BEFORE THE LAND USE HEARING EXAMINER
OF CLARK COUNTY, WASHINGTON

Regarding an application by Taylor Made Homes	)	**F I N A L O R D E R**
for approval of a preliminary plat to divide 9.3	)	
acres into 50 lots in the R1-6 zone southwest of Edmunds	)	**PLD 2004-00057**[1]
Road in unincorporated Clark County, Washington	)	**(Camille Estates)**

A. SUMMARY

1. The applicant requests approval to divide the 9.3-acre site into 50 lots. A new single-family detached dwelling will be built on all but three of the proposed lots. The applicant will retain the existing homes on proposed lots 45, 49 and 50. The applicant will remove two other existing homes and all outbuildings on the site. All proposed lots will comply with the minimum dimensional standards for the R1-6 zone. The City of Vancouver will provide domestic water and sanitary sewer service to the site. The applicant will dedicate right of way for and will improve the site's Edmunds Road frontage to County road standards. The applicant will extend a new street, proposed NE 175th Avenue/33rd Circle into the site from Edmunds Road. The applicant will extend the street to the east and west boundaries of the site to allow future extension when the abutting properties redevelop. In addition, the applicant proposed to extend a new cul-de-sac street, proposed NE 34th Circle, east of 175th Avenue. All but three of the proposed lots will have driveway access to the interior streets. The existing homes on lots 45, 49 and 50 will retain direct access to Edmunds Road. The applicant also proposed to extend a pedestrian/bicycle easement from proposed 33rd Circle to the west boundary of the site to provide additional pedestrian and bicycle cross-circulation. The applicant proposes to collect storm water from impervious areas and to convey it to a storm water facility in a tract between proposed Lots 9 and 10 for treatment, detention and discharge via on-site infiltration.

2. The County issued a Determination of Nonsignificance ("DNS") for the subdivision pursuant to the State Environmental Policy Act ("SEPA"). Hearing Examiner Joe Turner (the "examiner") conducted a public hearing to receive testimony and evidence about the application. County staff recommended that the examiner approve the application subject to conditions. See the Development & Environmental Review Staff Report & Recommendation to the Hearing Examiner dated September 8, 2004 (the "Staff Report") as amended by the Memorandum to the Hearing Examiner dated September 23, 2004, Exhibit 30, (the "Memorandum"). The applicant accepted those findings and conditions as amended without objections or corrections. Three persons testified at the hearing with objections and questions. Other persons testified in writing. Disputed issues or concerns in the case include the following:

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[1] This decision also addresses SEP2004-00094, EVR2004-00047, ARC2004-00044 and VAR2004-00011.

a. Whether the revised preliminary plat provides adequate opportunities for cross-circulation consistent with CCC 40.350.030.B(2)(c);

b. Whether the proposed development and road improvements conflict with the existing access easement on the northwest boundary of the site;

c. Whether the proposed development will conflict with potential park development on property to the east;

d. Whether the proposed street stubs will encourage trespass on abutting properties;

e. Whether the proposed stormwater infiltration facilities will impact septic systems and water wells on adjacent properties; and

f. Whether the development will exceed the capacity of schools in the area.

3. Based on the findings provided or incorporated herein, the examiner approves the subdivision subject to the conditions at the conclusion of this final order.

B. HEARING AND RECORD HIGHLIGHTS

1. The examiner received testimony at a public hearing about this application on September 23, 2004. That testimony and evidence, including a videotape of the public hearing and the casefile maintained by the Department of Community Development ("DCD"), are included herein as exhibits. A list of the exhibits is attached to and incorporated into this final order. The exhibits are filed at DCD. The following is a summary by the examiner of selected testimony and evidence offered at the hearing.

