TYPE III DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & RECOMMENDATION

Project Name:	**VANCOUVER WEST LDS CHURCH**
Case Numbers:	**CUP2009-00007; PSR2009-00031; SEP2009-00073; EVR2009-00051**
Location:	9728 NE 50th Avenue
Request:	The applicant is requesting approval to construct a 74-space parking lot addition for an existing church on a 6.37 acre site located in the Single-family Residential (R1-6) zoning district, and to relocate one of three existing access driveways.
Applicant:	Church of Jesus Christ of Latter- Day Saints Adrian Dyer 9400 Heathfield Lane S.E. Turner, OR 97392 (503)743-4504; dyeram@ldschurch.org
Contact Person:	Mac McSwain McSwain & Woods Architects, AIA 800 N Bayshore Drive Coos Bay, OR 97420 (541)269-0618; mac@mcswain-woods.com
Property Owner:	Latter- Day Saints Church 50 E North Temple Salt Lake City, UT 84111

RECOMMENDATION

Approval, subject to Conditions

Team Leader's Initials: MB **Date Issued: December 30, 2009**

Public Hearing Date: January 14, 2010

County Review Staff:

	Name	Phone (360) 397-2375 Ext.	E-mail Address
Planner:	Alan Boguslawski	4921	Alan.boguslawski@clark.wa.gov
Engineer: (Trans. & Stormwater)	Doug Boheman PE	4219	Doug.boheman@clark.wa.gov
Engineer: (Trans. Concurrency)	David Jardin	4354	David.jardin@clark.wa.gov
Manager:	Michael Butts	4137	Michael.butts@clark.wa.gov
Engineering Supervisor: (Trans. & Stormwater)	Sue Stepan PE	4064	Sue.stepan@clark.wa.gov
Engineering Supervisor: (Trans. Concurrency)	Steve Schulte PE	4017	Steve.schulte@clark.wa.gov
Fire Marshal:	Tom Scott	3323	Tom.scott@clark.wa.gov

Comp Plan Designation: Urban Low Density Residential

Parcel Number: Parcels 156202-000, 156276-000, 156277-000, 156289-000, & 156290-000, located in the NW Qtr of Section 6, Township 2 North, Range 2 East of the Willamette Meridian.

Applicable Laws:

Clark County Code (CCC) 15.12 (Fire), 40.220.010 (Single-family Residential Districts), 40.320 (Landscaping/Screening), 40.340 (Parking), 40.350 (Transportation), 40.380 (Stormwater/Erosion Control), 40.500 (Procedures), 40.510.030 (Type III Process), 40.520.030 (Conditional Use Permits), 40.520.040 (Site Plan Review), 40.570 (SEPA) and RCW 27.53.

Neighborhood Association/Contact:

Andresen/St. Johns Neighborhood Association
Neil Chambers
6204 NE 67th St
Vancouver, WA 98661
(360)699-5119
E-mail: N.Chambers@comcast.net,

Vesting:

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application

is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on November 6, 2008. The pre-application qualified to be contingently vested as of October 23, 2008; however, the fully complete development application was not submitted within 180 days.

The fully complete application was submitted on October 23, 2009 and determined to be fully complete on November 6, 2009. Given these facts the application is vested on October 23, 2008.

Time Limits:

The application was determined to be fully complete on November 6, 2009. Therefore, the County Code requirement for issuing a decision within 92 days lapses on February 6, 2010. The State requirement for issuing a decision within 120 calendar days, lapses on March 6, 2010.

Public Notice:

Notice of application and likely SEPA Determination of Non-Significance (DNS) was mailed to the applicant, the Andresen/St Johns Neighborhood Association, SEPA Agencies, and owners of property located within 300 feet of the site on November 20, 2009. One sign was posted on the subject property and two within the vicinity on December 30, 2009.

Public Comments:

In response to the public notice, the county received two comment letters, as follows:

1. Received on December 3, 2009 from Johnson Meninick, Yakama Tribe (Exhibit #11). The letter expresses concern for any cultural and archaeological resources that may be located on the site. Discovery of any evidence of such resources must be reported.

   Staff Response
   Refer to Finding 5 below.

2. Received on December 7, 2009 from the Washington Department of Ecology (Exhibit #12). The DOE letter recommends a buffer of native vegetation between the parking lot and the infiltration pond to slow and filter storm runoff.

   The letter states that there is a known contaminated site within a half mile of the project site, and that, if contamination is discovered at the site during development, it must be reported to Ecology's Southwest Regional Office.

