Type II Staff Report and Decision
Notice to Parties of Record

Project Name: 58\textsuperscript{th} Avenue Short Plat

Case Number: PLD2019-00005; EVR2019-00007

The attached decision is final unless an appeal is filed with the Department of Community Development.

An appeal of any aspect of this decision may be appealed to the Clark County Hearing Examiner by a party of record only. A Party of Record includes the applicant and those individuals who submitted written testimony or a written request to be a “party of record,” prior to the issuance of the decision.

The appeal shall be filed with the Department of Community Development within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record.

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

See the Appeals handout for more information and fees.

Mailed on: May 20, 2019
Type II Staff Report and Decision

Project Name: 58th Avenue Short Plat

Case Number(s): PLD2019-00005 & EVR2019-00007

Request: The applicant is requesting to subdivide an approximately 1.12 acre parcel into 6 separate single family lots in the R1-6 zone. An existing home will remain on Lot 1.

Address: 7607 NE 58th Avenue, Vancouver, WA 98661

Parcel number(s): 106380-000, located in the Northwest ¼ of Section 7, Township 2 North, Range 2 East, Willamette Meridian

Applicant/Contact: BSG Design, LLC
Attn: Brian Groth
3538 S 3rd Way
Ridgefield, WA 98642
ccswsolutions@gmail.com

Owner: Osprey Holdings, OOC
10013 NE Hazel Dell Avenue, PMB 504
Vancouver, WA 98685
zach@ospreyhomes.com

Staff contact: Bryan Mattson
564-397-4319
bryan.mattson@clark.wa.gov

Decision
Approved, subject to Conditions

Land Use Review Manager’s Initials: 

Date issued: May 20, 2019

for Susan Ellinger

Revised 5/20/2019

Community Development
1300 Franklin Street, Vancouver, Washington
Phone: 564.397.2375 Fax: 564.397.2011
www.clark.wa.gov/development

For an alternate format, contact the Clark County ADA Compliance Office. Phone: 564.397.2322
Relay: 711 or 800.833.6384
E-mail: ADA@clark.wa.gov
County Review Staff

<table>
<thead>
<tr>
<th>Department/Program</th>
<th>Name</th>
<th>Phone</th>
<th>Email Address</th>
</tr>
</thead>
<tbody>
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</tbody>
</table>

Comp Plan Designation: Urban Low Density Residential

Applicable Laws
Clark County Code (CCC) Chapter 40.350 (Transportation), Section 40.350.020 (Transportation Concurrency), Chapter 40.386 (Stormwater Drainage and Erosion Control), 15.12 (Fire Code), Chapter 40.200 (General Provisions), Section 40.220.010 (Single-Family Residential Districts), Chapter 40.350 (Transportation & Circulation), Chapter 40.340 (Parking and Loading), Chapter 40.370 (Sewer & Water), Chapter 40.386 (Storm Water & Erosion Control), Chapters 40.500 and 40.510 (Procedures), Chapter 40.610 (Impact Fees), Section 40.550.010 (Road Modifications), Title 24 (Public Health), RCW 58.17, and the Clark County Comprehensive Plan.

Neighborhood Association and Contact
While this project is within the Andresen/St. Johns neighborhood association, this association is currently inactive. Any neighborhood inquiries should be routed to: Neighborhood Associations Council of Clark County (NACCC)
Christie BrownSilva
E-mail: naccc.chair@gmail.com

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. Contingent vesting does not apply to stormwater standards.
A pre-application conference on this matter was held on May 3, 2018. The pre-application was determined contingently vested as of April 9, 2018, the date the fully complete pre-application was submitted. However, the contingent vesting expired because the fully complete application was not submitted prior to November 6, 2018.

The fully complete application was submitted on January 31, 2019, and determined to be fully complete on February 13, 2019. Given these facts, the application is vested on January 31, 2019. This vesting does not apply to stormwater or concurrency standards.

There are no disputes regarding vesting.

**Time Limits**
The application was determined to be fully complete on February 13, 2019. The applicant was asked to submit additional information which extended the deadline by 9 days. Therefore, the code requirement for issuing a decision within 78 days lapses on May 11, 2019.

**Public Notice**
Notice of this application was mailed to the applicant, Neighborhood Associations Council of Clark County (NACCC), and property owners within 300 feet of the site on March 18, 2019.