2. County planner Susan Ellinger summarized the Staff Report and the Memorandum and showed photographs of the site.

a. She noted that the applicant will provide sanitary sewer service to all of the existing and proposed homes on the site. No new septic systems are proposed. Therefore conditions of approval C-3 and D-3 should be deleted.

b. She noted that the applicant submitted a revised preliminary plat and circulation plan. Exhibits 27 and 28. County engineering staff concluded that the revised plans comply with the cross-circulation requirements of CCC 40.350.030.B(2)(c). Exhibit 33. Therefore the staff report condition of approval A-6 should be deleted.

c. She noted that there is an existing private road, 174th Court, located within a 60-foot wide easement centered on the northwest boundary of the site. A portion of the easement is located on the rear of proposed lots 1 through 5. Homes on those lots

could access the easement or the proposed public streets on the site. The recommended conditions of approval allow for either alternative.

d. She noted that the applicant will pay school impact fees to mitigate the impact of the proposed development on school facilities. State law requires that the School District accommodate children from the proposed development.

3. Attorney Randy Printz testified for the applicant and summarized the proposed development. He accepted the Staff Report and conditions of approval, as amended, without objections.

a. He testified that the applicant will retain the existing easement for 174th Court on the proposed lots. The applicant excluded the area within the easement and the proposed public road rights of way from the density calculations. The proposed lot sizes comply with the requirements of the R1-6 zone. Exhibit 32.

b. He argued that the pavement for the western street stub will not interfere with use of the existing access easement. Curbs and sidewalks might interfere with construction of a new private road the portion of the easement located on the site. The applicant could avoid such impacts by terminating the curbs and sidewalks at the east boundary of the easement and extend the pavement to the west boundary of the site, subject to County approval. The applicant could pay the County for the cost of future extension of the improvements.

c. He argued that the proposed western stub street is located halfway between Edmunds Road and the north edge of the Maplecrest subdivision south of the site in order to maximize opportunities for future east/west cross circulation in the area.

d. He testified that the homes on lots 1 through 5 will access the public streets within the site. No vehicular access is proposed to 174th Court. However the owners of those lots will retain the right to use the easement for non-vehicular purposes.

e. He argued that the proposed development will not impact existing wells in the area. The proposed development will reduce the potential for groundwater contamination by eliminating the five existing septic drainfields on the site. The Code requires a 100-foot setback between wells and septic drainfields. However no setback is required between the proposed development and wells on abutting properties.

f. He argued that the proposed stormwater infiltration facility will not impact wells or drainfields. The infiltration facility will be much deeper than surrounding drainfields. The soils in the area are very porous, allowing rapid infiltration without impacting groundwater elevations on adjacent properties. The applicant will treat all stormwater runoff to remove contaminants prior to infiltration.

4. Tim Cook questioned why the applicant shifted the western stub street to the north end of the site. He argued that the original preliminary plat, which provided a stub

street in the southwest corner of the site, provided greater opportunities for cross-circulation, because the street would intersect 172nd Avenue roughly half-way between Edmunds Road and NE 29th Street. The northern street stub proposed in the revised plat will intersect the existing access easement on the northwest boundary of the site, increasing opportunities for trespass on the 174th Court. Road improvements within the easement may interfere with future use of the easement. He expressed concern that future extension of the street stub may impact his residence west of the site. He expressed concern that the proposed stormwater infiltration facility will impact his septic drainfield. He requested the examiner hold the record open for two weeks to allow an opportunity to contact an attorney regarding the impact of the stub street on the easement.

5. Julie Wimber argued that tax lot 6 east of the site may be developed as a park. She argued that it is feasible to extend a street east to 172nd Avenue from the southwest corner of the site as originally proposed. She argued that the proposed development will generate additional traffic on 174th Court, a private street. She argued that schools in the area do not have sufficient capacity to accommodate students from the proposed development. She expressed concern that development on the site will impact her well and septic drainfield. She questioned whether development on the site will be setback from wells on abutting properties. She argued that the proposed street stub will interfere with future use of the private road easement. The crown of an east-west road will interfere with construction of a future north-south road within the easement.

6. Shelly Cook questioned whether the residents of proposed lots 1 through 5 will have access to 174th Court and whether they will be required to share in the cost of maintaining the private road.

