

**NOTICE OF TYPE II  
DEVELOPMENT REVIEW  
APPLICATION AND OPTIONAL  
SEPA DETERMINATION OF  
NON-SIGNIFICANCE**

(Form DS1301A)



The Clark County Department of Community Development has received an application for development review, as described below. Based on a review of the submitted application materials, the County expects to issue a **Determination of Non-Significance (DNS)** for the proposal allowed by state law and Clark County Code (CCC), Section 40.570.040(E) – Optional DNS Process. As lead agency, the county has determined that the requirements for environmental analysis, protection, and mitigation measures are adequately addressed in the development regulations and comprehensive plan adopted under chapter 36.70A RCW, and in other applicable local, state, or federal laws rules, as provided by RCW 43.21.240 and WAC 197-11-158. Our agency will not require any additional mitigation measures under SEPA. The proposal may include mitigation under applicable codes and the project review.

Comments received within the deadline will be considered in the review of the proposal. Your response to this notice may be your only opportunity to comment on the environmental impacts of this proposal. No additional comment period will be provided unless probable significant environmental impacts are identified during the review process, which would require additional study or special mitigation. The proposal may include mitigation under applicable codes and the project review process may incorporate or require mitigation measures regardless of whether an Environmental Impact Statement (EIS) is prepared.

**Closing Date for Public Comments:**  
**June 29, 2009**

Information regarding this application can be obtained by contacting the staff contact person listed below, or visit the Public Service Center, Development Services Division, 1300 Franklin Street, 3<sup>rd</sup> Floor, Vancouver, Washington.

**Date of this notice: June 15, 2009**

**Project Name: HIGHWAY 99 POPEYES RESTAURANT**

**Case Number: PSR2009-00022; SEP2009-00042; BLA2009-00012;  
EVR2009-00020**

**Location: 8724 NE Highway 99**

**Request:** The applicant is requesting a site plan review approval to construct a second 1,867 square foot fast food restaurant with a drive through facility at the Del Taco restaurant site. (See PSR2002-

00024 file for additional information) The approximately 1.08-acre site is zoned Highway Commercial (GC).

**Applicant:** Ejaz Chaudhry  
15002 NW 15<sup>th</sup> Avenue  
Vancouver, WA 98685  
(503) 661-2310; E-mail: [ejazchaudhry@msn.com](mailto:ejazchaudhry@msn.com)

**Contact Person:** John Meier  
12011 NE 99<sup>th</sup> Street, Suite 1530  
Vancouver, WA 98682  
(360) 882-0419; (360) 882-0426 fax; E-mail: [john@aks-eng.com](mailto:john@aks-eng.com)

**Property Owner:** Ejaz Chaudhry  
Imitiaz Chaudhry  
Imran Chaudhry  
15002 NW 15<sup>th</sup> Avenue  
Vancouver, WA 98685

**Zoning:** GC

**Comp Plan Designation:** GC

**Parcel Number(s):** Tax Lots 1/22 (97970), 2/22 (97971), and 3/22 (97972)

**Township:** 2N      **Range:** 1E      **¼ of Section:** SW¼ of Sec 02

**Applicable Code Sections**

Clark County Code (CCC) Chapter: 40.350 (Transportation), Section 40.350.020 (Transportation Concurrency), 40.380 (Stormwater Drainage and Erosion Control), 15.12 (Fire Code), 40.230 (Commercial Districts, GC), 40.520.040 (Site Plan Review), 40.320 (Landscaping and Screening), 40.340.010 (Parking and Loading Standards), 40.610 (Impact Fees), 40.500 (Procedures) and 40.570 (SEPA)

**Neighborhood Contact:**

**NE Hazel Dell Neighborhood Association**

Bud Van Cleve, President  
1407 NE 68 Street  
Vancouver, WA 98665  
695-1466  
E-mail to Bud Van Cleve: [BSVANC@aol.com](mailto:BSVANC@aol.com)  
E-mail to Doug Ballou: [dballou@pacifier.com](mailto:dballou@pacifier.com)