   The letter also cites state water quality regulations and states that erosion control measures must be in place prior to any clearing, grading, or construction. It cites

recommended measures to prevent contamination of surface water by erosion and sediment-laden runoff. It also advises that construction debris shall not cause water quality degradation and provides guidelines for identifying clearing limits, stabilizing denuded areas, and preventing tracking of sediment by construction vehicles. An NPDES permit is required if the project will disturb one or more acres of soil surface area and discharge stormwater to surface waters or a storm sewer. The letter provides contact and application information.

Staff Response
The applicant has been provided with a copy of the DOE letter and is separately responsible for compliance with all state and federal regulations. Compliance with the county Stormwater and Erosion Control ordinance will prevent adverse impacts off site. The county will review and monitor implementation of the applicant's erosion control plan. Erosion control measures will be monitored by county inspection staff during construction of the project.

Project Overview

The 5.67 acre site contains an existing 28,601 square foot church constructed in 1981 which is surrounded by paved parking areas totaling 217 parking spaces. The easterly portion of the site is open and grass covered.

The church operates under a conditional use permit issued in 1979 (CUP 79-042) and site plan approval issued in 1980 (SPR 80-08).

NE LaLonde Drive abuts the site on the north, NE 50th Avenue abuts the site on the west, and NE St Johns Road abuts the site on the southeast. The site is currently served by two driveways on NE 50th Avenue and one on St Johns Road.

The applicant proposes to expand the parking area by approximately 51,898 square feet adding 91 new parking spaces, while eliminating 18 existing spaces. The applicant also proposes to close the existing northerly driveway on NE 50th Avenue and to locate a new driveway onto NE LaLonde Drive.

North of the site across LaLonde Drive are single-family lots, west of the site across 50th Avenue is an 8 acre parcel with a residence, and the abutting parcel on the east is vacant. East of the site across St Johns Road is the Seventh Day Adventist church. Abutting the site on the south are a vacant parcel, one with a residence, and one containing a large garage or shop.

Comprehensive Plan, Zoning and Current Land Use:

Compass	Comp Plan	Zoning	Current Land Use
Site	Urban Low Density Residential	Single-family Residential (R1-6)	Church
North	Rural Commercial	Single-family Residential (R1-6)	Residential

Compass	Comp Plan	Zoning	Current Land Use
East	Urban Low Density Residential	Single-family Residential (R1-6)	Vacant
South	Urban Low Density Residential	Single-family Residential (R1-6)	Residential
West	Urban Low Density Residential	Single-family Residential (R1-6)	Vacant/ Residential

Staff Analysis

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

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

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

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

Major Issues:

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

LAND USE:

Finding 1 Conditional Use Permit

Under the Single-family Residential (R1-6) zoning of the site, the church operates under a conditional use permit (CUP79-042). Pursuant to CCC 40.520.030(A), 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 the Unified Development Code and their effect on surrounding properties.

The proposed expansion of the church parking from 217 spaces to 290 spaces constitutes an approximately 34% expansion. Consequently, a new conditional use permit review is required, in accordance with CCC 40.520.030(G).

Finding 2 Parking Standards

Parking standards are provided in CCC 40.340.010. Based upon the preliminary site plan and detail plan, the proposed parking layout can meet the required parking design standards, with the following exceptions:

- In accordance with CCC 40.340.010(A)(4)(d), parking spaces shall not be located within a required front setback. A 20-foot front setback applies along the frontage of NE St Johns Road. The parking spaces in the southeast corner of the new parking lot are shown to be encroaching within the required setback. (see Condition A-1.a.)

- Wheel stops or curbs located three feet back from the front of the parking stall are required for parking spaces abutting sidewalks, in accordance with CCC 40.340.010(A)(10). The site plan and detail plan for the parking spaces do not provide the required wheel stops. (see Condition A-1.b.)

The electrical site plan identifies seven new exterior lights for illuminating the new parking area. Based upon the information provided, the lighting will not result in glare off site, in compliance with CCC 40.340.010(A)(7). (see Condition H-1)

Finding 3 Landscaping

Landscaping and screening standards for parking areas are provided in CCC 40.320.010(E).

A minimum five foot landscape strip landscaped to an L2 standard, or a 10 foot strip landscaped to an L1 standard is required between a parking area and an abutting right-of-way. The preliminary landscape plan provides plantings between the new parking lot and St Johns Road that meet or exceed the minimum standard.

Landscape islands are required within the new parking lot at a ratio of one island per seven parking spaces. Based upon 91 parking spaces, a minimum 13 landscape islands are required. The preliminary landscape plan provides 17 islands.

