Project Name: **FIRST CHURCH OF GOD ATHLETIC FIELDS**

Case Number: **APL2010-00001 for: CUP2009-00011; PSR2009-00044; SEP2009-00093; WET2009-00073; EVR2009-00052**

Location: 300 NE 78th Street

Request: A motion for reconsideration of the hearings examiner's Final Order of February 12, 2010, limited to clarifying Finding 7 and Condition A-3a, requiring the applicant to construct a turnaround at the western terminus of NE 82nd Street at the site's easterly boundary.

Cover Note:

In a letter dated February 18, 2010, the applicant filed a timely motion for reconsideration of the Final Order of February 12, 2010 [per CCC 2.51.160 (Reconsideration of examiner's decision]. The motion was limited to a request that the examiner reconsider Finding 7 and Condition A-3a in Final Order requiring the applicant to construct a turnaround at the western terminus of NE 82nd Street.

This revised decision clarifies the issue by revising Finding 7 and Condition A-3a to reflect the record and staff's favorable recommendation in Exhibit 29. This decision does not change any other substantive finding, conclusion, or decision rendered by the examiner.

The appeal period starts with the effective date of this decision [per CCC 2.51.160 (Reconsideration of examiner's decision)].

Office of the
CLARK COUNTY LAND USE HEARING EXAMINER

1300 Franklin Street
P.O. Box 9810
Vancouver WA 98668-9810
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Form DS1333

NOTICE TO PARTIES OF RECORD

Project Name: **FIRST CHURCH OF GOD ATHLETIC FIELDS**

Case Number: **APL2010-00001 for CUP2009-00011, PSR2009-00044, SEP2009-00093, WET2009-00073 & EVR2009-00052**

The attached decision of the Land Use Hearing Examiner is final unless appealed. An appeal of any aspect of the Hearing Examiner's decision, except the SEPA determination (i.e., procedural issues), may be appealed to the Superior Court or reconsidered by the Hearing Examiner only by a party of record pursuant to Ordinance 10-19, adopted 10/27/2009 by the Board of County Commissioners. A party of record includes the applicant and those individuals who signed the sign-in sheet or presented oral testimony at the public hearing, and/or submitted written testimony prior to or at the Public Hearing on this matter.

Mailed on: **March 10, 2010**

FIRST CHURCH OF GOD KINGS WAY P.E. &
ATHLETIC FIELDS
CUP2009-00011; PSR2009-00044; SEP2009-00093; WET2009-00073; EVR2009-00052
HEARING DATE: 1/28/2010

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FIRST CHURCH OF GOD KINGS WAY P.E. &
ATHLETIC FIELDS
CUP2009-00011; PSR2009-00044; SEP2009-00093;
WET2009-00073; EVR2009-00052
HEARING DATE: 1/28/2010
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BEFORE THE LAND USE HEARINGS EXAMINER FOR CLARK COUNTY, WASHINGTON

In the matter of a Type III application for Conditional Use and Site Plan approval to develop and operate a football and an athletic field at an existing church and school on approximately 27.96 acres split-zoned C-3 and R-22 in unincorporated Clark County, Washington.	**FINAL ORDER (revised)** **FIRST CHURCH OF GOD ATHLETIC FIELDS** **CUP2009-00011, PSR2009-00044, SEP2009-00093, WET2009-00073 & EVR2009-00052**

I. Summary:

This Order is the decision of the Clark County Land Use Hearings Examiner approving with conditions this application for a conditional use permit, site plan and related approvals (CUP2009-00011, PSR2009-00044, SEP2009-00093, WET2009-00073 & EVR2009-00052) to develop and operate two athletic fields: a football field and track (Site A) and a soccer/lacrosse field (Site B) as part of an existing church and school on approximately 27.96 acres split-zoned C-3 and R-22.

II. Introduction to the Property and Application:

Applicant & Contact..... Barbieri & Associates, Inc.
Attn: John Barbieri
7017 NE Hwy 99, Suite 204
Vancouver, WA 98665

Owner ..... First Church of God, Vancouver
3300 NE 78th Street
Vancouver, WA 98665

Property..... Legal Description: Tax Lots 1 (144715), 5 (144719), 42 (144772), 40 (144770) 46 (144776), 47 (144777), 48 (144778), 3,14 (144717), 49 (144779), 46 (144530), 4 (144491), 51 (144530), 53 (144537), 54 (144538), 4A (144491-001) located in the SW ¼, of Section 1, Township 1 North, Range 1 East of the Willamette Meridian. Street Address: 300 NE 78th Street.

Applicable Laws..... Clark County Code (CCC) Chapter: 40.350 (Transportation), 40.350.020 (Transportation Concurrency), 40.380 (Storm Water Drainage and Erosion Control), 40.610 (Impact Fees), 40.220.020 (R-22), 40.230 (C-3), 40.520.030 (Conditional Use Permits, CUP), 40.520.040 (Site Plan Review), 40.320 (Landscaping and Screening), 40.430 (Parking Standards), 40.320 (Landscaping and Screening), 40.360 (Solid Waste), 40.370.010 (Sewer Connection, 40.570.080 (C) (3) (k) (Archaeology), 40.410 (CARA), 15.12 (Fire Code), 40.570 (SEPA), 40.510.030 (Procedure).

The entire church property is approximately 27.96 acres, and is already developed with a church sanctuary, kindergarten, elementary, middle and high schools. The site and owner's 3-phase conceptual campus development plan received conditional use permit approval in 2002 (CUP2002-00009). The church received site plan approval for construction of the middle school, high school and off-street parking in 2004 (PRS2004-00067). The 2002 permit has now expired, and the church is seeking a renewal and modification of that conceptual plan to include two large athletic fields, which are the subject of this application:

- Site A in the north part of the site where the church proposes a football field, surrounded by a running track, plus bleachers for home and visitors, field lighting and an amplified sound system and

- Site B on the eastern side of the site where the church proposes a soccer/lacrosse field with field lights, but no bleachers or sound system.

The elementary, middle and high schools have a current combined enrollment of approximately 810 students, 300 of which are high school students. The schools have a combined staff of 48, and there are 1,100 off-street parking spaces. The church's proposal to develop these two athletic fields requires a new CUP pursuant to CCC 40.520.030(G) (minor expansions).

The property is generally located north of NE 78th Street, east of NE 30th Avenue and is bounded on the west by a 250-foot wide BPA powerline easement, on the north (north of Site B) by residential development zoned R-22. There are no dwellings or other structures on Site A or B, but both fields are underlain by piping, monitoring wells and extraction wells associated with a groundwater recovery system for the Boomsnub/Airco Federal Superfund Site, the source of contamination of which is approximately one mile away. The property is within the Vancouver urban growth area, the territory of the NE Hazel Dell Neighborhood Association, Fire District 5, Park Improvement District 8, the Hazel Dell Traffic Impact District, and the Vancouver School District. The property is within the service territory of Clark Public Utilities for water and Clark Regional Wastewater District for public sewer.

The proposal consists of an application packet and plans (Exs. 5 & 6), which includes a narrative (Ex. 6, tab 6) notes from the April 30, 2009 preapplication conference (Ex. 6, tab 4), a soils analysis report (Ex. 6, tab 10) and preliminary stormwater design report and plan (Ex. 6, tabs 11 & 12), a traffic study (Ex. 6, tab 14), road modification (Ex. 6, tab 21), an archaeology predetermination and survey report (Ex. 6, tab 16), water and sewer utility review letters (Ex. 6, tabs 17 & 18), a SEPA checklist (Ex. 6, tab 15), additional information on traffic and cross-circulation (Ex. 19), additional supporting documentation on off-site noise impacts (Exs. 18 & 20), additional supporting documentation on off-site light glare impacts (Exs. 18 & 21), and additional information about the Boomsnub/Airco Superfund Site (Exs. 26 & 27).

