

RESOLUTION NO. 2016-04-12

A resolution extinguishing a drainage easement granted to a special purpose district that has since become inactive.

1 WHEREAS, the Board of County Councilors of Clark County, Washington, held public
2 hearings on December 16, 1981 and February 17, 1982, and following those public hearings,
3 concluded that Drainage Improvement District No. 11 of Clark County, Washington, should be
4 dissolved; and

5 WHEREAS, this action was finalized in Ordinance No. 1982-03-10; and

6 WHEREAS, in the succeeding 34 years, there continued to exist easements for the
7 benefit of this Drainage District that encumbered the land of certain property owners with no
8 corresponding benefit; and

9 WHEREAS, one development affected is Corrina's Crest Subdivision / FLD 20155-
10 00020; and

11 WHEREAS, resolution of this issue currently delays the final plat approval for the above-
12 mentioned subdivision; and

13 WHEREAS, the Board is considering this matter at a duly-advertised public meeting and
14 finds and concludes that adoption of this resolution would further the public health and welfare;
15 and

16 WHEREAS, the Board is acting in its capacity, pursuant to RCW 36.96.060 to wind up
17 the affairs and extinguish this unneeded easement; now, therefore,

18 BE IT ORDERED AND RESOLVED by the Board of County Councilors of Clark
19 County, State of Washington, as follows:

20 **Section 1. Extinguishment.** The following easement conveyed to Drainage
21 Improvement District No. 11 is hereby extinguished: See **Exhibit A** attached hereto and by
22 reference incorporated herein.

23 **Section 2. Effective Date.** Due to the fact that the requirements of RCW 36.96.040
24 only apply a 30-day waiting period at the time a special purpose district is dissolved, and such
25 requirements have already been satisfied and because the Council is simply winding up the
26 affairs of the special purpose district, this resolution shall be effective upon adoption.

27 ADOPTED this 19th day of April, 2016.

Attest:


Clerk to the Board

BOARD OF COUNTY COUNCILORS
CLARK COUNTY, WASHINGTON

By: 
Marc Boldt, Chair

Approved as to form only:
ANTHONY F. GOLIK
Prosecuting Attorney

By: _____
Jeanne E. Stewart, Councilor

By: 
Taylor Hallvik
Deputy Prosecuting Attorney

By: _____
Julie Olson, Councilor

By: _____
David Madore, Councilor

By: _____
Tom Mielke, Councilor



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OFFICES IN: TUALATIN, OR - VANCOUVER, WA - SALEM-KEIZER, OR

**LEGAL DESCRIPTION
FOR
CORRINA'S CREST SUBDIVISION**

DRAINAGE AND IMPROVEMENT DISTRICT NO. 11 (AFN G131470) RELINQUISHMENT

Being a portion of Lot 1 of Nolan Estates in the Elijah Thomlinson Donation Land Claim located in the Northwest quarter of the Northwest quarter of Section 18, Township 2 North, Range 2 East, Willamette Meridian, Clark County, Washington, described as follows:

BEGINNING at a point on the east line of Tax Lot No. 19 of No. 1 of the Nolan Estates Subdivision, which point is South 188.00 feet more or less from the Northeast corner thereof, and running thence Southwesterly to a point on the West line of said Lot No. 19 of Lot No.1, which is South 227.00 feet from the Northwest corner thereof.



CLARK COUNTY STAFF REPORT

DEPARTMENT: Community Development

DATE: March 31, 2016

REQUESTED ACTION: Extinguishment of Drainage Easement & Acceptance of Plat
Recording – FLD2015-00020/ Corrina's Crest

_____ Consent X Hearing _____ County Manager

BACKGROUND

Public Hearing Narrative

Corrina's Crest Subdivision (PLD2007-00032) was approved by the Hearings Examiner (HE) after a duly noticed public hearing on August 13th, 2007. The HE approved, subject to conditions, the subdivision of a 2.18 acre site zoned R-12 into nineteen (19) individual lots which were intended for detached single-family development.

The subject site, comprised of one lot, is bisected by a forty (40) –foot stormwater easement that is dedicated to the Clark County Drainage & Improvement District No. 11 (according to AF# G 131459). Finding 3 of the Examiner's report indicates that the applicant will re-align a portion of the existing easement in a way that is more compatible with the proposed layout of the subdivision. The final plat proposes the realigned twenty (20) –foot stormwater easement between lots 10 and 11.

On March 3, 1982, the Board of County Commissioners through an official instrument (ORD 1982-03-10) officially dissolved Drainage District No. 11.

Therefore, the applicant requests, in accordance with Condition A-1 of the HE's Final Decision, that the Board of County Councilors extinguish the stormwater easement identified as AF# G 131459.

If the councilors approve the extinguishment of the easement, the applicant then requests the approval of the plat for Corrina's Crest Subdivision FLD2015-00020/ PLD2007-00032. The following are the basic statistics of the plat:

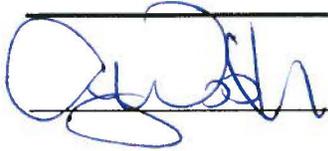
Zoning: R-12; **Lot Size:** The minimum lot area of 4,000 square feet and 8-12 dwelling units per acre. **Actual Lot Size:** Parcels range in size from 2,891 square feet to 8,476 square feet. **Exceptions:** None; **Project Start:** The application vested on May 14, 2007, Pre-application conference was held April 27, 2006, Final order of Short Plat Review approval was August 13, 2007.

COMMUNITY OUTREACH

This proposed land division received the standard land use review and approval process. Notice of application was mailed to the applicant, the East Minnehaha Neighborhood Association, and property owners located within 300 feet of the site on May 29, 2007. A sign was posted on site for hearing notification on July 11, 2007.

DISTRIBUTION:

Board staff will post all staff reports to The Grid. <http://www.clark.wa.gov/thegrid/>



Planner,
Amy Wooten



Director Community Development,
Marty Snell

APPROVED: 
CLARK COUNTY, WASHINGTON
BOARD OF COUNTY COUNCILORS

DATE: April 19, 2016

SR# SR 082-16

APPROVED: _____
Mark McCauley, Acting County Manager

DATE: _____

BUDGET IMPACT ATTACHMENT

Part I: Narrative Explanation

I. A – Explanation of what the request does that has fiscal impact and the assumptions for developing revenue and costing information

Part II: Estimated Revenues

Fund #/Title	Current Biennium		Next Biennium		Second Biennium	
	GF	Total	GF	Total	GF	Total
Total						

II. A – Describe the type of revenue (grant, fees, etc.)

Part III: Estimated Expenditures

III. A – Expenditures summed up

Fund #/Title	FTE's	Current Biennium		Next Biennium		Second Biennium	
		GF	Total	GF	Total	GF	Total
Total							

III. B – Expenditure by object category

Fund #/Title	Current Biennium		Next Biennium		Second Biennium	
	GF	Total	GF	Total	GF	Total
Salary/Benefits						
Contractual						
Supplies						
Travel						
Other controllables						
Capital Outlays						
Inter-fund Transfers						
Debt Service						
Total						



EXHIBIT LIST

Project Name: CORRINA'S CREST SUBDIVISION

Case Number: FLD2015-00020

EXHIBIT NO.	DATE	SUBMITTED BY	DESCRIPTION
1	03/17/16	CC Land Use	HE Decision, dated 08/13/2007
2	03/17/16	CC Land Use	ORD 1982-03-10
3	03/31/16	CC Land Use	Vicinity Map
4	03/31/16	CC Land Use	Plat

**Copies of these exhibits can be viewed at:
Department of Community Development
Development Services Division
1300 Franklin Street
Vancouver, WA 98666-9810**

**BEFORE THE LAND USE HEARINGS EXAMINER
OF CLARK COUNTY, WASHINGTON**

Regarding an application by Creation Homes, LLC)	<u>FINAL ORDER</u>
for approval of a preliminary plat to divide 2.18-acres)	
into 19 lots in the R-12 zone at 5215 NE 58th Street)	PLD2007-00032¹
in unincorporated Clark County, Washington)	(Corrina's Crest)

A. SUMMARY

1. The applicant requests approval to divide the roughly 2.18-acre site into 19 lots. The site is located at 5215 NE 58th Street; also known as tax lot 19/1 (156950-000), Section 18, Township 2 North, Range 2 East of the Willamette Meridian (the "site"). The site and abutting properties to the south and east are zoned R-12 (Medium Density Residential). Properties to the north and west are zoned R1-5 (Single Family Residential, 5,000 square foot minimum lot size). The applicant proposes to construct a new single-family detached dwelling on all but one of the proposed lots. The applicant will retain the existing home on proposed Lot 5. All proposed lots will comply with the minimum dimensional standards for the R-12 zone. The City of Vancouver will supply domestic water and sanitary sewer service to the site. The applicant proposes to extend a new public street, proposed NE 53rd Avenue, through the site between the north end of NE 52nd Court, abutting the southwest boundary of the site, and NE 58th Street, abutting the north boundary of the site. In addition, the applicant will dedicate right of way for and construct frontage improvements along the site's NE 52nd Court, NE 56th Street and NE 58th Street frontages. The applicant proposes to collect stormwater from impervious areas on the site and to convey it to a stormwater facility within the site, for treatment and discharge to the existing storm sewer line that passes through the site.