In accordance with CCC 40.320.010(G)(3), required trees for parking areas shall be a minimum caliper of two inches and a minimum height of 10 feet at the time of planting. The preliminary landscape plan indicates a 1 ½" planting size for the proposed Eastern Redbud and Japanese Stewartia. Therefore, the planting size for these trees needs to be amended. (see Condition A-2.a.)

An irrigation plan is required in accordance with CCC 40.320.010(G)(7). (see Condition A-2.b.)

Required landscaping shall be installed prior to use of the new parking lot. (see Condition F-1)

Finding 4 Solid Waste Storage Areas

The site plan identifies a new storage area enclosure for solid waste. CCC 40.360 provides criteria for size, location, and design of areas for storing solid waste and recyclable materials. A 6-foot high, gated, fully sight-obscuring (L2) enclosure is required. The plan detail (Sheet C0.3) indicates a slatted chain link fence enclosure and does not indicate a gated access. Pursuant to CCC 40.320.010(B)(7), a slatted chain link fence does not meet the L2 standard. (see Condition A-1.c.)

Conclusion (Land Use):
Based on the above findings, staff concludes that the proposed preliminary plan, subject to the conditions of approval itemized below under Conditions of Approval does or can meet the Land Use Requirements of Clark County Code.

ARCHAEOLOGY:

Finding 5 Archaeological Predetermination

The area of the proposed parking expansion is designated on the county archaeological predictive model maps as having a Moderate (40-60%) probability for containing artifacts. The proposal has high ground disturbance impacts. Therefore, in accordance with CCC Table 40.570.080-1, an archaeological predetermination was required.

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

The DAHP concurs (Exhibit #6 at Tab I) with the recommendation of the pre-determination that no additional studies are necessary; however, a note on the final construction plans will require that if resources are discovered during ground disturbance, work shall stop and DAHP and the county will be contacted. (see Condition A-3.a.)

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

TRANSPORTATION:

Finding 6 Pedestrian/Bicycle Circulation

Pedestrian circulation facilities in compliance with the Americans with Disabilities Act are required in accordance with the provisions of Section CCC 40.350.010. The project will not add any additional p.m. peak hour trips. CCC 40.350.030(B)(5)(b)(2),

exempts the developments that do not result in an increase of total site trip generations during the p.m. peak hour of more than ten percent (10%). Based upon this information, staff finds that the pedestrian/bicycle requirements are not applicable.

Finding 7 Circulation Plan

In compliance with CCC 40.350.030(B)(2), the circulation plan shall provide adequate cross-circulation for serving the proposed subdivision and allow future developments to meet the cross circulation standards. The proposed site is surrounded by NE St. Johns Road on the east, NE 50th Avenue on the west, and NE LaLonde Drive to the north. Therefore, the project meets the circulation requirements.

Finding 8 Access Management

The Vancouver West LDS Church is currently served by three accesses. Two of the accesses are onto NE 50th Avenue, classified as a 2-lane minor arterial with center lane and bike lanes (M-2cb), and one onto NE St. Johns Road, a principal arterial with center lane and bike lanes (Pr-4cb). The applicant has applied for a Road Modification (Exhibit #5 Appendix O) for approval of a right-in/right-out access onto NE LaLonde Drive, a 4-lane minor arterial with center lane and bike lanes (M-4cb). In exchange for the access onto NE LaLonde Road the applicant will close the most northerly access on NE 50th Avenue. (Refer to Finding 10 below)

Finding 9 Sight Distance

The applicant has provided a sight distance certification stamped and signed by Brent Ahrend, P.E. stating that the sight distance for the proposed access onto NE LaLonde Drive exceeds Clark County's required sight distance for a road with a speed limit of 35 mph. Being that this access will be a right-turn in and right-turn out-only, the sight distance to the west of the proposed access was evaluated.

Finding 10 Road Modifications

LaLonde Drive is classified as a 4-lane minor arterial road. The applicant has applied for a Road Modification to allow an access onto this road fronting the site replacing an access onto NE 50th Avenue which is a 2-lane minor arterial. CCC 40.350.030(B)(4)(d)(1) states that no driveways will be permitted to access onto arterials unless no other access to the site exists or can be provided.

Approval Criteria

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

a. *Topography, right-of-way, existing construction or physical conditions, or other geographic conditions impose an unusual hardship on the applicant, and an equivalent alternative, which can accomplish the same design purpose, is available.*
b. *A minor change to a specification or standard is required to address a specific*

design or construction problem, which, if not enacted, will result in an unusual hardship.

