TYPE III DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & RECOMMENDATION

Form DS1300 PLD

Project Name: **TRI-MOUNTAIN ESTATES**

Case Number: PST2010-00001

Location: 35001 NE 91st Avenue

Request: Post Decision review approval to add one lot and a phasing plan to a preliminary approved plat located on 81.33 acres in the R-5 zone district (see PLD2005-00108)

Applicant/Owner:
Tri-Mountain Estates LLC
Jeff Barger
911 Main Street, Suite 10
Vancouver, WA 98660
Phone - (360) 433-0433
E-mail - jeffb@ctslanguagelink.com

Contact:
Minister-Glaeser Surveying Inc.
Attn: Chris Avery
2200 E. Evergreen Blvd
Vancouver, WA 98661
Phone - (360) 694-3313; **Fax** - (360) 694-8410
E-mail - csa@mgsurvey.com

RECOMMENDATION

Approval, subject to conditions

DS Manager's Initials: AB for Michael Butts **Date Issued:** **March 24, 2010**

Public Hearing Date: **April 8, 2010**

County Review Staff:

	Name	Phone Ext	E-mail Address
Planner:	Richard Daviau	4895	richard.daviau@clark.wa.gov
Engineer:	Brad Hazen	4346	brad.hazen@clark.wa.gov
Fire Marshal Office:	Tom Scott	3323	tom.scott@clark.wa.gov
Team Leader:	Michael Butts	4137	michael.butts@clark.wa.gov
Eng. Supervisor:	Sue Stepan, P.E.	4064	sue.stepan@clark.wa.gov

Comp Plan Designation: R-5

Zoning: R-5

Legal Description: Tax Lot 19 (266344) located in the NE quarter of Section 32 and SE quarter of Section 29, Township 5 North, Range 2 East of the Willamette Meridian

Applicable Laws:

Clark County Code: Title 15 (Fire Prevention), Section 40.210.020 (Rural Districts), Section 40.350 (Transportation), Section 40.350.020 (Transportation Concurrency), Chapter 40.385 (Stormwater & Erosion Control), 40.450 (Wetlands), 40.500 & 40.510 (Procedures), 40.520.060 (Post Decision Review), Section 40.610 (Impact Fees), 24 (Public Health), RCW 58.17, and the Clark County Comprehensive Plan

Neighborhood Association:

Neighborhood Advisory Committee of Clark County, **Contact** - Doug Ballou, Chair, 3109 NE 96th Street, Vancouver, WA 98665, **E-mail** - dballou@pacifier.com

Time Limits:

The application was submitted on January 8, 2010 and determined to be fully complete on January 29, 2010. Therefore, the County Code requirement for issuing a decision within 92 days lapses on May 1, 2010.

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 can earlier contingently vest if 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 was not required for the proposal. Therefore, the application is vested on the fully complete submittal date of January 29, 2010.

Public Notice:

Notice of application and public hearing was mailed to the applicant, the neighborhood association and property owners within 500 feet of the site on February 12, 2010. One sign was posted on the subject property and two within the vicinity on March 17, 2010.

Public Comments:

The County has not received public comments form neighbors to date.

Project Description/Background

The Tri-Mountain Estates Subdivision received preliminary approval on January 30, 2006 for 15 cluster lots and one remainder lot in the R-5 zone (PLD2005-00108). The applicant now proposes to add a phasing plan and one additional lot to the preliminary approval. The site is located within the LaCenter School District and Fire District 10.

