BEFORE THE LAND USE HEARINGS EXAMINER
CLARK COUNTY, WASHINGTON

REGARDING THE APPLICATION TO SUBDIVIDE APPROXIMATELY 2 ACRES INTO 10 SINGLE-FAMILY RESIDENTIAL INFILL LOTS IN THE R1-7.5 ZONING DISTRICT IN THE UNINCORPORATED CLARK COUNTY, WA.	)))))	**FINAL ORDER** **PARKVIEW LANE** **PLD2003-00028; SEP2003-00053; EVR2003-00024**

APPROVED WITH CONDITIONS

INTRODUCTION

The applicant proposes to divide the subject site into 10 single-family residential lots using the Tier I Infill Standards. The site is surrounded by R1-7.5 zoned properties and single-family residential uses exist to the south, east, and west. Undeveloped park property abuts the subject site to the north. The applicant proposes to use the existing driveway onto NW 21st Avenue for the residence on proposed Lot 1. All other lots in the proposed subdivision will access the on-site infill "A" roadway and cul-de-sac to NW 95th Street.

Location: 9510 NW 21st Avenue; Legal Description: Tax Lot 103 (146282) in the Northwest quarter of Section 4, Township 2 North, Range 1 East of the Willamette Meridian; Area: Approximately 2 acres

Applicant: Sturtevant, Golemo, and Associates
2211 Main Street
Vancouver, WA 98660

Owner: Donna Pacheco Etal
9335 SW 69th Avenue
Portland, OR 97223

Comp Plan: Urban Low Density

Zoning: R1-7.5

Applicable Laws: RCW 58.17.110; Clark County Code sections 20.50 (SEPA), 18 (Zoning), 17.301 (Subdivisions), 15.12 (Fire), 13.40A (Water), 13.29 (Stormwater & Erosion Control), 13.08A (Sewer), 12.05A (Transportation Standards), and 12.41 (Transportation Concurrency)

HEARING AND RECORD

The Public Hearing on this matter was held on October 23, 2003 and the record was closed at the conclusion of the hearing. A record of all testimony received into the record is included herein as Exhibit A (Parties of Record), Exhibit B (Taped Proceedings), and Exhibit C (written exhibits). These exhibits are filed at the County's Development Review Services.

As explained at the hearing the Examiner has conducted a site visit prior to the Hearing.

Richard Daviau, the County's lead planner on this application introduced the site with slides and summarized the Staff Report. He indicated that he had gone to the site recently and documented with photographs that safe walking conditions to Lake Shore Elementary exist via sidewalk, and detached path and a crosswalk. That he concluded was the only remaining issue in the case and has now been resolved.

Joe Sturtevant, the applicant's representative indicated agreement with the Staff Report and the proposed conditions of approval. No member of the public testified.

FINDINGS

The Hearing Examiner adopts as his own and incorporates by reference the findings and conclusions contained in the October 8, 2003 Staff Report and Recommendation (Exhibit # 14), except to the extent expressly modified or supplemented herein. Only the issues and the approval criteria raised in the course of the application, at the hearing or before the close of the record, are discussed in this section. Any standard that might be deemed to be an applicable approval criteria but which was not raised by staff, the applicant or a party to the proceeding has been waived as a contested issue, and no argument with regard to any such issue or criterion can be raised in any subsequent appeal. Criteria not discussed specifically in these findings below are deemed to be met. The following findings support this decision and are related to the issues that were raised during these proceedings:

LAND USE:
Finding 1 – Infill Standards
The applicant is proposing to subdivide approximately 2 acres into 10 residential infill lots within the R1-7.5 Zoning District which equates to 5 units per acre. The proposed plat is subject to Tier I infill standards because the proposed densities are between 4.1 and 5.8 units per acre (the allowable densities for Tier I, R1-7.5 infill plats) and the average lot size in the proposed plat is 7,554 square feet (at least 7,500 square feet).

Pursuant to CCC Table 18.406.020 (Q) (7) (a), all lots in the proposed infill development must be at least 6,000 square feet. The smallest lot in the proposed plat is 6,185 square feet; therefore, the plat complies with the minimum lot size requirement.

