Project Name: SCHEURER INDUSTRIAL COMPLEX

Case Number: PSR2006-00012; SEP2006-00041; EVR2006-00017

Location: 12313 NE 99th Street

Request: Site plan approval to construct in 4 phases a light industrial park consisting of one existing building and 3 new buildings totaling approximately 24,480 square feet, on an approximately 1.7 acre parcel located in the Light Industrial (ML) zone. The applicant also proposes to create 4 separate parcels for the buildings through the binding site plan process.

Applicants: Ron and Nona Scheurer
Scheurers LLC
13208 NE 287th Circle
Battle Ground, WA 98604
(360) 891-6178; (360) 885-0431 [Fax]
rjsch@teleport.com

Contact Person: Steve Horenstein
500 E Broadway, Suite 400
Vancouver, WA 98660
(360) 699-4771; (360) 694-6413 [Fax]
steve.horenstein@millernash.com

Property Owners: Same as Applicants

DECISION
Approved, subject to Conditions

Team Leader’s Initials: ______ Date Issued: June 23, 2006
**County Review Staff:**

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<tr>
<th></th>
<th>Name</th>
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<th>E-mail Address</th>
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<td>(Trans. Concurrency):</td>
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**Comp Plan Designation:** Light Industrial

**Parcel Number(s):** Tax Lot 33 (154692-000), located in the Northeast Quarter of Section 3, Township 2 North, Range 2 East of the Willamette Meridian.

**Applicable Laws:**
Clark County Code Sections: 15.12 (Uniform Fire Code), 40.230.080 (Industrial Districts), 40.320 (Landscaping & Screening), 40.340 (Parking & Loading), 40.350 (Transportation & Circulation), 40.360 (Solid Waste & Recycling), 40.370 (Sewer and Water), 40.380 (Stormwater & Erosion Control), 40.500 (Procedures), 40.510.020 (Type II Process), 40.520.040 (Site Plan Review), 40.550.010 (Road Modifications), 40.570 (SEPA), 40.610 & 40.620 (Impact Fees).

**Neighborhood Association/Contact:**
Sifton Neighborhood Association
Lamont Shaindlin, Vice President
7016 NE 140th Ave
Vancouver, WA 98682
(360) 944-7690
E-mail: shainfam@juno.com

**Time Limits:**
The application was determined to be fully complete on March 2, 2006. The review was placed on hold for 35 days for the applicant to submit additional information.
Therefore, the County Code requirement for issuing a decision within 78 days lapses on June 23, 2006. The State requirement for issuing a decision within 120 calendar days lapses on August 4, 2006.

**Vesting:**
An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on May 5, 2005. The pre-application was determined to be sufficiently complete to qualify for contingent vesting. However, the application was not submitted within 180 days.

The fully complete application was submitted on March 2, 2006 and determined to be fully complete on March 2, 2006. Given these facts the application is vested on March 2, 2006.

**Public Notice:**
Notice of application and likely SEPA Determination of Non-Significance (DNS) was mailed to the applicant, the Sifton Neighborhood Association, and owners of property located within 300 feet of the site on March 24, 2006. Notice of the likely SEPA Determination was published in the "Columbian" Newspaper on March 24, 2006.

**Public Comments:**
In response to the public notice, the county received two SEPA comment letters, as follows:

1. Received on April 6, 2006 from Johnson Meninick, Cultural Resources Program Manager of the Yakama Nation (Exhibit #7). Mr Meninick states that the site is within a high probability archaeological area, according to his attached map. He states that, because of ground disturbance resulting from the development, the applicant must take measures to reduce or control any impacts to archaeological resources that may be disturbed. The letter further states that the applicant’s responses to questions 13 A, B, & C in the SEPA checklist are unacceptable.

**Staff Response**
This site is located in the northeast quarter of Section 3, T2N, R2E, within an area of Low (0-20%) probability for archaeological artifacts, based on the county’s archaeological predictive maps. The sites identified on the map attached to Mr Meninick’s letter are in Sections 4, 5, & 8. This site is not located within 1,320 feet of any known archaeological site; therefore an archaeological study is not required. However, staff is recommending a condition requiring that, 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. (see Condition A-1.a.)

2. Received on April 7, 2006 from the Washington Department of Ecology (Exhibit #8). The DOE letter cites state water quality standards, stating that any discharge of sediment-laden runoff or other pollutants to waters of the state is a violation. It provides recommendations and requirements for preventing contamination of waterways from erosion. Erosion control measures must be in place prior to any clearing, grading, or construction. The letter provides information on obtaining a NPDES permit.

Staff Response
The applicant has been provided with a copy of the DOE letter and is separately responsible for compliance with all state and federal regulations.

Erosion control measures will be reviewed and inspected by county staff, in accordance with the County Stormwater and Erosion Control Ordinance.