7. County development engineer Paul Knox argued that the western stub street proposed by the applicant will not provide access to 174th Court. The applicant will be required to construct barricades at the ends of the proposed street stubs on the east and west boundaries of the site, which will preclude vehicular access. In addition, existing 174th Court is located several feet west of the site and will not intersect the proposed stub street.

a. He testified that the applicant's revised circulation plan provides opportunities for cross-circulation consistent with CCC 40.350.030.B(2)(c). The County has no authority to require that the applicant redesign the street plan or that the applicant provide stub streets in a particular location. If the proposed street design complies with County requirements it must be approved.

b. He testified that the applicant is required to extend a stub street to the east boundary of the site to provide opportunities for extension and cross circulation when the abutting property is redeveloped. He is not aware of any proposal for a park on tax lot 6 and there is no assurance that it will be developed as a park. If it is developed as a park the proposed street stub will provide access to the park.

c. He testified that the applicant cannot terminate the stub street improvements short of the site boundaries. The applicant is required to improve the proposed stub streets to the east and west boundaries of the site in order to accommodate future extension. The County cannot require future developers of abutting properties to construct improvements on this site. The proposed street improvements will not interfere with use of the easement. Any future improvements to 174th Court which intersect the public road would require construction of a County approved intersection.

8. At the end of the hearing the examiner held open the public record for five days to allow County staff an opportunity to submit additional testimony regarding the impact of street improvements within the easement. The examiner held the record open for an additional week to allow the public to respond. The examiner held the record open for a final week for the applicant to respond to the new evidence and to submit a final written argument. The record closed at 5 PM on October 12, 2004.

C. DISCUSSION

1. County staff recommended approval of the preliminary subdivision plat, based on the affirmative findings and subject to conditions of approval in the Staff Report as modified by the Memorandum. The applicant accepted those findings and conditions as modified without exceptions.

2. The examiner concludes the affirmative findings in the Staff Report as modified show the proposed preliminary plat does or can comply with the applicable standards of the County Code and Revised Code of Washington, provided the applicant complies with recommended conditions of approval. The examiner adopts the affirmative findings in the Staff Report as his own, except to the extent they are inconsistent with the findings in this order.

3. The examiner finds that the applicant's revised tentative plat, Exhibit 28, provides opportunities for cross-circulation in compliance with the block length and block perimeter standards of CCC 40.350.030.B(2)(c). See Exhibit 27. Whether or not "better" designs are feasible is irrelevant. The examiner must review and approve or deny the development as proposed.

a. The examiner finds that it is feasible to extend the proposed stub streets in the future without impacting existing development on adjacent properties, based on the aerial photo of the area, Exhibit 1. The stub roads will not be extended until the adjacent properties are redeveloped. Future developers can adjust the alignment of the street extensions as necessary to comply with setback requirements on adjacent properties.

4. The examiner finds that construction of the western stub street will not interfere with the existing or future use of the easement. The existing road improvements for 174th Court are located off-site to the west. The applicant proposed to terminate the on-site road improvements at the west boundary of the site. The road improvements will not preclude construction of future road improvements within the on-site portion of the

easement. Construction of additional road improvements within the easement may require removal of a portion of the new improvements in order to construct a new intersection between the east-west public road and a future north-south private road. However it is feasible to do so, subject to County approval of the intersection design. Therefore the applicant should be required to extend full road improvements to the west boundaries of the site as proposed.

a. The examiner has no authority to interpret the easement agreement to determine whether the proposed development conflicts with the terms of the easement or to determine the rights and duties of future residents of lots subject to the easement. Ultimately the meaning of the easement is a matter for Superior Court. If neighboring residents believe the proposed development will violate the easement, they should consult an attorney to advise them.

5. It was alleged that the proposed stub street to the east boundary of the site will interfere with future development of a park on the abutting property. However there is no substantial evidence that the abutting property will be developed as a park. The adjacent property is not designated as a park in the comprehensive plan. The examiner cannot delay action or deny approval of development on this site because abutting property could be acquired for a park. The applicant proposes to divide the site. If the application complies with the applicable standards and criteria, then it must be approved, whether or not abutting properties will be used as a park. There is no substantial evidence that the proposed development, including the eastern stub street, will interfere with development of a park on the abutting property.