Finding 2 – Setbacks
Although details of home construction on the proposed lots have not been provided at this time (and were not required), the following setbacks apply to the proposed plat (reference CCC

18.406.020 Q9 d):

1. Eighteen foot front, side, or rear setback for garages (or other similar vehicular shelter)
2. Ten foot front setback for other buildings
3. Ten foot street side setback along the infill "A" roadway for proposed lot 3
4. Five foot standard side setback for all other side setbacks in the plat

A note on the plat is warranted that identifies the setback requirements (see Plat Note C-1).

Finding 3 – Existing Structures
There is an existing residence on the site and the applicant has indicated it will remain on proposed lot 1. The submitted plot plan identifies an existing shed also on proposed lot 1 and it appears it will remain. In the SEPA Checklist, the applicant indicates that the existing out-building will be removed. This is not consistent with the plan unless there is a third building on the subject site. The applicant needs to clearly identify the number of existing buildings and if any are to be removed (see Condition A-1).

Finding 4 – Manufactured Homes
The applicant has not indicated that manufactured homes would be placed on the lots in the proposed plat. Therefore, pursuant to CCC 18.406.020(U), manufactured homes are prohibited on any lot in this plat (see Plat Note C-2).

Finding 5 - State Platting Standards (RCW 58.17)
It appears children from the proposed plat will walk to Lakeshore Elementary School along NW 21st Avenue, approximately 500 feet to the south. The applicant has demonstrated that safe walking conditions exist for students who only walk to school via sidewalk, a path and a cross-walk.

With conditions of approval, the proposed subdivision will make appropriate provisions for the public health, safety, and general welfare. Safe walking conditions are provided for students who only walk to school. Continued connection of the existing and future residences to water, as well as treatment of any future 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, park and transportation provisions, maintenance and services.

TRANSPORTATION
Finding 6 - Circulation Plan
The applicant has failed to meet the requirements of CCC 12.05A.110. A circulation plan has been submitted with the application, but the block lengths and perimeters have not been labeled. A narrative describing why the circulation plan is, or is not, in compliance with the standards has not been provided.

The project proposes to construct approximately 130 feet of street, terminating in a cul-de-sac. Staff reports that the property to the north is planned for a future neighborhood park site, which may not require or desire a roadway connection. An 8-foot easement has been provided at the northern end of the cul-de-sac to provide pedestrian access to the future park site. However,

staff recommends preserving the option for a future roadway connection to the property to the north by increasing the 8-foot easement to a 46-foot right-of-way. Due to its position at the top of the circular cul-de-sac, the area of the additional right-of-way is small, approximately 185 square feet. If the northern parcel fails to develop as a park site, or if park users parking in the cul-de-sac become problematic, the opportunity to provide a northerly street connection will have been preserved. (See Condition A -2)

Finding 7 - Roads
The project's western boundary fronts onto NW 21st Avenue, which is classified as an Urban 2-lane Collector (C-2) in Clark County's Arterial Atlas. This project does not qualify for the Infill Road Modification provisions as applied to frontage improvements (CCC 12.05A.660 (5)), due to the fact that the frontage is along a collector. This project shall construct frontage improvements meeting the minimum standards of this class of roadway, in accordance with 12.05A, Standard Drawing #12, including:

- A minimum half-width right of way of 30 feet
- A minimum half-width roadway of 17 feet
- Curb and gutter
- Minimum detached sidewalk width of 6 feet
- Landscaping

The frontage improvements must meet and match the existing improvements to the south. A sidewalk barricade and adequate asphalt transition, taper and striping will be required at the end of the northerly frontage improvements. Stormwater from the newly created impervious surfaces on NW 21st Avenue shall be collected and treated as part of this development (see Finding 13). An existing school zone sign and power pole which have not been shown on the preliminary plans may conflict with the required frontage improvements. Coordinate the relocation of the sign, if required, with Clark County Public Works, Operations Division. Coordinate the relocation of any other conflicting utilities with the service providers (see Condition A-3).