III. Summary of the Local Proceeding and the Record:

A preapplication conference for this development proposal was requested on April 9, 2009 and held April 30, 2009 (Ex. 6, tab 4). An application was submitted on October 28, 2009 (Exs. 5 & 6) and deemed fully complete on November 18, 2009 (Ex. 7). From this sequence, this development is deemed vested as of April 9, 2009. Notice

of the Type III application and a January 28, 2010, public hearing on the application was mailed to property owners within 300 feet and the NE Hazel Dell Neighborhood Association on December 2, 2009 (Exs. 8 & 9). Notices of the application and hearing were also posted on and near the site on January 13, 2010 (Exs. 16 & 17). The County received no appeals and one agency comment from the Washington Department of Ecology (Ex. 11) on the SEPA Determination by the December 16, 2009, submission deadline. Staff issued a comprehensive report on the project on January 13, 2010 (Ex. 17) recommending denial because the applicant had not provided sufficient, or sufficiently specific, mitigation for noise and light glare impacts on surrounding residential neighbors. Following the adverse staff report, the applicant's attorney provided a substantial amount of documentation on the noise, light glare and traffic impacts of the project (Exs. 18, 19, 20, 21, 24, 25, 26 & 27). Staff issued an addendum to its staff report (Ex. 29), but did not change its recommendation of denial.

At the commencement of the January 28th hearing, the Hearings Examiner explained the procedure and disclaimed any ex parte contacts, bias, or conflicts of interest. No one objected to the proceeding, notice or procedure. No one raised any procedural objections or challenged the Examiner's ability to decide the matter impartially, or otherwise challenged the Examiner's jurisdiction.

At the hearing, Michael Uduk, County planning staff on the project, Doug Boheman, engineering staff, provided verbal summaries of the project, the staff report and the various agency and departmental comments already in the record. Judy Smith of the federal EPA's Portland office, appeared and provided information (Ex. 33) about the Boomsnub/Airco Superfund Site, the groundwater recovery infrastructure in the ground in Sites A and B and testified that the proposed development was consistent with (and would not interfere with) the EPA's groundwater recovery and monitoring operations.

Appearing on behalf of the applicant were LeAnne Bremmer, attorney with Miller Nash, LLP, Ralph Wilson, with LSW Architecture, Tim Butts, the applicant's lighting expert with Musco Lighting, and John Hardwick, acoustical engineer with MBF Audiovisual, who described the project, explained the impacts of the field lighting and sound systems and responded to questions. Ms Bremer asserted that, with the submissions made just prior to and at the hearing, the applicant had adequately and completely described the project's noise, light glare and transportation impacts, provided adequate mitigation to achieve the approval standard in CCC 40.520.030(E) and responded to opponent and neighbor concerns.

Bud VanCleve, president of the NE Hazel Dell Neighborhood Association appeared and testified in support of the proposal (Ex. 31). Testifying in opposition were Bob Mesick and Steve Perry (Ex. 23), two neighbors to the site who expressed concerns about the noise and light glare impacts of the proposal on their homes. One neighbor (Jack Davis) appeared in opposition only in writing (Exs. 14 & 22), expressing concerns about the incompatibility of the proposal with EPA's groundwater recovery and monitoring operations attendant to the Boomsnub/Airco Superfund Site. Another neighbor (John Hannon) echoed the concerns of Messrs Mesick and Perry (Ex. 10). No one else requested an opportunity to testify, and no one requested a continuance or that the record be left open. The Examiner closed the record at the conclusion of the January 28th hearing and took the matter under consideration.

IV. Findings:

Only issues and approval criteria raised in the course of the application, during the hearing or before the close of the record are discussed in this section. All approval criteria not raised by staff, the applicant or a party to the proceeding have been waived as contested issues, and no argument with regard to these issues can be raised in any subsequent appeal. The Examiner finds those criteria to be met, even though they are not specifically addressed in these findings.

A. Issues raised in public comment and testimony: As a preliminary matter, Jack Davis asserts that the presence of the Boomsnub/Airco Superfund Site precludes this development (Exs. 14 & 22). The testimony of the EPA representative conclusively resolves that issue (Ex. 33), and the Hearing Examiner rejects Mr. Davis' arguments in this regard.

Mr. Messrs Mesick and Perry, who live adjacent to the proposed athletic fields, testified about light glare and noise that they expected from this proposed development, based on past experience with the church and school operations and the promise of more frequent and intense athletic activities. The gist of this testimony was that the noise and light glare impacts would likely be significant and warranted substantial mitigation and regulation. This testimony requires a clear discussion of the approval standard for this conditional use permit.

The basic notion of a conditional use permit is that the use is assumed to be allowed in the zone and, in some fashion, compatible with the uses allowed in the underlying zone, but that the use also has off-site impacts that are potentially significant but hard to predict with precision. As such the County's conditional use chapter (CCC chapter 40.520) is focused on mitigating conditions that could be applied to a proposed use to make it compatible with the surrounding uses. In this light, CCC 40.520.030(E) provides the following basic approval standard for this proposal:

> *A. Purpose.*
> *In certain districts, conditional uses may be permitted, subject to the granting of a conditional use permit. Because of their unusual characteristics, or the special characteristics of the area in which they are to be located, conditional uses require special consideration so that they may be properly located with respect to the objectives of this title and their effect on surrounding properties.*
>
> *E. Action by the Hearing Examiner.*
> *1. In permitting a conditional use the hearing examiner may impose, in addition to regulations and standards expressly specified in this title, other conditions found necessary to protect the best interests of the surrounding property or neighborhood, or the county as a whole. These conditions may include but are not limited to requirements:*
>
> *a. Increasing the required lot size or setback dimensions;*
> *b. Increasing street widths;*
> *c. Controlling the location and number of vehicular access points to the property;*

d. Increasing the number of off-street parking or loading spaces required;
e. Limiting the number of signs;
f. Limiting the lot coverage or height of buildings because of obstructions to view and reduction of light and air to adjacent property;
g. Limiting or prohibiting openings in sides of buildings or structures or requiring screening and landscaping where necessary to reduce noise and glare and maintain the property in a character in keeping with the surrounding area; and
h. Establishing requirements under which any future enlargement or alteration of the use shall be reviewed by the county and new conditions imposed.

2. In order to grant any conditional use, the hearing examiner must find that the establishment, maintenance or operation of the use applied for will not, under the circumstances of the particular case, be significantly detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the county.

According to CCC 40.520.030(E)(2), the Examiner evaluates in as quantitative a manner as possible, the likely possible impacts from the proposed use on surrounding properties and either regulation or mitigation (or both) of the use that limits those impacts to a level that will not be "significantly detrimental to the health, safety or general welfare" of people living or working near-by. As discussed in detail in the findings that follow, the Examiner is satisfied that the record contains enough credible focused information about the likely off-site impacts of this proposal on surrounding properties. The Examiner also finds that the record contains enough information and expert opinion about mitigation that the developer can provide and limitations on the proposed uses that convince the Examiner that impacts of this development can be reduced to a level that is not significantly detrimental to the neighbors. To the extent there is any question about the effectiveness of the conditions and mitigation that are discussed below, there shall be a review of the use, its impacts and the mitigation after one year of operation, at which point the conditions can be adjusted as necessary to better achieve the above-quoted standard. See Conditions A-1c & A-8c.