6. The applicant proposed to access lots 1 through 5 via the interior streets within the site. No vehicular access is proposed to 174th Court. Condition of approval A-4 (originally proposed as condition A-3.5 in Exhibit 30) should be modified to that effect.

7. The proposed development will attract additional people to the immediate area, which may increase the amount of trespass, litter, vandalism, and other illegal activities. However the hearings officer finds that there is no substantial evidence in the record that the future residents of this development are any more or less likely to engage in nuisance or illegal activities than other people. Area residents have adequate legal recourse to address any trespass problems that may arise. The applicant is required to install barricades at the ends of the proposed stub roads, which will prevent vehicular access between the site and abutting properties.

8. It was alleged that infiltration of stormwater on this site will impact wells and septic systems on adjacent properties.

a. The examiner finds that there is substantial evidence in the record that the soils on the site are adequate to accommodate the proposed infiltration. The proposed infiltration facilities will be substantially lower and setback from existing septic facilities. Therefore the examiner finds there is no evidence in the record to support the concern

that the proposed development will increase groundwater elevation in a manner that could affect off-site septic systems.

b. The applicant will treat stormwater runoff with accepted Best Management Practices ("BMPs") to remove pollutants and contaminants prior to infiltration. Further treatment will occur as the water percolates through the soil. Any water from this development that reaches surrounding wells is unlikely to cause contamination. Therefore the examiner finds that the subdivision is not reasonably likely to have a significant adverse impact on off-site wells. The applicant must locate the stormwater infiltration facility at least one hundred feet from domestic water supply wells. CCC 40.380.040.D. A condition of approval is warranted to that effect.

9. The examiner finds that the school district can accommodate students who will live in homes on the site. This development will have a small incremental impact on the school district. The development mitigates this impact by paying school impact fees. Although the schools serving this site may be approaching capacity, the school district is required by law to accommodate students who live there. Based on his past experience, the examiner finds the district will adjust attendance boundaries and practices as necessary to fulfill student needs. By paying school impact fees, the proposed subdivision adequately provides for schools as a matter of law.

D. CONCLUSION

Based on the above findings and discussion, the examiner concludes that PLD 2004-00057 (Camille Estates), and related applications should be approved, because they do or can comply with the applicable standards of the Clark County Code and the Revised Code of the State of Washington, subject to conditions of approval necessary to ensure the final plat and resulting development will comply with the Code.

E. DECISION

Based on the foregoing findings and except as conditioned below, the examiner hereby approves PLD 2004-00057 (Camille Estates) and related applications in general conformance with the applicant's revised preliminary plat (Exhibit 28) and the plans and reports associated with this proposal (Exhibits 8, 9, 26 and 27). This approval is granted subject to the requirements that the applicant, owner or subsequent developer (the "applicant") shall comply with all applicable code provisions, laws and standards and the following conditions. These conditions shall be interpreted and implemented consistently with the foregoing findings.

A. Conditions that must be met prior to Final Plat approval and recording; or if improvements are approved by the county for bonding or other secure method, such conditions shall be met prior to issuance of Building Permits per CCC, Sections 40.350.030(C)(4)(i) & (j) and 40.380.040N.

A-1 All lots shall comply with the standards of the R1-6 district. Private road rights-of-way and easements shall not be included in the determination of lot area used for compliance with the minimum lot dimensional standards.

A-2 All structures, other than the existing homes on lots 45, 49 and 50, shall be removed in compliance with all county requirements (This includes removal of accessory structures on Lots 45, 49 and 50).

A-3 The applicant shall record a covenant for Lot 45 and place a note on the final plat stating that Lot 45 may only gain access from Edmunds Road, and not from the proposed NE 175th Avenue. The note on the plat shall also state that if the existing home is ever demolished, any new home shall meet all applicable setbacks of the R1-6 zone and gain access from the proposed NE 175th Avenue **OR** The plat must be modified to provide the existing home on Lot 45 a 20-foot setback from NE 175th Avenue **OR** The house on Lot 45 must be moved to provide a 20-foot setback.