The project proposes to connect to an existing street stubbed to the southern boundary of the project. This street, the north-south continuation of NW 95th Street, is identified as NW 22nd Court, on the preliminary plans, and as NW 23rd Avenue on the County GIS system. In the discussion that follows, this street shall be referred to as NW 23rd Avenue. This street shall be improved to the standards of an urban residential local access street, per CCC 12.05A, Standard Drawing #14, and shall be tapered as required to form an acceptable transition to the existing 32-foot wide street stubbed to the project site (see Condition A-4).

The project proposes to extend NW 23rd Avenue approximately 130 feet to the site's northern boundary, terminating in a cul-de-sac meeting the standards of an urban cul-de-sac. This cul-de-sac shall be constructed with a minimum pavement of 35-foot radius, rolled curb, and 5-foot thickened sidewalk within a minimum of 40-foot radius ROW, per CCC 12.05A, Standard Drawing #28, Urban Cul-De-Sac (see Condition A-5). The center of the proposed cul-de-sac is approximately 670 feet from the curb line of NW 21st Avenue, which exceeds the maximum length requirements of CCC 12.05A.280 (see Finding 9 - Road Modifications).

The project proposes to construct a private roadway in accordance with the standards of 12.05A, Standard Drawing 17, Urban Infill A roadway, along the northern boundary of the site in order to provide access for five lots to the cul-de-sac on NW 23rd Avenue. The length of this private road exceeds 150 feet. Therefore, a 20-foot emergency vehicle access should cross Lot 1 from the end of the private road to NW 21st Avenue (see Condition A-6).

The County Fire Marshal will comment on the additional requirements for the emergency vehicle access. The proposed improvements for this road shall be in compliance with the Road Standards, CCC 12.05A.

Finding 8 - Access
The project is accessed from the end of NW 95th Street through Andy's Acres subdivision to NW 21st Avenue (classified as a two-lane collector). NW 95th Street is classified and has been constructed as a local residential access road.

No driveways will be permitted to access onto collectors unless no other access to the site exists or can be provided. The existing house is to remain on lot 1. The existing house presently access NW 21st Avenue, with a driveway separation from NW 95th Street of 125 feet. This separation is less than the 150 feet required for driveway access from a collector with a posted speed limit of 35 MPH. However, this is an existing condition that can only be observed for the record.

All lots will access directly and indirectly from NW 95th Street, and must meet the access management requirements as set forth in CCC 12.05A.210. An Infill "A" private roadway is proposed to access off of NW 95th Street. Lots 4 through 8 are to access from the private roadway. A Type 1 concrete approach shall be constructed prior to final plat approval and shall include construction of the sidewalk across the access easement width (see Condition A-7).

Finding 9 - Road Modifications

a. *Approval Criterion - If the development cannot comply with the Transportation Standards, modifications may be granted in accordance with the procedures and conditions set out in CCC 12.05A.660. The request shall meet one (or more) of the following four specific criteria:*

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

b. Modification Requests - The applicant has requested the following road modification:

- To exceed the maximum cul-de-sac length requirements of CCC 12.05A.280, Cul-de-sacs and turnarounds. The applicant believes that this modification complies with the criterion (i).

Applicant's comments

- The property to the north has been acquired by the Vancouver/Clark County Parks and Recreation Department. The Parks Department does not want the street to be extended into the site. In order to meet emergency vehicle access requirements, a turnaround meeting the dimensional requirements of CCC 12.05A, Standard Drawing #28, Urban Cul-De-Sac, has been proposed. However, when the roadway is extended into the site it results in the cul-de-sac exceeding the maximum length standards of 600 feet for an urban cul-de-sac.

Staff's Evaluation

- Staff concurs with the applicant that the Park Department's desire for the roadway not to be extended into the future park site represents a specific design problem that would impose an unusual hardship on the applicant, and an equivalent alternative, which can accomplish the same design purpose, is available. The equivalent alternative is to allow a permanent cul-de-sac bulb to be centered some 670 feet from the curb line of NW 21st Avenue, an increase of 70 feet over the maximum length allowed under CCC 12.05A.280.

Decision - Based on the findings and the provisions of the Transportation Standards, the requested modification is approved since the criterion as described in Section CCC 12.05A.660 (1) (a) (i) is met.