**Public Comments**
No public comments were received regarding this proposed development.

**Project Overview**
The project site lies east of NE 58th Avenue, south of NE 78th Street, west of NE 61st Avenue, and north of NE 75th Street within the NE Andresen/St. Johns Neighborhood. There is very little slope on this site and it lies outside any critical areas. It is currently being used residentially and has an existing home, detached garage, and a detached shop onsite. Both outbuildings will be removed to accommodate construction of the proposed development but the existing home will remain on Lot 1.

It is served by Vancouver school district, Park District 7, the Orchards Transportation Sub-area, Vancouver water and sewer systems, Clark Public Utility electricity, and Fire District 5.

The applicant is requesting to divide an approximately 1.12 acre parcel into 6 separate single family lots in the R1-6 zone. A private road and cul-de-sac, (preliminary identified as NE 77th Circle), will be constructed to provide access to all lots from NE 58th Avenue except the existing home which will continue to use the existing driveway lying south of the home. Lots 4 and 5 will access the cul-de-sac via a shared driveway.

A minor deviation Road Modification has been requested to allow the development to proceed without meeting the cross-circulation requirement.

**Comprehensive Plan, Zoning and Current Land Use**

<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>Urban Low Density Residential</td>
<td>R1-6</td>
<td>Residential</td>
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<td>North</td>
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<td>R1-6</td>
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<tr>
<td>South</td>
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<tr>
<td>West</td>
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<td>R1-6</td>
<td>Residential</td>
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**Staff Analysis**

Staff has 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 comments received during the comment period and knowledge gained through a site visit.

**Land Use**

*Land Use Finding 1 - Uses*

According to Table 40.220.010-1, single-family residential dwellings are permitted outright in the R1-6 zone.

*Land Use Finding 2 - Lot Requirements*

Table 40.220.010-2 prescribes a minimum average lot area of 6,000 sf and a maximum average lot area of 8,500 sf for the R1-6 zone. Parcels range in size from 5,915 sf to 6,791 sf and proposes an overall average lot size of \(6,355 \text{sf} \), which meets average lot area standards.

Average lot width\(^1\) and depth\(^2\) minimums are put forth in Table 40.220.010-2, and are established for each individual lot at 50 feet and 90 feet respectively. The plan depicts lots which meet these standards. To ensure that the final plat meets these requirements, a condition will be imposed, *(See Condition D-3)*.

Table 40.220.010-3 prescribes setbacks, lot coverage and building height standards for the R1-6 zone, and are depicted in the table below:

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Minimum Setbacks</th>
<th>Maximum Lot Coverage</th>
<th>Maximum Building Height (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Front(^3) (feet)</td>
<td>Side(^4,5,10,11)</td>
<td>Rear(^4,5,10,11) (feet)</td>
</tr>
<tr>
<td>R1-6</td>
<td>10(^4)</td>
<td>10</td>
<td>5</td>
</tr>
</tbody>
</table>

The applicant proposes to retain the existing residence on lot 1. The home will meet the minimum setbacks as proposed.

Any future construction on the newly created lots shall meet setback standards prescribed for the R1-6 zone, *(See Condition E-1)*.

*Land Use Finding 3 - Pedestrian Facilities*

According to state platting laws (RCW 58.17.110) appropriate provisions shall be made to assure safe walking conditions for students who only walk to and from school.

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\(^1\) Average "Lot Width" is the average of the front and rear lot lines.

\(^2\) Average "Lot depth" is the average length of the side lot lines.
The subject development is located within the Vancouver School District, and specifically within the boundaries of Walnut Grove Elementary School, Gaiser Middle School and Vancouver High School. The applicant provided a letter from the Safety Training Supervisor for the Vancouver School District. The letter indicates that all students will be bused from the proposed development; therefore, staff finds that no additional “safe-walking” conditions are warranted.

**Land Use Finding 4 - Demolition of Existing Structures**
Except for the existing home that will remain, all other existing structures will require a demolition permit prior to removal, *(See Condition B-1-o).*

**Land Use Finding 5 - County/State Platting Standards**
With conditions of approval, staff finds the proposed short plat will make appropriate provisions for the public health, safety and general welfare of the community. Connection to public water and sewer facilities, as well as treatment of any future stormwater runoff will be provided to protect groundwater supply and integrity. Impact fees will also be required to ensure that the development will contribute a proportionate share toward the costs of school, park and transportation facilities, maintenance and services.

**Conclusion (Land Use)**
Staff concludes that the proposed preliminary plan, subject to conditions identified above, meets land use requirements of the Clark County Code.