**Project Overview**

The site is a 1.69 acre parcel containing an existing single-family dwelling that has been converted to use as a hearing aid manufacturing business through a Temporary Use Permit (MZR2005-00095). The same applicant is proposing to make the change of use permanent for the existing 2,535 square foot building, plus construct in three additional phases three multi-tenant light industrial buildings for a total of approximately 24,480 square feet.

The site is bounded on the north by NE 99th Street. The topography is flat and the existing vegetation is primarily grass, with several trees located around the yard of the existing structure.

Industrial development exists to the west and east of the site, while a vacant parcel abuts the site on the south. North across NE 99th Street are existing single-family residences.

Surrounding uses and zoning are as indicated along with those of the site in the following table:

<table>
<thead>
<tr>
<th>Compass</th>
<th>Comp Plan</th>
<th>Zoning</th>
<th>Current Land Use</th>
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<tbody>
<tr>
<td>Site</td>
<td>Light Industrial</td>
<td>Light Industrial (ML)</td>
<td>Single-family dwelling converted to manufacturing use</td>
</tr>
<tr>
<td>North</td>
<td>Light Industrial &amp; Urban Low Density Residential</td>
<td>Light Industrial (ML) Single-family Residential (R1-6)</td>
<td>Single-family residences</td>
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Staff Analysis

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

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

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

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

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

LAND USE

Finding 1 Uses
The existing building is proposed to be used for a hearing aid manufacturing and repair business, which is a permitted use under the site’s Light Industrial (ML) zoning in accordance with CCC Table 40.230.080-1(3391).

No specific tenant businesses are identified for the proposed new buildings. The application proposes light industrial uses. Because the traffic impacts of the
development and the parking requirements are being reviewed based on this
category of uses, a condition of approval is warranted to ensure that more intensive
uses are not established on the site without further review.

Since specific tenants are not known, staff cannot identify all potential impacts of the
uses. Each tenant is required to apply for a tenant improvement building permit and
obtain an occupancy permit. Each tenant improvement permit will be evaluated by
planning staff, and as a result, additional site plan requirements may be imposed for
specific mitigations (for example, additional traffic study information may be required
for a more traffic intensive use, or a particular manufacturer may be subject to a
CARA permit). (see Condition F-1)

Finding 2 Development Standards
The applicable setbacks, in accordance with CCC Table 40.230.080-2, are as
follows:
• Front – 20 feet
• Side – 10 feet
• Rear – 15 feet

The application proposes to divide the site into four parcels, each containing one
building. The setbacks apply to the proposed new lot lines, as defined in CCC
40.100.070. As proposed, the front setback will apply to the north side of each lot,
the rear setback will apply to the south side, and the side setback will apply to the
east and west sides of each lot, respectively.

Based on the revised binding site plan (Exhibit #9, Sheet A.1.1.1), the proposal will
meet the applicable setbacks.

The preliminary site plan demonstrates compliance with the maximum 50% building
coverage requirement and the minimum 15% landscape coverage requirement.
The building elevation plans submitted by the applicant demonstrate compliance
with the maximum 60 foot building height restriction.

Finding 3 Performance Standards
The light industrial uses on this site shall be subject to continuing compliance with
the performance standards in CCC 40.230.080(D) regarding noise, venting, odors,
light, glare, outdoor storage, vibration, and electromagnetic interference.

A note on the final site plan is warranted to help ensure compliance with these
standards. (see Condition A-1.b.)

Finding 4 Landscaping
A minimum 15% of the site area is required to be landscaped. The preliminary site
plan and landscape plan demonstrate compliance with this requirement.
Landscape buffers are required around the perimeter of the site in accordance with Table 40.320.010-1 as follows:

- West, south & east (abutting ML): 5-foot buffer with L1 landscaping
- North (adjacent to R1-6): 10-foot buffer with L3 landscaping
- North (adjacent to ML): 10-foot buffer with L2 landscaping

Landscape islands are required in the parking area at a ratio of one landscape island for every seven parking spaces, in accordance with CCC 40.320.010(E).

The preliminary landscape plan demonstrates compliance with the above buffer and landscape island requirements.

Landscape plantings are required within the planting strip in the right-of-way along the site frontage of NE 99th Street, in accordance with CCC 40.320.020 and the standard details manual, because 99th Street is an arterial. At a minimum, one street tree is required per 30 feet of frontage. The preliminary landscape plan does not provide the required trees. (see Condition A-1.c.)