The following is a comprehensive plan, zoning, and use chart of the area surrounding the site:

Compass	Comp Plan	Zoning	Current Land Use
Site	R-5	R-5	Single-family residential
North	R-5	R-5	Single-family residential
South	R-5	R-5	Single-family residential
East	R-5	R-5	Single-family residential
West	R-5	R-5	Single-family residential

Major Issues and 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

Then staff 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 - Cluster Provisions/Density
Tri-Mountain Estates was approved with 15 cluster lots and one remainder lot on 81.33 acres in the R-5 zone. During the final review the applicant realized that one cluster lot could be added while still complying with the cluster provisions, and submitted this post decision application. The cluster provisions allow the maximum density to be based on 110% of the gross site area (see CCC 40.210.020 D3). One hundred and ten percent of 81.33 is 89.46 and this divided by five (for the five acre minimum lot size

requirement) is 17.89, rounded down to 17. Staff finds the applicant's request for 16 cluster lots and one remainder lot on 81.33 acres in the R-5 zone complies with the cluster provisions of CCC 40.210.020 D3.

Finding 2 - Preliminary Approved Plan
Other than the additional lot, there are no changes to the proposed plat. The reminder lot which contains the critical areas of the site has not been reduced in size. The private road accessing the cluster lots and the lot layout has not changed.

Finding 3 - Lot Requirements
Cluster lots are required to be at least one acre, 100 feet wide, and 140 feet deep. All of the proposed cluster lots comply with these provisions.

Finding 4 - State Platting Standards (RCW 58.17)
With conditions of approval, staff finds the proposed subdivision will make appropriate provisions for public health, safety, and general welfare of the community. Proof of adequate water and sewer service, as well as treatment of any increase of stormwater runoff, will be provided, to protect groundwater supply and integrity. Impact Fees will also be required to contribute a proportionate share toward the costs of school and transportation provisions, maintenance and services.

Finding 5 - Phasing Plan
Staff has reviewed the proposed phasing plan and has two comments. First, as the applicant pointed out, the internal private road (including the cul-de-sac) has already been constructed. The final plat for the first phase shall include the entire easement for the internal private road so it can be established up front. Second, the additional 5 feet of right-of-way dedication required along the entire frontage of NE 94th Avenue shall be identified with the final plat for the first phase. (See Condition D-2)

Conclusion (Land Use):
No other changes to the plat are authorized other than the additional lot and the phasing plan. Staff concludes that the proposed preliminary plan meets the land use requirements of the Clark County Code subject to conditions.

CITICAL AREAS:
Finding 6
There are no changes in the critical area boundaries or buffers requested or authorized from the original approval (PLD2005-00108).

TRANSPORTATION CONCURRENCY:
Finding 7
Staff has determined that additional trips associated with the proposed development do not exceed travel speed, delay and LOS standards. The intersections in the vicinity of the proposed development would be minimally impacted by the proposed development. Therefore, further analysis and mitigation by the applicant were not required. The proposed development complies with the Concurrency Ordinance CCC 40.350.020.

TRANSPORTATION
Finding 8 - Roads
All on site private roads are constructed to the approved engineering construction drawings for this project; therefore, no conditions are warranted for this finding.

Conclusion (Transportation):
Staff concludes that the proposed preliminary plan meets the transportation requirements of the Clark County Code.

STORMWATER:
Finding 9 - Applicability
In accordance with the Stormwater and Erosion Control Ordinance (CCC 40.385), new development and redevelopment within the rural areas that adds or replaces impervious area of greater than two thousand (2,000) square feet and less than five percent (5%) of a site, or is a land-disturbing activity greater than seven thousand (7,000) square feet, are subject to the minimum requirements dependent on site-specific characteristics.

(1) Minimum requirements No. 1 through No. 5 shall apply if the project meets all of the following criteria:
   (a) Is outside of habitat or wetland areas or their buffers; and
   (b) Does not generate runoff in channelized flow or discharge directly or indirectly to the county's storm sewer system; and
   (c) Is not located in, and does not discharge onto, steep slope hazard areas or landslide hazard areas as designated in Section 40.430.010.

(2) Projects not meeting all the criteria in Section 40.385.020(A)(5)(b)(1) shall be subject to minimum requirements No. 1 through No. 10.