Finding 10 - Pedestrian/Bicycle Circulation
Pedestrian circulation facilities in compliance with the Americans with Disabilities Act are required in accordance with Section CCC 12.05.A.400. The development plans show sidewalk along the proposed onsite roads. This project will provide adequate pedestrian circulation within the subdivision and connection to NW 23rd Avenue. Improvements along NW 21st Avenue will provide for installation of sidewalk and bike lanes as required for arterial roads. The proposed pedestrian / bicycle circulation is in compliance with the CCC 12.05A.

Sidewalks along the frontage of the residential lots shall be constructed prior to issuance of occupancy permit. As noted above, a Type 1 concrete approach will be required to be constructed, and is to include construction of the sidewalk across the access easement width.

Conclusions
Based upon the findings, development site characteristics, the proposed transportation plan, and the requirements of the County's transportation standards, the proposed preliminary development plan is feasible.

STORMWATER:
Finding 11 - Applicability
The Stormwater and Erosion Control Ordinance CCC 13.29, adopted July 28, 2000, applies to development activities that result in 5,000 square feet or more of new impervious created by an infill development; the platting of single-family residential subdivisions in an urban area; and all land disturbing activities, except those exempted in Section 13.29.210.

The project will create more than 5,000 square feet of new impervious surface, involves platting of single-family residential subdivision, and it is a land disturbing activity not exempted in section 13.29.210. Therefore, this development shall comply with the Stormwater and Erosion Control Ordinance, CCC 13.29.

Finding 12 - Stormwater Proposal:
The project proposes to collect the runoff from the new pavement and sidewalks in curb inlets and convey these flows into a storm system located in the public and private streets. Stormwater disposal from street runoff is proposed by means of two drywells and 58 feet of infiltration trench (public system). Water quality treatment is to be provided by means of a proprietary stormwater filter structure. The applicant proposes to infiltrate the runoff from the roof drains and yards into infiltration systems to be constructed within each lot. An emergency overflow will be provided in NW 95th Street.

Finding 13 - Site Conditions and Stormwater Issues
The current condition of the site is an existing residence located on a large lot, most of which is an open field which drains in a generally southwesterly direction. Existing slopes range from approximately 2% to 5%. The preliminary plans indicate that there are approximately 3,100 square feet of existing impervious surface.

The Soil Survey of Clark County, Washington, prepared by the United States Department of Agriculture, Soil Conservation Service in 1972 show the site soils to consist of Hillsboro silt loam, generally described as being deep and moderately permeable. Infiltration facilities located in Hillsboro soils are an area of concern for county engineering staff due to the fact that a number of infiltration facilities have failed in these soils. If the infiltration facilities at this site fail to perform as designed, runoff will leave the site and enter into an existing storm sewer in NW 95th Street in the adjoining Andy's Acres subdivision. Existing capacity-related complaints by affected landowners are a matter of public record, and the design of this project shall clearly show that this situation will not be made worse by the proposed development (see Condition A-8).

The applicant has submitted a report which presents in-situ infiltration test results from two test pits located on the site. These results indicate that a stratum of sand lies beneath the less-permeable silts. The report states that the maximum infiltration rate was measured to be 49 inches per hour at a depth of 88 inches below the ground surface at a location in the western portion of the site. Soil samples were collected and classified in accordance with the procedures of the AASHTO M-145 testing specification. Material from this sand stratum were classified as an A-3 soil, which is a suitable material for infiltration according to the provisions of the county stormwater ordinance (CCC 13.29.310.C.1).