**Archaeology**
**Archaeology Finding 1 - Applicability**
The development site is located within a moderate-high probability area for the discovery of archaeological resources, as designated on the Archaeological Predictive Model Map of the Clark County. While an archeological predetermination was not required for this project, a note on the final construction plans and the final plat will require that if resources are discovered during construction, work shall stop and DAHP and the county will be contacted. A note on the final construction plans will require that if resources are discovered during construction, work shall stop and DAHP and the county will be contacted, *(See Conditions A-4 & D-7-a).*

**Conclusion (Archaeology)**
Staff finds that the proposed preliminary plan, subject to conditions identified above, meets archaeology requirements of the Clark County Code.

**Transportation**
**Transportation Finding 1 - Pedestrian/Bicycle Circulation**
Pedestrian circulation facilities in compliance with the Americans with Disabilities Act (ADA) are required for this development. Bike lanes are not required along the streets of the development.

The proposed plan indicates that 5-foot sidewalks will be constructed along NE 58th Avenue and NE 77th Circle. Therefore, the proposed pedestrian circulation complies with the standards
of CCC 40.350.010. All proposed pedestrian facilities shall be constructed to comply with ADA standards, *(See Condition A-1-a).*

**Transportation Finding 2 - Circulation Plan**
The proposed development is bordered by NE 58th Avenue to the west, the George S Kelly Estates Subdivision to the east, and developable R1-6 properties to the north and south. The applicant is proposing NE 77th Circle as a private road along their north property line that terminates in a cul-de-sac. While east-west block length between NE 58th and NE 61st Avenues meets the 800-foot maximum standard, the north-south block length between NE 70th and NE 78th Streets does not. With that, staff finds that cross-circulation has not been fully addressed with this proposal. The applicant has submitted a minor deviation road modification to document the developments inability to meet cross-circulation requirements, *(See Road Modification Finding 1).*

**Transportation Finding 3 - Frontage Roads/Improvements**
NE 58th Avenue is classified as an Urban Neighborhood Circulator and is currently improved with a 28-foot partial-width pavement width within a 45-foot total partial-width right-of-way, only 15 feet of which is on the applicant's side of the right-of-way. Code requires a half-width right-of-way of 27 feet, 36 feet of paved surface, a curb and gutter, and a 5-foot sidewalk per Clark County Standard Drawing 12. The applicant is proposing half-width street improvements that meet the minimum standards. The right-of-way dedication must be conveyed to the county with the final plat, *(See Condition D-1).*

The applicant is proposing NE 77th Circle as an Urban Private Road Short Cul-de-sac with Parking Lane to provide access to all 6 lots of the development. The roadway meets the minimum standards of Clark County Standard Drawing 16 and 23. The applicant shall grant future access to NE 77th Circle to the northern adjacent property (Parcel 106390-000) when and if that parcel develops, *(See Conditions D-2-a & D-7-h).*

**Transportation Finding 4 - Access Management**
Lots 4 & 5 of the proposed short plat will access NE 77th Circle via an 18-foot wide joint driveway within a 20-foot access and utility easement. A developer's covenant that establishes maintenance responsibility for the joint driveway will be required, *(See Condition D-2-b).*

**Transportation Finding 5 - 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. Landscaping, trees, utility poles, and miscellaneous structures will not be allowed to impede required sight distance requirements at all proposed driveway approaches and intersections. Per Table 40.350.030-8, the applicant is required to have 300 feet of sight distance at the private road approach per the 30 MPH posted speed limit along NE 58th Avenue.

The applicant's engineer, BSG Design, LLC has submitted a Sight Distance Certification letter that acknowledges that the development complies with sight distance standards per CCC40.350.030(B)(8). The applicant will be required to show the sight distance triangles on the final construction plans, *(See Condition A-1-b).*
Conclusion (Transportation)
Development Engineering concludes that the proposed preliminary plan, subject to conditions identified in their attached report, meets transportation requirements of the Clark County Code.

Minor Deviation Road Modification (EVR2019-00007)
Road Modification Finding 1 - Approval Criteria and Applicant Discussion
The applicant has submitted a minor deviation road modification narrative that addresses the inability for the development to meet cross-circulation requirements.

Approval Criteria:
Modifications to the standards contained in Chapter 40.350 may be granted when the applicant demonstrates at least one (1) of the following:

a. Topography, right-of-way, existing construction or physical conditions, or other geographic conditions make compliance with standards clearly impractical for the circumstances;

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 that is functionally equivalent or superior to the standards;

d. Application of the standards of Chapter 40.350 to the development would be grossly disproportional to the impacts created;

e. A change to a specification or standard is required to ensure consistency with existing features adjacent to or affected by the site where those existing features are not expected to change over time.