B. Applicable Approval Criteria: The Examiner adopts the following findings related to issues and criteria that were addressed in the application and staff report:

LAND USE:

Finding 1: The First Church of God (the Church) has operated at 3300 NE 78th Street for several years; where it operates church services and Sunday school activities, as well as the King's Way Learning Center, a kindergarten (pre-school), elementary, middle, and high schools. The elementary, middle, and high schools currently have a combined enrollment of 810 students; 510 students in the elementary and middle schools, and 300 students in the high school. The elementary and middle schools have a combined teaching and auxiliary staff of 48, and the high school has a combined teaching and staff of 49. The Church campus has a total of 1,100 off-street parking spaces, which the Examiner finds to be adequate to serve the needs of the church, schools and athletic fields. The proposal

to construct the sports fields on Site A and Site B requires a new conditional use permit (CUP) pursuant to CCC 40.520.030 (G) (Minor Expansions) because:

- The previous CUP issued in 2002 expired, its validity was not maintained even though the approval was for a 4-phase development plan; and,

- The athletic field on Site A was not included in the previous development proposals and expands activities to a site that was not evaluated for potential traffic, stormwater and erosion control, and land use impacts.

Finding 2 - Conditional Use Permit Review Standards: CCC 40.520.030 provides the general requirements for CUPs, including the basic approval standard in CCC 40.520.030(E)(2) and the range of possible conditions listed in CCC 40.520.030(E)(1) that may be imposed to achieve the approval standard. To merit approval, the applicant must submit sufficient credible, focused evidence from which the Examiner can conclude that impacts from the use and maintenace of the two sports fields can be reduced or mitigated to a level that will not be significantly detrimental to the health, safety or general welfare of people residing or working in the neighborhood of the school, or be detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the county.

Finding 3 - Site Plan Review Standards, Landscaping and Screening: Table 40.320.010-1 and CCC 40.320.010(C)(2) (Landscaping and screening on private property) provide the basic landscaping and screening standards. The density, height and width of the required screening is based on the zoning of the project site and the neighboring properties. These standards serve as the minimum required, plus in the context of a CUP, the Examiner can require additional landscaping and screening pursuant to CCC 40.320.010(C)(4) and 40.520.030(E) where there are potential off-site impacts that warrant it. The Examiner can require additional landscaping and screening where necessary to reduce noise and glare and maintain the property's character in keeping with the surrounding area. The applicant proposed the following landscaping plan (Ex. 5, Sheet 20 - Site Plan and landscape Plan):

- For Site A an L1 landscape scheme along the north, east, and west boundaries of the field, a chain link fence around the sports facility with a gate onto NE 82nd Street and another gate internal to the church campus.

- For Site B an L1 landscape scheme long the north boundary abutting Cindy's Parkview and Sunrise Park Subdivisions, L2 landscape schemes along the eastern and southern site boundaries, an L1 landscaping scheme along the west boundary of Site B, which is internal to the church campus, and a chain link fence with gates around the Site B field.

The applicant's landscape plan proposal meets the minimum standards in the code, but in light of the focused and compelling testimony of the surrounding neighbors concerning noise and light glare, the Examiner finds that adjustments are needed to ensure that the CUP standard in CCC 40.520.030(E)(2) is met. In addition to fulfilling the landscaping plan (Ex. 5, sheet 20), the applicant shall comply with the following conditions:

- The applicant shall plant an additional screen of 10 trees behind the east-side bleachers on Site A to absorb/diffuse sound and prevent sound from leaving the site in that area.

- The applicant shall install a continuous 6-foot high chain link fence around the perimeter of both fields, as shown on the site and landscape plan (Ex. 5, sheet 20) except there shall be no gate or other pedestrian accessway on the east side of Site A at the west-end stub of NE 82nd Street. See Condition A-8a.

Finding 4 - Off Street Parking: The plans show a total of 1,100 off-street parking spaces for the church and school, 22 of which are reserved for handicapped parking near building entrances. Since scheduled athletic and other sports activities will most likely occur in the evening, the Examiner finds that the available off-street parking is adequate to also accommodate parking demand generated in the evenings and on weekends for sporting events using these athletic fields.

Finding 5 - Light and Glare: One of the primary objections that abutting neighbors have to this proposal is the light glare that is likely from night-time sporting events due to the field lighting proposed for both Site A and Site B. In response to neighbor objections, the applicant provided a detailed lighting plan (Ex. 21) that was designed to address these concerns, and the applicant's lighting expert (Tim Butts of Musco Lighting) testified at the January 28th hearing. The Examiner finds that the unrebutted testimony of the applicant's lighting expert is credible and convincing, and on that basis, the Examiner finds that the standard in CCC 40.520.030(E)(2) can be met if this lighting plan is properly implemented. As authorized by CCC 40.520.030(E), the Examiner finds that the following conditions are necessary to ensure that the operation of these sports fields (both Sites A and B) is not significantly detrimental to the health, safety or general welfare of people residing in the neighborhood. These conditions shall be placed as notes on the face of the final site plans. See Conditions A-1a & A-1c:

- All sporting events shall end no later than 9:30 p.m., with the field lights and scoreboard completely extinguished no later than 10:00 p.m. Field lights shall not be used before 7:00 a.m.

- The applicant shall use the Musco Light Structure Green (LSG) lighting system as described in the applicant's lighting plan (Ex. 21), in particular Musco's Sports Cluster Green fixtures with 14-inch external visors or an equivalent fixture.

- The lights, lighting systems and scoreboard shall be installed by suitably qualified professionals and adjusted to minimize light glare and fugitive light from leaving the property in any direction, especially onto residential properties. The lights, lighting systems and scoreboard shall be monitored and stray light measured after installation and the lights and lighting systems adjusted to minimize light glare and fugitive light from leaving the school property in any direction, especially onto residential properties. Fugitive light

levels on and off the athletic fields shall not exceed the levels represented in the applicant's lighting plan (Ex. 21).

- Within 3 months of completing one year of operation of these athletic fields (one year from the date of completion of the public improvements), the County shall conduct a *one time only* review of the noise and light glare impacts of the athletic fields on surrounding properties to determine if further adjustments, limitations or conditions are needed to ensure that operation of these sports fields is not significantly detrimental to the health, safety or general welfare of people residing in the neighborhood. As a result of that review, conditions may be modified, added or deleted to achieve this standard.

Staff suggests that CCC 40.340.010(A)(7) applies as a basis for requiring these lights to meet the standards in RCW 47.36.180, which staff suggests prohibit light glare on adjacent properties. The Examiner disagrees about the suggested scope of this code provision, which applies only to parking and loading areas. This permit does not allow the applicant to make any changes to lighting in any parking or loading areas. Moreover, the Examiner interprets CCC 40.340.010(A)(7) to require on-going compliance with its provisions, which means that even if the applicant makes no changes to lighting in its parking or loading areas, lighting in those areas still must comply with this code provision. Finally, the applicant is also subject to the requirements of RCW 47.36.180 irrespective of what is allowed by this permit.

Finding 6 - Noise Impacts: The neighbors' other primary objection to this proposal is the off-site noise impacts that athletic events that will have on their homes. Again, the Examiner is authorized by CCC 40.520.030(E) to impose a host of conditions on this proposal to ensure that the operation of these sports fields (both Sites A and B) is not significantly detrimental to the health, safety or general welfare of people residing in the neighborhood. The applicant submitted a detailed noise analysis of the likely acoustical impacts on neighboring properties (Ex. 20 & 21), identifying the primary noise sources as general crowd/people noise and the sound of the amplified announcement system. Additionally, there is also the background traffic noise associated with NE 78th Street and noise on the school property unrelated to use of the athletic fields. The applicant's acoustical engineer (John Hardwick of MBF Audiovisual in Lake Stevens Washington) testified at the January 28th hearing. The Examiner finds that the unrebutted testimony of the applicant's acoustical engineering expert is credible and convincing, and on that basis, the Examiner finds that the standard in CCC 40.520.030(E)(2) can be met if the following conditions are met (see Conditions A-1b & A-1c), all of which shall be placed as notes on the final construction and site plans:

- All sporting events shall end no later than 9:30 p.m. The amplified audio system proposed for Site A (football field & track) shall not be used after 10:00 p.m. There shall be no amplified sound or announcing system at Site B (soccer/lacrosse fields).