The report was not prepared by a geotechnical engineer, and the material was not described below the depth at which the infiltration tests were performed. The information presented in the preliminary soils report appears to suggest the sand stratum is approximately two feet thick. Prior to approval of the final construction plans, infiltration test results taken at the exact horizontal and vertical location for each public infiltration facility shall be submitted for review and approval. In accordance with CCC 13.29.310(C) (1), the infiltration investigation report shall be prepared by a qualified geotechnical engineer through both approved field and laboratory testing. The report shall classify soils to a minimum depth of twice the intended depth of the infiltration structure, or ten feet below the bottom of the structure (whichever is less). The geotechnical report shall include a clear statement by the responsible engineer that it is his or her professional opinion that the site soils are suited to the purpose of subsurface disposal of stormwater in the quantities produced by the development, or shall recommend additional measures to be taken in the proposed design to ensure that neighboring properties will not be adversely affected by increased quantities of stormwater running off the proposed development. (see Condition A-9)

Stormwater shall be collected and treated for all newly created impervious surfaces constructed as part of this project, including frontage improvements along NW 21st Avenue. Any proposed storm sewer which conveys stormwater from public roadways to public stormwater facilities shall be publicly owned and maintained.

Conclusion:
Based upon the development site characteristics, the proposed stormwater plan and the requirements of the County's stormwater ordinance, the proposed preliminary stormwater plan is feasible.

FIRE PROTECTION:
Finding 14
Tom Scott (in the Fire Marshal's Office) reviewed this application. Tom can be reached at (360) 397-2375 x 4095 or 3323 if there are any questions regarding the following review (The site is in Clark County Fire District 6):

a. Fire flow in the amount of 1000 gallons per minute supplied for two hours duration is required for this application. The applicant has submitted a utility review from the City of Vancouver indicating that the required fire flow is available to the area. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval. (see Condition A-10)

b. Fire hydrants are required for this application. The indicated number and spacing of hydrants is adequate. Hydrants shall be installed per Fire Marshal standards with locations approved by the Fire District Chief. (see Condition A-10)

c. The roadways and maneuvering areas as indicated in the application adequately provide required fire apparatus access. The applicant shall ensure that fire apparatus access roads maintain an unobstructed width of not less than 20 feet, an unobstructed vertical

clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus. Parking is not allowed on the proposed Infill "A" roadway and signage may be required. (See Condition B-2)

d. The indicated provisions for turning around fire apparatus are not adequate. The applicant shall provide bollard fire apparatus access at the terminus of the Infill "A" roadway for access to and from NW 21st Avenue. Dedication of a 12 foot access road through lot 1, with an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface capable of supporting the imposed loads of fire apparatus shall be provided. (See Condition B-3)

HEALTH DISTRICT:
Finding 15
The applicant submitted the results of a site evaluation performed by the SW Washington Health District. A septic system exists on the subject site. The applicant must follow abandonment procedures in accordance with the requirements of the Health District including written confirmation of legal abandonment. Any wells found on the site must be properly decommissioned by a licensed well driller pursuant to WAC 173-160-4150 and requirements of the Health Department. Please note that any cesspools or dywells must also be properly abandoned (see Condition D-7)

All lots in the proposed plat must connect to approved public sewer and water systems. A copy of the final acceptance letter from the purveyor should be submitted to the Health Department with the final plat mylar. (see Condition D-8)

UTILITIES:
Finding 16
The applicant has submitted utility reviews from Clark Public Utilities and the Hazel Dell Sewer District indicating that public water and sewer is available to the subject site. A copy of the final acceptance letter from the sewer and water purveyor should be submitted to the Health District with the final plat mylar. The applicant needs to comply with all requirements of the purveyor. (see Condition D-8).

IMPACT FEES:
Finding 17
All residential lots created by this plat will produce impacts on schools, parks, and traffic, and will be subject to School (SIF), Park (PIF), and Traffic Impact Fees (TIF). The site is within the Vancouver School District with a SIF of $1,725.00 per dwelling, Park District 9 with a PIF of $1,576.00 (acquisition) & 440.00 (Development) per dwelling, and the Hazel Dell Transportation Subarea with a TIF of $1,273.74 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 C-8)

SEPA DETERMINATION
Clark County, as lead agency for review of this proposal, has determined that this proposal does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030 (2) (e). This decision was made after review of a completed environmental checklist and other information on file with the County.

DECISION

Based upon the findings and conclusions stated above, the Hearing Examiner APPROVES this request, with 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. Conditions that must be met prior to Final Plat Approval:

A-1 The applicant shall clearly identify the number of existing buildings on the site and which ones are to be removed (see Finding 3)

A-2 The applicant shall dedicate a 46-foot wide right-of-way from the top of the proposed cul-de-sac at NW 23rd Avenue to the northern boundary of the site (see Finding 6).