2. The County issued a Determination of Nonsignificance ("DNS") for the subdivision pursuant to the State Environmental Policy Act ("SEPA"). Hearings Examiner Joe Turner (the "examiner") conducted a public hearing about the application. County staff recommended that the examiner approve the application subject to conditions. See the Development and Environmental Review Staff Report and Recommendation to the Hearings Examiner dated July 11, 2007 (the "Staff Report"). The applicant accepted the findings and conditions in the Staff Report, as modified at the hearing, without exceptions. One person testified orally and in writing with questions and concerns. Disputed issues or concerns in the case include the following:

a. Whether the size of the proposed lots and the compatibility of the proposal with the surrounding area generally is relevant to the applicable approval criteria;

b. Whether the applicant is required to fence the site to protect the privacy of abutting residents and prevent trespass;

¹ This decision also addresses SEP2007-00053 and ARC2007-00039

EXHIBIT #: 1

- c. Whether the proposed garage demolition poses a risk of soil or other contamination;
- d. Whether the boundary survey is accurate;
- e. Whether construction activities on the site will impact adjacent properties due to increased dust, trespass or other impacts;
- f. Whether adequate sight distance is available or can be provided at existing and proposed intersections in the area;
- g. Whether the proposed development will increase flooding and drainage problems in the area; and
- h. Whether the existence of high groundwater in the area is relevant to the applicable approval criteria.

3. Based on the findings provided or incorporated herein, the examiner approves the preliminary plat subject to the conditions at the end of this final order.

B. HEARING AND RECORD HIGHLIGHTS

1. The examiner received testimony at a public hearing about this application on July 26, 2007. That testimony and evidence, including a videotape of the public hearing and the case file maintained by the Department of Community Development (“DCD”), are included herein as exhibits, and they are filed at DCD. The following is a summary by the examiner of selected testimony and evidence offered at the hearing.
2. County planner Vicki Kirsher summarized the Staff Report and showed photographs of the site. She requested the examiner modify the findings and conditions in the Staff Report as discussed in Exhibits 23 and 25.
3. County engineer David Bottamini requested the examiner delete condition A-6.c and a portion of stormwater finding 2 discussing the stormwater runoff “Curve Number” (“CN”). He also requested the examiner correct the discussion of soil types on the site. He requested the examiner modify condition A-3.c to require that the analysis of the proposed intersection of 52nd Court and 53rd Avenue demonstrate that the intersection will function safely.
4. Mason Wolfe testified on behalf of the applicant and accepted the amended findings and conditions in the Staff Report without exceptions. He noted that the applicant is proposing to develop single-family detached homes in a multi-family zone.
5. Ron Sturgeon expressed concerns with potential impacts of the development on his property east of the site.

a. He disputed the accuracy of the applicant's survey. The Harvest Meadows development to the west of the site moved the southwest corner of the site to the east. However the applicant's survey does not show any reduction in the width of the site. Approval of this development will "sanction" the applicant's survey.

b. He argued that "it is common practice" for contractors to move or destroy survey markers to accommodate development. County staff fail to respond to complaints about such practices.

c. He testified that the applicant's surveyors were working on his property, cutting trees and other vegetation, without his permission.

d. He questioned how the site was zoned R-12.

e. He expressed concern that the proposed development will cause or exacerbate flooding in the area. The site is located in the Thomas Lake basin, within the floodplain of the lake, which results in shallow groundwater in the area. Contractors installing underground utilities in the Harvest Meadows development had to pump groundwater out of the utility trenches, even during the dry summer months.

f. He questioned whether the proposed stormwater detention facilities will function as designed. The stormwater detention facility serving the Hidden Meadows development east of his property overflowed onto his property. He had to construct a new ditch on his property to redirect the runoff. Neither the applicant nor County staff provided any assistance. Other detention ponds in the area have failed repeatedly. The existing 12-inch stormwater pipe on the site was at or over capacity during the November 2006 rainstorms.

g. He questioned whether the applicant will comply with the County approval and implement the approved development design.

h. He questioned how the applicant will grade the site to ensure that the development does not increase stormwater runoff onto his property.

i. He argued that the County is not adequately monitoring construction and demolition projects. Prior developments in the area allowed lead paint, asbestos siding, household chemicals and other contaminants to be ground into the soil.

j. He expressed frustration with the County development review process and his experience with prior hearings, which discourages public participation.

6. The examiner closed the record at the end of the hearing and announced his intention to approve the proposed development subject generally to the conditions of approval in the Staff Report, as amended at the hearing.

C. FINDINGS:

Only issues and approval criteria raised in the course of the application, during the hearing or before the close of the record are discussed in this section. All approval criteria not raised by staff, the applicant or a party to the proceeding have been waived as contested issues, and no argument with regard to these issues can be raised in any subsequent appeal. The Examiner finds those criteria to be met, even though they are not specifically addressed in these findings. The following issues relate to the mandatory applicable approval criteria for this proposal and were addressed by County staff in their reports, by agency comments, by the applicant and others. The Examiner adopts the following findings with regard to each:

LAND USE:

Finding 1 – Density and Lot Size

The proposed subdivision will create 19 detached single-family residential lots located within an R-12 zoning district. The table in CCC 40.220.020-2 contains minimum standards for creating detached dwelling lots in this zone. The prescribed density is 8 – 12 dwelling units/acre. In addition, the zone also has a minimum lot area of 2,800 square feet for detached single-family dwellings.

Based on figures provided in the preliminary plan [*Exhibit 15*], density for the proposed development will be 11.94 dwelling units per acre, which falls within the prescribed parameters. In addition, a review of lot sizes noted on the plan demonstrates that all resulting parcels will contain at least 2,800 square feet.

The examiner understands residents' displeasure with the growth around them, but this growth was foreseeable and is in the broader public's interest. This area has been zoned R-12 for several years. As large lots are sold, presumably they will be developed. The examiner finds that objections to the proposed lot sizes and density are well taken, because the density and dimensions of proposed lots comply with the comprehensive plan map designation and zoning of the property as adopted by the Board of County Commissioners.

Finding 2 – Lot Dimensions

The R-12 zone specifies that a minimum lot width of 35 feet and a minimum depth of 50 feet are required for detached single-family residential lots. Based on a review of the preliminary plat [*Exhibit 15*], dimensional standards prescribed by the zone are met.

Finding 3 – Drainage Easement

There is a 40-foot easement, which bisects the development site. An existing storm line is located within this easement. The applicant is proposing to re-align a portion of this existing line in order to be compatible with the proposed layout of the subdivision (*See Stormwater Finding 2*). As part of the storm line re-alignment, the applicant is proposing to abandon or vacate the existing easement. Since location of the easement severely restricts development potential on three of the proposed lots, it is imperative the easement

be vacated prior to development of the subdivision. To ensure such action is taken, a condition to this effect will be imposed (*See Condition A-1*).

Finding 4 – Setbacks

Per Table 40.220.020-3, setbacks for detached single-family dwellings on lots within the R-12 zone are as follows:

Front:	20 feet
Street Side:	10 feet
Interior Side:	None ²
Rear:	None ¹
Between Buildings on Site:	8 feet

As required by the ordinance, building envelopes are identified for each lot on the face of the preliminary plat. These envelopes shall also be shown on the final plat (*See Condition D-1*).