All on-site landscaping shall be installed in accordance with the approved final landscape plan and phasing plan prior to occupancy of each phase. (see Condition F-2)

The required right-of-way plantings for 99th Street shall be installed in conjunction with Phase 1 of the development, because the impacts to the public infrastructure will begin with Phase 1. (see Condition F-3)

Finding 5 Parking

Off street parking is required in accordance with Table 40.340.010-4. The light industrial buildings require a minimum of one space per 500 square feet gross floor area. Based on the figures provided on the site plan, the minimum parking for each building is as follows:

- Bldg. 1 – 8 spaces
- Bldg. 2 – 12 spaces
- Bldg. 3 – 12 spaces
- Bldg. 4 – 14 spaces

Staff finds that the preliminary site plan provides adequate parking spaces in conjunction with each phase of the project. The plan also appears to meet the applicable parking design standards.

A truck loading berth measuring 65 ft by 12 ft is required for buildings that exceed 5,000 square feet, in accordance with CCC 40.340.010(E). Therefore, buildings 2, 3 & 4 are required to be provided with loading berths. The preliminary site plan does not designate the location of truck loading berths; therefore the site plan needs to be amended. (see Condition A-1.d.)
Finding 6  Pedestrian Access
Pedestrian access is required in accordance with CCC 40.230.030(D)(7). The preliminary site plan provides adequate on-site pedestrian routes connecting between buildings and the street. Where the pedestrian routes cross vehicle travel lanes, the crossings must be adequately marked in accordance with the standards of the Americans with Disabilities Act. (see Condition A-2.a.)

Finding 7  Land Division
The applicant proposes to divide the site into four (4) parcels utilizing the binding site plan process.

In accordance with RCW 58.17.040(4), division of land into lots or tracts classified for industrial or commercial use are exempt from state platting laws when county has approved a binding site plan for the use of the land in accordance with local regulations.

CCC 40.520.040(B) provides for approval of a binding site plan for the purpose of dividing land for sale or lease of commercially or industrially zoned property. In addition to the requirements of a standard site plan, a binding site plan shall contain inscriptions setting forth appropriate conditions for the use of the land, and provisions for making any development conform to the site plan. (see Condition A-1.e.)

County procedure for recording a binding site plan involves the recording of a covenant running with the land that requires any use of the property to conform to the site plan. A survey and copy of the site plan are recorded with the covenant. (see Condition A-1.f.)

Finding 8  Phasing
The applicant proposes to develop the site in four (4) phases, as depicted on the site plan. Staff finds that the applicant’s phasing plan is acceptable, with one exception: Phase 1 needs to include the required frontage improvements for NE 99th Street, because impacts to the public street system will occur in conjunction with Phase 1. (see Condition A-1.g.)

The approval of the phased site plan will expire in accordance with the timelines in CCC 40.500.010(B)(1), subject to the extensions for phased developments in subsection (B)(2), and/or the approval of a developer agreement pursuant to subsection (B)(3). (see Condition G-1)

Conclusion (Land Use):
Staff concludes that the proposed preliminary plan, subject to the conditions identified below, meets or can meet the land use requirements of the Clark County Code.
TRANSPORTATION:

Finding 9 Pedestrian/Bicycle Circulation
Pedestrian circulation facilities in compliance with the Americans with Disabilities Act are required in accordance with the provisions of CCC 40.350.010. The applicant is proposing sidewalks as part of the NE 99th Street frontage improvements and proposing internal sidewalks. Curb ramps shall be provided per CCC 40.350.010(B)(1)(g) at the proposed driveway approach off NE 99th Street. (see Condition A-2.a.)

Finding 10 Circulation Plan
According to the applicant, the properties to the north are mostly zoned residential. These properties have access to NE 122nd Avenue and NE 124th Avenue. There are three industrial zoned parcels immediately north and east of the site that would likely obtain access from NE 124th Avenue when those properties develop. Currently, residential uses exist on those industrial zoned parcels, with direct access onto NE 99th Street. The properties to the north are not strategic to the circulation of the properties on the south side of NE 99th Street.

The applicant states that a development exists to the east that does not allow for connection to it. To the west and south, parcels obtain access onto NE 99th Street through a private easement that may be the future alignment of NE Corporate Drive. This easement borders the west side of the subject site but the applicant does not have legal access to the private easement. The owner of the private easement has denied access, and a letter stating such has been submitted. Since there may be a possibility that the private easement bordering the west property line of the subject property might become public right-of-way, the Scheurer Industrial Complex site plan has provided for a potential driveway connection to the west. Other than this potential connection, which is speculative, there are not connectivity or circulation issues regarding the Scheurer Industrial Complex project.

The applicant states that since the Scheurer Industrial Complex site is landlocked to the east and west, the only viable access is onto NE 99th Street (see Finding 11).