- The applicant shall comply with and achieve the noise limitations set forth in WAC 173-60-040. Failure to meet this standard shall constitute a violation of this permit.

- To limit noise and other off-site impacts, the applicant shall chain-off, lock or otherwise close all access points to the property after hours on weekdays and during weekends when there are no scheduled events on the property.

- Within 3 months of completing one year of operation of these athletic fields (one year from the date of completion of the public improvements), the County shall conduct a *one time only* review of the noise and light glare impacts of the athletic fields on surrounding properties to determine if further adjustments, limitations or conditions are needed to ensure that operation of these sports fields is not significantly detrimental to the health, safety or general welfare of people residing in the neighborhood. As a result of that review, conditions may be modified, added or deleted to achieve this standard.

One other point merits discussion. The applicant's acoustical engineer testified that a dominating noise source near Site B is vehicle traffic on NE 78th Street. According to this expert, the street and traffic noise is so pervasive that it will dominate any noise that may come from sporting events at the soccer and lacrosse fields on Site B. In any analysis of noise impacts from the applicant's use of these athletic fields on near-by neighborhoods, traffic noise from NE 78th Street shall be taken into account and not ascribed to uses on the athletic fields.

ARCHAEOLOGY:

The applicant completed an archaeological predetermination (Ex. 6, tab 16), and no further work was recommended. If development activities unearth any archaeological resources or human remains, the developer shall stop work and notify the Washington Department of Archaeology and Historic Preservation in Olympia. See Condition A-2a.

WETLAND:

No wetlands were identified on this site (Ex. 15).

TRANSPORTATION:

Finding 1 - Pedestrian/Bicycle Circulation: CCC 40.350.010 requires pedestrian circulation facilities that comply with the Americans with Disabilities Act. The proposed plan relies on the existing sidewalk along NE 78th Street. On-site improvements to pedestrian circulation include a 5-foot wide sidewalk connecting First Church of God property to the County property to the east, where a County park is proposed for development. This sidewalk, as proposed, will be ADA accessible and run along the northern portion of the proposed soccer/lacrosse fields and terminate at the east boundary of the project. The County park project, proposed for the land to the east, will extend this sidewalk onto the park and will be integrated into the parks pedestrian circulation plan. It is proposed that the County be able to use some of the existing parking near the King's Way High School Community Life Center to augment its parking requirements for the future Hazel Dell Sports Fields and Park project. While that arrangement is not a factor in the current proposal, the preliminary plans show a pedestrian path connecting an existing on-site parking lot to the track and football field grandstand proposed at the northerly portion of the site.

NE 78th Street is a 4-lane arterial road (Pr-4cb) with a center turn lane and bike lanes. There are existing 5-foot wide bicycle lanes along each side of NE 78th Street. No new bicycle parking facilities are proposed in this project. 6-foot detached sidewalks are required along arterial roads. The applicant has requested a road modification to keep the existing 5-foot attached sidewalk along NE 78th street, which staff recommended for approval. Based upon this information and road modification, which is discussed and approved below, the Examiner finds that the proposed pedestrian/bicycle circulation facilities comply with CCC 40.350.010. See Transportation Finding 9.

Finding 2 - Circulation Plan: According to CCC 40.350.030(B)(2) a project that is required to complete a transportation impact study is also required provide a circulation plan, the purpose of which is to provide a mechanism for integrating various streets into an efficient and safe transportation network. The north-south circulation will be provided by an adjacent land use action – the proposed Hazel Dell Sports Fields and Park to the east of the site. The applicant did not address east-west circulation in its initial application (Exs. 5 & 6), but did so in subsequent submittals (Ex. 19). NE 82nd Street, a public road, is stubbed at the site's easterly boundary near the proposed football-track field. Staff reviewed the applicant's materials on transportation cross-circulation (Ex. 19) and agreed that it is infeasible to continue or connect NE 82nd Street (Ex. 29). Staff further recommended that the 82nd Street stub at the eastern boundary of Site A be completed with a Type III barricade and an approved turn-around and that a chain link fence be installed around Site A without a gate in this location that prevents pedestrian access from the NE 82nd Street stub into Site A. The fence is intended to prevent the NE 82nd Street dead-end stub from becoming a de facto parking lot for football, soccer and lacrosse games. The Examiner agrees and finds that this proposal fulfills the County's cross-circulation requirements. See Condition A-3a.

Finding 3 - Access Management: The applicant's traffic engineer demonstrated that current operations of the NE 78th Street driveways are acceptable and that there are no accidents to indicate a traffic safety problem that could be mitigated by restricting access (Ex. 19). Based on this information, staff expressed its support (Ex. 29) for retaining these access points onto NE 78th Street until either of the following events occurs. See Condition A-3b:

- The County identifies, or is made aware of, operational and/or safety issues and, at its sole discretion, restricts any or all full access driveways from this site onto NE 78th Street with the construction of a raised center median; or

- A north-south road intersecting NE 78th Street east of the site (either the north-south road is required as a condition of approval for PSR2004-00067 or as part of another approved development) and a traffic signal is constructed and operational, the First Church of God and Kings Way School driveways shall be restricted to right-in/right-out turning movements with the construction of a raised center median.

Because the applicant has demonstrated that vehicle circulation through the site, safety for exiting vehicles, and a reduced demand for vehicles exiting on a principle

arterial (NE 78th Street) can be facilitated, the Examiner finds that the applicant can continue to use this egress only driveway location onto NE 30th Avenue.

Finding 4 - Frontage Roads: NE 78th Street is classified as an Urban Principal Arterial with center turn lane and bike lanes (Pr-4cb). CCC Table 40.350.030-2 and the Standard Details Manual, Drawing #4 require the following minimum right-of-way (ROW) dedications and improvements for this road:

- A minimum half-width ROW of 50 feet.
- A minimum half-width roadway of 35 feet.
- Curb/gutter, detached sidewalk with a minimum width of 6 feet.
- Parkway strip landscaping

The existing frontage improvements consist of 50 feet of half-width ROW, a 33-foot paved half-width, and attached 5-foot sidewalk. Staff recommended approval of the road modification to allow a portion of the existing attached sidewalk to remain. See Ex. 13 & Transportation Finding 9.

Finding 5 - Offsite Roads: The proposed development currently does not have an access onto NE 82nd Street. However, in light of the applicant's submission addressing the cross-circulation (Ex. 19), staff's review and favorable recommendation (Ex. 29), and the need to limit parking impacts to the surrounding residences, no such connection is desired or allowed. See Condition A-3a.

Finding 6 - Sight Distance: The applicant provided a Sight Distance Certification prepared by Hann Lee, a Washington licensed professional engineer, which states that the minimum corner sight distance required at access points along NE 78th Street is 450 feet based on CCC Table 40-350.030-11 and a 45 mph posted speed limit. From this, Mr. Lee asserts there is adequate corner sight distance in both the east and west directions at all three driveways. Based on this professional expert opinion, the Examiner concludes that the County's sight distance standards are met.

Finding 7 - Street Extension and Turnarounds: NE 82nd Street is an existing off site public road that dead-ends at the site's easterly boundary. However, in light of the applicant's submission addressing the cross-circulation (Ex. 19), staff's review and favorable recommendation (Ex. 29), and the need to limit parking impacts to the surrounding residences, no such connection is desired or allowed. Instead, the developer shall construct either an approved turn-around or a Type III barricade at the western stub of NE 82nd Street. In either case, the applicant shall also install a chain link fence around Site A without a gate in this location so as to prevent pedestrian access from the NE 82nd Street into Site A. See Condition A-3a.