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

The narrative submitted with the road modification application (Exhibit #6, Appendix O) states that, at the time NE 99th Street/LaLonde Drive were realigned along the north end of the site, it resulted in substandard spacing for the northerly site access onto NE 50th Avenue, and the access has since been limited to right-out turns only. Even with the limitation, this creates a safety concern as vehicles enter the roadway at the intersection. Although LaLonde, a four-lane urban arterial, is a higher classification than NE 50th Avenue, allowing an access will improve overall safety and circulation resulting in a plan superior to the standards. (Refer to Exhibit #6, Appendix O for the full justification for this request.)

The applicant asserts that this road modification request meets the specific criteria 'a' and 'b' as stated above.

Staff agrees with the applicant that, with consideration of the closure of the north access on NE 50th Avenue and potential limitation of the south access on NE 50th Avenue, the proposed new access onto LaLonde Drive provides an alternate entrance for vehicles arriving from the north on NE 50th Avenue and from the west on NE 99th Street; therefore, staff agrees that this request meets the special criteria 'a' and 'b' as stated above.

Therefore, staff recommends approval of the applicant's request, subject to a condition requiring the northerly driveway on NE 50th Avenue to be abandoned. (see Condition A-4.a.)

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

STORMWATER:

Finding 11 Applicability

In accordance with the Stormwater and Erosion Control Ordinance (CCC 40.385), new development and redevelopment within the urban area that create or add five thousand (5,000) square feet or more of new impervious surface shall comply with Minimum Requirements No. 1 through No. 10 for the new impervious surfaces.

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This project will create more than 5,000 square feet of new impervious surface; therefore, this development shall comply with the Stormwater and Erosion Control Ordinance (CCC 40.385).

The erosion control ordinance is intended to minimize the potential for erosion, and a plan is required for all projects meeting the applicability criteria listed in CCC 40.385.030. This project is subject to the erosion control ordinance.

Finding 12 Stormwater Proposal

A proposed above ground water quality and infiltration/detention basin located along the east edge of the existing southeast driveway entrance will detain and partially infiltrate the post-developed peak flow rates to pre-developed peak flow rates predicted by a calibrated continuous simulation hydrologic model based on the EPA's HSPF (Hydrologic Simulation Program-Fortran) program or an approved equivalent model.

The proposed stormwater quality control facility will treat the volume of runoff predicted from a 24-hour storm with a 6-month return frequency (a.k.a. 6-month, 24-hour storm). The revised statement of feasibility dated December 18, 2009 states that the water quality requirement will be met by providing a dead storage volume and infiltrating 100% of the water quality volume.

The project engineer states that the flow control requirements will be met using the WWHM3 software to show compliance. The proposed stormwater quantity control facility will release runoff rates from the mitigated (developed) land use at the pre-developed land use flow rates calculated by an approved continuous runoff model. (see Condition A-5.a)

Infiltration will be used as much as practical. The April 28, 2009 geotechnical report prepared by GeoPacific Engineering, Inc. (Exhibit #6, Tab G) indicates that the infiltration rate in TP-1 measured at the depth of 6 feet was 2 inches per hour. Groundwater was encountered at a depth of 11.5 feet in TP-1. An infiltration rate of 1 in/hr will be used to design the proposed retention pond. (see Condition C-1)

The volume of water not able to be infiltrated will be conveyed to one of the public storm drain conveyance systems located in NE 50th Avenue. Both of the public systems located in NE 50th Avenue appear to outfall at separate locations into the LaLonde Creek basin approximately 200 feet north west of the NE 50th Avenue and LaLonde Drive intersection.

Per CCC 40.385.020(C)(3)(f), the base of all infiltration basins or trench systems shall be greater than five (5) feet above the seasonal high-water mark, bedrock (or hardpan) or other low permeability layer. A separation down to three (3) feet may be considered if the groundwater mounding analysis, volumetric receptor capacity, and the design of the overflow and/or bypass structures are judged by the county to be

adequate to prevent overtopping and meet the site suitability criteria specified in the SMMWW. (see Condition A-5.b.)

Activities required to prepare a final stormwater control plan shall conduct an analysis of off-site water quality impacts resulting from the development activities and shall mitigate their impacts. This project will be required to perform an offsite analysis in conformance with Chapter 9 of Clark County Stormwater Manual. (see Condition A-5.c.)

