the appeal.

Attachments:

- Copy of Proposed Preliminary Plan

A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA. 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011

A copy of the Clark County Code is also available on our Web Page at:
Web Page at: http://www.clark.wa.gov

Final Decision Attachment

For Employee Use Only -This is not part of the decision, but rather an attachment for processing purposes only.

Final Plans Required with Construction Plans	YES	NO
Final Landscape Plan:		x
-On-site landscape plan		x
-Right-of-way landscape plan*		
Final Wetland Plan		x
Final Habitat Plan	x	

*Final right-of-way landscape plan required for projects fronting on arterial and collector streets.

Note: If final plan submittals are required, list each plan under Case Notes in Permit Plan for future reference.

Building Setbacks
Established at Preliminary Plan Review

Project Name: **BRAINARD SHORT PLAT**

Case Number: **PLD2009-00034**

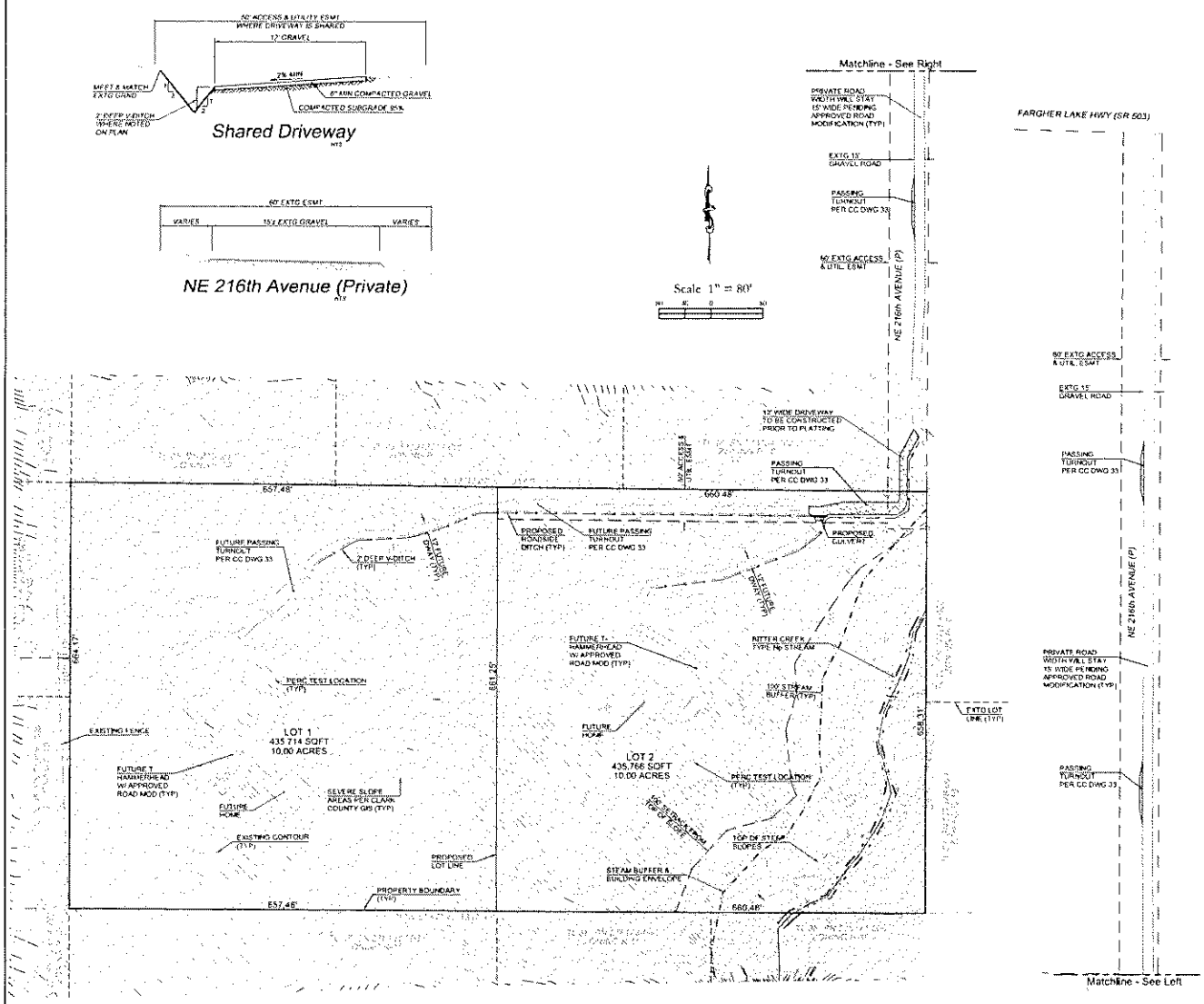
The following minimum building setback requirements are based upon the zoning in place at the time, or setbacks as otherwise approved through preliminary plan review of the above listed project.