Applicant’s Discussion:
"The project site is located on NE 58th Avenue across from NE 77th Street on parcel 106380-000. This parcel is 1.13 acres in size and is located in the Low-Density Residential zone (R1-6). The site has an existing house and outbuildings on it. The site is surrounded by residential uses. The site topography is flat. The project proposes to divide the property into 6 lots. The reason for the minor deviation road modification is the inability for the project to meet cross circulation."

This Minor Deviation is being requested to allow the development to proceed forward without meeting the cross-circulation requirement as outlined in CCC 40.350.030(B). CCC 40.350.030(B) requires that cross-circulation is to be provided so that Block Length is less than 800’ and Block Perimeter is less than 3,200’. The existing development to the East of the project precludes the ability for this site to meet cross-circulation.

This request meets the approval criteria for both 2.a and 2.b. The proposed modification to the Cross-Circulation Requirement can be approved because of the inability to extend a
roadway now or in the future to the east is infeasible due to the existing housing development."

Road Modification Finding 2 - Staff Evaluation and Recommendation
Staff agrees that existing construction (George S Kelly Estates Subdivision) to the east makes compliance with the cross-circulation standards for this development clearly impractical for the circumstances. The applicant has provided a circulation plan that outlines where potential future public roads could be placed for the block as a whole to meet cross-circulation. While the feasibility of the placement of the road is dependent on if and when the other parcels develop, the combination of existing subdivisions and parcels less than 1.5 acres in size perpetuates the difficulties to provide a solution to meet cross-circulation for the whole block. Approval criterion CCC 40.550.010(C)(2)(a) has been demonstrated. In order to partially alleviate lack of cross-circulation, the applicant shall grant non-exclusive access easement to NE 77th Circle for the benefit of the northern adjacent property (Parcel 106390-000) when and if that parcel develops, (See Conditions D-2-a & D-7-h).

Recommendation:
Staff recommends an Approval of the minor deviation road modification request, subject to a condition. The Development Engineering Supervisor concurs with staff.

Conclusion (Road Modification)
Development Engineering concludes that the proposed road modification meets the minimum approval criteria.

Transportation Concurrency
Concurrency Finding 1 - Trip Generation
The applicant’s traffic information suggests an AM peak hour trip generation at 4, PM peak hour trips at 5 and ADT at 48. Staff concurs with the applicant’s finding.

Conclusion (Transportation Concurrency)
Transportation Concurrency staff concludes that the proposed preliminary plan meets transportation concurrency requirements of the Clark County Code.

Stormwater
Stormwater Finding 1 - Stormwater Applicability
The provisions of Clark County Code Chapter 40.386 shall apply to all new development, redevelopment, land disturbing activities, and drainage projects consistent with the Stormwater Management Manual for Western Washington (SMMWW) and the Clark County Stormwater Manual (CCSM) 2015. The project adds more than 5,000 square feet of new hard surface; therefore, the applicant shall comply with Minimum Requirements (MR) #1 through #9 per Section 1.4, Book 1 of the CCSM 2015, (See Condition A-3-a).

No new development shall be allowed to materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots, (See Condition A-3-b).

Stormwater Finding 2 - Stormwater Proposal
The 1.13-acre parcel currently contains an existing house, which will remain, and several outbuildings that will be removed. The site is vegetated mostly with grass and some trees. The
site topography is generally flat with slopes less than 5% and drains to the northwest to NE 58th Avenue. Stormwater runoff that is generated from precipitation falling onto the site appears to mostly infiltrate into the ground on site. There is no evidence of conveyance channels or ponding anywhere on the site. The surrounding properties do not appear to contribute runoff to the site. On-site soils are classified as Hillsboro Loam (HiB), which has a hydrologic soil group classification of “B” and a Clark County WWHM classification of “SG 2”.

The applicant provided a Preliminary Technical Information Report prepared by BSG Design, LLC dated January 2019. Proposed site improvements include the construction of public frontage improvements, a private road, a joint driveway, and 5 residential structures and individual driveways for a total of approximately 0.29 acres of new hard surface. The project proposes to meet on-site stormwater management (MR #5) and flow control (MR #7) requirements utilizing a 156-foot long x 10-foot wide x 6-foot deep infiltration trench (R5.11) to manage the public frontage improvements, private road and joint and individual lot driveways. A 48-foot long x 5-foot wide x 6-foot deep individual lot infiltration trench (T5.10B) will manage the roof and landscape runoff from each of the lots. A WHMM hydrologic analysis of the historic (forested) and developed site conditions were completed showing that the proposed facilities infiltrate 100% of the 100-year total runoff volume.