Finding 11 Roads
NE 99th Street is classified as an “Urban Minor Arterial” road. The applicant is proposing frontage improvements that include a 23-foot paved half-width, a 5-foot sidewalk, curb, and gutter inside an existing 40-foot half-width right-of-way. The applicant is proposing that a portion of the sidewalk will be attached. The proposed driveway approaches shall be consistent with standard drawing number F17. (see Condition A-2.b.)

Per CCC 40.350.030(B)(4)(d), no driveways will be permitted to access onto arterials unless no other access to the site exists or can be provided. When driveways on arterials are permitted, they shall be spaced in accordance with Table 40.350.030-7. Based on the posted speed limit of 40 mph on NE 99th Street,
driveways are required to be spaced 185 feet. The applicant’s proposal does not meet the intersection spacing requirement.

Finding 12  Road Modifications
The applicant has submitted an application (EVR2006-00017) to request approval of a road modification to allow permanent driveway access to NE 99th Street, and for relief from the minimum driveway spacing requirement of 185 feet that applies to an “Urban Minor Arterial” with a speed limit of 40 mph.

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

a. Topography, right-of-way, existing construction or physical conditions, or other geographic conditions impose an unusual hardship on the applicant, and an equivalent alternative, which can accomplish the same design purpose, is available.

b. A minor change to a specification or standard is required to address a specific design or construction problem, which, if not enacted, will result in an unusual hardship.

c. An alternative design is proposed which will provide a plan equal to or superior to these standards.

d. Application of the standards of the Transportation Standards to the development would be grossly disproportional to the impacts created.

Applicant’s Analysis
According to the applicant, none of the driveways along NE 99th Street between NE 122nd Avenue and NE 124th Avenue meet the 185 foot spacing standard. This existing condition is caused primarily by small lot sizes in the area that preclude meeting the driveway spacing standard. There are only 265 feet of site frontage along NE 99th Street, which makes it impossible to meet the driveway spacing standard because of the lack of frontage and the existing locations of other accesses to adjacent parcels. The existing property owner to the west is unwilling to grant an access easement onto their private driveway. The property owner to the east is unwilling to grant an access easement to share his private driveway access with the proposed Scheurer Industrial Complex. The proposed driveway for the Scheurer Industrial Complex is 154.5 feet east of NE 122nd Avenue/future alignment of NE Corporate Drive (existing private driveway) and 138.25 feet west of the private driveway directly to the east of the project site. The applicant states that it should be noted that there are two residential driveways across the street from the Scheurer property. The applicant states that it is likely the residential parcels across the street will be redeveloped soon since they are for sale now and are industrial zoned. With the future development of the residential parcels, the two residential driveways on NE 99th Street can be eliminated or at least relocated and consolidated into one access directly across the proposed access for the Scheurer property. In their current configuration, the two residential driveways on the north
side of NE 99th Street have a very minor impact to NE 99th Street due to extremely low traffic volumes created.

The applicant states that at such time as NE Corporate Drive is constructed as a public street, the Scheurer Industrial Complex will provide a connection to the street as a secondary access to the industrial complex. The applicant states that if, in the future, safety issues warrant a raised median at this location, the site may be restricted to right-in/right-out movement onto NE 99th Street.

Staff Analysis
Per CCC 40.350.030(B)(4)(d), no driveways will be permitted to access onto arterials unless no other access to the site exists or can be provided. The proposal includes a future secondary access to NE Corporate Drive. Access to NE 99th Street shall exist until such time as other access may become available on the west side of the subject site. Once alternative access is provided, access to NE 99th Street shall be closed. (see Condition A-2.c.)

Based upon the above findings, staff finds that CCC 40.550.010(A)(1)(a) of the four approval criteria are met. The proposed road modification, subject to a condition, does meet the requirements of the county transportation ordinance.

Finding 13 Sight Distance
According to the applicant, based on a 40 mph speed limit along NE 99th Street, the minimum corner sight distance required is 400 feet. The applicant states that over 400 feet of sight distance is available at the proposed driveway approach off NE 99th Street in both directions, as long as there are no obstructions that are placed within the sight distance triangles.

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. Landscaping, utility poles, and structures will not be allowed to impede sight distance requirements. (see Condition A-2.d.)

Conclusion (Transportation):
Based upon the development site characteristics, the proposed transportation plan, the requirements of the County’s transportation ordinance, and the findings above, staff concludes that the proposed preliminary transportation plan, subject to conditions, meets the requirements of the county transportation ordinance.

TRANSPORTATION CONCURRENCE:

Finding 14 Trip Generation
County concurrency staff has reviewed the proposed Scheurer Industrial Complex consisting of 3 buildings totaling 20,880 square feet of light industrial uses. The applicant’s traffic study estimates the AM peak-hour trip generation at 19 new trips and the PM peak-hour trip generation at 20 new trips, using nationally accepted data.
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.