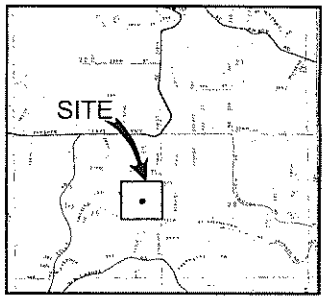
Setback Requirements by Lot

Proposed housing development on each lot must comply with the standards in Table 40.210.020-3 (Setbacks, Lot Coverage and Building Height).

Brainard Short Plat

Located in a portion NE 1/4 of Section 29 T5N, R3E, W.M.
Clark County, Washington





VICINITY MAP
NOT TO SCALE

PROJECT NOTES:

Applicant & Owner:
Brad Brainard
5838 SE Tikki Court
Milwaukie, OR 97267
Ph. (503) 786-9403
e-mail: brad_brainard@msn.com

Project Contact:
PLS Engineering
Travis Johnson
1014 Franklin Street, Atrium Suite
Vancouver, WA 98660
Ph. (360) 944-6519
Fax (360) 944-6539
e-mail: travis@plsengineering.com

Project Notes:
The parcel is identified as tax lot 37, serial number 278175-000. The site is vacant and forested.

This project is within the R-10 zone of Clark County, a Single-family Residential zone. The comprehensive plan designation for the site is R-10.

Lot Setbacks:
Front = 50'
Side = 20'
Street Side = 25'
Side (Agricultural use structures) = 50'
Rear = 20'
Rear (Agricultural use structures) = 50'

Site Area - 20.01 acres (871,482 sq ft)
Total Number of Lots = 2
Lot 1 = 435,714 sq ft
Lot 2 = 435,766 sq ft
Average Lot Size = 435,740 sq ft

No right-of-way will be dedicated to Clark County.

The development is accessed from NE 216th Avenue, a private road. A road modification for disproportionality will be applied for during the preliminary submittal process to maintain the current width of NE 216th Avenue. Three turnouts meeting the Clark County Drawing 33 requirements are proposed at 500' intervals on NE 216th Avenue. A shared driveway will connect to NE 216th Avenue to access the proposed lots. From the end of the shared driveway two 12' wide driveways will be constructed to provide access to each lot. A T-hammerhead is proposed at the end of each individual driveway. A road modification will be submitted for approval of the modified hammerhead.

Clark County has no responsibility to improve or maintain the private street(s) contained within or private street(s) providing access to the property described in this plat.

Public Water Purveyor = Clark Public Utilities.

Public Sewer Purveyor = Septic Systems are proposed.

Portions of the site are identified by Clark County GIS as containing slopes greater than 15% and potential severe erosion hazard areas. During the final plat process, a geotechnical evaluation of the site's steep slopes will be performed and proposed development will comply with the geotechnical recommendations. The geotechnical engineer will review and approve the final construction drawings.

Bitter Creek drains through the southeast corner of the site. Department of Natural Resources classifies this stream as a non fish bearing perennial stream (Np). The final plat will demonstrate compliance of the proposed development with stream buffers.

There are no known wells or septics on site. If any should be found during site development they will be properly abandoned.

There are no existing structures.

No pedestrian facilities will be provided with this development.

There are no transit stops within the general area.

There are no hydrants in the general area and no hydrants are proposed with this development.

Contour data shown on the existing conditions plan are from the GIS Department of Clark County. Boundary information was provided by Lawson Land Services.

Please refer to the project narrative for additional information regarding this proposal

PLS ENGINEERING

Preliminary Plat and Existing Conditions Plan For:
Brainard Short Plat
A Short Plat Located In Clark County, Washington

Revisions

A	June 30, 2009	Submitted For Review	TGJ
B			
1			
2			
3			
4			

Project No.: 2106
SCALE: H 1" = 80' V N/A
DESIGNED BY: TGJ
DRAFTED BY: TGJ
REVIEWED BY: AJG

1 / 1

REVISED
Site Plan

Property Owner

that were mailed the notice

NE 1/4 of Section 29 T5R3E WM

Major Roads
- State
- State On-Ramp
- Interstate
- Interstate On-Ramp
- Primary Arterial
- Arterial
- Roads

Municipal Jurisdiction
- Unincorporated
- Incorporated

Community Development (Development Serv

<Empty Picture>

Plot Date: Sep 11, 2009
Map produced by:

Information shown on this map was collected from several sources. Neither Clark County or the agency producing this document accept responsibility for any inaccuraces that may be present.