Finding 9 - Road Modifications: The applicant applied for a Road Modification to allow existing non-standard frontage improvements to remain and relief from constructing a raised center median on NE 78th Street (Ex. 6, tab 21). Staff reviewed the request and initially recommended approval of the non-standard frontage improvements but denial of the request to not construct the raised center median (Ex. 13). Road modifications may be approved under CCC 40.550.010(A) so long as the applicant demonstrates that any one of the following circumstances exists:

- *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.

- *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.*
- *An alternative design is proposed which will provide a plan equal to or superior to these standards.*
- *Application of the standards of the Transportation Standards to the development would be grossly disproportional to the impacts created.*

The applicant's justification: According to the applicant, Clark County constructed roadway improvements along NE 78th Street in 1998 with a 33-foot half-width roadway and attached sidewalks. When Clark County constructs roadway improvements, it is typically done with the intent that those improvements will last for a 20-year period. Sometime after the NE 78th Street construction, Clark County changed the standards for NE 78th Street to a 35-foot half-width road section with detached sidewalks. Functionally, the 33-foot and the 35-foot half-width section is equivalent. The attached and detached sidewalks are also functionally equivalent. The applicant estimated that it would cost $140,000 to demolish the existing sidewalk and construct new, detached sidewalks and a section of retaining wall, which is roughly half the cost of the natural turf fields. This cost does not include the incremental 2-foot roadway widening frontage improvement or the associated storm/drainage revisions. From this, the applicant asserts that criteria a, b and d exist to justify the road modification request.

Regarding its request to not construct a raised median in the center of NE 78th Street, the applicant asserts that all driveways along NE 78th Street lack such a raised center median and were approved by the previous site plan/CUP. Moreover, the current access configuration meets the principal arterial (Pr-4cb) standard because the standard drawing includes a median or center left turn lane. From this, the applicant concludes that no road modification is needed because the driveways already meet the standards and conditions of the prior approval and there is no evidence of a traffic safety hazard.

Staff's Recommendation: Staff evaluated the applicant's road modification request and agreed that, with consideration of the functionality between the existing improvements and frontage improvements constructed to current standards, the existing improvements are roughly equivalent to what is required (Ex. 13). From this, staff agreed that this request meets the second circumstance in CCC 40.550.010(A) and warrants approval (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). The Examiner agrees, and on this basis approves the applicant's request for a road modification to retain the existing non-standard frontage improvements along NE 78th Street.

With regard to the request to not construct a raised median in the center of NE 78th Street, CCC 40.350.03(B)(4)(d)(2) requires raised medians as a way to restrict cross traffic movements, preserve capacity and promote safety along urban arterials. CCC 40.350.030(B)(4)(d)(2) provides that approval criteria for median opening or left-turn channelization. Staff initially took the view that the applicant did not meet its burden of justifying this road modification under the standards in CCC 40.550.010(A) (Ex.

13). However, the applicant's supplemental information (Ex. 19) caused staff to change its position and recommend approval of both modifications (Ex. 29). According to staff, the applicant demonstrated that the current operations of the NE 78th Street driveways are acceptable, with no accidents that would indicate a safety issue necessitating access restriction as mitigation. Staff recommended approval of the second road modification and continued use of the full access driveways on NE 78th Street until such time as either of the following events occurs (see Condition A-3b):

- The County identifies, or is made aware of, operational and/or safety issues and, at its sole discretion, restricts any or all full access driveways from this site onto NE 78th Street with the construction of a raised center median; or
- A north-south road intersecting NE 78th Street east of the site (either the north-south road is required as a condition of approval for PSR2004-00067 or as part of another approved development) and a traffic signal is constructed and operational, the First Church of God and Kings Way School driveways shall be restricted to right-in/right-out turning movements with the construction of a raised center median.

Because the applicant has shown that vehicle circulation through the site is safe for exiting vehicles and reduces demand for vehicles exiting onto a principle arterial (NE 78th Street), the Examiner finds that the First Church of God and the Kings Way School can continue to use the driveway onto NE 30th Avenue for egress only. See Condition A-3b. On this basis, the Examiner approves both of the applicant's requested road modifications.

STORMWATER:

Finding 1 – Applicability: Stormwater and Erosion Control Ordinance CCC chapter 40.380 applies to development activities that result in 2,000 sf or more of new impervious area within the urban area and all land disturbing activities, except those exempt by CCC 40.380.030(A). This project will create more than 2,000 sf of new impervious surface, and it is a land disturbing activity not exempt by CCC 40.380.030(A). Therefore, this development is subject to and shall comply with the Stormwater and Erosion Control Ordinance. The erosion control ordinance is intended to minimize the potential for erosion, and a plan is required for all projects meeting the applicability criteria in CCC 40.380.050. This project meets those criteria and is therefore subject to the erosion control ordinance.

Finding 2 - Stormwater Proposal: The applicant proposes to achieve the required stormwater quantity control for this development through the installation of underground perforated pipes. The retention facility has been designed to detain and release the 2, 10, and 100-year post-developed storms at rates specified in CCC 40.380.040 (C)(3)(d). The curve numbers (CN) used to determine the developed flow rates for 2-year, 10-year and 100-year 24-hour storm events were 90 for pervious areas (sports fields) and 98 for impervious areas (road, sidewalks, and track). The applicant proposes to treat the stormwater runoff from the impervious surfaces (water quality control) by draining to Contech Stormfilter cartridges for water quality control. The stormwater quality mitigation facilities shall be designed to treat 70% of the 2-year occurring 24-hour storm event.

Finding 3 - Site Conditions: The area proposed for development is approximately 11.66 acres with slopes of 0-5% over 67% of the parcel, 5-10% over 24% of the

parcel, and 10-15% over 9% of the parcel. The development of the site will include a soccer/lacrosse field (Site B) located at the east end of the church property, which also abuts the north side of NE 78th Street. A 20-foot wide driveway will be constructed along the north side of Site B connecting the existing Community Life Center parking area to the future roadway within the Hazel Dell Sports Fields and Park that Clark County will construct on the adjacent parcel to the east. In addition, a track and football field will be developed at the northwest portion of the site (Site A) adjacent to the BPA right-of-way. Site A will have approximately 0.29 acres of new impervious area consisting of a new access driveway to the north of the proposed soccer/lacrosse fields plus approximately 1.27 acres of impervious area for the running track. The National Resources conservation service (NRCS, formerly SCS) mapping shows the site to be underlain by Hillsboro soils and Odne soils (HoB, OdB), classified by AASHTO as A-4 soils or A-6 soils. These soils are designated as hydrologic group B and D respectively. CCC chapter 40.380 does not list A-4 or A-6 soils or A-6 soils as suitable for infiltration. The project proposes to discharge the detained stormwater runoff into the wetlands located near the northwest portion of the project. According to CCC 40.380.040(B)(2) all developments required to prepare a final stormwater control plan shall also conduct an analysis of off-site water quality impacts resulting from the development activities and shall mitigate their impacts. The applicant submitted an offsite analysis extending ¼ mile downstream form the development, which concludes that the existing downstream conveyance is sufficient to handle the stormwater runoff without causing soil erosion.

Finding 4 - Maintenance of Stormwater Facilities: The stormwater facilities are proposed to be privately owned and maintained. According to CCC 40.380.040(H)(3)(b) private facilities shall be placed in an easement, or the developer shall provide a covenant to the county for inspection purposes. The developer shall submit evidence of such arrangement (easement or covenant) to the County for approval prior to approval of the final stormwater plan. The applicant shall provide an access easement to these facilities or a covenant to allow Public Works maintenance crews to inspection and maintain the public stormwater facilities. If appropriate maintenance is not performed in a timely manner, the county shall undertake the required eminence and recover its costs from the parties responsible for the maintenance. See Condition A-11a.