Per CCC 40.385.020(C)(3)(c), infiltration receptor characterization shall include the installation of groundwater monitoring wells unless the highest groundwater level is demonstrated to be at least fifteen (15) feet below the proposed infiltration facility. These wells shall be installed and monitored during at least one (1) wet season within three (3) years prior to the date of final approval. (see Condition A-5.d.)

The onsite stormwater facility will be privately owned and maintained. (see Condition A-9.a.)

Finding 13 Site Conditions and Stormwater Issues

The property is 6.37 acres in area with slopes of 0-5% over 86% of the parcel, 5-10% over 9% of the parcel, and 10-15% over 4% of the parcel. The site is already developed with a one story brick façade church building and a 217-space parking lot that surrounds the north, south and east sides of the building. The proposed site development will consist of adding another 73 parking stall parking lot addition. The preliminary stormwater report indicates that the proposed total area of new impervious surface created by the parking lot expansion will be approximately 1.15 acres.

The Natural Resources Conservation Service (NRCS, formerly SCS) mapping shows the site to be underlain by Hillsboro soils (HoB and HIA), classified by AASHTO as A-4 soils. These soils are designated as hydrologic group "B".

Conclusion (Stormwater):

Staff concludes that the proposed preliminary stormwater plan, subject to the conditions of approval referenced above, is feasible. Therefore, the requirements of the preliminary plan review criteria are satisfied.

FIRE PROTECTION: [1]

Finding 14 Fire Hydrants

Fire hydrants are required for this application. The indicated number and spacing of fire hydrants is adequate.

[1] This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375 x4095 or 3323, or e-mail at tom.scott@clark.wa.gov. Information can be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

Finding 15 Fire Apparatus Access

Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application adequately provide required fire apparatus access.

Fire apparatus turnarounds are not required for this application. The applicant proposes to close the northerly driveway access on NE 50th Avenue to regular traffic by installing bollards that will allow emergency-only access. The applicant needs to provide Knox locks or a Knox key box for fire access through the new bollards. (see Condition A-7.a.)

Conclusion (Fire Protection):
Staff finds that the proposed preliminary plan, subject to the conditions listed under Conditions of Approval below, meets or can meet the fire protection requirements of the Clark County Code.

WATER & SEWER SERVICE:

Finding 16 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 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 (if applicable). (see Condition A-8)

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

IMPACT FEES:

Finding 17 Impact Fees

As indicated by the applicant in the application narrative, although the church is expanding its parking facilities, the church use on the site is not expanding in size or intensity. Therefore, the proposed parking expansion is not expected to result in increased traffic impacts in the area.

SEPA DETERMINATION

As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

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

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

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

Determination:

The likely SEPA determination of Non-Significance (DNS) in the Notice of Development Review Application issued on November 20, 2009 is hereby final.

SEPA Appeal Process:

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

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

Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.

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

Appeals must be in writing and contain the following information:

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

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

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

The decision of the Hearing Examiner is final unless there is:

- A motion if filed for reconsideration within fourteen (14) days of written notice of the decision, as provided under Clark County Code, Section 251.160; or,
- An appeal with Clark County Superior Court.

Staff Contact Person: Alan Boguslawski, Planner II
(360) 397-2375 ext 4921

Responsible Official: Michael V. Butts, Development Services Manager

RECOMMENDATION

Based upon the proposed plan (identified as Exhibit #5), and the findings and conclusions stated above, staff recommends that the Hearings Examiner **APPROVE** this request, subject to the understanding that the applicant is required to adhere to all applicable codes and laws, and is subject to the following conditions of approval:

CONDITIONS OF APPROVAL

A Final Construction/Site Plan Review
Review & Approval Authority: Development Engineering

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

A-1 **Final Site Plan** – The applicant shall submit and obtain county approval of a final site plan in conformance to CCC 40.520.040 and the following conditions of approval:

a. The site plan shall be amended to remove the encroachment of any parking spaces within 20 feet from the NE St Johns Road right-of-way. (see Finding 2)

b. The site plan shall be amended to provide wheel stops for parking spaces within the new parking area which abut sidewalks. (see Finding 2)

c. The final site plan details shall provide a gated enclosure meeting the F2 standard for the proposed solid waste storage area. (see Finding 4)

A-2 **Final Landscape Plan** - The applicant shall submit and obtain county approval of final landscape plan consistent with the approved preliminary landscape plan and the conditions listed below:

a. The landscape plan shall be amended to provide all proposed trees in required landscape islands at a minimum caliper of two inches and a minimum height of 10 feet at the time of planting, in accordance with CCC 40.320.010(G)(3). (see Finding 3)

b. The final landscape plan shall include an irrigation plan meeting the standards and criteria in CCC 40.320.010(G)(7). (see Finding 3)

A-3 **Final Construction Plan** - The applicant shall submit and obtain County approval of a final construction plan with the following:

a. Archaeology - A note shall be placed on the face of the final construction plans as follows:

"If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the 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."