Level of service (LOS) standards are not applicable to accesses that are not regionally significant; however, the LOS analysis provides information on the potential congestion and safety problems that may occur in the vicinity of the site. All of the site access intersections analyzed in the applicant’s traffic study will have an estimated LOS B or better during the peak traffic hours at the future build-out of the proposed development. This LOS indicates minimal delay.

The applicant submitted a traffic study for this proposal in accordance with CCC 40.350.020(D). 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 county’s Traffix™ model includes the intersections of regional significance in the area and the county’s model was used to evaluate concurrency compliance. The modeling results indicate that the operating levels comply with travel speed and delay standards.

County staff notes that the applicant’s traffic study routed vehicles to the “intersection” of NE 130th Avenue & Padden Parkway. This location is not an intersection due to the grade separation of these two roadways; therefore, for county staff review, vehicles were routed along NE 130th Avenue to NE 76th Street and then to the west to get onto Padden Parkway at NE 117th Avenue.

The county incurs costs to analyze the proposed development’s impacts; therefore, the applicant should reimburse the county for costs incurred in running the concurrency model. (see Condition A-3)

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 82.02.020.”

Finding 18  Traffic Signal Warrants
The proposed development’s traffic study failed to analyze signal warrants. However, due to the relatively small trip impact, county staff finds that the proposed development would not cause signal warrants to be met at the site access or at unsignalized intersections adjacent to the site. Therefore, an analysis of traffic signal warrants was not necessary.

Finding 19  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 proposed development’s traffic study failed to analyze turn lane warrants. However, the main access to the site at NE 99th Street will have traffic volumes that are low enough that turn lane warrants would not be met. Therefore, an analysis of turn lane warrants was not necessary.

Finding 20  Historic Accident Situation
The applicant’s traffic study analyzed the accident history in the site vicinity. The intersection accident rate does not exceed thresholds that would warrant additional analysis. Therefore, further analysis and mitigation by the applicant were not required.

Conclusion (Concurrency):
Based upon the development site characteristics, the proposed transportation plan, the requirements of the County's transportation concurrency ordinance, and the findings above, staff concludes that the proposed preliminary transportation plan meets the requirements of the county transportation concurrency ordinance (CCC 40.350.020).

STORMWATER:

Finding 21  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, and all land disturbing activities, except those exempted in CCC 40.380.030(A).

The project will create more than 2,000 square feet of new impervious surface and it is a land disturbing activity not exempted in Section 40.380.030(A). 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 22 Stormwater Proposal

According to the applicant, runoff from the frontage will continue to drain to the existing systems. The proposed storm system for onsite runoff is independent of the existing storm systems in NE 99th Street and will not drain to the existing system. Runoff from pavement and landscaping will be conveyed to the proposed onsite stormwater system, consisting of inlets, conveyance pipe, and a stormwater filter vault for treatment, then released to the infiltration system. Runoff from roofs will be directly infiltrated onsite.

The applicant states that the infiltration rate was tested in an area adjacent to the property and found to be 367 inches per hour. The design rate used preliminarily was about half of the tested rate or 180 inches per hour. The infiltration system, which consists of 12-inch perforated pipe, is sized to provide infiltration for the 100-year storm event. A StormFilter (Contech Stormwater Solutions) is proposed to provide water quality treatment for the site. The water quality flows were determined using the impervious surfaces only.

Finding 23 Analysis of the Stormwater Proposal

The applicant is proposing to provide new impervious surfaces associated with the required frontage improvements. The applicant shall provide stormwater quantity and quality management practices for the runoff from the new impervious frontage surfaces. (see Condition A-4.a.)

Infiltration tests shall be performed in the field at the locations of the proposed infiltration systems, and laboratory tests shall determine the classifications of the soils. The field and laboratory tests shall take place prior to the final design. (see Condition A-4.b.)

The base of the infiltration facilities shall be at a minimum of three feet above the seasonal high water or an impermeable soil layer per CCC 40.380.040(C)(3)(c). During construction, the infiltration rates shall be verified in the field and laboratory testing shall also be performed. (see Condition A-4.c.)

The preliminary stormwater report does not indicate if the stormwater facilities are to be public or private. (see Condition A-4.d.)

The preliminary stormwater report identifies a 100-year/24-hour storm precipitation depth as being 4.5 inches. In addition, the 2-year/24-hour storm event precipitation depth is identified as being 2.3 inches.
The site has slopes of 0% to 5%. The proposed development includes about 20,000 square feet of new building roof surface and approximately 30,500 of new asphalt parking area, in addition to proposed sidewalks. The Natural Resource Conservation Service (NRCS) indicates the site is underlain by Sifton gravely loam (SvA). The soils are a part of hydrologic soil group “B”. The proposal indicates a curve number (CN) of 80 applies to the post developed pervious surfaces and a CN of 98 applies to the impervious surfaces that will be added as part of the development.