Setbacks from common driveway easements are not specifically addressed by the ordinance. Due to safety concerns and the potential for property damage, however, the County requires 5-foot setbacks from joint driveway easements. Lot 8 has a side yard, which is adjacent to such an access easement. The building setback envelope for this lot, however, shows only a 2-foot setback. A condition will be imposed that the building envelope for this lot be modified on the final plat to show a 5-foot setback (*See Condition D-2*). It should be noted that because the ordinance establishes interior side setbacks as a separation between dwellings, changing the building envelope for Lot 8 may also affect those building envelopes shown on Lots 9 through 14. The final plat shall also reflect these changes (*See Condition D-3*). In order to avoid any confusion at time of building permit issuance, distances to property lines of all building setback envelopes shall be clearly identified on the final plat (*See Condition D-4*).

For purposes of this review, setbacks are defined as the minimum horizontal distance between the property line and the foundation wall, exclusive of other building elements. Overhanging architectural features (including gutters) shall maintain a minimum 3-foot setback from property lines unless appropriate fire rated construction is utilized (*See Condition E-1*). It should be noted that this requirement will affect those lots where the building envelope shows a 2-foot side yard setback.

Finding 5 – Lot Coverage

Building setback envelopes shown on the proposed plat identify where structures may be constructed on the proposed parcels. It should be noted, however, that the R-12 zoning district in which this project is located has a maximum lot coverage requirement of fifty percent (50%). As a result, buildings constructed on these lots will not be allowed to encumber the entire envelope. A condition will be imposed to ensure compliance with this standard (*See Condition D-9-a*).

Finding 6 – Landscape Buffers

² Minimum dwelling separation shall be eight (8) feet.

Landscape requirements are set forth in Chapter 40.320. In accordance with Table 40.320.010-1, the following perimeter landscaping scheme is required:

- North: L2 landscaped 10-foot buffer;
- East: L1 landscaped 5-foot buffer;
- West: L3 landscaped 5-foot buffer where not separated by street
and a L2 landscaped 10-foot buffer on that portion separated by street;
- South: L1 landscaped 5-foot buffer;

The L1 standard consists principally of groundcover plants; trees and high and low shrubs also are required. There are two (2) ways to provide trees and shrubs to comply with an L1 standard. Shrubs and trees may be grouped. Groundcover plants, grass lawn or approved flowers must fully cover the landscaped area not in shrubs and trees. Where the area to be landscaped is less than ten (10) feet deep, one (1) tree shall be provided per thirty (30) linear feet of landscaped area.

The L2 standard requires enough low shrubs to form a continuous screen three (3) feet high and ninety-five percent (95%) opaque year-round. In addition, one (1) tree is required per thirty (30) linear feet of landscaped area or as appropriate to provide a tree canopy over the landscaped area. A three (3) foot high masonry wall or fence at an F2 standard or a berm may be substituted for shrubs, but the trees and groundcover plants are still required. When applied along street lot lines, the screen or wall is to be placed along the interior side of the landscaped area.

The L3 standard requires enough high shrubs to form a screen six (6) feet high and ninety-five percent (95%) opaque year-round. In addition, one (1) tree is required per thirty (30) linear feet of landscaped area or as appropriate to provide a tree canopy over the landscaped area. Ground cover plants must fully cover the remainder of the landscaped area. A six (6) foot high wall or fence that complies with an F1 or F2 standard with or without a berm may be substituted for shrubs, but the trees and groundcover plants are still required. When applied along street lot lines, the screen or wall is to be placed along the interior side of the landscaped area.

In the written narrative [*Exhibit 6, Tab 6*], the applicant notes that “the landscape buffer along the west and east property lines will be shielded from adjacent properties by 6 foot high sight obscuring fences. Homes on these small lots will have very small rear yard spaces. The planting of ground cover reduces the use of these already small rear yards. Ground cover would do absolutely nothing for buffering adjacent properties due to the 6-foot height fencing. It is requested to eliminate the requirement for ground cover along the west and east landscape buffers to allow homeowners more useable yard space.”

An L3 buffer is required along the western boundary of Lots 15 through 19, and also the stormwater facility. This landscape buffer standard allows for a 6-foot fence to substitute for the planting of shrubs but specifies, “The trees and groundcover plants are still required.” The L1 standard does not specifically allow a fence in lieu of shrubbery. However, screening provided by a sight obscuring fence exceeds that provided by shrubs. As noted above, the L1 standard consists “principally of groundcover plants.” It is, therefore, not appropriate to totally eliminate the planting of groundcover within these

perimeter landscape buffers. A condition to this effect will be imposed (*See Condition D-5*). If it is the applicant's intent to maximize the useable area of each lot, it should be noted that lawn is considered appropriate live groundcover material.

On the landscape plan, it is noted that individual homeowners will maintain the landscaping. A condition will be placed requiring a covenant identifying that homeowners will be responsible for maintenance and preservation of the required landscape buffers (*See Condition D-7-c*). A plat note to this effect will also be required (*See Condition D-9-b*). A requirement to ensure installation of landscaping is also warranted (*See Condition F-1*).

Mr. Sturgeon argued that the applicant should be required to install a fence along the eastern edge of the site to provide a buffer between his property and the site and to prevent trespass onto his property. Although the Code does not require that the applicant install a fence in this case, the applicant agreed to install a six-foot high sight-obscuring fence on the west boundary. The examiner has no authority to require that the applicant install the fence prior to beginning construction on the site. There is no basis for concluding that the applicant's employees or contractors will be reasonably likely to trespass on abutting properties. It is in the applicant's best interest to control its employees and contractors and ensure that their activities do not impact adjacent properties in order to avoid potential liability. The owners of abutting properties have adequate legal (civil) recourse to address any trespass problems that may arise.

Finding 7 – Existing Structures

It is the applicant's intention to remove an existing detached garage from the premises prior to construction of the subdivision. A condition will be imposed to ensure this structure is removed, with the necessary demolition permits, prior to construction of the development (*See Condition B-4*). In addition, the applicant will be required to comply with all applicable asbestos inspection and control regulations in accordance with procedures of the Southwest Clean Air Agency (*See Condition B-5*). The applicant is required to properly dispose of all demolition materials. On-site disposal of hazardous materials is illegal. Any violations that are observed should be immediately reported to the County Enforcement Division and the Southwest Clean Air Agency. (*See also, Department of Ecology Finding 2 below*).

Finding 8 – Manufactured Homes

The applicant has not specifically indicated that manufactured homes may be placed on individual lots resulting from this proposed subdivision. As a result, pursuant to CCC 40.260.130(A)(2), manufactured homes are prohibited on any lot in this plat (*See Condition D-9-c*).

Finding 9 – Safe-walking Conditions (RCW 58.17)

RCW 58.17.110 requires a finding that safe walking conditions exist for students who walk to school. The applicant has provided provide a memo from the school district, dated July 9, 2007 that indicates students living within this development will be bussed to school.

Finding 10 – Review and Approval

As previously noted, the applicant is proposing to divide the subject property into 19 residential lots for the construction of single family detached dwellings. Such dwellings are allowed in the R-12 zone subject to CCC 40.520.020. In accordance with this code section, specific findings shall be made that the following conditions existing:

- a. The site of the proposed use is adequate in size and shape to accommodate the proposed use;

The applicant is proposing to develop this project as a detached single family residential subdivision. The subject 2.18 acre parcel meets eligibility criteria for such developments in that it is located within an R-12 zoning district. All resulting lots meet both minimum lot size requirements and dimensional standards of the zone (*See Land Use Findings 1 and 2*).

- b. All setbacks, spaces, walls and fences, parking loading, landscaping and other features required by this title are provided;

Building envelopes are shown on the preliminary plat for all proposed parcels. Although not all of the envelopes shown meet setbacks prescribed by the zone, the resulting parcels are of sufficient size to be conditioned to meet code requirements (*See Land Use Finding 4*). In addition, as proposed, the buffers shown on the landscape plan meet requirements of the ordinance (*See Land Use Finding 6*).

- c. The proposed use is compatible with neighborhood land use;

As previously noted, properties located to the north and west of the project site are zoned R1-5. Land to the south across NE 56th Street is situated in an R-12 zoning district. All these lots are developed with single family residences. A larger lot to the east is zoned R-12. It currently contains a single family dwelling, but has a potential to be developed with the same density as the subject 2.18 acre parcel.

- d. The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposal;

The proposed road improvements have been designed in accordance with County standards (*See Transportation Findings 3*). Sidewalks are provided throughout the development to ensure safe conditions for pedestrians (*See Transportation Finding 1*). As discussed in Transportation and Transportation Concurrency findings below, the existing and new road system will be able to adequately handle the quantity and type of traffic generated by the proposed subdivision.