N

proud past, promising future

CLARK COUNTY
WASHINGTON

DEPARTMENT OF PUBLIC WORKS
DEVELOPMENT ENGINEERING

ROAD MODIFICATION REPORT & RECOMMENDATION

Project Name	Brainard Short Plat
Case Number	EVR2009-00027
Staff Engineer	Brad Hazen
Report Issue Date	December 23, 2009

SUBJECT PROPERTY:

Parcel No.	Address	Parcel Classification	Parcel Size (acre)
278175000	NE 216th ave, Yacolt, WA	R-10	20.01

Project Description	2 lot short plat
Road Modification Request	1. To modify a standard tee hammerhead turnaround to a sideway hammerhead as shown on the attached detail. 2. To delete the offsite improvement requirement for widening the offsite private roadway from 15 feet wide to 20 feet wide and about 1,800 feet long; and in lieu of the widening, construct three passing turnouts per Standard Detail Drawing 33. 3. To reduce the sight distance mitigation needed to achieve 500 feet of sight distance at the intersection of NE 216th Avenue and State Route 503.
Code Sections	1. Standard Drawing #32 shows a tee rural hammerhead. 2. Per CCC 40.350.030(6)(b)(2), any pre-existing roadway narrower than eighteen (18) feet with (1) foot shoulders shall be widened to the full twenty (20) foot standard. Per CCC 40.350.030(6)(a), nothing in this section shall be construed to preclude denial of a proposed development where off-site road conditions are inadequate to provide a minimum level of service as specified in Section 40.350.020 or a significant traffic or safety hazard would be caused or materially aggravated by the proposed development; provided, that the applicant may voluntarily agree to mitigate such direct impacts in accordance with the provisions of RCW 82.02.020.

Approval Criteria

If the development cannot comply with the Transportation Standards, modifications may be granted in accordance with the procedures and conditions set out in CCC 40.550. The

EXHIBIT # 12

request shall meet one (or more) of the following four specific criteria: a. *Topography, right-of-way, existing construction or physical conditions, or other geographic conditions impose an unusual hardship on the applicant, and an equivalent alternative, which can accomplish the same design purpose, is available.* b. *A minor change to a specification or standard is required to address a specific design or construction problem, which, if not enacted, will result in an unusual hardship.* c. *An alternative design is proposed which will provide a plan equal to or superior to these standards.* d. *Application of the standards of the Transportation Standards to the development would be grossly disproportional to the impacts created.*	
<u>Applicant's Discussion</u>	1. For changing the tee hammerhead to a sideway hammerhead, the applicant proposes that the road modification request can be justified per CCC 40.550.010(A)(1)(b) and (c). The applicant indicates the sideway hammerhead will provide the necessary functionality to provide a safe turnaround for all safety and utility vehicles. The Battalion Chief for the Clark County fire District 10 agrees with the applicant as stated in his letter. 2. The applicant requests relief from widening the offsite private road from the existing 15 feet wide to the 20 foot wide standard and states this can be justified per CCC 40.550.010(A)(1)(d). The applicant has provided an engineer's estimate for this work stating the total cost for this offsite improvement would be $41,068 and would be grossly disproportional to the impacts created. The applicant is willing to mitigate the impact to the offsite private roadway by constructing 3 passing turnouts per Clark County Standard Detail # 33. The Battalion Chief for the Clark County fire District 10 agrees with the applicant as stated in his letter. 3. For the lack of sight distance at the offsite intersection of NE 216th Avenue and SR 503, the applicant's engineer has stated that looking to the northeast along SR 503, there is 500 feet of sight distance; and looking to the south there is about 320 feet. Minimum sight distance required is 500 feet. The applicant has provided an engineer's estimate for this work stating the total cost for this offsite improvement would be $79,590 and would be grossly disproportional to the impacts created per CCC 40.550.010(A)(1)(d). Engineering staff was unable to recommend approval of this road modification request due to a conflict with public safety. The applicant's engineer has performed a speed study at the location where the sight distance is deficient. The speed