A-4 The applicant shall record a covenant for Lots 1 through 5 and place a note on the final plat stating that Lots 1 through 5 may only gain access from the proposed NE 175th Avenue, and not from NE 174th Court. The following setbacks shall apply on proposed lots 1 through 5 in the northwest corner of the site:

Front:	20 feet
Side:	5 feet
Rear:	5 feet from edge of easement
Street side:	10 feet (applies only to northerly boundary of Lot 1 along Edmunds Road)

A-5 The applicant shall reimburse Clark County for the cost of concurrency modeling incurred in determining the impact of the proposed development, in an amount not to exceed $1,000. The reimbursement shall be made within 60 days of issuance of the Staff Report with evidence of payment presented to staff at Clark County Public Works.

A-6 The applicant shall reimburse the City of Vancouver for the cost of concurrency modeling incurred in determining the impact of the proposed development, in an amount not to exceed $450.00. The reimbursement shall be made within 60 days of issuance of the Staff Report with evidence of payment presented to staff at Clark County Public Works.

A-7 The interior roads of the project shall comply with the minimum standards of an urban local access road, in accordance with CCC Table 40.350.030-4 and the Standard Details Manual, Standard Drawing #14. NE 34th Court shall be terminated in a cul-de-sac which complies with the minimum requirements of CCC Table 40.350.030-4 and the Standard Details Manual, Standard Drawing

#28. The 5-foot thickened sidewalk along the cul-de-sac bulb of NE 34th Court shall be constructed with the street improvements and accepted prior to Final Plat approval.

A-8 The applicant shall construct partial-width improvements along the project frontage on NE Edmunds Road in accordance with the minimum standards of an urban 2-lane collector (C-2) road, in accordance with CCC Table 40.350.030-2 and the Standard Details Manual, Standard Drawing #12, with the following exceptions: the landscaping for collector roads will not be required and Lots 45, 49, and 50 shall be allowed direct driveway access to NE Edmunds Road.

A-9 Unless the applicant and affected neighboring properties come to separate agreement and record an amended easement and road maintenance agreement, the applicant shall provide an easement on the Final Plat which is aligned with and contains the existing private road. Private road rights-of-way and easements shall not be included in the determination of lot area used for compliance with the minimum lot dimensional standards.

A-10 Proposed intersections and driveways shall be constructed accordance with the sight distance requirements of CCC 40.350.030(B)(8).

A-11 The applicant shall be responsible for the installation of the sidewalks along the entire frontage NE Edmunds Road, and along the frontage of NE 175th for the stormwater tract and Lot 45. As noted above in Transportation Finding 2, the thickened sidewalk on the cul-de-sac bulb on NE 34th Circle shall also be installed prior to Final Plat approval.

A-12 In accordance with the requirements of CCC 40.380.040(C)(4), the final construction plans and stormwater report shall quantify the flows entering site from offsite areas, and demonstrate that they are adequately collected and conveyed through the site.

A-13 In accordance with CCC 40.380.040(C)(3), the applicant shall be required to classify site soils in accordance with the AASHTO classification system (Specification M145).

A-14 The applicant shall provide a discussion of the groundwater conditions at the proposed infiltration facility with the final stormwater report for the plan. This plan shall discuss seasonal variation of groundwater conditions at the proposed infiltration facility and the presence or absence of mottling or otherwise evidence of high groundwater. The final report shall include a clear statement by the responsible geotechnical engineer that it is his or her professional opinion that the site soils are suited to the purpose of subsurface disposal of stormwater in the quantities produced by the development, or shall recommend additional measures to be taken in the proposed design to ensure that the proposed lots and

neighboring properties will not be adversely affected by increased quantities of stormwater running off the proposed development.

A-15 The infiltration facility shall be located at least 100 feet away from all existing wells. CCC 40.380.040.D.

A-16 In accordance with CCC 40.380.040(C)(3), the applicant may be required to test a representative drywell after completion of the stormwater improvements to verify design infiltration rates. The test results shall be submitted to the county by the project engineer prior to completing construction of the stormwater facilities. Redesign may be required if tested rates are less than those utilized in the design.

A-17 In accordance with Section CCC 40.380.040(C)(1)(h), all lots in the urban area must be designed to provide positive drainage from the bottom of footings to an approved stormwater system.