**Staff Contact Person:**

Planner's Name: Michael Uduk (360) 397-2375, ext. 4385; [michael.uduk@clark.wa.gov](mailto:michael.uduk@clark.wa.gov)

Team Leader's Name: Travis Goddard (360) 397-2375, ext. 4180

**Please email SEPA comments to:**  
[rosie.hsiao@clark.wa.gov](mailto:rosie.hsiao@clark.wa.gov)

**Responsible Official:** Michael V. Butts, Development Services Manager  
Public Service Center, Department of Community Development, 1300 Franklin Street, P.O. Box 9810, Vancouver, WA 98666-9810

**Application Filing date:** May 11, 2009  
**Fully Complete Date:** June 1, 2009

**SEPA Options:**

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, requiring the preparation of an Environmental Impact Statement (EIS);
- **MDNS = Mitigated Determination of Non-Significance** (The impacts can be mitigated through conditions of approval); or,
- **DNS = Determination of Non-Significance** (The impacts can be addressed by applying the County Code).

**Timelines/Process:**

Decisions on Type II applications are made within 78 calendar days of the Fully Complete date (noted above), unless placed on hold for the submittal of additional information.

**Appeal Process:**

The responsible official's decision on the application may be appealed to the County Hearings Examiner by the applicant or any person or group that qualifies as a "Part of Record." To qualify as a party of record, you must have submitted written comments or a written request to be identified as a Party of Record within the comment deadline. Note: If an accurate mailing address for those submitting comment is not included, they will not qualify as a "Party of Record" and, therefore, will not have standing to appeal the decision. An appellant must submit an appeal application and appeal fee within 14 calendar days after the written notice of the decision is mailed.

SEPA Appeals:

A **procedural SEPA appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance).

A **substantive SEPA appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

A **procedural or substantive appeal** must be filed within fourteen (14) calendar days of this determination, together with the appeal fee. Such appeals will be considered at a scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

**Information Available on the County Web Page:**

- “Weekly Preliminary Plan Review Status Report,” (includes current applications, staff reports and final decisions):  
(<http://www.clark.wa.gov/commdev/active-landuseN.html>)
- Pre-Application Conferences and Public Land Use Hearing Agendas:  
(<http://www.clark.wa.gov/commdev/agendasN.asp>)
- Applications and Information Handouts for each Type of Land Use Permit:  
(<http://www.clark.wa.gov/commdev/applicationsN.html>) (*Landuse*)

**Phone: (360) 397-2375; Fax: (360) 397-2011**

**Web Page at: <http://www.clark.wa.gov>**

**Attachments:**

- Proposed project site/land division plan
- Map of property owners receiving notice

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**Agency Distribution:**

This notice is being provided to the following agencies with jurisdiction whose services maybe impacted by implementation of this proposal:

Federal Agencies: U.S. Army Corps of Engineers - Enforcement Division

Tribes: Cowlitz Indian Tribe  
Yakama Nation  
Chinook Tribe

State Agencies: Department of Natural Resources (S.W. Region)  
Department of Ecology  
Department of Fish and Wildlife  
Department of Transportation

Regional Agencies: Fort Vancouver Regional Library  
Southwest Clean Air Agency  
Vancouver-Clark Parks & Recreation

Local Agencies: Clark County Department of Community Development  
Development Services  
Development Engineering  
Fire Marshal's Office  
Clark County Health Department  
Clark County Public Works Transportation Division  
Clark County Conservation District  
Clark County Water Resource Council  
City of Vancouver Transportation

Special Purpose Agencies: Fire Protection District # 6  
Clark Public Utilities  
Clark Regional Wastewater District/City of Vancouver Water/Sewer

The Media The Columbian  
The Oregonian  
The Reflector  
Vancouver Business Journal  
The Post Record

Other: Applicant  
Clark County Neighbors  
Clark County Natural Resources Council  
Clark County Citizens United  
C-Tran  
Neighborhood Association

**Add Attachment for Agencies:**

- SEPA checklist