	study indicates that the 85th percentile speed in this location is 40 mph. The applicant's engineer has revised the road modification request at this intersection to the following: Due to the fact the 85th percentile of speed is 40 mph around this corner, the applicant is requesting the project to be required to provide 400 feet of sight distance facing south on SR503 from NE 216th Avenue by removing some of the embankment out of WSDOT right-of-way. See the attached applicant's engineer road modification request, pages 1-9.
Staff's Evaluation	Staff believes the applicant has provided sufficient justification for road modification requests 1 & 2. In addition, Clark County Battalion Chief for Clark County Fire District 10 concurs with the applicant's engineer for road modification requests 1 and 2. Staff believes the road modification #1 can be justified per CCC 550.010(A)(1)(c) and road modification #2 can be justified per CCC 550.010(A)(1)(d). In regards to the road modification request 3, the Clark County transportation standards provides a provision for the applicant to conduct a speed study to determine if the posted speed is different than the 85th percentile speed which is true in this case. Staff believes the road modification proposal complies with 40.550.010(A)(1)(a,& d).
Recommendation	Staff's recommendation is Approval of the road modification requests subject to conditions.
Conditions	1. Prior to issuance of occupancy for each home, the applicant shall construct a sideway hammerhead per the approved engineering drawing. 2. Prior to final plat approval, the applicant shall construct 3 approved turnouts along the offsite private road 3. Prior to final plat approval the applicant shall provide 400 feet of sight distance facing south on SR 503 from NE 216th Avenue by removing some of the embankment out of the WSDOT right-of-way per approved engineering drawings.

☒ **Approved** ☐ **Approved As Noted** ☐ **Denied**

Sue Stepan 12-24-2009

Sue Stepan, P.E., Development Engineering Program Manager *DATE*

PLS ENGINEERING
Civil Engineering and Planning

1014 Franklin Street, Atrium Suite
Vancouver, WA 98660

Ph. (360) 944-6519
Fax (360) 944-6539

October 20, 2009

Mr. Brad Hazen
Clark County Development Services
1300 Franklin Street
PO Box 9810
Vancouver, WA 98666

RE: Brainard Short Plat, PAC 2009-00053
Design Road Modification

Dear Mr. Hazen:
We are requesting a Design Modification to the Road Standards (CCC 40.350.030), under **CCC 40.550.010 Road Modifications**, to modify the proposed hammerhead from a "tee" hammerhead to a sideways hammerhead as shown on the attached detail and to alleviate the applicant from providing off site improvements to include widening 216th Avenue from the existing width of 15 feet to 20 feet and provide minimum sight distance at the intersection of NE 216th Avenue and Fargher Lake Highway.

In order to evaluate the Road Modification Request the request must satisfy at least one of the following criteria from 40.550.010 Road Modifications:

A. Criteria.

1. Modifications to the standards contained within Chapter 40.350 may be granted in accordance with the procedures set out herein when any one of the following conditions are met:

a. Topography, right-of-way, existing construction or physical conditions, or other geographic conditions impose an unusual hardship on the applicant, and an equivalent alternative which can accomplish the same design purpose is available.

b. A minor change to a specification or standard is required to address a specific design or construction problem which, if not enacted, will result in an unusual hardship.

c. An alternative design is proposed which will provide a plan equal to or superior to these standards.

d. Application of the standards of Chapter 40.350 to the development would be grossly disproportional to the impacts created.

1/9

To modify the proposed hammerhead from a "tee" hammerhead to a sideways hammerhead the applicant is requesting a modification utilizing criteria 1b & 1c. We are proposing sideways hammerheads at the dead ends of the driveways to lots 1 and 2 of the short plat as shown on the attached exhibit. The sideways hammerheads will provide the necessary functionality to provide a safe turnaround for all safety and utility vehicles and will function equally to the Clark County's tee hammerhead without creating unusual hardship to the applicant.

A turnaround such as a cul-de-sac or a hammerhead is required to provide fire trucks and/or utility vehicles such as garbage trucks a place to turn around without compromising safety. The controlling vehicle for turnarounds is a fire truck. The sideways hammerhead provides a turnaround that is an equal design to the tee hammerhead and provides the same function with fewer impacts. The only difference between the standard "tee" hammerhead turnaround and the sideways hammerhead that is proposed is that the turning movement of a vehicle using a sideways turnaround is performed while the vehicle is in reverse while the turning movement for a vehicle turning around in a standard hammerhead occurs with the vehicle moving forward. The sideways hammerhead that is proposed is generally consistent in configuration and dimensions with an alternate turnaround option included in Appendix D of the International Fire Code.

A letter is attached from the Battalion Chief, Gordon Brooks, from Clark County Fire District 10 confirming their acceptance of the use of the proposed sideways hammerhead for this project.

To alleviate the applicant from providing off site improvements to include widening 216th Avenue from the existing width of 15 feet to 20 feet and provide minimum sight distance at the intersection of NE 216th Avenue and Fargher Lake Highway the applicant is requesting a road modification utilizing criteria 1d. Attached is an engineer's estimate of the cost of improvements to widen offsite NE 216th Avenue. The improvements will require the applicant to widen the offsite existing private gravel road from 15 feet to 20 feet for a length of over 1800 feet. The engineer's estimate for the widening of NE 216th Avenue is $41,070. The applicant is proposing turnouts every 300 feet and has provided a letter from Fire District 10 for approval of the existing gravel private roadway based on its current width.