Finding 5 – Infiltration: The project proposes to use infiltration along with detention for the soccer/lacrosse field as a method of stormwater quantity control. According to the Stormwater & Erosion Control Ordinance (CCC chapter 40.380), infiltration of the 100-year storm event is the preferred method of stormwater disposal from the developed site. The applicant submitted an infiltration testing report performed by Professional Service Industries, Inc. dated September 3, 2009 (Ex. 6, tab 10). The subsurface infiltration exploration consisted of 4 test pits. The test pit locations are shown in Figure 2 of the infiltration report. The infiltration report states that, based on observed infiltration rates in the area of the football field/track (test pits B1 and B2), infiltration will not be used at this location. The report states that in the area of Site B, test pits B3 and B4 provide better infiltration rates; therefore; partial infiltration together with detention will be used at this location. According to CCC 40.380.40(C)(3)(a), soils classified as A-1-a, A-1-b, A-2-4, A-2-5, and A-3 as defined as AASHTO Specification M145 are suitable for infiltration. The infiltration report included results for two infiltration tests, the results of which are summarized in the following table:

DATE	TEST PIT NO.	DEPTH (FT)	INFITRATION RATE (IN/HR)
9/3/09	B1	26.5	15
9/3/09	B2	28.3	6
9/3/09	B3	15	18
9/3/09	B4	11.5	42

Per CCC 40.380.040(C)(3)(b), the minimum design infiltration rate shall have a safety factor of 2. Therefore, the design infiltration rate may be equal to 9 inches per hour, for a tested infiltration rate of 2 inches per hour. The applicant shall provide an emergency overflow system consistent with CCC 40.380.060(F)(2). See Condition A-6a. To ensure that the proposed stormwater infiltration facilities will function as designed, the infiltration rate used in the stormwater analysis shall be verified during the construction of the stormwater facilities. See Condition A-6b.

Finding 6 - Infiltration Sacrificial System: A portion of the proposed stormwater runoff disposal will by infiltration; therefore it is important to ensure that no soil inadvertently enters the storm drain collection system. To protect the infiltration facilities from plugging during the construction of the soccer/lacrosse all runoff shall be conveyed to an onsite sacrificial system or be contained by other approved methods until the County inspection staff determines that the potential for plugging the infiltration system is minimized to the extent possible. See Condition C-1a.

Finding 7 - Stormwater Issues: The infiltration testing provided by the applicant states that the preliminary testing was conducted approximately 8 to 9 feet lower than the detention/infiltration system shown on the preliminary site plan. The elevation of the perforated pipe used for the detention/infiltration system will be in the soil zone identified as silt by the infiltration report. See Condition A-6c. It also appears that a portion of this detention/infiltration system will be located in compacted fill. See Condition A-6d. While the applicant's infiltration testing report provides a downstream analysis for the stormwater discharge, it does not account for the closed depression located on the county park site. This development is the tributary of the closed depression on the county park site. The stormwater analysis conducted by the Clark County Public Works Design team accounts for closed depression impacts from this development site. See Condition A-6e. The applicant proposes to provide energy dissipation with rip-rap at the site's easterly outfall, but does not release the runoff as sheet flow, the way that existing runoff currently leaves the site. See Condition A-6f. The applicant's preliminary site plan shows that an existing storm runoff outfall pipe will be extended around the soccer/lacrosse field as by-pass flow, but the stormwater report does not account for the shorter time of concentration of this pipe conveyed runoff where before it traveled as sheet flow across the proposed soccer/lacrosse field. See Condition A-6g.

FIRE PROTECTION:

Finding 1 – Fire Marshal Review: This application was reviewed by the Fire Marshal's Office, who did not have any substantive comments or conditions to recommend

WATER & SEWER SERVICE:

Finding 1: Clark Public Utilities provides public water and Clark Regional Wastewater District provides sewer service in the area. The site is already improved with the provision of adequate water and sewer services; therefore no additional condition of approval is necessary.

Finding 2 – Health Department Letter: 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 Final Approval Letter" must be submitted, the Evaluation Letter will specify 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). The Health Department Evaluation Letter will serve as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer. The Health Department Final Approval Letter will confirm that all existing wells and/or septic systems have been abandoned, inspected and approved by the Health Department. See Condition A-9.

SEPA DETERMINATION

Based on the application materials and agency comments, staff determined that there were no probable significant adverse environmental impacts associated with this proposal that could not be avoided or mitigated through the conditions of approval listed below. Accordingly, the County, as the lead agency, determined that an environmental impact statement was not needed. The County issued and published its Determination of Nonsignificance for this project on December 2, 2009 (Ex. 9). One timely comment (Ex. 11) from the Washington Department of Ecology and no appeals were received by the comment and appeal deadline of December 16, 2009. That comment is adequately addressed in findings and/or conditions of approval; therefore, the SEPA determination is final.

V. Decision and Conditions:

Based on the foregoing findings and except as conditioned below, this application is approved in general conformance with the applicant's proposal, the preliminary site plan and related plans (Exs. 5, 6 & 21). This approval is granted subject to the requirements that the applicant, owner or subsequent developer (the "developer") 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	**Final Construction Plan 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 Land Use:

a. Light glare impact mitigation (site plan notes): The developer shall implement the lighting plan in Exhibit 21 plus the following additional requirements (Land Use Finding 5), which shall be placed as notes on the final site plan.

- All sporting events shall end no later than 9:30 p.m., with the field lights and scoreboard completely extinguished no later than 10:00 p.m. Field lights shall not be used before 7:00 a.m.

- The developer shall use the Musco Light Structure Green (LSG) lighting system as described in the developer's lighting plan (Ex. 21), in particular Musco's Sports Cluster Green fixtures with 14-inch external visors or an equivalent fixture.

- The lights, lighting systems and scoreboard shall be installed by suitably qualified professionals and adjusted to minimize light glare and fugitive light from leaving the property in any direction, especially onto residential properties. The lights, lighting systems and scoreboard shall be monitored and stray light measured after installation and the lights and lighting systems adjusted to minimize light glare and fugitive light from leaving the school property in any direction, especially onto residential properties. Fugitive light levels on and off the athletic fields shall not exceed the levels represented in the developer's lighting plan (Ex. 21).

b. Noise impact mitigation (site plan notes): The developer shall avoid, minimize and mitigate off-site noise impacts by implementing the following measures (Land Use Finding 6) and placing these requirements as notes on the final site plan:

- All sporting events shall end no later than 9:30 p.m. The amplified audio system proposed for Site A (football field & track) shall not be used after 10:00 p.m. There shall be no amplified sound or announcing system at Site B (soccer/lacrosse fields).

- The developer shall comply with and achieve the noise limitations set forth in WAC 173-60-040. Failure to meet this standard shall constitute a violation of this permit.

- To limit noise and other off-site impacts, the developer shall chain-off, lock or otherwise close all access points to the property after hours on weekdays and during weekends when there are no scheduled events on the property.

c. Mitigation review (site plan note): The following shall be placed as a note on the final site plan:

Within 3 months of completing one year of operation of these athletic fields (one year from the date of completion of the public improvements), the County shall conduct a *one time only* review of the noise and light glare impacts of the athletic fields on surrounding properties to determine if further adjustments, limitations or conditions are needed to ensure that operation of these sports fields is not significantly detrimental to the health, safety or general welfare of people residing in the neighborhood. As a result of that review, conditions may be modified, added or deleted to achieve this standard.