(see Finding 5)

A-4 **Final Transportation Plan/On-Site** - T he applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350 and the following conditions of approval:

a. The Applicant shall permanently close off the northerly access onto NE 50th Avenue. The driveway approach shall be removed and replaced with standard curb and sidewalk. (see Finding 10)

A-5 **Final Stormwater Plan** - The applicant shall submit and obtain County approval of a final stormwater plan designed in conformance to CCC 40.380 and the following conditions of approval: (see Finding 12)

a. The applicant shall provide a final stormwater report and plan in compliance with Section 3.3 of Clark County Stormwater Manual. In addition, the applicant shall provide the following files, or equivalent, for continuous simulation model files for staff's review:
   1. WWHM3 binary project file (WHM file extension)
   2. WWHM3 ASCII project file (WH2 file extension)
   3. WWHM3 WDM file (WDM file extension)
   4. WWHM3 report text (Word file or Rich Text file)

b. Per CCC 40.385.020(C)(3)(f), the base of all infiltration basins or trench systems shall be greater than five (5) feet above the seasonal high-water mark, bedrock (or hardpan) or other low permeability layer. A separation down to three (3) feet may be considered if the groundwater mounding analysis, volumetric receptor capacity, and the design of the overflow and/or bypass structures are judged by the county to be adequate to prevent overtopping and meet the site suitability criteria specified in the SMMWW.

c. The proposed project will be required to perform an offsite analysis in conformance with Chapter 9 of Clark County Stormwater Manual.

d. Per CCC 40.385.020(C)(3)(c), infiltration receptor characterization shall include the installation of groundwater monitoring wells unless the highest groundwater level is demonstrated to be at least fifteen (15) feet below the proposed infiltration facility. These wells shall be installed and monitored during at least one (1) wet season within three (3) years prior to the date of final approval.

A-6 **Erosion Control Plan** - The applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.380.

A-7 **Fire Marshal Requirements:**

a. Provide Knox locks or a Knox key box for fire access through the new bollards. (see Finding 15)

A-8 **Health Department Review** - Submittal of a "Health Department Project Evaluation Letter" is required as part of the Final Construction Plan Review or early grading application. If the Evaluation Letter specifies that certain actions are required, the Evaluation Letter will specify the timing of when those activities must be completed (e.g., prior to Final Construction Plan Review, construction, Provisional Acceptance, Final Plat Review, building permit issuance, or occupancy), and approved by the Health Department. (see Finding 16)

A-9 **Other Documents Required** – The following documents shall be submitted with the Final Construction/Site Plan:

a. Developer's Covenant: - A "Developer Covenant to Clark County" shall be submitted for recording that specifies the following Responsibility for Stormwater Facility Maintenance: For stormwater facilities for which the county will not provide long-term maintenance, the developer shall make arrangements with the existing or future (as appropriate) occupants or owners of the subject property for assumption of maintenance to the county's Stormwater Facilities Maintenance Manual as adopted by Chapter 13.26A. The responsible official prior to county approval of the final stormwater plan shall approve such arrangements. The county may inspect privately maintained facilities for compliance with the requirements of this chapter. An access easement to the private facilities for the purpose of inspection shall be granted to the county. If the parties responsible for long-term maintenance fail to maintain their facilities to acceptable standards, the county shall issue a written notice specifying required actions to be taken in order to bring the facilities into compliance. If these actions are not performed in a timely manner, the county shall take enforcement action and recover from parties responsible for the maintenance in accordance with Section 32.04.060.

A-10 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 Demolition – Prior to demolition or removal of any existing structures the applicant shall obtain a demolition permit from the Clark County Building Department. (see Finding 16)

B-2 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-3 Erosion Control - Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.

B-4 Erosion Control - Erosion control facilities shall **not** be removed without County approval.