A-3 Frontage improvements shall be installed on NW 21st Avenue in accordance with the minimum requirements an urban collector roadway, per CCC 12.05A, Standard Drawing #12. Improvements shall include landscaping, adequate asphalt transition, taper and striping at the end of the northerly frontage improvements. Final plans shall clearly show existing features and utilities which may conflict with proposed utilities and plans showing these potential conflicts shall be submitted to owners of the affected utilities for notification and review (see Finding 7).

A-4 NW 23rd Avenue shall be improved to the minimum requirements of an urban residential local access street per CCC 12.05A (Standard Drawing #14) and shall be tapered as required to form an acceptable transition to the existing 32-foot wide street stubbed to the project site (see Finding 7)

A-5 NW 23rd Avenue shall be terminated in a cul-de-sac meeting the minimum requirements of an urban cul-de-sac, per CCC 12.05A, Standard Drawing #28, and shall be constructed with a minimum pavement of 35-foot radius, rolled curb, and 5-foot thickened sidewalk within a minimum of 40-foot radius right-of-way (see Finding 7)

A-6 The proposed private roadway along the northern boundary shall be constructed in accordance with the standards of 12.05A, Standard Drawing 17, Urban Infill A roadway, except as noted below. The applicant shall make provision for the collection and control of stormwater flowing over this street. Acceptable provisions for the collection and control of stormwater include an inverted roadway crown, a “shed roof” section with

permanent concrete curbing along the lower side of the roadway, or other means as proposed by the applicant and approved during the review of the final construction plans. Extruded curb shall not be used for the "shed roof" alternative. A 20-foot emergency vehicle access shall cross Lot 1 from the end of the private road to NW 21st Avenue (see Finding 7)

A-7 A Type 1 concrete approach shall be constructed prior to final plat approval, and is to include construction of the sidewalk across the access track/easement width (see Finding 8)

A-8 The applicant shall prepare and submit stormwater calculations which clearly show that stormwater produced by the proposed development will not result in any increase in flow to the existing downstream storm sewer (see Finding 13)

A-9 Prior to approval of the final construction plans, infiltration test results taken at the exact horizontal and vertical location for each public infiltration facility shall be submitted for review and approval. In accordance with CCC 13.29.310(C) (1), the infiltration investigation report shall be prepared by a qualified geotechnical engineer through both approved field and laboratory testing. The report shall classify soils to a minimum depth of twice the intended depth of the infiltration structure, or ten feet below the bottom of the structure, whichever is less. The geotechnical report shall include a clear statement by the responsible geotechnical engineer that it is his or her professional opinion that the site soils are suited to the purpose of subsurface disposal of stormwater in the quantities produced by the development, or shall recommend additional measures to be taken in the proposed design to ensure that neighboring properties will not be adversely affected by increased quantities of stormwater running off the proposed development. (See Finding 13)

A-10 Water mains supplying fire flow and fire hydrants shall be installed, approved and operational. Required hydrants shall be installed per Fire Marshal standards with locations approved by the Fire District Chief (see Finding 14 a & b)

B. Conditions that must be met prior to Occupancy Permit Issuance:

B-1 Sidewalks along the frontage of the residential lots shall be constructed prior to issuance of occupancy permit (see Finding 12).

B-2 The applicant shall ensure that fire apparatus access roads maintain an unobstructed width of not less than 20 feet, an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus. Parking is not allowed on the proposed Infill "A" roadway and signage may be required. (See Finding 14c)

B-3 The applicant shall provide bollard fire apparatus access at the terminus of the Infill "A" roadway for access to and from NW 21st Avenue. Dedication of a 12 foot access road through lot 1, with an unobstructed vertical clearance of not less than 13.5 feet, with an

all weather driving surface capable of supporting the imposed loads of fire apparatus shall be provided. (See Finding 14d)

C. Notes Required on Final Plat

The following notes shall be placed on the final plat:

C-1 **Setbacks:**

"The following setbacks apply to the proposed plat (see CCC 18.406.020 Q9 d and Finding 1):

a. Eighteen foot front, side, or rear setback for garages (or other similar vehicular shelter)
b. Ten foot front setback for other buildings
c. Ten foot street side setback along the infill "A" roadway for proposed lot 3
d. Five foot standard side and rear setback for all other setbacks in the plat"

C-2 **Mobile Homes**:

"Placement of Mobile/Manufactured Homes is prohibited."