The intersection of NE 216th Avenue will require $79,950 of improvements to correct the sight distance facing southwest from NE 216th Avenue onto NE Fargher Lake Highway. The attached exhibit shows 500 feet of available sight distance facing northeast from NE 216th Avenue onto NE Fargher Lake Highway and 320 feet facing southwest from NE 216th Avenue onto NE Fargher Lake Highway. The cost of improvements to acquire right-of-way, excavate out the existing bank and stabilize the slope is disproportional to the development.

We request the County approve the waiver for the widening of the private NE 216th Avenue and relieve the applicant from correcting the lack of sight distance facing southwest onto Fargher Lake Highway from NE 216th Avenue. Attached is an engineer's estimate for the modifications, a sight distance exhibit and a letter from Fire District 10.

We also request the County approve the sideways hammerhead as an alternate turnaround at the end of the driveways for this project; this design allows the Applicant to more easily provide a safe turnaround for safety and utility vehicles without creating an unusual hardship to the applicant due to site topography. The proposed turnaround is equal in function to Clark County's Standard hammerhead turnaround. Fire District 10 has indicated it is an acceptable design for their use and the

proposed configuration and size is consistent with one of the turnaround options shown in Appendix D of the International Fire Code.

If you have any questions or comments please call me at (360) 944-6519 or e-mail me at travis@plsengineering.com.

Sincerely,
PLS Engineering

Travis G. Johnson, PE

TRAVIS G. JOHNSON
STATE OF WASHINGTON
43829
REGISTERED
PROFESSIONAL ENGINEER

10-20-09

3

Estimate of Construction Costs
for
Brainard Shot Plat

Item	Quantity	Units	Description	Price/unit	Cost
216th Avenue Private Road Widening					
1	1	LS	Topographic Survey For Design	$5,000.00	$5,000.00
2	1	LS	Mobilization	$5,000.00	$5,000.00
3	1	LS	Traffic Control	$5,000.00	$5,000.00
4	350	CY	Excavation (includes haul)	$13.00	$4,550.00
5	350	CY	Embankment (includes compaction)	$2.00	$700.00
6	0.2	AC	Clearing and Grubbing	$3,000.00	$650.83
7	1	LS	Regrade Ditch Line	$4,000.00	$4,000.00
8	1	LS	Erosion Control	$4,000.00	$4,000.00
9	324	TN	Crushed Surfacing Base Course	$30.00	$9,712.50
10	1	LS	Construction Staking	$500.00	$500.00
				Total Cost of General	**$39,113.33**

Subtotal Cost of Construction	***$39,113.33***
Contingency, 5%	***$1,955.67***
Total Cost of Construction	***$41,068.99***

NE Fargher Lake HWY Improvements for Sight Distance					
1	1	LS	Purchase Right-of-way	$18,000.00	$18,000.00
2	1	LS	Topographic survey	$4,500.00	$4,500.00
3	1	LS	Engineering Design	$12,000.00	$12,000.00
4	1,100	CY	Excavation (includes haul)	$13.00	$14,300.00
5	1	LS	Slope Stabalization	$16,500.00	$16,500.00
6	1	LS	Traffic Control	$6,500.00	$6,500.00
7	0.1	AC	Clearing and Grubbing	$2,000.00	$2,000.00
8	1	LS	Erosion Control	$1,200.00	$1,200.00
9	1	LS	Construction Staking	$800.00	$800.00
				Total Cost of General	**$75,800.00**

Subtotal Cost of Construction	***$75,800.00***
Contingency, 5%	***$3,790.00***
Total Cost of Construction	***$79,590.00***

Bing Maps

My Notes

FREE! Use Live Search 411 to find movies, businesses & more: 800-CALL-411.

500' SIGHT DISTANCE

320' SIGHT DISTANCE

Clark County Fire District 10
PO Box 309
Amboy, WA 98601
Serving Amboy, Cedar Creek, Chelatchie Prairie, Fargher Lake, Green Mountain, Highland and View
360-247-5233 Fax 360-247-6314

September 14, 2008

PLS Engineering
PO Box 821556
Vancouver, WA 98682

Re: Brainard Short Plat

Travis,

Fire District 10 agrees to the concepts shown in your drawing dated May 13, 2008 for the above referenced project. Specifically, we agree that for a single added lot, the turnouts as proposed for 216th Avenue and the subject driveway are appropriate, and the modified hammerhead will be sufficient for the needs of emergency services.

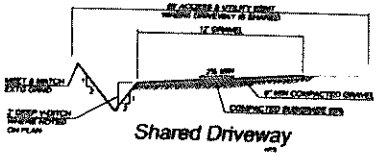
However, this conceptual approval only applies to breaking this 20 acre parcel into 2 - 10 acre parcels as shown. Further, in our investigation, we note that all surrounding parcels currently have homes, and do not appear to be subject to additional development. In our minds, this does not constitute a change in density, so we consider your proposals acceptable in this instance. Any change in plans will require additional review.