- e. The proposed use will have no substantial adverse effect on abutting property or the permitted use thereof; and

Although the proposed subdivision will create smaller parcels than the surrounding properties, the applicant will be constructing a detached single family residence on each of the resulting lots. This housing type is consistent with the neighborhood. In addition, perimeter landscaping will screen the smaller-sized lots within this proposed development from abutting properties.

- f. In the case of residential uses, the housing density of the development is consistent with the existing zoning densities, or the general plan, and that all other aspects of the development are consistent with the public health, safety, and general welfare for the development and for adjacent properties.

As discussed in Land Use Finding 1 above, the subject property is located in an R-12 zoning district. This designation has a density requirement of 8 – 12 dwelling units/acre. As proposed, the subdivision has density of 11.94 dwellings per acre.

With conditions of approval, the examiner finds the proposed subdivision will make appropriate provisions for the public health, safety, and general welfare of the community. Extension and connection of proposed residences to public sewer and 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.

Finding 11 – Survey

The applicant has surveyed the boundaries and marked them on the site. Mr. Sturgeon disputed the accuracy of the applicant's survey. However the examiner has no jurisdiction to resolve boundary disputes that may arise from the survey.

The examiner notes that Washington law requires, before approval of a final plat, the auditor must receive a survey of the property to be platted and a title report certifying the ownership of property. It also requires the owner to sign or certify the plat that divides property. RCW 58.17.160 and 58.17.165. If a proposed plat includes property owned by another party, the plat would conflict with State statutes unless that owner also signs or certifies the plat.

However the examiner does not have authority to determine who holds title to land under Washington law. None of the applicable approval standards for a preliminary plat require the examiner to find that the applicant owns the area within the plat. County planning staff do not have that authority either. The examiner states no opinion about the validity of the adjacent owner's claims.

Based on the statute, it appears that the auditor is delegated authority to acknowledge the plat. RCW 58.17.160(3). If any County official has authority to determine the ownership of property, the examiner believes it is the auditor. Moreover, based on RCW 58.17.180, the examiner finds that the Superior Court is vested with authority for reviewing a decision approving or denying a plat. Therefore, if the owners of adjacent property believe the final plat would adversely affect them because it includes land they own, then

a writ of review to Superior Court would appear to be the appropriate recourse. A condition of approval requiring the applicant to comply with state law regarding signatures and certifications accompanying the final plat is unnecessarily repetitious. The examiner recommends the owners of adjacent property consult competent legal counsel about this matter.

Mr. Sturgeon testified that “it is common practice” for contractors to move or destroy survey markers to accommodate development. Such activities are clearly illegal and should be reported to the County surveyor and other responsible officials. A proper survey should detect and correct any improperly relocated survey markers.

Mr. Sturgeon testified that the applicant’s surveyors trespassed on his property, cutting trees and other vegetation. Such activity is likely illegal. Mr. Sturgeon may have a remedy in superior court for any damage he incurred. He should consult a lawyer to advise him about such rights. However the alleged trespass and other illegal activities are not relevant to the approval criteria for this development.

Based on the above discussion, the proposed development meets Review and Approval criteria set forth in CCC 40.520.020.

Finding 12 – Development Review Procedures

Mr. Sturgeon expressed frustration with the development review process based on his experience with this and other developments in the area. That is unfortunate. Citizen participation is an important element of the development process and should be encouraged. In the examiner’s experience County staff are very helpful and responsive to the public’s concerns. However staff, like the examiner, are limited by the law. The examiner encourages Mr. Sturgeon to contact the Development Services Manager to discuss the County operations and procedures that caused his frustrations. He should contact the Board of County Commissioners to discuss potential changes to the laws that may be necessary to address his concerns with development. Finally, he should contact the County Enforcement Division if he observes any land use or other violations on this site or elsewhere. Although County staff inspect developments to ensure compliance with the conditions of approval and applicable regulations, they cannot be everywhere at once. However they respond quickly to citizen complaints and can take action to ensure compliance with applicable regulations and punish violations that occur.

Conclusion (Land Use): The examiner finds that the proposed preliminary plan, subject to conditions identified above, meets land use requirements of the Clark County Code.

DEPARTMENT OF ECOLOGY:

Finding 1 – Solid Waste

In response to SEPA notice, the Washington Department of Ecology (DOE) submitted a letter, dated June 11, 2007 [*Exhibit 14*]. This correspondence indicates that “if greater than 250 cubic yards of inert, demolition, and/or waste is used as fill material, a solid waste handling permit is required from the local jurisdictional health department.

Standards apply as defined by Washington Administrative Code (WAC) 173-350-990 – Criteria for Inert Waste” (See *Condition B-6*). The letter also encourages “property owners, developers and contractors to recycle all possible leftover construction, demolition, and land clearing (CDL) materials and reduce waste generated.”

Finding 2 – Contamination

In this same letter [*Exhibit 14*], DOE “advises that if environmental contamination discovered on the site it must be reported to Ecology’s Southwest Regional Office.” A condition is, therefore, warranted requiring the developers to be alert for contamination during construction, and to notify the DOE if contamination is discovered (See *Condition B-7*)

Finding 3 – Water Quality

This correspondence [*Exhibit 14*] notes that any discharge of sediment-laden runoff or other pollutants to water of the state is a violation of state statute. It also specifies that “erosion control measures must be in place prior to any clearing, grading or construction” on site and identifies several preventative measures to be taken to ensure such discharge does not occur.”

Neighboring residents expressed concerns that dust generated during construction on the site may impact their homes. The Southwest Clean Air Agency (the “SWCAA”) regulates dust emissions. Section 200-040(2) of the SWCAA’s General Regulations provides:

No person shall cause or permit the emission of particulate from any source to be deposited beyond the property under direct control of the owner or operator of the source in sufficient quantity to interfere unreasonably with the use and enjoyment of the property upon which the material is deposited.

The SWCAA requires that the applicant take reasonable precautions to control dust and minimize dust emissions. Prior to construction, an erosion and dust control plan is required by County Code (See *Condition A-7*). County inspection staff will monitor erosion and control measures during construction activities. Neighboring residents should contact the County Enforcement Division and/or SWCAA if they believe that construction activities on the site are generating excessive dust or other forms of pollution.

The DOE letter also indicates “the site has pre-construction potential for offsite drainage. One acre or more of soil surface area will be disturbed during construction and the site has pre-construction potential for offsite drainage. A Construction Stormwater National Pollution Discharge Elimination System (NPDES) permit will be required for your project” (See *Condition A-2*).

ARCHAEOLOGY:

Finding 1 – Historic and Cultural Preservation

The site is located within a moderate to high (80–100 percent) probability area for discovery of archaeological resources, as designated on the Archaeological Predictive

Model Map of Clark County. The proposal is a high impact development. Therefore, a completed archaeological predetermination was required as part of the application submittal packet.

On February 12, 2007, Archaeological Investigations Northwest (AINW) performed a pedestrian search utilizing parallel adjacent transects spaced five meters apart. Additionally, AINW excavated two shovel test probe(s). No historic or prehistoric cultural materials were encountered during the surface or subsurface investigations. As a result, AINW recommended no further archaeological work is warranted at this time [ARC20076-00039]. However, a condition will be imposed that in the event any cultural resources are discovered in the course of undertaking development activity for this project, the Office of Archaeology and Historic Preservation and Clark County Community Development shall be notified (*See Condition D-9-d*).

TRANSPORTATION:

Finding 1 – 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 applicant has provided onsite sidewalks, and a sidewalk along both the NE 56th Street and NE 58th Street frontages.

Finding 2 – Road Circulation

The applicant correctly indicated in the proposal that the resulting block lengths and perimeters meet the code. Staff considered if a road lined up on the eastern property line of the subject parcel would provide a better location for a road connecting NE 58th Street and NE 56th Street. One negative aspect of that scenario is a resulting deficient 60-foot intersection spacing with NE 53rd Avenue. Without that road, if parcel #156941-000 is developed in the future, the owner of the parcel will have the ability to access NE 58th St. to the north and NE 56th St. to the south. In addition, the opportunity will exist for one internal road or two separate roads to line up with NE 53rd Avenue to the north and NE 54th Avenue to the south.

Finding 3 – Roads

NE 58th St. to the north is classified as an “Urban Neighborhood Circulator” road and the applicant has proposed the associated half-width frontage improvements including a 27-foot right-of-way, 18 feet of pavement, sidewalk, curb, and gutter.