Basic runoff treatment (MR#6) for all of the pollution generating surfaces is met with a StormFilter® three-cartridge manhole. The applicant will be required to submit documentation from the stormwater treatment system manufacturer indicating that the stormwater treatment devices were sited and sized appropriately, (See Condition A-3-c).

The applicant indicates that the new infiltration trench for the existing residence to remain on Lot 1 will be constructed with the infiltration trench proposed to manage the roads, sidewalks and driveways. The remaining infiltration trenches are to be constructed with the building permits on each of the other lots. All stormwater facilities will be privately owned and maintained by the homeowners, (See Conditions D-2-e, D-7-f, D-7-i, & E-4).

Stormwater Finding 3 – Infiltration and Groundwater
Earth Engineering Inc. preformed encased falling-head infiltration tests in August 2018 in two test pits. The tested rate of infiltration was recorded as 3 to 4 inches per hour at a depth of 6 feet below grade. The engineer has applied a factor of safety of 4 for a design infiltration rate of 0.75 inches per hour when sizing the proposed infiltration trenches. The applicant will be required to demonstrate that the tested infiltration rate determined at the time of construction of the infiltration trench is at least 95 percent of the uncorrected tested infiltration rate used to determine the design rate, (See Condition C-1-a).

Groundwater was not encountered in the two test pits, which were excavated to the maximum depth of 12 feet below the existing ground surface. Additionally, Clark County GIS indicates the groundwater elevation in the vicinity of the site is at least 30 feet below ground surface. Considering the location and depth of the proposed infiltration trenches, the design appears to achieve the 5-foot separation from the seasonal high ground water level as required. The applicant will be required to demonstrate that the 5-foot separation has been achieved during construction, (See Condition C-1-b).
Conclusion (Stormwater)
Development Engineering concludes that the proposed preliminary plan, subject to conditions identified in their attached report, meets the stormwater requirements of the Clark County Code.

Fire Protection
Fire Protection Finding 1 - Fire Marshal Review
This application was reviewed by Donna Goddard in the Fire Marshal’s Office. Where there are difficulties in meeting these conditions or if additional information is required, contact Donna in the Fire Marshal’s office immediately.

Fire Protection 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 G-3).

Fire Protection Finding 3 - Fire Flow
Fire flow in the amount of 1000 gallons per minute supplied at 20 psi for 60 minutes duration is required for this application. A utility review from the City of Vancouver indicates fire flow currently exists at the project site. Prior to final approval submit proof from the water purveyor indicating that the required fire flow remains available at the site. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval, (See Conditions A-7-a, D-6-a, & D-6-c).

Fire Protection Finding 4 - Fire Hydrants
Fire hydrants are required for this application. The indicated number and spacing of the fire hydrants appears to be adequate. No lot or parcel can be in excess of 500 feet from a fire hydrant as measured along approved fire apparatus road, (See Condition A-7-b).

Unless waived by the fire district chief fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection, (See Condition D-6-b).

The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact Fire District #5 at (360) 487-7212 to arrange for location approval, (See Condition A-7-c).

Provide and maintain a six (6) -foot clear space completely around every fire hydrant, (See Conditions A-7-d & H-1-a).

Fire Protection Finding 5 - Fire Apparatus Access
Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application do not adequately provide required fire apparatus access. Provide fire apparatus access roads with an unobstructed width of not less than 12 feet, an unobstructed vertical clearance of not less than 13.5 feet, with an all-weather driving surface and capable of supporting the imposed loads of fire apparatus, (See Conditions A-7-e & H-1-b).
Fire Protection Finding 6 - Fire Apparatus Turnarounds
Approved fire apparatus turnarounds are required for this project. The indicated provisions for turning around fire apparatus now appear to be adequate with the cul-de-sac turnaround.

Fire Protection Finding 7 - Residential Fire Sprinklers
Homes exceeding 3600 square feet including attached garages will require additional fire protection features up to and including a residential fire sprinkler system when adequate public water and a hydrant is not within required distances, (See Condition E-5).

If an automatic fire sprinkler is required at the time of construction for buildings subject to this application, such systems require separate reviews, permits, and approvals issued by the Clark County Fire Marshal's office.