A-18 The applicant shall provide a clear explanation in the construction plans and stormwater report of the measures proposed to prevent contamination of the infiltration facilities by fine-grained soil materials during construction.

A-19 Fire flow in the amount of 1000 gallons per minute supplied at 20 psi for 60 minutes duration is required for this application and is available at the site. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval.

A-20 Fire hydrants are required for this application. Either the indicated number or the spacing of the fire hydrants is inadequate. The applicant shall provide fire hydrants such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads.

A-21 Unless waived by the fire district chief fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. The local fire district chief approves the exact locations of fire hydrants. The applicant shall contact the Vancouver Fire Department at 360-696-8166 to arrange for location approval. The applicant shall provide and maintain a six-foot clear space completely around every fire hydrant.

A-22 The roadways and maneuvering areas as indicated in the application meet the requirements of the Clark County Road Standards. The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather-driving surface capable of supporting the imposed loads of fire apparatus.

B. Conditions that must be met prior to issuance of Building Permits

B-1 Except for the two lots designated on the final plat as waived, Impact fees shall be paid prior to issuance of a building permit for each lot as follows:

- Traffic Impact Fees: $1,504.88 (Evergreen TIF sub-area)
- Park Impact Fees: $1,799 ($1359 – Acquisition; $440 – Development for Park District #5)
- School Impact Fees: $3,540 (Evergreen School Dist)

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

B-2 Prior to issuance of any building or grading permits for the development site, the applicant shall obtain written approval from Clark County Department of Public Works of the applicant's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system.

B-3 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.

C. Notes Required on Final Plat

The following notes shall be placed on the final plat:

C-1 **Mobile Homes:**
"Placement of Mobile Homes is prohibited."

C-2 Archaeological:

"If any cultural resources are discovered in the course of undertaking the development activity, the Office 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-3 Impact Fees:

"In accordance with CCC 40.610, except for the two lots designated on the final plat as waived, the School, Park and Traffic Impact Fees for each dwelling in this subdivision are:

- Traffic Impact Fees: $1,504.88 (Evergreen TIF sub-area)
- Park Impact Fees: $1,799 ($1359 – Acquisition; $440 – Development for Park District #5)
- School Impact Fees: $3,540 (Evergreen School Dist)

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."

C-4 Sidewalks:

"Prior to issuance of occupancy permits, sidewalks shall be constructed along all the respective lot frontages."

C-5 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."

C-6 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."

C-7 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."

C-8 Driveways:
"All residential driveway approaches entering public roads are required to comply with CCC 40.350."

C-9 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 plat. Any private access street shall remain a private street unless it is upgraded to public street standards at the expense of the developer or adjoining lot owners to include hard surface paving and is accepted by the County for public ownership and maintenance."

D. Standard Conditions

This development proposal shall conform to all applicable sections of the Clark County Code. The following conditions shall also apply:

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

D-2 Health Department:
Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Well/Septic Abandonment Letter" must be submitted, the Evaluation Letter will specific the timing of when the Final Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy).

D-3 Transportation:
Prior to construction, the applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350.

D-4 Stormwater:
Prior to construction, the applicant shall submit and obtain County approval of a final stormwater plan designed in conformance to CCC 40.380.

D-5 Pre-Construction Conference:
Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.

D-6 Erosion Control:
Prior to construction, the applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.380.

D-7 Erosion Control:
For land divisions, a copy of the approved erosion control plan shall be submitted to the Chief Building Official prior to final plat recording.

D-8 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.

D-9 Erosion Control:
Erosion control facilities shall **not** be removed without County approval.

D-10 Excavation and Grading:
Excavation/grading shall be performed in compliance with Appendix Chapter J of the 2003 International Building Code (IBC).

D-11 Excavation and Grading:
Site excavation/grading shall be accomplished, and drainage facilities shall be provided, in order to ensure that building foundations and footing elevations can comply with CCC 14.04.252.

DATED this 26th day of October 2004.

_____
Joe Turner, AICP
Clark County Land Use Hearing Examiner