A-2 **Final Construction Plan and Note:** The developer shall submit and obtain County approval of a final construction plan in conformance with CCC chapter 40.350 and the following additional requirement, which shall be placed as a note on the final construction plans:

Archaeology: "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."

A-3 **Final Transportation Plan/On-Site:** The developer shall submit and obtain County approval of a final on-site transportation design in conformance with CCC chapter 40.350 and the following additional requirements:

a. The developer shall not extend NE 82nd Street through Site A, but shall instead construct either an approved turn-around or a Type III barricade at the western stub of NE 82nd Street. In either case, the developer shall also install a chain link fence around Site A without a gate in this location so as to prevent pedestrian access from the NE 82nd Street into Site A. See Transportation Finding 7.

b. The First Church of God and Kings Way School may retain its current access points onto NE 78th Street until either of the following events occur (see Transportation Finding 3):

- The County identifies, or is made aware of, operational and/or safety issues and, at its sole discretion, restricts any or all full access driveways from this site onto NE 78th Street with the construction of a raised center median; or

- A north-south road intersecting NE 78th Street east of the site (either the north-south road is required as a condition of approval for PSR2004-00067 or as part of another approved development) and a traffic signal is constructed and operational, the First Church of God and Kings Way School driveways shall be restricted to right-in/right-out turning movements with the construction of a raised center median.

A-4 **Final Transportation Plan/Off Site (Concurrency):** The developer shall submit and obtain County approval of a final off-site transportation design that complies with CCC chapter 40.350

A-5 **Transportation:** The developer shall submit and obtain County approval of a final transportation plan designed in conformance with CCC chapter 40.350 and the following additional requirements:

a. Signing and Striping Plan: The developer shall submit a signing and striping plan and a reimbursable work order, authorizing County Road Operations to perform any signing and pavement striping required within the County right-of-way. This plan and work order shall be approved by the Department of Public Works prior to final plat or final site plan approval.

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

A-6 **Final Stormwater Plan:** The developer shall submit and obtain County approval of a final stormwater plan for on and off-site facilities (as applicable), designed in conformance with CCC chapter 40.380 and the following additional requirements:

a. The developer shall provide an emergency overflow system that will protect downstream owners from inundation or property damage. See Stormwater Finding 5.

b. In accordance with CCC 40.380.040(C)(3)(a), the developer shall have completed a soil suitability investigation for infiltration, to be performed by a suitably qualified geo-technical engineer through both approved field-testing and laboratory testing. See Stormwater Finding 5.

c. If infiltration will be a function of the soccer/lacrosse field's storm runoff, the final stormwater report shall obtain infiltration rates in the soil zone at the same elevation as the detention/infiltration system. See Stormwater Finding 7.

d. The final stormwater report shall address any portion of the soccer/lacrosse field's detention/infiltration system placed in compacted fill. See Stormwater Finding 7.

e. The final stormwater report shall provide a closed depression analysis in accordance with CCC 40.380.040 (C)(3)(h)(4) for storm runoff discharge to the County Park site located adjacent and east of the site. See Stormwater Finding 7.

f. The final stormwater plan shall be designed to release storm runoff onto adjacent properties as sheet flow rather than channelized flow. See Stormwater Finding 7.

g. The final stormwater design shall account for shorter time of concentration for any upstream bypass storm runoff. See Stormwater Finding 7.

A-7 **Erosion Control Plan:** The developer shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC chapter 40.385.

A-8 **Final Landscape Plan:** The landscape plans shall include landscaping within the public Rights-of-Ways and on-site. The developer shall submit and obtain county approval of final landscape plan consistent with the approved preliminary landscape plans (Ex. 5, sheet 20) and CCC chapter 40.320, with the following modifications:

a. The applicant shall plant an additional screen of 10 trees behind the east-side bleachers on Site A to absorb/diffuse sound and prevent sound from leaving the site in that area.

b. The applicant shall install a continuous 6-foot high chain link fence around the perimeter of both fields, as shown on the site and landscape plan (Ex. 5, sheet 20) except there shall be no gate or other pedestrian accessway on the east side of Site A at the west-end stub of NE 82nd Street.

c. Mitigation review: Within 3 months of completing one year of operation of these athletic fields (one year from the date of completion of the public improvements), the County shall conduct a review of the noise and light glare impacts of the athletic fields on surrounding properties to determine if further adjustments, limitations or conditions are needed to ensure that operation of these sports fields is not significantly detrimental to the health, safety or general welfare of people residing in the neighborhood. As a result of that review, the landscaping requirements may be modified, added or deleted to achieve this standard.

A-9 **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.

A-11 **Other Documents Required:** At the time of submission of the Final Construction Plan, the developer shall also provide either an easement or covenant which will allow the county to enter the property to inspect the stormwater facilities inform the developer of maintenance needs or, in the event that the property owners fail to maintain the facilities, the county shall be allowed to perform emergency maintenance and recover cost for said maintenance from the property owners. See Stormwater Finding 4.

A-12 **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:** Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.

B-2 **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-3 **Erosion Control:** Erosion control facilities shall not 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/land division plan and the following conditions of approval:

C-1 **Stormwater:** The installation of infiltration systems shall be observed and documented by a licensed engineer in the State of Washington proficient in geotechnical engineering. During the construction, the geotechnical engineer shall verify that the infiltration rates used in the final stormwater analysis are obtained at the exact locations and depths of the proposed stormwater infiltration facilities. The infiltration investigation shall include laboratory analysis based on AASHTO Specification M145. The timing of representative infiltration tests will be determined at the pre-construction conference. See Stormwater Finding 6.

C-2 **Verification of the Installation of Required Landscape:** The developer shall provide verification in accordance with CCC 40.320.030(B) that the required landscaping has been installed in accordance with the approved landscape plans. See condition A-8.

F	**Occupancy Permits** **Review & Approval Authority: Building**

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

F-2 **Verification of the Installation of Required Individual Street Trees:** Where street trees are required on individual residential lots, the developer shall provide verification in accordance with CCC 40.320.030(B) that the required landscaping has been installed in accordance with the approved landscape plan. See condition A-8.

G Development Review Timelines & Advisory Information

G-1 **Final Site Plan:** Within 5 years of preliminary plan approval, the developer shall submit a Fully Complete application for Final Site Plan review, after which the preliminary site plan approval shall automatically expire.

G-2 **DOE Stormwater Permit** - A stormwater permit from the Department of Ecology (DOE) is required if both of the following conditions occur:

a. The development disturbs one or more acres of land through clearing, grading, excavating, or stockpiling of fill material; AND

b. 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 multiple phases will count toward the 1-acre threshold. This applies even if the developer is responsible for only a small portion (less than one acre) of the larger project planned over time. The developer shall Contact the DOE for further information.