NE 56th St. to the south is classified as an “Urban Local Residential Access” road and the applicant has proposed corresponding minimum half-width frontage improvements including a 21-foot right-of-way, 12 to 13 feet of paved width, sidewalk, curb, and gutter. The half-width improvements shall be consistent with standard drawing #14 and include 23 feet of right-of-way, 14 feet of paved width, curb, gutter, and sidewalk (*See Condition A-3-a*).

The applicant has proposed to widen NE 52nd Court by proposing half-width improvements that are consistent with an “Urban Local Residential Access” road. The

onsite proposed NE 53rd Avenue is to have improvements that are consistent with an “Urban Local Residential Access” road. The applicant shall perform an analysis of how traffic entering and leaving the bulb at the end of NE 52nd Court will interact with traffic entering and leaving NE 53rd Avenue (*See Condition A-3-b*).

Per CCC 40.350.030(B)(4)(b)(1)(b), corner lot driveways shall be a minimum separation of 50 feet from the intersecting property lines or where this is impractical, the driveway may be located 5 feet from the property line away from the intersection or as a joint use driveway at this property line (*See Condition A-3-c*).

Finding 4 – Sight Distance

The approval criteria for sight distances are found in CCC 40.350.030(B)(8). This section establishes minimum sight distances at intersections and driveways. The applicant’s traffic engineer reviewed the available sight distance at the existing and proposed intersections on and near the site. See p 4 of the Traffic Study, Tab 15 of Exhibit 6. Based on that analysis all but one of the affected intersections will comply with County sight distance requirements. Sight distance at the intersection of 56th Avenue and NE 56th Street is restricted by vegetation within the right of way. Although this is an existing hazard, the proposed development will generate additional traffic through the intersection, increasing the potential hazard. The applicant does not have the authority to remove the vegetation,. However the County does. The applicant can request that the County correct this existing hazard to ensure that the proposed development does not increase the existing hazard at this intersection. Therefore the applicant should be required to demonstrate that this sight distance constraint has been eliminated prior to final plat approval. (*See Condition A-3.e*).

Adequate sight distance is available at all other affected intersections in the area, based on the applicant’s Traffic Study. There is no substantial evidence to the contrary. Mr. Sturgeon’s testimony in Exhibit 13 is not sufficient to overcome the expert testimony of the applicant’s professional traffic engineer. Mr. Sturgeon did not provide any substantial evidence to document the impact of the topography on the available sight distance. The “dip” and “crest” noted by Mr. Sturgeon are visible in the photographs included with the Traffic Study. Based on these photographs, the grade changes in the roadway do not appear significant enough to impact sight distance on 58th Street.

Additional building setbacks may be required for corner lots in order to maintain adequate sight distance. The final engineering plans shall show sight distance triangles for all corner lots. Landscaping, trees, utility poles, and miscellaneous structures will not be allowed to impede required sight distances (*See Condition A-3-d*).

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

TRANSPORTATION CONCURRENCY:

Finding 1 – Trip Generation

The applicant has submitted a traffic study under the provisions of Clark County Code Section 40.350.020 (D)(1). This study indicates that the proposed Corrina's Crest Subdivision will consist of 19 new single family lots. The applicant's traffic study has also estimated the weekday a.m. peak-hour trip generation at 13 new trips, while the p.m. peak-hour trip generation is estimated at 18 new trips using nationally accepted data published by the Institute of Transportation Engineers. The trip generation numbers for peak trips was reduced by 1 peak trip to account for an existing home on the site.

Finding 2 – Site Access

Traffic conditions are usually expressed using a scale that quantifies the ability of a facility to meet the needs and expectations of the driver. This scale is graded from A to F and is referred to as level-of-service (LOS). A driver who experiences an LOS A condition would expect little delay. A driver who experiences an LOS E condition would expect significant delay, but the traffic facility would be just within its capacity to serve the needs of the driver. A driver who experiences an LOS F condition would expect significant delay with traffic demand exceeding the capacity of the facility with the result being growing queues of traffic.

Congestion, or concurrency, level of service (LOS) standards are not applicable to site accesses or intersections that are not regionally significant; however, the LOS analysis provides information on potential congestion and safety problems that may occur in the vicinity of the site.

The applicant's traffic study analyzed a total of three intersections, which included:

- NE 58th Street/NE 56th Avenue;
- NE 58th Street/NE 53rd Court (site access location); and,
- NE 56th Street/NE 52nd Court.

The traffic study indicates that these intersections will have an estimated LOS B or better through a three-year future build-out period. The study also shows that the LOS was evaluated at both the a.m. and p.m. peak hour traffic conditions in existing and build-out scenarios, meeting the requirements as outlined in Clark County Code Section 40.350.020 (G)(1)(d) and (f). County staff concurs with the traffic study findings.

Finding 3 – Concurrency

The proposed development is required to meet the standards established in CCC 41.350.020(G) for corridors and intersections of regional significance within 1 mile of the proposed development. The applicant's traffic study states, *"If...intersections are in the Concurrency Model areas, only the site-generated trips through these intersections will need to be included. Intersections of "Regional Significance" (Collector and/or Arterial) need to be analyzed if they fall inside the one-mile radius area of the proposed development and not included in the Concurrency Model."* The applicant's study does show the one-mile radius study area, which includes the following regionally significant intersections:

- NE 56th Avenue/NE 58th Street³;
- NE 72nd Avenue/NE 58th Street;
- NE 72nd Avenue/NE 63rd Street;
- NE Andresen Road/NE 58th Street; and,
- NE Andresen Road/NE Minnehaha Street.

Although these intersections are shown in the study area, they are not identified in the traffic study as regionally significant intersections that may, or may not, be analyzed. Because the applicant has not identified and/or studied these regionally significant intersections in the submitted traffic study, the County will use the site generation information provided in the traffic study, and the County's TraffixTM model to analyze the development and determine Concurrency compliance.

County Staff has performed an evaluation of the operating levels, travel speed and delay standards represented in the County's model. The County's model consists of the study intersections and corridors of regional significance in the development area yielding operating levels, travel speed and delay standards, during both the am and pm peak hours with a LOS better than the minimum allowable LOS E for unsignalized intersections.

The County's model also evaluated the operating levels, travel speeds and delay times for the regionally significant signalized intersections. This analysis showed that individual movements during peak hour traffic conditions had approach delays that did not exceed the maximum 240 seconds of delay in the build-out year. The County has determined that this development will comply with adopted Concurrency Standards.

The County incurs costs to analyze the proposed development's impacts; therefore, the applicant shall reimburse the County for costs incurred in running the concurrency model (*See Transportation Concurrency Condition A-5*).

SAFETY:

Where applicable, a traffic study shall address the following safety issues:

- traffic signal warrant analysis,
- turn lane warrant analysis,
- accident analysis, and
- any other issues associated with highway safety.

Mitigation for off-site safety deficiencies may only be a condition of approval on development in accordance with CCC 40.350.030(B)(6). The code states that "nothing in this section shall be construed to preclude denial of a proposed development where off-site road conditions are inadequate to provide a minimum level of service as specified in Section 40.350.020 or a *significant* traffic or safety hazard *would be caused or materially aggravated* by the proposed development; provided, that the applicant may voluntarily agree to mitigate such direct impacts in accordance with the provisions of RCW

³ County Staff identified these regionally significant intersections using the County's Arterial Atlas, the Clark County Maps Online, *The Digital Atlas –Transportation Systems*

82.02.020.”

Finding 4 – Traffic Signal Warrants

As previously discussed, the County determined that intersections of regional significance, within one mile of the proposed development, are anticipated to operate at a LOS B or better in the build-out year. Because these intersections have a LOS B or better operational characteristic, the County’s unsignalized intersection levels of service standards have been met. The applicant’s traffic study does not analyze traffic signal warrants in the vicinity of the site.

Although the regionally significant unsignalized intersections, as identified in the submitted traffic study, meet the County standards intersections, County staff analyzed information presented in the submitted traffic study for potential issues that could be mitigated with the installation of a traffic signal. County staff concluded that based on the peak hour and crash experience signal warrant analysis, as presented in the *Manual on Uniform Traffic Control Devices (MUTCD)*, the regionally significant unsignalized intersections do not meet signal warrants; therefore, further analysis *is not* required.