Finding 10 - Stormwater Proposal
The applicant is proposing one additional cluster home site designated as Lot 5. The proposed driveway and home for this lot will result in creation of impervious surface over 2,000 square feet and over 7,000 square feet of land disturbing activity, therefore, Minimum Requirements #1 through #5 are applicable to the project. (See Conditions D-4a and E-1)

Conclusion (Stormwater):
Staff concludes that the applicant can comply with Clark County Stormwater Ordinance. Therefore, the requirements of the preliminary plan review criteria are satisfied.

IMPACT FEES:
Finding 11
The additional residential lot will produce impacts on schools and traffic, and will be subject to School (SIF) and Traffic Impact Fees (TIF) per dwelling. The site is located in the Rural 2 transportation sub-area with a TIF of $593.82 per dwelling. The site is located in the La Center School District with a SIF of $6,991.39 per dwelling.

Impact fees shall be paid prior to issuance of a building permit for each lot. If a building permit application is made more than three years following the date of preliminary plat approval, the impact fees will be recalculated according to the then-current ordinance rate. (See Condition D-3a & E-2)

PROJECT SCOPE:
Finding 12
The applicant proposes to add one lot and a phasing plan. No other modifications to the approval are requested or authorized at this time. Except as modified with this post

decision review, all applicable conditions of the original preliminary subdivision shall be met (see Condition D-1).

RECOMMENDATION

Based upon the proposed plan and the findings and conclusions stated above, staff recommends 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 Plan Review for Land Division
Review & Approval Authority: Development Engineering

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

None

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

Prior to construction, the following conditions shall be met:

None

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:

None

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

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

D-1 Except as specifically provided herein, all conditions of approval in the Hearings Examiner's Final Order for PLD2005-00108 (Tri-Mountain Estates Subdivision) shall remain in effect (see Finding 12).

D-2 The final plat for the first phase shall include the entire easement for the internal private road and the additional 5 feet of right-of-way dedication required along the entire frontage of NE 94th Avenue (see Finding 5).

D-3 **Developer Covenant** - A "Developer Covenant to Clark County" shall be submitted for recording to include the following:

a. Impact Fees: "In accordance with CCC 40.610, the School and Traffic Impact Fees for Lot 5 in this subdivision are: $6,991.39 (La Center School District) and $593.82 (Rural 2 TIF subarea) respectively. The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval (post decision approval), dated _____, and expiring on _____. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule."

D-4 **Plat Notes** - The following notes shall be placed on the final plat:

a. "The Owner of Lot 5 must submit a stormwater plan addressing Minimum Requirements 1 through 5 in conformance with CCC 40.385 for new impervious area and disturbed land resulting from the new driveway and the new home within this lot."

E Building Permits
Review & Approval Authority: Customer Service

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

E-1 At the time of building permit application, the Owner of Lot 5 must submit a stormwater plan addressing Minimum Requirements 1 through 5 in conformance with CCC 40.385 for new impervious area and disturbed land resulting from the new driveway and the new home within this lot. (See Finding 10)

E-2 **Impact Fees** - The applicant shall pay impact fees for Lot 5 as follows:

a. $6,991.39 per dwelling for School Impact Fees (La Center School Dist.)
b. $593.82 per dwelling for Traffic Impact Fees (Rural 2 TIF Sub-area)

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

F Occupancy Permits
Review & Approval Authority: Building

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

None

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

G-1 **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**.

G-2 **Building and Fire Safety**

Building and Fire, Life, and Safety requirements must be addressed through specific approvals and permits. This decision may reference general and specific items related to structures and fire, life, and safety conditions, but they are only for reference in regards to land use conditions. It is the responsibility of the owner, agent, tenant, or applicant to insure that Building Safety and Fire Marshal requirements are in compliance or brought into compliance. Land use decisions do not waive any building or fire code requirements.

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 granted 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.