C-3 **Archaeological:**

"If any cultural resources are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."

C-4 **Utilities:**

"An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also a sidewalk easement is necessary to comply with ADA slope requirements upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."

C-5 **Critical Aquifer Recharge Areas:**

"The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."

C-6 **Erosion Control:**

"Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."

C-7 **Driveways:**

"All residential driveway approaches entering public roads are required to comply with CCC 12.05A."

C-8 **Private Roads:**
"Clark County has no responsibility to improve or maintain the private roads contained within or private roads providing access to the property described in this plat. Any private access street shall remain a private street unless it is upgraded to public street standards at the expense of the developer or adjoining lot owners to include hard surface paving and is accepted by the County for public ownership and maintenance."

C-9 **Impact Fees:**
"In accordance with CCC 18.65, the School, Park and Traffic Impact Fees for lots in this plat is: $1,725.00 (Vancouver School District), $2,016.00 ($1,576.00 - Acquisition; $440.00 - Development for Park District #7), and $1,273.74 (Orchards sub-area) 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, 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. Standard Conditions
This development proposal shall conform to all applicable sections of the Clark County Code. The following conditions shall also apply:

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

D-2 **Pre-Construction Conference**:
Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.

D-3 **Erosion Control**:
a. Prior to construction, the applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 13.27A.
b. For land divisions, a copy of the approved erosion control plan shall be submitted to the Chief Building Official prior to final plat recording.
c. Erosion control facilities shall not be removed without County approval.
D. Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.

D-4 **Excavation and Grading:**
a. Excavation/grading shall be performed in compliance with Appendix Chapter 33 of the Uniform Building Code (UBC).
b. Site excavation/grading shall be accomplished, and drainage facilities shall be provided, in order to ensure that building foundations and footing elevations can comply with CCC 14.04.252.

D-5 **Stormwater:**
Prior to construction, the applicant shall submit and obtain County approval of a final stormwater plan designed in conformance to CCC 13.29.

D-6 **Transportation:**
Prior to construction, the applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 12.05A.

D-7 **Health District:**
Applicant shall comply with the requirements of the Southwest Washington Health District. For the on-site septic system and any existing wells discovered on the site, the applicant must follow proper abandonment/decommissioning procedures in accordance with the requirements of the Health District. The location of all abandoned/decommissioned wells and on-site septic systems shall be indicated on the final plat map.

D-8 **Utilities:**
A copy of the final acceptance letter from the sewer and water purveyor shall be submitted to the Health District with the final plat mylar. The applicant shall comply with all requirements of the purveyor.

Dated this_____ day of October, 2003

J. Richard Forester
Hearing Examiner

NOTE: *Only the decision and the condition of approval are binding on the applicant as a result of this order. Other parts of the final order are explanatory, illustrative and/or descriptive. They may be requirements of local, state, or federal law, or requirements which reflect the intent of the applicant, the county staff, or the Examiner, but they are not binding on the applicant as a result of the final order unless included as a condition.*

An **appeal** of any aspect of the Hearing Examiner's decision, except the SEPA determination, may be appealed to the Board of County Commissioners only by a party of record. 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 appeal shall be filed with the Board of County Commissioners, 1013 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record.

Any appeal of the final land use decisions shall be in writing and contain the following:

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 18.600.100 (A) 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. The specific aspect(s) of the decision and/or SEPA issue being appealed, the reasons why each aspect is in error as a matter of fact or law, and the evidence relied, on to prove the error; and,

4. If the petitioner wants to introduce new evidence in support of the appeal, the written appeal also must explain why such evidence should be considered, based on the criteria in subsection 18.600.100 (D)(2).

5. A check in the amount of $239 (made payable to the Clark County Board of County Commissioners).