Finding 5 – Turn Lane Warrants

Turn lane warrants are evaluated at unsignalized intersections to determine if a separate left or right turn lane is needed on the uncontrolled roadway.

The applicant has proposed two unsignalized development site accesses onto NE 58th Street and NE 56th Street. The traffic study states that, “*Analysis to determine for separate left turn lanes... was not formally conducted because... total volume... during both AM and PM were very low...* ”. The submitted traffic study also states, “*Similarly, total future 2009... right turns ... were very low as well... Therefore, right-turn lane warrants analyses would not be necessary.*”

County staff has evaluated the proposed access locations for the development site and based on the left turn lane warrants, as outlined in the WSDOT *Design Manual*, agrees that a left turn lane is not warranted. County staff also analyzed the warrants for a right turn pocket and found that based the WSDOT *Design Manual Right-Turn Lane Guidelines* and the information presented in the applicant’s traffic study of the traffic volume at peak hours in the build-out year. Staff found that the right turn pocket warrants were not met; therefore, no further analysis is required.

Finding 6 – Historical Accident Situation

The applicant’s traffic study analyzed the accident history obtained from Clark County. The accident history covered a time period between July 2003 and July 2006. The traffic study determined that the accident rates for the road systems in the vicinity of the development were less than one per million entering vehicles (MEV), and that further analysis would not be required. County staff reviewed the accident history to determine if there is mitigation that could lessen the accident potential and whether the proposed development should be required to mitigate the potential for future accidents.

County staff has reviewed the accident history along NE 56th Street. This review shows that there are no reported accidents. Because there are no reported accidents on NE 56th Street, no mitigation at this access will be required. A review of the accident history along NE 58th Street between NE 51st Avenue (MP 0.29) and NE Andresen Road (MP 1.13) shows that the common accidents along this road were collisions with a fixed object and collisions with other vehicles. The other type of accident was a rear end collision.

It appears that these accidents were due to inattentive drivers. These types of accidents can not be mitigated by improving the road segment along the proposed development frontage. For example, at MP 0.54 (approximately the location of the proposed development access), county staff review found one reported accident between July 2003 and July 2006, a span of three years. This accident was due to an inattentive driver driving a vehicle with a faulty transmission. The rear end collision (MP 0.73, approximately 0.2 miles east of the proposed development access) was due to an inattentive driver not noticing that a vehicle was slowing.

The traffic study information indicates that there will be an increase of 13 a.m. peak hour trips and 18 p.m. peak hour trips on the NE 58th Street segment that fronts the proposed development. Based on the nature of the accidents shown in the accident history, County staff believes that this relatively minor increase in traffic would not 'materially aggravate' or cause a significant safety hazard. Therefore, no additional mitigation is required.

Conclusion (Transportation Concurrency): In summary, staff recommends approval of the development application, as proposed, subject to the conditions of approval stated below. The examiner finds that the application complies with the transportation concurrency ordinance.

STORMWATER:

Finding 1 – Applicability

The Stormwater and Erosion Control Ordinance (CCC 40.380) applies to development activities that result in 2,000 square feet or more of new impervious area within the urban area; the platting of single-family residential subdivisions in an urban area; and all land disturbing activities.

The project will create more than 2,000 square feet of new impervious surface, involves platting of a single-family residential subdivision, and is a land disturbing activity not exempted in section 40.380.030. Therefore, this development shall comply with the Stormwater and Erosion Control Ordinance (CCC 40.380).

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 40.380.050. This project is subject to the erosion control ordinance.

Finding 2 – Stormwater Proposal

According to the applicant, the roof runoff is proposed to drain to the street and ultimately to the biofiltration swale and detention facility. The proposed stormwater facilities are to be maintained by Clark County and lie within a stormwater tract.

There is an existing storm line that crosses the property and conveys stormwater runoff from properties northeast of the site through the subject property to NE 52nd Court. The applicant will realign this storm line in order to fit within the Corrina's Crest plat. A portion of the existing line will be removed and the existing easement vacated, subject to approval of the Board of County Commissioners. The existing storm line was owned by Clark County Drainage & Improvement District No. 11, which no longer exists. Ownership of the stormwater easement reverted to the County. The applicant shall coordinate vacation of the stormwater easement with Lowell Weiss of Real Property Services in Public Works (397-6118, ext. 4367). (*See condition A-1*). The stormwater runoff from the project will be released into this existing storm system after treatment and detention in the onsite facility.

The detention facility has been sized to account for the flows and volumes associated with the frontage of NE 58th Street. A portion of the runoff will drain westward and be conveyed ultimately into an existing treatment and detention facility. Another portion of the runoff will drain eastward to an existing ditch along the south side of NE 56th Street. This runoff will then enter an existing area drain, which enters the storm pipe system that runs across the project site.

An existing drain that will drain water into the existing onsite storm line has not been identified on the plans. The applicant shall identify how a portion of the runoff from the frontage of NE 58th Street will drain into the existing storm line that passes through the site. The applicant shall demonstrate that the existing stormwater facility that is proposed to manage a portion of the runoff from NE 58th Street has the capacity to treat and dispose of the water. If those methods are determined not to be feasible, the county allows for runoff from the frontage to not be treated provided an equivalent amount of runoff from another frontage impervious area, not currently managed, is managed as part of the Corrina's Crest proposal. The applicant has not identified where that additional frontage runoff is coming from and shall do so if necessary. If it is determined that a portion or all of the runoff from the frontage of NE 58th Street can not be managed by the proposed methods of management, the corresponding runoff shall in some way be directed onto the Corrina's Crest site for the purpose of managing it onsite (*See Condition A-6-a*).

Public stormwater easements shall be at least 20 feet wide per CCC 40.380.040(C)(4)(I). Per CCC 40.380.040(C)(1)(g), the project shall not materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots. The applicant is required to conduct an offsite analysis extending a minimum of one-fourth of a mile downstream from the development site in compliance with the provisions of Section CCC 40.380.040(B)(2) in order to ensure that the existing stormwater conveyance system has sufficient capacity to accommodate runoff from this site. (*See Condition A-6-b*).

The preliminary stormwater report identifies a 100-year/24-hour storm precipitation depth as being 4.0 inches. The 10-year/24-hour storm event precipitation depth is 3.0 inches. In addition, the 2-year/24-hour storm event precipitation depth is identified as being 2.0 inches.

The proposed subdivision includes about 45,000 square feet of total impervious area on the lots, about 12,000 square feet of sidewalks and 10,000 square feet of asphalt road surface. The Natural Resource Conservation Service (NRCS) indicates the site is underlain by Hillsboro silt loam (46% HIB) and Odne silt loam (54% OdB). Hillsboro silt loam is a part of hydrologic soil group "B" and Odne silt loam is a part of hydrologic soil group "D." According to the Stormwater and Erosion Control Ordinance (CCC 40.380), the soils are typically not suitable for infiltration. The proposal indicates a curve numbers (CN) of 80 to 87 apply to the post developed pervious surfaces and a CN of 98 applies to the impervious surfaces that will be added. The proposal also indicates CN values of 84 and 98 apply to the historical conditions. Approximately 96% of the site has a slope of 0% to 5% and 4% of the site has a slope of 5% to 10%.

The examiner finds that the proposed development will not cause or exacerbate flooding and drainage problems on abutting properties. It appears from the topographic maps in the record that stormwater falling on the site flows towards the center of the site, which then drains to the west across adjacent properties. Some portion of the site may also drain to the east. The applicant proposed to replicate the existing conditions in the design of the stormwater facilities. The applicant will collect stormwater from roofs, driveways, roads and other impervious surfaces on the site and convey it to the stormwater facility for treatment and detention. The applicant will discharge treated runoff to the existing public storm sewer system at less than predevelopment rates. Impervious areas created by the proposed development will reduce opportunities for on-site infiltration, increasing the rate of runoff. However the proposed development will not increase the amount of rain falling onto the site. The applicant will mitigate the impacts of the development by detaining treated stormwater and releasing it at a controlled rate to the public storm sewer.

Mr. Sturgeon testified about the failure of stormwater detention facilities in other developments in the area. However there is no substantial evidence that similar failures will or are reasonably likely to occur on this site. While the concerns expressed are reasonable and sincere, they are not substantial evidence sufficient to overcome the expert testimony of the applicant's and County's engineers that the proposed development will comply with the requirements of the Clark County Code.

The applicant is only required to accommodate stormwater runoff from the 100-year storm. However the applicant is required to provide an engineered overflow route for runoff that exceeds the 100-year storm event. CCC 40.380.060.F(2)(c).