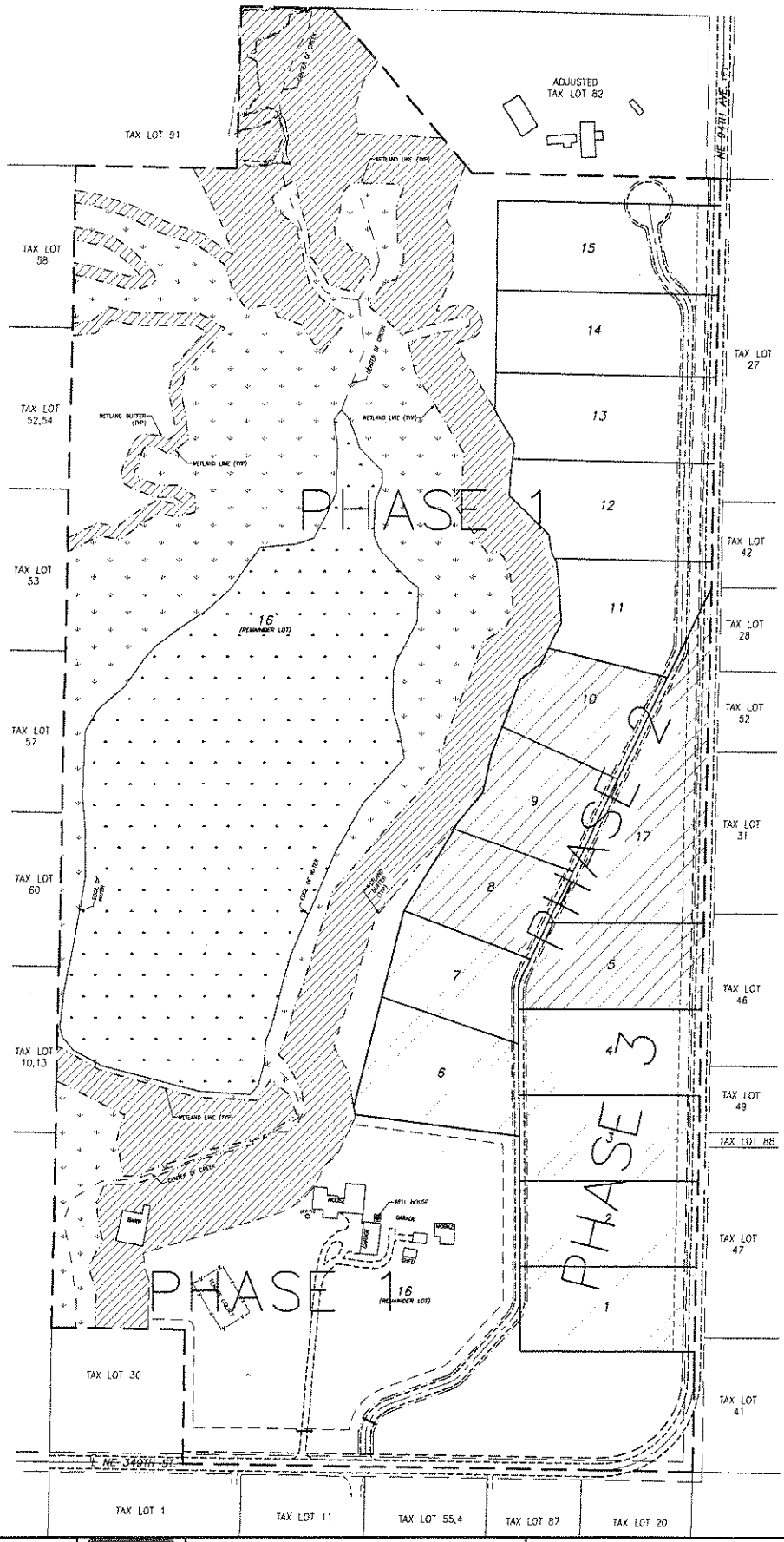
Appeal Rights:
Any party of record to the proceeding before the hearings examiner may appeal any aspect of the Hearing Examiner's decision i.e., procedural issues) to the Superior Court.