B-5 Fire Marshal Requirements - Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to the commencement of combustible building construction. (see Finding 16)

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/site plan and the following conditions of approval:

C-1 Stormwater :
Before acceptance of any infiltration facility by the county, the completed facility must be tested and monitored to demonstrate that the facility performs as designed. If the tested coefficient of permeability determined at the time of construction is at least ninety-five percent (95%) of the uncorrected coefficient of permeability used to determine the design rate, construction shall be allowed to proceed. If the tested rate does not meet this requirement, the applicant shall submit an additional testing plan to Clark County that follows the requirements in Chapter 3 of the Stormwater Manual. This plan shall address steps to correct the problem, including additional testing and/or resizing of the facility, to ensure that the system complies with the provisions of Chapter 3. (see Finding 12)

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

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

D-1 Not Applicable

E Building Permits
Review & Approval Authority: Customer Service

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

E-1 Not Applicable

F Occupancy Permits
Review & Approval Authority: Building

Prior to occupancy, the following conditions shall be met:

F-1 Landscaping – Prior to use of the new parking lot, the applicant shall submit a copy of the approved final landscape plan with a letter signed and stamped by a landscape architect licensed in the State of Washington certifying that the landscape and irrigation have been installed in accordance with the attached approved plans and verifying that any plant substitutions are comparable to the approved plantings and suitable for the site. (see Finding 3)

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

G-1 **Expiration of Land Use Approvals** - Within 5 years of preliminary plan approval, construction of the new facilities shall be completed and the use commenced.

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

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

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

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

H-1 **Lighting** – Exterior lights shall be shielded and directed so as to avoid off site glare, in accordance with CCC 40.340.010(A)(7) and RCW 47.36.180. (see Finding 2)

Note: Any additional information submitted by the applicant within fourteen (14) calendar days prior to or after issuance of this report, may not be considered due to time constraints. In order for such additional information to be considered, the applicant may be required to request a "hearing extension" or "open record" and shall pay the associated fee.

HEARING EXAMINER DECISION AND APPEAL PROCESS

This report to the Hearing Examiner is a recommendation from the Development Services Division of Clark County, Washington.

The Examiner may adopt, modify or reject this recommendation. The Examiner will render a decision within 14 calendar days of closing the public hearing. The County will mail a copy of the decision to the applicant and neighborhood association within 7 days of receipt from the Hearing Examiner. All parties of record will receive a notice of the final decision within 7 days of receipt from the Hearing Examiner.

Motion for Reconsideration:
Any party of record to the proceeding before the hearings examiner may file with the responsible official a motion for reconsideration of an examiner's decision within fourteen (14) calendar days of written notice of the decision. 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.

The motion must be accompanied by the applicable fee and identify the specific authority within the Code or other applicable laws, and/or specific evidence, in support of reconsideration. A motion may be grated for any one of the following causes that materially affects their rights of the moving party:

- **a.** Procedural irregularity or error, clarification, or scrivener's error, for which not fee will be charged;
- **b.** Newly discovered evidence, which the moving party could not with reasonable diligence have timely discovered and produced for consideration by the examiners;
- **c.** The decision is not supported by substantial evidence in the record; or,
- **d.** The decision is contrary to law.

Any party of record may file a written response to the motion if filed within fourteen (14) calendar days of filing a motion for reconsideration.

The examiner will issue a decision on the motion for reconsideration within twenty-eight (28) calendar days of filing of a motion fro reconsideration.

Appeal Rights:
Any party of record to the proceeding before the hearings examiner may appeal any aspect of the Hearing Examiner's decision, except the SEPA determination (i.e., procedural issues), to the Superior Court.

Attachments:

- Copy of Proposed Preliminary Plan
- Exhibit List

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

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

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

For Staff Only:

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

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

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

REVISED 9-11-09 - COMMENTS BY ANGIE MERRILL, PLANNING TECHNICIAN II

NEW ACCESS PER TRAFFIC ENGINEER

NE 99TH STREET (LALONDE DR.)

ASPHALT SURFACE

FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP UNREADABLE

CURB INLET RIM ELEV.=253.63' IE 10" ADS NE 249.88'

(E) BUS STOP @ CORNER OF NE 50th AVE. AND NE 99th ST

BOLLARDS FOR EMERGENCY ACCESS

CLOSE ACCESS PER TRAFFIC ENGINEER

EXISTING PARKING

ONE STORY, WOOD FRAME, WOOD SIDING (E) SHED - 2283 S.F.

(N) DUMPSTER ENCLOSURE

CONC PAD

ONE STORY, STEEL FRAME, (E) PAVILLION - 1,712.1 S.F.

GRADES BETWEEN PAVILION AND NEW PARKING NOT YET EVALUATED

HOOP SIGNS (TYP)

ONE STORY, WOOD FRAME, WOOD SIDING (E) CHURCH - 28,601.7 S.F.