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 and Sewer Service
Water and Sewer Finding 1 - Service Availability
The site will be served by the City of Vancouver water and sewer systems. A letter from the the City of Vancouver confirms that both services are available to the site. Prior to final plat approval, documentation is required from the City of Vancouver that utilities have been installed and approved, (See Conditions D-5-a & D-5-b).

Water and Sewer Finding 2 - Public Health Site Evaluation
A Development Review Evaluation Letter (DRE) was submitted as part of the preliminary review application. The DRE indicates that an on-site sewage system (OSS) was abandoned with connection of the existing dwelling to public sewer (ON0043800). Any additional OSS systems discovered during development must be properly abandoned with written notice provided to Clark County Public Health and the location shown on the final plat, (See Conditions B-1-a, B-1-b, & D-4). Proper abandonment of the systems requires tank pumping by a licensed pumper, breaking in the tank lids, and filling the cavities with sand or compacted soil. Cesspools, drywells, or pump chambers discovered during development must also be abandoned in this manner.

The letter also states that there is a well located east of the existing home (WP12040). This well and any other wells identified during development must be properly decommissioned per WAC 173-160-381 by a Washington licensed well driller with written notice provided to Clark County Public Health and the well locations marked on the final plat, (See Conditions B-1-a, B-1-bx and D-4). The DRE specifies that an acceptable Public Health Final Approval Letter must be submitted prior to final plat approval. The Public Health Final Approval Letter will confirm that all existing septic systems have been abandoned, inspected and approved by Public Health staff and if any wells are found, they are properly decommissioned, (See Condition D-8).

Conclusion (Water and Sewer Service)
Staff finds that the proposed preliminary plan, subject to conditions identified above, meets water and sewer service requirements of the Clark County Code.

**Impact Fees**

Impact Fee Finding 1 - Applicability & Assessment

With the exception of Lot 1, the additional residential lots created by this plat will produce impacts on schools, parks, and traffic, and are subject to School (SIF), Park (PIF), and Traffic Impact Fees (TIF) in accordance with CCC 40.610, *(See Conditions D-2-f & D-7-g).*

Finding 2 - TIF Estimate

The following fees have been estimated for this development based on current applicable fee districts:

- Orchards sub-area with a TIF of $2,879.61 per dwelling
- Vancouver School District, with a SIF of $2,880.00 per dwelling
- Park District #7, with a PIF of $4,252.00 per dwelling

Finding 3 - Assessment

The amounts listed above are *estimated* using the current impact fee rates and are subject to change. As found in CCC40.610.040, impact fees are calculated using the rates in effect at the time of building permit issuance, *(See Condition E-2).*

**Conclusion (Impact Fees)**

Staff finds that the proposed preliminary plan, subject to conditions contained herein, meets impact fee requirements of the Clark County Code.

**Decision**

Based upon the proposed plan known as Exhibit 11, and the findings and conclusions stated above and within the attached reports and decisions, the Community Development Director hereby **APPROVES** this request, subject to the following conditions of approval.

**Conditions of Approval**

<table>
<thead>
<tr>
<th>A</th>
<th>Final Construction Review for Land Division Review and Approval Authority: Development Engineering and Fire Marshal</th>
</tr>
</thead>
</table>

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

**A-1 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 applicant shall show on the final construction plans that all proposed pedestrian facilities will be constructed to comply with ADA standards, *(See Transportation Finding 1).*

b. The applicant shall show the sight distance triangles for the private road intersection with NE 58th Street on the final construction plans, *(See Transportation Finding 5).*
A-2 **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.

A-3 **Final Stormwater Plan** - The applicant shall submit and obtain County approval of a final stormwater plan designed in conformance to CCC 40.386 and the following conditions of approval:

a. The applicant shall submit final construction plans and a final Technical Information Report that addresses Minimum Requirements #1 though #9, (See Stormwater Finding 1).

b. The applicant shall demonstrate that the development will not materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots, (See Stormwater Finding 1).

c. The applicant shall submit documentation from the stormwater treatment system manufacturer indicating that the any stormwater treatment devices were sited and sized appropriately, (See Stormwater Finding 2).

A-4 **Final Construction Plan** - The applicant shall submit and obtain county approval of a final construction plan with the following (Archaeology): "If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Department of Archaeology and Historic Preservation in Olympia shall be notified. Failure to comply with these state requirements may constitute a Class C Felony, subject to imprisonment and/or fines", (See Archaeological Finding 1).

A-5 **Erosion Control Plan** - The applicant shall submit and obtain county approval of a final erosion control plan designed in accordance with CCC 40.386.

A-6 **Excavation and Grading** - Excavation / grading shall be performed in compliance with CCC Chapter 14.07.