Attachments:
- Copy of Proposed Preliminary Plan

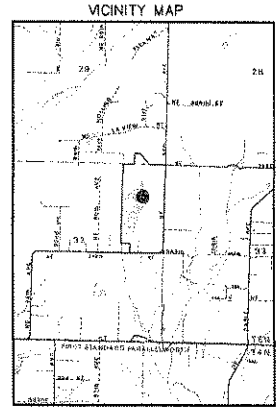
A copy of the approved preliminary plan and Clark County Code are available for review at:

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



VICINITY MAP



SITE DATA:

TAX LOT: 19
QUARTER SECTION: NE 1/4 OF SEC. 32 & SE 1/4 OF SEC. 29, 15N R2E W.M.
SERIAL NUMBER: 285344-000
SITE ADDRESS: 35001 NE 91ST AVENUE
AREA: 81.33 ACRES
ZONING: R-5
COMPREHENSIVE PLAN DESIGNATION: R-5

OWNER/APPLICANT:
JEFF BARGER
TRI-MOUNTAIN ESTATES LLC
911 MAIN STREET, SUITE 10
VANCOUVER, WA 98660
360-433-0433
jeffb@cbsiongoogslink.com

CONTACT:
CHRIS AVERY
MINISTER-GLAESER SURVEYING, INC.
2200 E EVERGREEN BLVD.
VANCOUVER, WA 98661
360-694-3313 FAX 360-694-8410
cea@mgsurvey.com

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100 50 0 100 150 200
SCALE 1 INCH = 100 FEET

JOB #: 09-159 FILE: 09159PDR3 DATE: 01/05/10 DRAWN BY: CSA SHEET 3 OF 3	DANIEL ADOLPH RENTON STATE OF WASHINGTON 37535 REGISTERED PROFESSIONAL LAND SURVEYOR	PROPOSED PHASING PLAN FOR: TRI-MOUNTAIN ESTATES	PROJECT DESCRIPTION: POST DECISION REVIEW TO ADD PHASING AND ADD A 17TH LOT TO 81.33 ACRE R-5 RURAL CLUSTER DEVELOPMENT - NO CHANGES TO THE REMAINDER LOT ARE PROPOSED.

MINISTER-GLAESER SURVEYING, INC.
2200 E. EVERGREEN BLVD.
VANCOUVER, WA 98661
(360) 694-3313

Property Owners

that were mailed the notice

NE 1/4 of Section 32 T5R2E WM

(Scale 1:11613.2) 200 0 200 400 600 800 Feet

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

Municipal Jurisdiction
- Unincorporated
- Incorporated

Community Development (Development Serv

<Empty Picture>

Plot Date: Feb 9, 2010
Map produced by:

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

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HEARING EXAMINER EXHIBITS

Project Name Tri-Mountain Estates Post Decision Review
Case Number PST2010-00001
Hearing Date April 8, 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	1/8/10	Applicant: Minister-Glaeser Surveying Inc.	Full Size Plans
6	1/8/10	Applicant: Minister-Glaeser Surveying Inc.	1. Table of Contents 2. Application Form 3. Developer's GIS Packet 4. Original Development Plan 5. Original Development Decision 6. Project Narrative 7. Health Department Development Review 8. Stormwater Design Report 9. Proposed Development Plan 10. Preliminary Stormwater Plan
7	1/29/10	CC Development Services	Development Review Fully Complete Determination
8	2/12/10	CC Development Services	Notice of Type III Development Review, Optional SEPA & Public Hearing
9	2/12/10	CC Development Services	Affidavit of Sending Type III Public/SEPA Notice
10	3/10/10	Applicant: Minister-Glaeser Surveying Inc.	Affidavit of Posting
11	3/17/10	CC Development Services	Affidavit of Posting Public Notice
12	3/24/10	CC Development Services	Legal Notice of Public Hearing

13	3/24/10	CC Development Services – Richard Daviau, Project Planner	Type III Development & Environmental Review, Staff Report & Recommendation
14			
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Copies of these exhibits can be viewed at:

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