Grading and filling on the site will alter the existing topography and could potentially increase run-off onto adjacent properties. However the Code expressly prohibits such impacts. CCC 40.380.040.C(1)(g) provides that "no development within the urban growth area shall be allowed to materially increase or concentrate storm water runoff onto adjacent property or block existing drainage from adjacent lots." The examiner

finds, based on the applicant's preliminary stormwater report, that it is feasible to comply with CCC 40.380.040.C(1)(g). The applicant can grade the site to direct runoff away from adjacent properties, install drains near the boundaries of the site or utilize other measures to capture surface water before it leaves the site as necessary to ensure compliance with CCC 40.380.040.C(1)(g). (See Condition A-6.b)

Finding 3 - High Groundwater

Mr. Sturgeon testified about the existence of high groundwater in the area. However there is no substantial evidence that this condition will impact the proposed development in any way. The applicant may need to utilize pumps to dewater the utility trenches on the site, but it is feasible to do so. If necessary, the applicant can place additional fill on the site to elevate the proposed homes and provide foundation drains and other measures to direct groundwater away from the buildings. The County can review this issue during the review of building permits for homes on the individual lots. However the mere existence of high groundwater on and near the site is not relevant to the applicable approval criteria for the proposed subdivision. Contrary to Mr. Sturgeon's testimony, the site is not located in a mapped floodplain.

Conclusion (Stormwater): The examiner concludes that the proposed preliminary stormwater plan, subject to the conditions above, is feasible. Therefore, the requirements of the preliminary plan review criteria are satisfied.

FIRE PROTECTION:

Finding 1 – Fire Marshal Review

This application was reviewed by Tom Scott in the Fire Marshal's Office who can be reached at (360) 397-2375 x4095 or 3323. Information can also be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions, or if additional information is required, please contact Tom immediately.

Finding 2 – Building Construction

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process (*See Condition E-2*).

Finding 3 – Fire Flow

Fire flow in the amount of 1,000 gallons per minute supplied at 20 psi for 60 minutes duration is required for this application. Information from the water purveyor indicates that the required fire flow is available at the site, estimated at 2,000 gpm.

Finding 4 – Fire Hydrants

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

Finding 5 – Fire Apparatus Access

Roadways and maneuvering areas as indicated in the application meet the requirements of the Clark County Road Standard. The applicant shall provide 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 (*See Condition A-8*).

Conclusion (Fire Protection): The examiner finds that the proposed preliminary plan, subject to conditions identified above, meets the fire protection requirements of the Clark County Code.

UTILITIES

Finding 1 – Water and Sewer

Lots resulting from the proposed subdivision are required to connect to public water and sewer. The site will be served by the City of Vancouver for both water and sanitary sewer service. The applicant has submitted a current utility review from the City confirming that services are available to the site.

Prior to final plat approval, the applicant shall provide documentation from the City of Vancouver indicating that water and sewer connections have been installed and approved (*See Condition D-6*).

Finding 2 – 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 serves 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-9*).

Conclusion (Utilities): The examiner finds that the proposed preliminary plan, subject to conditions identified above, meets the water and sewer service requirements of the Clark County Code.

IMPACT FEES:

Additional residential lots created by this plat will produce impacts on schools, parks, and traffic, and are subject to School (SIF) and Park (PIF) Impact Fees in accordance with CCC 40.610.

The site is located within:

- Vancouver School District with a SIF of \$1,725.00 per dwelling;

- Park District #7 with a PIF of \$1,885.00 per dwelling (\$1,445.00 for acquisition and \$440.00 for development);
- Orchards sub-area with a TIF of \$1,480.48 per dwelling.

Impact fees are payable prior to issuance of building permits for each lot. If a building permit is made more than three years following the date of preliminary plat approval, impact fees will be recalculated according to the then-current ordinance (*See Conditions D-9-g and E-3*).

D. CONCLUSION

Based on the above findings and discussion, the examiner concludes that PLD2007-00032, SEP2007-00053 and ARC2007-00039 (Corrina's Crest) should be approved, because it does or can comply with the applicable standards of the Clark County Code and the Revised Code of the State of Washington, subject to conditions of approval necessary to ensure the final plat and resulting development will comply with the Code.

E. DECISION

Based on the foregoing findings and except as conditioned below, the examiner hereby approves PLD2007-00032, SEP2007-00053 and ARC2007-00039, (Corrina's Crest) in general conformance with the applicant's preliminary plat (Exhibit 5) and the related plans, reports and proposal (Exhibits 6, 16 and 17). The approval is granted subject to the requirements that the applicant, owner or subsequent developer (the "developer") shall comply with all applicable code provisions, laws and standards and the following conditions. These conditions shall be interpreted and implemented consistently with the foregoing findings.

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 approval, consistent with the approved preliminary plan and the following conditions of approval:

- A-1** The applicant shall obtain approval from Board of County Commissioners for Clark County for vacation of the 40-foot drainage easement which bisects the property. The applicant shall coordinate vacation of the stormwater easement with Lowell Weiss of Real Property Services in Public Works (397-6118, ext. 4367). (*See Land Use Finding 3 and Stormwater Finding 2*)

- A-2** A Construction Stormwater National Pollution Discharge Elimination System (NPDES) permit will be required from the Washington Department of Ecology. *(See Department of Ecology Finding 3)*
- A-3 Final Transportation Plan/On-Site** - The 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 required half-width improvements of NE 56th Street shall be consistent with standard drawing #14 including 23 feet of right-of-way, 14 feet of paved width, curb, gutter, and sidewalk. *(See Transportation Finding 3)*
 - b. The applicant shall perform an analysis of how traffic entering and leaving the bulb at the end of NE 52nd Court will interact with traffic entering and leaving NE 53rd Avenue and demonstrate that the new intersection will not create a hazard. *(See Transportation Finding 3)*
 - c. Per CCC 40.350.030 (B)(4)(b)(1)(b), corner lot driveways shall be a minimum separation of 50 feet from the intersecting property lines or where this is impractical, the driveway may be located 5 feet from the property line away from the intersection or as a joint use driveway at this property line. *(See Transportation Finding 3)*
 - d. The final engineering plans shall show sight distance triangles for all corner lots. Landscaping, trees, utility poles, and miscellaneous structures will not be allowed to impede required sight distances. *(See Transportation Finding 4)*
 - e. The applicant shall provide a sight distance certification from a professional traffic engineer demonstrating that the available sight distance at the intersection of 56th Avenue and NE 56th Street is sufficient to comply with CCC 40.350.030(B)(8). *(See Transportation Finding 4)*
- A-4 Transportation:**
- a. Signing and Striping Plan - The applicant shall submit a signing and striping plan and a reimbursable work order, authorizing County Road Operations to perform any signing and pavement striping required within the County right-of-way. This plan and work order shall be approved by the Department of Public Works prior to final plat or final site plan approval.
 - b. Traffic Control Plan - Prior to issuance of any building or grading permits for the development site, the applicant shall obtain written approval from Clark County Department of Public Works of the applicant's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system.

- A-5 Final Transportation Plan/Off Site (Concurrency)** - The applicant shall reimburse the County for the cost of concurrency modeling incurred in determining the impact of the proposed development, in an amount not to exceed \$2,000. The reimbursement shall be made prior to final site plan review. *(See Transportation Concurrency Finding 3)*
- A-6 Final Stormwater Plan** - The applicant shall submit and obtain County approval of a final stormwater plan for on and off-site facilities (as applicable), designed in conformance to CCC 40.380 and the following conditions of approval:
- a. The applicant shall identify how a portion of the runoff from the frontage of NE 58th Street will drain into the existing storm line that passes through the site. The applicant shall demonstrate that the existing stormwater facility that is proposed to manage a portion of the runoff from NE 58th Street has the capacity to treat and dispose of the water. If necessary, the applicant shall identify how additional runoff from an offsite frontage impervious area is going to be managed that is not already being managed. If it is determined that a portion or all of the runoff from the frontage of NE 58th Street can not be managed by the proposed methods of management, the corresponding runoff shall in some way be directed onto the Corrina's Crest site for the purpose of managing it onsite. *(See Stormwater Finding 2)*
 - b. Public stormwater easements shall be at least 20 feet wide per CCC 40.380.040(C)(4)(l). Per CCC 40.380.040(C)(1)(g), the project shall not materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots. A downstream analysis extending a minimum of one-fourth of a mile downstream from the development site in compliance with the provisions of Section CCC 40.380.040(B)(2) is required. *(See Stormwater Finding 2)*
- A-7 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-8 Fire Marshal Requirements** - The applicant shall provide 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. *(See Fire Protection Finding 5)*
- A-9 Health Department Review** - Submittal of a "Health Department Project Evaluation Letter" is required as part of the Final Construction Plan Review or early grading application. If the Evaluation Letter specifies that certain actions are required, the Evaluation Letter will specify the timing of when those activities must be completed (e.g., prior to Final Construction Plan Review, construction, Provisional Acceptance, Final Plat Review, building permit issuance, or occupancy), and approved by the Health Department.