**Conclusion (Stormwater):**

Based upon the development site characteristics, the proposed stormwater plan, the requirements of the County’s stormwater ordinance, and findings above, staff concludes that the proposed preliminary stormwater plan is feasible, subject to conditions. Therefore, the requirements of the preliminary plan review criteria are satisfied.

**FIRE PROTECTION:**

**Finding 24 Fire Marshal Review**

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

**Finding 25 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.

**Finding 26 Fire Flow**

Fire flow in the amount of 2,250 gallons per minute supplied for two hours duration is required for this application. Information from the purveyor, City of Vancouver, indicates that the required fire flow is available, estimated at 2,370 gpm.

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

**Finding 27 Fire Hydrants**

Fire hydrants are required to be provided such that the maximum spacing between hydrants does not exceed 300 feet and such that no portion of a building exterior is in excess of 300 feet from a fire hydrant as measured along approved fire apparatus
access roads. Fire Marshal staff indicates that either the indicated number or the spacing of fire hydrants is inadequate. (see Condition A-8.a.)

The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact the Vancouver Fire Department at (360) 696-8166.

Unless waived by the fire district chief fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. The applicant shall provide and maintain a six-foot clear space completely around every fire hydrant. (see Condition A-8.b.)

Finding 28 Fire Apparatus Access
Fire apparatus access is required for this application. Ensure that fire apparatus access roads maintain an unobstructed width of not less than 20 feet to within 150 feet of all exterior points of the buildings. 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.

Fire Marshal staff indicates that the roadways and maneuvering areas indicated in the application adequately provide required fire apparatus access.

Approved fire apparatus turnarounds are required for this project. The indicated provisions for turning around fire apparatus are adequate.

Finding 29 Fire Alarm Systems
An approved fire alarm system is required at the time of construction for buildings subject to this application that require fire sprinkler systems. Such systems require separate reviews, permits, and approvals issued by the Fire Marshal’s office. (see Condition E-2)

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

WATER & SEWER SERVICE:

Finding 30 Utilities
This development is required to connect to public water and sewer. The site is located within the City of Vancouver service area for public water and within the Clark Regional Wastewater District for public sewer. The applicant submitted utility reviews from these purveyors indicating that water and sewer services are available to serve the site. Prior to occupancy, the applicant will be required to document that service connections to the buildings have been approved by the purveyors. (see Condition F-3)
Finding 31  Health Department

The applicant submitted the results of a Development Review Evaluation conducted by the Clark County Health Department (Exhibit #2). The DRE indicates that a septic system and well exist on the site, which shall be decommissioned and properly abandoned. (see Conditions A-1.h. & C-1)

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

IMPACT FEES:

Finding 32  Traffic Impact Fees

The proposed development will have an impact on traffic in the area, and is subject to Traffic Impact Fees (TIF) in accordance with CCC 40.610 & 40.620. The site is located within the Orchards TIF Subarea with a fee rate of $177 per new trip.

The adjusted trip rate for light industrial buildings is 6.97 trips per thousand square feet gross floor area. TIF is calculated as follows, where:

\[
F = \text{Fee rate} \\
T = \text{adjusted daily trips} \\
A = 15\% \text{ reduction adjustment for future tax revenues} \\
BEF = \text{Business Enhancement Factor} \\
PB = \text{Pass-by factor}
\]

\[
TIF = F \times T \times A \times BEF \times PB
\]

TIF = $177 \times (6.97 \times 4.41) \times 0.85 \times 1 \times 1
TIF = $4,624.49 (Bldg 1)

TIF = $177 \times (6.97 \times 6.335) \times 0.85 \times 1 \times 1
TIF = $6,643.11 (Bldg 2)

TIF = $177 \times (6.97 \times 6.335) \times 0.85 \times 1 \times 1
TIF = $6,643.11 (Bldg 3)

TIF = $177 \times (6.97 \times 7.4) \times 0.85 \times 1 \times 1
TIF = $7,759.91 (Bldg 4)

TIF is payable prior to issuance of building permits. (see Condition E-1)
As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

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

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

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

The likely SEPA determination of Non-Significance (DNS) in the Notice of Development Review Application issued on March 24, 2006 is hereby final.

**SEPA APPEAL PROCESS:**

An appeal of this SEPA determination and any required mitigation must be filed with the Department of Community Development within fourteen (14) calendar days from the date of this notice. The SEPA appeal fee is $178.

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

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

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

Appeals must be in writing and contain the following information:

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

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

The decision of the Hearing Examiner on any SEPA procedural appeal can not be appealed to the Board of County Commissioners, but must pursue judicial review.