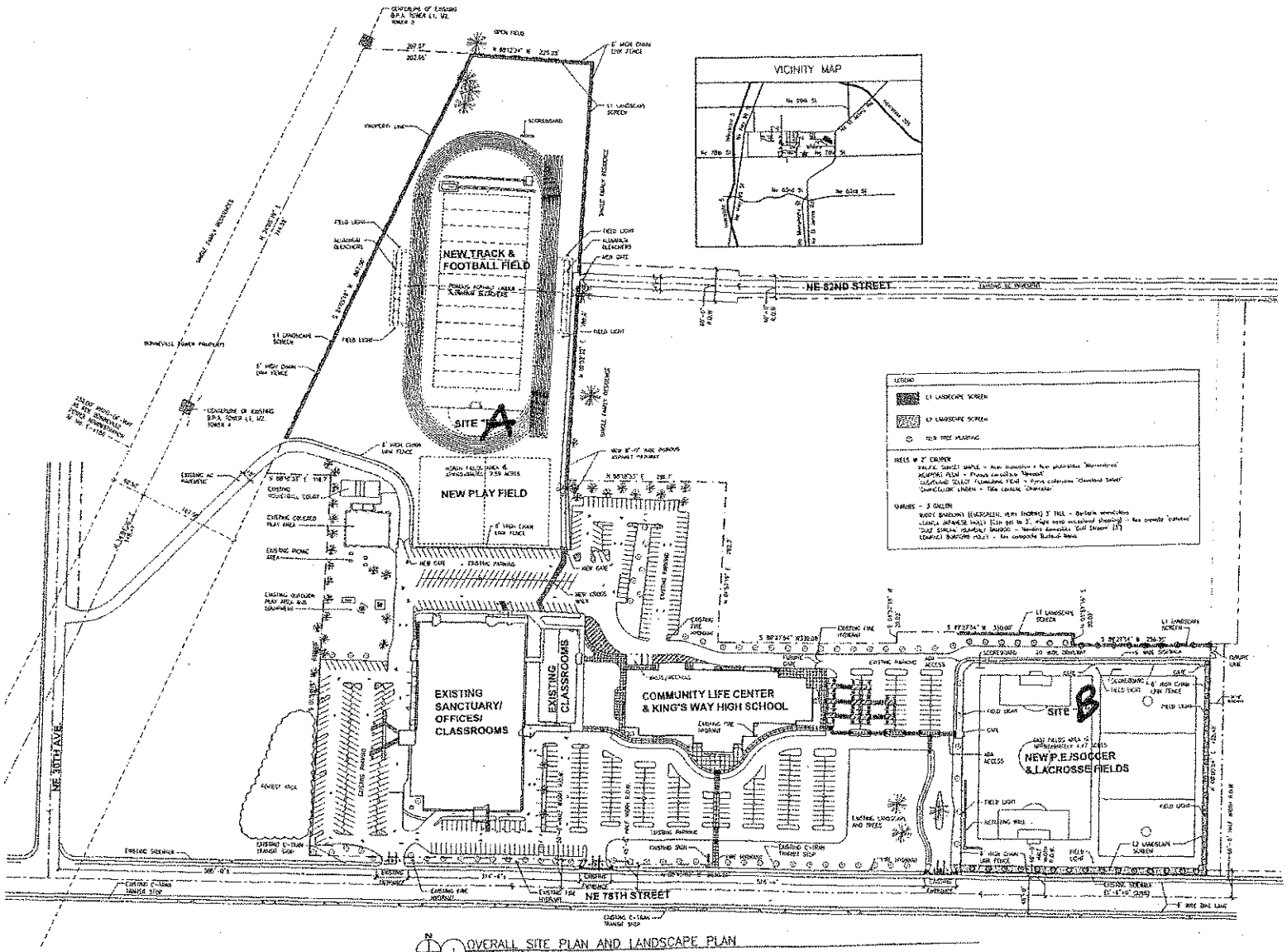
Date of Decision: March 10, 2010.

By: _____
Daniel Kearns,
Land Use Hearings Examiner

NOTE: Only the Decision and Conditions of approval, if any, are binding on the applicant, owner or subsequent developer of the subject property as a result of this Order. Other parts of the final order are explanatory, illustrative or descriptive. There may be requirements of local, state or federal law or requirements which reflect the intent of the applicant, county staff, or the Hearings Examiner, but they are not binding on the applicant as a result of this final order unless included as a condition of approval.

Notice of Appeal Rights

This is the County's final decision on this application. Anyone with standing may appeal any aspect of the Hearings Examiner's decision, except the SEPA determination, to Clark County Superior Court pursuant to the Washington Land Use Petition Act, RCW chapter 36.70C.



1 OVERALL SITE PLAN AND LANDSCAPE PLAN

LSW architects, pc

FIRST CHURCH OF GOD / KING'S WAY
PE & ATHLETICS FIELDS
3300 NE 78TH STREET
VANCOUVER, WA 98665

OVERALL SITE PLAN AND LANDSCAPE PLAN

HEARING EXAMINER EXHIBITS

APPLICATION: FIRST CHURCH OF GOD KING'S WAY P.E. & ATHLETIC FIELDS

CASE NUMBERS: CUP2009-00011; PSR2009-00044; SEP2009-00093; WET2009-00073; EVR2009-00052

Hearing Date: January 28, 2010

EXHIBIT NO.	DATE	SUBMITTED BY	DESCRIPTION
1		CC Development Services	Aerial Map
2		CC Development Services	Vicinity Map
3		CC Development Services	Zoning Map
4		CC Development Services	Comprehensive Plan Map
5	10/28/09	Applicant, John Barbieri	Proposed Developments Plans
6	10/28/09	Applicant, John Barbieri	Application Form, Pre-app Report, GIS, Narrative, Legal Lot Determination, Approved Preliminary Plats Abutting the Site, Proposed Developments Plans, Soils Analysis Report, Preliminary Stormwater Design Report, Stormwater Preliminary Development Plan, Project Engineer Statement of Compliance & Feasibility, Traffic Study, SEPA, Proof of Submitting Archaeological Predetermination to the State, Sewer District Utility Review Letter, Water Utility Review Letter, Health Dept Project Review, Associated Applications
7	11/18/09	CC Development Services	Fully Complete Determination
8	12/2/09	CC Development Services	Affidavit of Mailing Public Notice
9	12/2/09	CC Development Services	Notice of Type III Development Review Application, Optional SEPA Determination of Non-Significance & Public Hearing
10	12/12/09	John Hannon	Public Comments
11	12/17/09	Washington Dept of Ecology (DOE)	SEPA comments
12	12/30/09	Applicant, John Barbieri	Affidavit of posting
13	1/7/2010	Development Engineering	Road Modification

EXHIBIT NO.	DATE	SUBMITTED BY	DESCRIPTION
14	1/8/2010	Jack Davis	Comments
15	12/2/09	Brent Davis, Wetland Biologist	Wetland Determination Staff Report
16	1/13/10	CC Development Services	Affidavit of Posting
17	1/13/10	CC Development Services	Staff Report written by Michael Uduk
18	1/22/10	LeAnne Bremer, Attorney for applicant	Cover letter transmitting new info to staff
19	1/22/10	LeAnne Bremer/Han Lee	Additional information re transportation issues
20	1/22/10	LeAnne Bremer/John Hardwick	Additional information re audiovisual impacts
21	1/22/10	LeAnne Bremer/Ralph Wilson	Cover letter and bill board lighting mitigation
22	1/25/10	Jack Davis	Additional comments
23	1/26/10	Steve & Judy Perry	Public comments
24	1/27/10	LeAnne Bremer	R. Jones 11-Acre Development
25	1/27/10	LeAnne Bremer	Assessment reimbursement Area 2000-01
26	1/27/10	LeAnne Bremer	Memorandum to the Hearings Examiner
27	1/27/10	LeAnne Bremer	Environmental Fact Sheet – Boomsnub/Airco Superfuns Site, Hazel Dell, Washington
28	1/26/10	David Jardin, PW	Early Issues
29	1/28/10	CC Development Services	Addendum to the Staff Report
30	1/28/10	CC Development Services	Pictures of Power Point Presentation
31	1/28/10	Bud VanCleve & Curtis Achziger	Letter from Ed McMillan
32	1/28/10	Ralph R Willson	Pictures
33	1/28/10	LeAnne Bremer	Email from Ralph Willson
34	1/28/10	LeAnne Bremer	Priority Habitats and Species List
35			
36			
37			

Copies of these exhibits can be viewed at:

Department of Community Development / Planning Division
1300 Franklin Street
Vancouver, WA 98666-9810