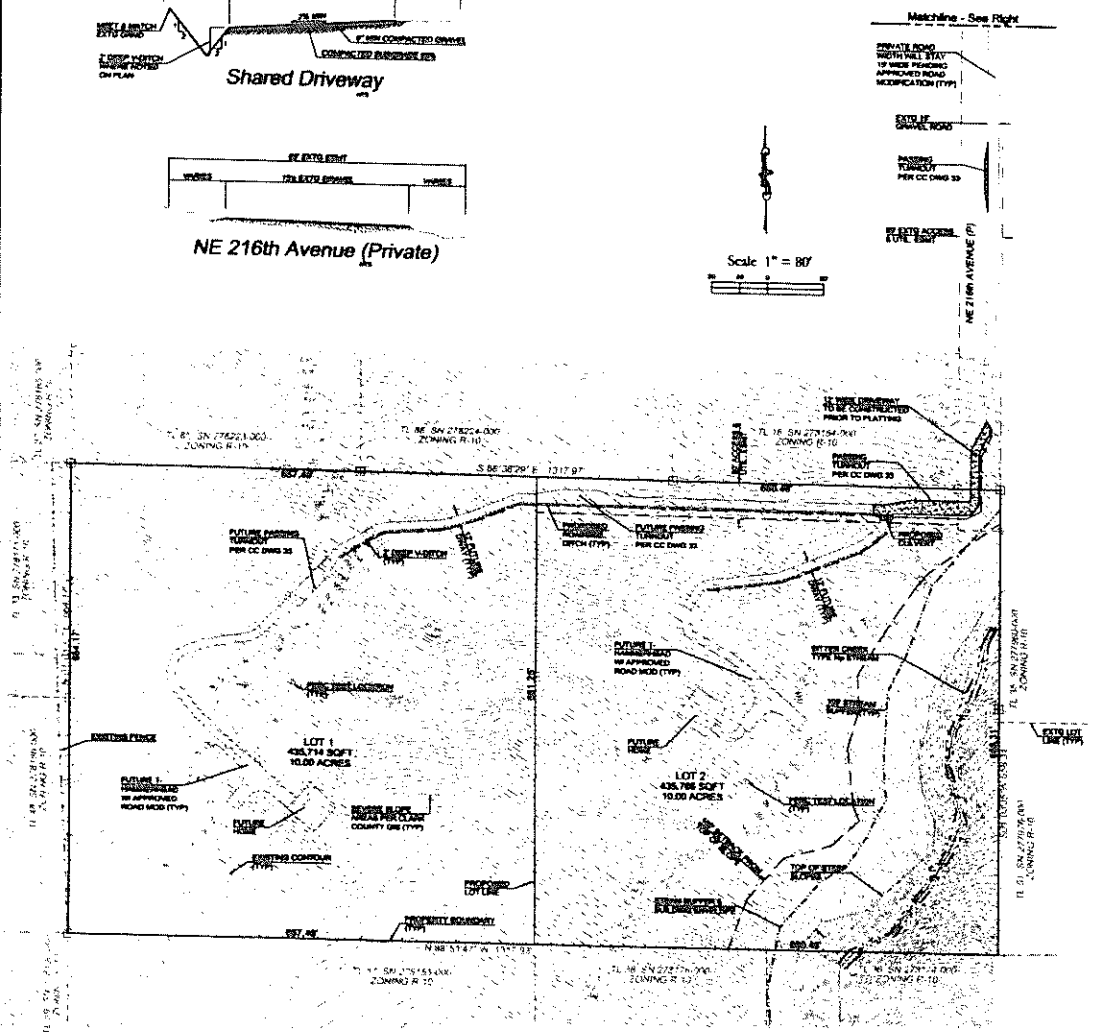
Sincerely,

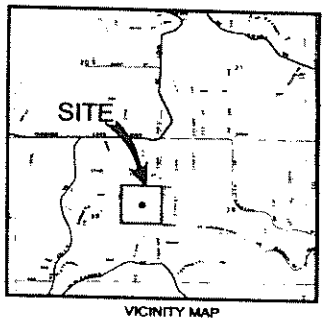
Gordon K. Brooks
Battalion Chief
Clark County Fire District 10

Brainard Short Plat

Located in a portion NE 1/4 of Section 29 T5N, R3E, W.M.
Clark County, Washington







VICINITY MAP
NOT TO SCALE

PROJECT NOTES:

Applicant & Owner:
Brad Brainard
5838 SE Tibbl Court
Milwaukie, OR 97267
Ph. (503) 786-9403
e-mail: brad_brainard@msn.com

Project Contact:
PLS Engineering
Travis Johnson
1014 Franklin Street, Atrium Suite
Vancouver, WA 98660
Ph. (360) 944-6519
Fax (360) 944-6539
e-mail: travis@plsengineering.com

Project Notes:
The parcel is identified as tax lot 37, assist number 278175-000. The site is vacant and forested.