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

**Responsible Official:** Michael V. Butts

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**DECISION**

Based upon the revised plan (identified as Exhibit #9), and the findings and conclusions stated above, the Development Services Manager hereby **APPROVES** this request, subject to the following conditions of approval:

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**CONDITIONS OF APPROVAL**

<table>
<thead>
<tr>
<th>A</th>
<th>Final Construction/Site Plan Review</th>
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<td>Review &amp; Approval Authority: Development Engineering</td>
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Prior to construction, a Final Construction/Site Plan shall be submitted for review and approved, consistent with the approved preliminary plan and the following conditions of approval:

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

a. The following note shall be placed on the face of the final site plan:

"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."

b. The following note shall be placed on the face of the final site plan:

“The businesses occupying this site shall comply on an on-going basis with the performance standards in CCC 40.230.080(D) regarding noise, venting, odors, light, glare, outdoor storage, vibration, and electromagnetic interference.” (see Finding 3)

c. The landscape plan shall be amended to provide a minimum of one street tree per 30 feet of frontage within the planting strip in the NE 99th Street right-of-way, in accordance with CCC 40.320.020 and the standard details manual. (see Finding 4)

d. The site plan shall be amended to provide a minimum of one (1) truck loading berth for each of Buildings 2, 3, and 4, in accordance with CCC 40.340.010(E). (see Finding 5)

e. The following note shall be placed on the face of the final site plan:

“This Binding Site Plan shall be strictly adhered to in the development and use of the site. Any further development or change of use of the site shall be subject to review and approval through the site plan review process pursuant to Clark County Code 40.520.040. The lots depicted hereon shall not be considered legal lots for uses other than those uses set forth on the Binding Site Plan. If changes or amendments to the attached Binding Site Plan or the limitations and conditions attached thereto are deemed necessary or desirable, an application for the same shall be submitted and processed in accordance with the provisions of Section 40.520.040 of Clark County Code or any successor ordinance.” (see Finding 7)

f. The applicant shall submit a properly signed and notarized binding site plan covenant running with the land provided by the county for that purpose, along with a reduced copy of a recorded survey of the site and the proposed lots, plus a legal description of the site. The binding site plan covenant with exhibits shall be recorded by the county prior to final site plan approval. (see Finding 7)

g. The site plan shall be amended to include the entire frontage improvements for NE 99th Street as part of Phase 1. (see Finding 8)

h. The locations of the existing septic tank to be abandoned and the existing well to be decommissioned shall be shown on the final site plan. (see Finding 31)

**A-2 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. Curb ramps shall be provided per CCC 40.350.010(B)(1)(g) at the proposed driveway approach off NE 99th Street. On-site pedestrian circulation routes shall comply with the standards of the Americans with Disabilities Act. (see Findings 6 & 9)

b. The proposed driveway approaches shall be consistent with standard drawing number F17. (see Finding 11)

c. Access to NE 99th Street shall be closed once access becomes available to the west side of the subject site. (see Finding 12)

d. Landscaping, utility poles, and structures shall not be allowed to interfere with sight distance requirements. (see Finding 13)

A-3 Transportation 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 $1,500. The reimbursement shall be made prior to final site plan approval. (see Finding 16)

A-4 Final Stormwater Plan - The applicant shall submit and obtain County approval of a final stormwater plan designed in conformance to CCC 40.380 and the following conditions of approval:

a. The applicant shall provide stormwater quantity and quality management practices for the runoff from the new impervious frontage surfaces. (see Finding 23)

b. Infiltration tests shall be performed in the field at the locations of the proposed infiltration systems and laboratory tests shall determine the classifications of the soils. The field and laboratory tests shall take place prior to the final design. (see Finding 23)

c. The base of the infiltration facilities shall be at a minimum of three feet above the seasonal high water or an impermeable soil layer per CCC 40.380.040(C)(3)(c). During construction, the infiltration rates shall be verified in the field and laboratory testing shall also be performed. (see Finding 23)

d. The applicant shall indicate if the stormwater facilities are to be public or private. (see Finding 23)

A-5 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-6 Other Required Documents: – The following documents shall be submitted with the Final Construction/Site Plan:
a. **UDeveloper’s Covenant:** A “Developer Covenant to Clark County” shall be submitted for recording that specifies the following Responsibility for Stormwater Facility Maintenance: For stormwater facilities for which the county will not provide long-term maintenance, the developer shall make arrangements with the existing or future (as appropriate) occupants or owners of the subject property for assumption of maintenance to the county's Stormwater Facilities Maintenance Manual as adopted by Chapter 13.26A. The responsible official prior to county approval of the final stormwater plan shall approve such arrangements. The county may inspect privately maintained facilities for compliance with the requirements of this chapter. If the parties responsible for long-term maintenance fail to maintain their facilities to acceptable standards, the county shall issue a written notice specifying required actions to be taken in order to bring the facilities into compliance. If these actions are not performed in a timely manner, the county shall take enforcement action and recover from parties responsible for the maintenance in accordance with Section 32.04.060.