A-7 **Fire Marshal Requirements:**

a. The applicant shall submit plans showing location of water lines for review and approval, (See Fire Protection Finding 3).

b. The applicant shall submit a plan showing that no parcel or lot is in excess of 500 feet from a fire hydrant, (See Fire Protection Finding 4).

c. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact Fire District #5 at (360) 487-7212 to arrange for location approval, (See Fire Protection Finding 4).

d. Provide and maintain a six (6) -foot clear space completely around every fire hydrant, (See Fire Protection Finding 4).
e. Provide fire apparatus access roads with an unobstructed width of not less than 12 feet, an unobstructed vertical clearance of not less than 13.5 feet, with an all-weather driving surface and capable of supporting the imposed loads of fire apparatus, (See Fire Protection Finding 5).

### B Prior to Construction of Development

<table>
<thead>
<tr>
<th>Review and Approval Authority: Development Inspection</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prior to construction, the following conditions shall be met:</td>
</tr>
</tbody>
</table>

#### 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; and:

a. Prior to construction, demarcation of existing septic and water well systems, and underground tanks shall be established, (See Water and Sewer Finding 2).

b. During site construction, abandonment of septic systems, water wells and underground tanks shall be decommissioned in accordance with the procedures of the Clark County Public Health, (See Water and Sewer Finding 2).

c. Prior to site construction, structures slated for demolition shall be demolished in accordance with the procedures of the Southwest Clean Air Agency and the Clark County demolition permit, (See Land Use Finding 4).

#### 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.

### C Provisional Acceptance of Development

<table>
<thead>
<tr>
<th>Review and Approval Authority: Development Inspection</th>
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</thead>
<tbody>
<tr>
<td>Prior to provisional acceptance of development improvements, construction shall be completed consistent with the approved final construction plans and the following conditions of approval:</td>
</tr>
</tbody>
</table>

#### C-1 Stormwater:

a. Permeability: In accordance with Section 5.1.2, Book 2 of the Clark County Stormwater Manual 2015, if the tested coefficient of permeability determined at the time of construction is at least 95 percent of the uncorrected coefficient of permeability used to determine the design rate, construction may proceed. If the tested rate does not meet this requirement, the applicant shall submit a plan to Clark County that follows the requirements in Section 1.8.5., Book 1. This plan shall address steps to correct the problem, including additional testing and/or resizing of the facility to ensure that the system will meet the minimum requirements of this manual, (See Stormwater Finding 3).

b. Infiltration Trench: During installation of the infiltration trench, the applicant shall demonstrate that the groundwater table is at 5 feet below the designed elevation of
the bottom of the proposed infiltration trench. The system shall be redesigned if the required separation is not achieved, (See Stormwater Finding 3).

<table>
<thead>
<tr>
<th>D</th>
<th>Final Plat Review &amp; Recording</th>
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<tr>
<td></td>
<td>Review and Approval Authority: Development Engineering</td>
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</tbody>
</table>

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

**D-1 Right of Way** - The required right-of-way along NE 58th Avenue must be conveyed to the county with the final plat, (See Transportation Finding 3).

**D-2 Developer Covenant** - A *Developer Covenant to Clark County* shall be submitted for recording to include the following:

a. **Private Road Maintenance Covenant**: A private road maintenance covenant shall be submitted to the responsible official for approval and recorded with the Clark County Auditor. The covenant shall set out the terms and conditions of responsibility for maintenance, maintenance methods, standards, distribution of expenses, remedies for noncompliance with the terms of the agreement, right of use easements, and other considerations, as required under CCC 40.350.030(C)(4)(g).

b. **Joint Driveway Maintenance Covenant**: A private joint driveway maintenance covenant shall be submitted to the responsible official for approval and recorded with the County Auditor. The covenant shall set out the terms and conditions of responsibility for maintenance, maintenance methods, standards, distribution of expenses, remedies for noncompliance with the terms of the agreement, right of use easements, and other considerations, as required under 40.350.030(C)(4)(g).

c. **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."

d. **Erosion Control**: "Building permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Safety and put in place prior to construction."

e. **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 per 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. Final plats shall specify the party(s) responsible for long-term maintenance of stormwater facilities within the Developer Covenants to Clark County. 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 CCC 32.04.060.

f. Impact Fees: "In accordance with CCC 40.610, except for Lot 1 designated on the final plat as waived, impact fees for each dwelling in this short plat shall be assessed for impacts on schools, parks and transportation facilities based for the following districts: Vancouver School District (SIF), Park District 7 (PIF) and Orchards Subarea (TIF). As found in CCC40.610.040, impact fees are calculated using the rates in effect at the time of building permit issuance."