This project is within the R-10 zone of Clark County, a Single-family Residential zone. The comprehensive plan designation for the site is R-10.

Lot Setbacks:
Front = 50'
Side = 20'
Street Side = 25'
Side (Agricultural use structures) = 50'
Rear = 20'
Rear (Agricultural use structures) = 50'

Site Area - 20.01 acres (871,482 sq ft).
Total Number of Lots = 2
Lot 1 = 435,714 sq ft
Lot 2 = 435,766 sq ft
Average Lot Size = 436,740 sq ft

No right-of-way will be dedicated to Clark County.

The development is accessed from NE 216th Avenue, a private road. A road modification for disproportionality will be applied for during the preliminary submittal process to maintain the current width of NE 216th Avenue. These turnouts meeting the Clark County Drawing 33 requirements are proposed at 500' intervals on NE 216th Avenue. A shared driveway will connect to NE 216th Avenue to access the proposed lots. From the end of the shared driveway two 12' wide driveways will be constructed to provide access to each lot. A T-hammerhead is proposed at the end of each individual driveway. A road modification will be submitted for approval of the modified hammerhead.

Clark County has no responsibility to improve or maintain the private street(s) contained within or private street(s) providing access to the property described in this plat.

Public Water Purveyor = Clark Public Utilities.

Public Sewer Purveyor = Septic Systems are proposed.

Portions of the site are identified by Clark County GIS as containing slopes greater than 15% and potential severe erosion hazard areas. During the final plat process, a geotechnical evaluation of the site's steep slopes will be performed and proposed development will comply with the geotechnical recommendations. The geotechnical engineer will review and approve the final construction drawings.

Bitter Creek drains through the southeast corner of the site. Department of Natural Resources classifies this stream as a non fish bearing perennial stream (Np). The final plat will demonstrate compliance of the proposed development with stream buffers.

There are no known wells or septics on site. If any should be found during site development they will be properly abandoned.

There are no existing structures.

No pedestrian facilities will be provided with this development.

There are no transit stops within the general area.

There are no hydrants in the general area and no hydrants are proposed with this development.

Contour data shown on the existing conditions plan are from the GIS Department of Clark County. Boundary information was provided by Lawson Land Services.

Please refer to the project narrative for additional information regarding this proposal

PLS ENGINEERING

Preliminary Plat and Existing Conditions Plan For:

Brainard Short Plat

A Short Plat Located In Clark County, Washington

Revisions

A	Jan 30, 2007	Submitted Per Review	TCJ
B			
C			
D			
E			
F			

Project No. 2386
SCALE: 1" = 80'
DESIGNED BY: TCJ
DRAFTED BY: TCJ
REVIEWED BY: AJC

1
1

Hazen, Brad

From: Travis Johnson [travis@plsengineering.com]
Sent: Monday, December 14, 2009 12:01 PM
To: Hazen, Brad
Cc: Uduk, Michael; 'Brad Brainard'; Safayi, Ali
Subject: RE: Brainard Short Plat - Additional Information

Attachments: SR-503 W-O Worthington Rd (2).pdf

SR-503 W-O
Vorthington Rd (2)..

Brad,

This e-mail is for the Brainard Short Plat development. As noted in the sight distance certification there is 320 feet of sight distance facing south on SR 503 from NE 216th Avenue. The applicant applied for a road modification to from the burden of providing sufficient sight distance per Clark County standards based on disproportionality. From previous conversations with County Staff this road modification could not be approved because of a conflict with safety.

To meet the sight distance requirements the applicant performed a speed study and found the north bound traffic traveled at 40 mph for the 85 percentile (speed study attached). Per CCC 40350.030(B)(8)(a) the county recommends for the applicant to perform a speed study if the actual traffic speeds are significantly different than the posted speed limit.

There are two horizontal curves on this section of roadway prior to the intersection of SR 503 and NE 216th Avenue. There is also a 25 mph Advisory Speed Sign prior to entering the curves. This is the reason for the reduction in speed from 50 mph to 40 mph as found per speed study.

We request the County to approve the project if the applicant provides 400 feet of sight distance facing south on SR 503 from NE 216th Avenue. If you have additional questions or concerns feel free to e-mail or phone, thanks.