A-10 Excavation and Grading - Excavation/grading shall be performed in compliance with Appendix Chapter J of the 2003 International Building Code (IBC); and, drainage facilities shall be provided, in order to ensure that building foundations and footing elevations can comply with CCC 14.04.252.

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

Prior to construction, the following conditions shall be met:

- B-1 Pre-Construction Conference** - Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.
- B-2 Erosion Control** - Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.
- B-3 Erosion Control** - Erosion control facilities shall not be removed without County approval.
- B-4** Prior to demolition or relocation of structures on the site, the applicant shall obtain demolition permits from the Clark County Building Division (*See Land Use Finding 7*).
- B-5** The applicant shall comply with all applicable asbestos inspection and control regulations in accordance with procedures of the Southwest Washington Clear Air Agency (*See Land Use Finding 7*).
- B-6** If greater than 250 cubic yards of inert, demolition, and/or waste is used as fill material, a solid waste handling permit is required from the local jurisdictional health department. (*See Department of Ecology Finding 1*)
- B-7** Prior to any excavation and construction on the site, the applicant shall notify the contractors to be alert for contamination on the site. If contamination is discovered, it shall be reported to the Washington Department of Ecology. Contact the Environmental Report Tracking System Coordinator at the Southwest Regional Office at (360) 407-6300 for more information. (*See Department of Ecology Finding 2*)

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 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** Building Setback Envelopes: In accordance with footnote 2 of Table 40.220.020-3, building setback envelopes shall be identified for each lot on the face of the plat. (See Land Use Finding 4)
- D-2** Building Setback Envelopes: The building setback envelope on Lot 8 shall show a 5-foot side yard setback from the adjacent joint driveway easement to the south serving Lots 6 and 7. (See Land Use Finding 4)
- D-3** Building Setback Envelopes: The final plat shall be revised to show building setback envelopes on Lots 9 through 14 that have a minimum dwelling separation of eight (8) feet. (See Land Use Finding 4)
- D-4** Building Setback Envelopes: The final plat shall clearly identify distances to all property lines of building setback envelopes. (See Land Use Finding 4)
- D-5** Final Landscape Plan: The final landscape plan shall show live groundcover material in both the L1 buffer along the eastern project boundary and in the L3 buffer required along the western property line of Lots 15 through 19, and also the stormwater facility. A 6-foot sight-obscuring fence may substitute for shrubbery. (See Land Use Finding 6)
- D-6** The applicant shall provide documentation from the City of Vancouver indicating that water and sewer connections have been installed and approved. (See Utilities Condition 1)
- D-7** **Developer Covenant** – A “Developer Covenant to Clark County” shall be submitted for recording to include the following:
 - a.** 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."
 - b.** 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.** Landscaping: A covenant running with the land shall be recorded with the final plat that requires individual homeowners to maintain and preserve the landscape buffers in accordance with the approved final landscape plan. (See Land Use Finding 6)

D-8 Addressing - At the time of final plat, existing residence(s) that will remain may be subject to an address change. Addressing will be determined based on point of access.

D-9 Plat Notes - The following notes shall be placed on the final plat:

- a. Lot Coverage: The maximum lot coverage for all buildings is fifty percent (50%). (See *Land Use Finding 5*)
- b. Landscaping: Individual homeowners shall maintain and preserve landscape buffers in accordance with the approved final landscape plan. (See *Land Use Finding 6*)
- c. Mobile Homes: "Mobile homes are prohibited on all lots subject to the requirements of CCC 40.260.130." (See *Land Use Finding 8*)
- d. Archaeological: "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 *Archaeology Finding 1*)
- e. Sidewalks: "Prior to issuance of occupancy permits, sidewalks shall be constructed along all the respective lot frontages. Sidewalks are attached except along the frontage of (insert street name) which is detached."
- f. 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, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."
- g. Impact Fees: "In accordance with CCC 40.610, except for one lot with the existing dwelling designated on the final plat as waived, the School, Park and Traffic Impact Fees for each dwelling in this subdivision are: \$1,725.00 (Vancouver School District); \$1,885.00 (\$1,445.00 – Acquisition, \$440.00 - Development for Park District #7); and \$1,480.48 (Orchards TIF 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."

E Building Permits
Review & Approval Authority: Customer Service

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

- E-1 Setbacks are defined as the minimum horizontal distance between the property line and the foundation wall, exclusive of other building elements. Overhanging architectural features (including gutters) shall maintain a minimum 3-foot setback from property lines unless appropriate fire rated construction is utilized. *(See Land Use Finding 4)*
- E-2 Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. *(See Fire Protection Finding 2)*
- E-3 **Impact Fees** - The applicant shall pay impact fees based on the number of dwelling units in the building, as follows:
 - a. \$1,725.00 per dwelling for School Impact Fees (Vancouver School District);
 - b. \$1,885.00 per dwelling for Park Impact Fees (\$1,445.00 - Acquisition, \$440.00 - Development for Park District #7);
 - c. \$1,480.48 per dwelling for Traffic Impact Fees (Orchards TIF Sub-area)

F Occupancy Permits
Review & Approval Authority: Building

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

- F-1 **Verification of the Installation of Required Landscape:** Prior to the issuance of an approval of occupancy for a site plan, the applicant shall provide verification in accordance with Section 40.320.030(B) that the required landscape has been installed in accordance with the approved landscape plan(s). *(See Land Use Finding 6)*

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

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

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

- H-1 **None**

DATED this 13th day of August 2007.



Joe Turner, AICP, Hearings Examiner



Clark County

**PUBLIC WORKS
DEPARTMENT**

1408 Franklin St.
P.O. Box 5000
Vancouver, WA 98668
(206) 699-2376

M E M O R A N D U M

TO: The Honorable Board of County Commissioners

FROM: Jerry M. Fay, P.E.
Director Division of Finance/Public Works

DATE: February 23, 1982

SUBJECT: Dissolution of DID No. 11

BACKGROUND: At the Public Hearing for the dissolution of Drainage Improvement District No. 11 on February 16, 1982, the Board instructed staff to prepare the necessary documents for the dissolution of DID No. 11.

BUDGET: N/A

POLICY IMPLICATIONS: N/A

ACTION REQUESTED: That the Board sign the ordinance dissolving this special purpose district found to be inactive.

DISTRIBUTION INSTRUCTIONS: Copies of the signed ordinance should be sent to the Auditor's office, Treasurer's office, and Public Works for their records.

JMF:GD:cp

attachments

72x
d

1 Drainage Improvement District No. 11 of Clark
County, Washington.

2 Section 2. Effective Date. Pursuant to RCW 36.96.040
3 the above enumerated special purpose district shall cease to
4 exist thirty-one (31) days after the adoption of this ordinance
5 except for the purpose of winding up their affairs.

6 Section 3. Board of Trustees. For the sole and exclusive
7 purpose of winding up the affairs of the special purpose dis-
8 trict dissolved herein, including disposition of the property
9 thereof, and pursuant to RCW 36.96.060-.080, the Board shall
10 act as to each such special purpose district as a board of
11 trustees having the same powers and duties as the governing
12 authority of the dissolved district.

13 ADOPTED this 3rd day of March.

14 Attest:

15 Barbara Robinson
16 Clerk to the Board

17 Approved as to Form Only:
18 ARTHUR D. CURTIS
Prosecuting Attorney

19 By Richard S. Lowry
20 Richard S. Lowry
Deputy Prosecuting Attorney

BOARD OF COUNTY COMMISSIONERS
FOR CLACK COUNTY, WASHINGTON

By David W. Sturdevant
David W. Sturdevant, Chairman

By Vernon V. Veysey
Vernon V. Veysey, Commissioner

By John S. McKibbin
John S. McKibbin, Chairman