A-7 **Final Landscape Plan** - The applicant shall submit and obtain county approval of final landscape plan designed in accordance with CCC 40.320.

A-8 **Fire Marshal Requirements:**

a. Fire hydrants are required for this application. The applicant shall provide fire hydrants such that the maximum spacing between hydrants does not exceed 300 feet and such that no portion of a building exterior is in excess of 300 feet from a fire hydrant as measured along approved fire apparatus access roads. The locations of fire hydrants shall be approved by local fire district chief. (see Finding 27)

b. Unless waived by the fire district chief, fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. The applicant shall provide and maintain a six-foot clear space completely around every fire hydrant. (see Finding 27)

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<th>B</th>
<th>Prior to Construction of Development</th>
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<td><strong>Review &amp; Approval Authority: Development Inspection</strong></td>
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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 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-3 Erosion Control - Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.

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

B-5 Fire Flow - Fire flow in the amount of 2,750 gallons per minute supplied for two hours duration is required. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to commencement of combustible building construction. (see Finding 26)

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 The existing septic tank shall be abandoned in accordance with the procedures of the Clark County Health Department. The location of the abandoned septic tank shall be shown on the final site plan.

The existing well shall be decommissioned by a licensed well driller in accordance with WAC 173-160-381 and the procedures of the Clark County Health Department. The location of the decommissioned well shall be shown on the final site plan. (see Finding 31)

D Final Plat Review & Recording

Review & Approval Authority: Development Engineering

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

D-1 Not Applicable

E Building Permits

Review & Approval Authority: Customer Service

Prior to issuance of a building permit, the following conditions shall be met:
E-1 Impact Fees – Prior to issuance of a building permit, the applicant shall pay Traffic Impact fees to the Clark County Building Department, as follows:

- $4,624.49 – Building 1
- $6,643.11 – Building 2
- $6,643.11 – Building 3
- $7,759.91 – Building 4

If the building permit application is made more than three years following the date of preliminary site plan approval, the impact fees shall be recalculated according to the then-current rate. (see Finding 32)

E-2 Fire Marshal Requirements:

An approved fire alarm system is required at the time of construction for the new buildings subject to this application. Such systems require separate reviews, permits, and approvals issued by the Fire Marshal's office. (see Finding 29)

F Occupancy Permits
Review & Approval Authority: Building

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

F-1 Each new tenant in the approved buildings shall apply to the Clark County Building Department for a tenant improvement permit, and shall obtain an occupancy permit prior to occupying the building. Uses shall be limited to light industrial uses. Additional review or requirements may be imposed, such as a CARA permit required in accordance with CCC 40.410. (see Finding 1)

F-2 Prior to issuance of a certificate of occupancy for each building, the applicant shall install landscaping for that phase in accordance with the approved final landscape plan. (see Finding 4)

F-3 Prior to issuance of a certificate of occupancy for each building, the applicant shall provide documentation from the City of Vancouver and Clark Regional Wastewater District that public water and sewer connections to the building have been approved. (see Finding 30)

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

G-1 The approval of the phased site plan will expire in accordance with the timelines in CCC 40.500.010(B)(1), subject to the approval of extensions for phased developments in subsection (B)(2), and/or the approval of a developer agreement pursuant to subsection (B)(3). (see Finding 8)
Note: The Development Services Manager reserves the right to provide additional comment and findings of fact regarding this decision, if appealed.

Decision Appeal Process:
An appeal of any aspect of this decision may be appealed to the County Hearing Examiner only by a party of record. A "Party of Record" includes the applicant and those individuals who submitted written testimony to the Development Service Manager within the designated comment period.

The appeal shall be filed with the Department of Community Development, Permit Services Center, 1300 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. This decision was mailed on June 23, 2006. Therefore any appeal must be received in this office by 4:30 PM, July 7, 2006.

Any appeal of the final land use decisions shall be in writing and contain the following:
- Case number designated by the County;
- Name of the applicant;
- Name of each petitioner;
- Signature of each petitioner or his or her duly authorized representative;
- A statement showing the following:
  - That each petitioner is entitled to file the appeal as an interested party in accordance with CCC 40.510.030(H);
  - The specific aspect(s) of the decision being appealed;
  - The reasons why each aspect is in error as a matter of fact or law;
  - The evidence relied on to prove the error; and,
  - The appeal fee of $1,021.

The fee shall be refunded if the appeal is withdrawn in writing by the petitioner at least 15 calendar days before the public meeting to consider the appeal.

Attachments:
- Exhibit A – Copy of Proposed Preliminary Plan

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

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