Travis Johnson, PE
PLS Engineering
1014 Franklin Street, Atrium Suite
Vancouver, WA 98660
360-944-6519

This message (including any attachments) is intended only for the use of the individual or entity to which it is addressed and may contain information that is non-public, proprietary, privileged, confidential, and exempt from disclosure under applicable law or may constitute as attorney work product.
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Thank you.

-----Original Message-----
From: Hazen, Brad [mailto:Brad.Hazen@clark.wa.gov]
Sent: Monday, December 14, 2009 11:12 AM
To: Travis Johnson; Uduk, Michael
Subject: RE: Bernard Short Plat - Additional Information

Travis,

8

All Traffic Data Services, Inc.
15105 SE 17th St.
Vancouver, WA. 98683
PH. 503-833-2740

Site Code: 1

SR-503 W-O NE Worthington Rd

EB

Start Time	1 15	16 20	21 25	26 30	31 35	36 40	41 45	46 50	51 55	56 60	61 65	66 70	71 75	76 999	Total	85th Percent	95th Percent
11/11/09	0	0	0	2	6	6	4	0	0	0	0	0	0	0	18	41	43
01:00	0	0	0	0	2	10	3	0	0	0	0	0	0	0	15	41	42
02:00	0	0	1	0	1	3	0	0	0	0	0	0	0	0	5	37	38
03:00	1	0	2	0	1	3	1	0	0	0	0	0	0	0	8	38	41
04:00	0	0	0	0	0	1	1	0	0	0	0	0	0	0	2	41	41
05:00	0	0	0	2	2	1	2	0	0	0	0	0	0	0	7	41	42
06:00	1	0	0	4	7	4	1	0	0	0	0	0	0	0	17	37	39
07:00	3	0	0	4	15	9	1	0	0	0	0	0	0	0	32	38	39
08:00	1	1	3	1	25	16	5	0	0	0	0	0	0	0	52	39	42
09:00	**7**	**2**	1	**11**	**29**	**30**	**6**	0	0	0	0	0	0	0	**86**	39	41
10:00	1	0	0	3	23	29	3	0	0	0	0	0	0	0	59	39	40
11:00	1	0	1	2	27	17	4	0	0	0	0	0	0	0	52	39	41
12 PM	4	0	1	6	33	24	7	0	0	0	0	0	0	0	75	39	42
13:00	4	0	0	4	39	22	4	0	0	0	0	0	0	0	73	39	40
14:00	3	0	0	5	37	42	7	0	0	0	0	0	0	0	94	40	41
15:00	2	0	1	6	18	38	16	0	0	0	0	0	0	0	81	41	44
16:00	1	0	2	7	40	58	15	0	0	0	0	0	0	0	123	40	43
17:00	1	0	0	4	30	**62**	**21**	0	0	0	0	0	0	0	118	41	44
18:00	**5**	0	1	**12**	**61**	61	14	0	0	0	0	0	0	0	**154**	40	42
19:00	4	0	0	1	34	58	12	1	0	0	0	0	0	0	110	40	43
20:00	0	0	1	3	15	36	8	0	0	0	1	0	0	0	64	40	43
21:00	0	0	0	2	32	50	7	0	1	0	0	0	0	0	92	40	42
22:00	1	0	1	5	6	23	7	0	0	0	0	0	0	0	43	41	43
23:00	0	0	0	0	12	13	5	2	0	0	0	0	0	0	32	42	45
Total	40	3	15	84	495	616	154	3	1	0	1	0	0	0	1412		
Percent	2.8%	0.2%	1.1%	5.9%	35.1%	43.6%	10.9%	0.2%	0.1%	0.0%	0.1%	0.0%	0.0%	0.0%			
AM Peak	09:00	09:00	08:00	09:00	09:00	09:00	09:00								09:00		
Vol.	7	2	3	11	29	30	6								86		
PM Peak	18:00		16:00	18:00	18:00	17:00	17:00	23:00	21:00		20:00				18:00		
Vol.	5		2	12	61	62	21	2	1		1				154		
Grand Total	40	3	15	84	495	616	154	3	1	0	1	0	0	0	1412		
Percent	2.8%	0.2%	1.1%	5.9%	35.1%	43.6%	10.9%	0.2%	0.1%	0.0%	0.1%	0.0%	0.0%	0.0%			

15th Percentile : 31 MPH
50th Percentile : 36 MPH
85th Percentile : 40 MPH
95th Percentile : 43 MPH

Statistics

10 MPH Pace Speed : 31-40 MPH
Number in Pace : 1111
Percent in Pace : 78.7%
Number of Vehicles > 50 MPH : 2
Percent of Vehicles > 50 MPH : 0.1%
Mean Speed(Average) : 35 MPH

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