(N) H.C. SIDEWALK

NEW CATCH BASIN

HOG WIRE FENCE

ASPHALT SURFACE

EXISTING PARKING

FOUND 5/8" IRON ROD STAMPED "DURDLE LS 16199"

TAX LOT 23

NE 50TH AVE.

PAVEMENT SURFACE

NE 44TH ST

NE 50th AVENUE

CALCULATED PROPOSITION OF WEST QUARTER SECTION 6 PER SURVEY BOOK 75, PAGE 160

PROJECT SITE

(E) SIDEWALK

N.E. 50TH STREET "DOWNS RD"

SANITARY RIM ELEV IE 8" PVC

Applicant:
Latter-Day Saints Church
Attn: Adrian Dyer
9400 Heathfield Lane SE
Turner, Oregon 97392
(503) 743-4504
dyerome@ldschurch.org

Owner:
Latter-Day Saints Church
50 E North Temple
Salt Lake City, Utah 84111

Contact Person:
Mac McSwain
McSwain & Woods, Architects AIA
800 N Bayshore Drive
Coos Bay, Oregon 97420
(541) 269-0618
mac@mcswain-woods.com

NOTE:
EXISTING PARKING IS 217.
REMOVED 18 SPACES.
ADDED 91 SPACES.
TOTAL PARKING SPACES AVAILABLE 290.
NET SPACES ADDED - 73.

NOTE: TOTAL ACREAGE OF SITE IS 5.67 ACRES

AREA TO BE IMPROVED IS 51,898 S.F.

PRELIMINARY

MAY 14, 2009

SITE LAYOUT PLAN

SCALE: 1"=40'-0"

SEE C0.1 FOR PARCEL LOCATIONS AND DIMENSIONS

VICINITY MAP

N.T.S.

Architect/Engineer:
MCSWAIN & WOODS ARCHITECTS and PLANNERS
800 N. Bayshore Drive, Coos Bay, Oregon 97420
Phone: (541) 269-0618 Fax: (541) 269-1069
Copyright © McSwain & Woods, A.I.A.
Log on to www.mcswain.com

Stamp:
REGISTERED ARCHITECT
PRELIMINARY
STATE OF WASHINGTON

Vancouver West Stake
Vancouver WA Stake
PARKING LOT EXPANSION
CONDITIONAL USE/SITE PLAN
9728 NE 50th Avenue
Vancouver, WA

Project for:
THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS

Project Number: 520-3759
Plan Series: 118
Property Number: 520-3759

Sheet Title: SITE LAYOUT.PLAN

Sheet: C0.2

11/10/2009 9:27 AM P:\JOBS\2008\0840\PLANS\DUPRA\0840-C0.2.DWG

HEARING EXAMINER EXHIBITS

APPLICATION: **VANCOUVER WEST LDS CHURCH**
CASE NUMBERS: CUP2009-00007 / PSR2009-00031
Hearing Date: 1/14/09

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	8/12/09	Applicant: LDS Church – Adrian Dyer	Full Size Plans
6	8/12/09	Applicant: LDS Church – Adrian Dyer	Application Packet: Project Overview, Site Description, Project Components, Response to Code, Consultation, Application Form, Reduced Plans, Pre-App Rpt, GIS Packet, TIR, Legal Lot Determination, Soils Rpt, Traffic Study, Arch Pre-Det, Site Photos, Lighting Specs, Storm Wtr Design, SEPA Checklist, Dev Rev NOT FC Ltr (9/2/09), Road Mod Application,
7	9/30/09	CC Development Service	Development Review NOT Fully Complete Letter
8	11/6/09	CC Development Services	Development Review Fully Complete Letter
9	11/20/09	CC Development Services	Notice of Type III Dev Review, Optional SEPA & Public Hearing
10	11/20/09	CC Development Services	Affidavit of Mailing
11	12/3/09	Yakama Tribe	Agency Comments
12	12/9/09	CC Development Services	Early Issues Comments
13	12/16/09	CC Development Services	Notice of Public Hearing
14	12/18/09	WDY Engineers	Stormwater Feasibility Statement
15	12/18/09	CC Public Works – Development Engineering	Road Modification Report
16	12/30/09	CC Development Services	Affidavit of Posting Public Notice
17	12/30/09	CC Development Services –	Type III Development & Environmental

		Alan Boguslawski, the Project Planner	Review, Staff Report & Recommendation
18			
19			
20			
21			

Copies of these exhibits can be viewed at:

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