D-3 Land Use - All lots shall comply with minimum lot area and dimensional standards, (See Land Use Finding 2).

D-4 Abandonment of On-Site Water Wells and Sewage Systems - The location of abandoned septic tanks and decommissioned wells shall be shown on the face of the final plat, (See Water and Sewer Finding 2).

D-5 Sewer and Water Requirements:
   a. The applicant shall produce documentation from the City of Vancouver that sewer has been installed and approved, (See Water and Sewer Finding 1).

   b. The applicant shall produce documentation from the City of Vancouver that water has been installed and approved, (See Water and Sewer Finding 1).

D-6 Fire Marshal Requirements:
   a. The applicant shall demonstrate that water mains supplying fire flow have been installed and approved, (See Fire Protection Finding 3).

   b. Fire Hydrants shall be provided with appropriate ‘storz’ adapters for the pumper connection, (See Fire Protection Finding 4).

   c. The applicant shall submit a current utility review letter from the water purveyor indicating required fire flow remains available at the site, (See Fire Protection Finding 3).

D-7 Plat Notes - The following notes shall be placed on the final plat:
   a. Archaeological: "If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Department 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. Sidewalks: "Prior to issuance of occupancy permits, sidewalks shall be constructed along all the respective lot frontages."

   c. 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."

d. Driveways: "All residential driveway approaches entering public roads are required to comply with CCC 40.350."

e. Sight Distance: “All sight distance triangles shall be maintained.

f. Privately Owned Stormwater Facilities: "The following party(s) is responsible for long-term maintenance of the privately owned stormwater facilities: ______."

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

h. NE 77th Circle Private Road Tract: “Tract ‘__’ is for the private access to serve lots 1 through 6. Also non-exclusive access easement is granted to the lots within the future development to the north of this short plat, (Parcel 106390-000), provided, the lot owners within the future development enter into a road maintenance agreement and pay their pro-rata share of the road maintenance costs.”

i. Roof and Crawl Space Drains: “Roof and crawl space drains for all lots of the development shall be installed in accordance with the approved As-Built plans, unless a revised plan is approved by the county. These stormwater systems will be owned and maintained by the property owner on whose lot the stormwater system is located.”

g. Impact Fees: "In accordance with CCC 40.610, except for the Lot 1, impact fees for each dwelling in this short plat shall be assessed for impacts on schools, parks and transportation facilities based for the following districts: Vancouver School District (SIF), Park District 7 (PIF) and Orchards Sub-area (TIF). As found in CCC40.610.040, impact fees are calculated using the rates in effect at the time of building permit issuance.”

D-8 Final Health Department Approval - An acceptable Public Health Final Approval Letter must be submitted prior to final plat approval, (See Water and Sewer Finding 2).

<table>
<thead>
<tr>
<th>E</th>
<th>Building Permits</th>
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<tr>
<td></td>
<td>Review and Approval Authority: Permit Services</td>
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</tbody>
</table>

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

E-1 Land Use - Any future construction on the newly created lots shall meet setback standards prescribed for the R1-6 zone, (See Land Use Finding 2).
E-2 **Impact Fees** - Except for Lot 1, impact fees shall be assessed for impacts on schools, parks and transportation facilities based for the following districts: Vancouver School District (SIF), Park District 7 (PIF) and Orchards Transportation Sub-area (TIF). As found in CCC40.610.040, impact fees are calculated using the rates in effect at the time of building permit issuance, *(See Impact Fee Finding 3).*

E-3 **Fire Marshal Requirements** - Homes exceeding 3600 square feet including attached garages will require additional fire protection features up to and including a residential fire sprinkler system when adequate public water and a hydrant is not within required distances, *(See Fire Protection Finding 7).*

E-4 **Roof and Crawl Space Drains** - Roof and crawl space drains for all lots of the development shall be installed in accordance with the approved As-Built plans, unless a revised plan is approved by the county. These stormwater systems will be owned and maintained by the property owner on whose lot the stormwater system is located, *(See Stormwater Finding 2).*

F | **Occupancy Permits**
| **Review and Approval Authority:** Building

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

F-1 None

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

G-1 **Land Division** - Within seven (7) years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.

G-2 **Department of Ecology Permit for Construction Stormwater** - A permit from the Department of Ecology (DOE) is required if:

- The construction project disturbs one or more acres of land through clearing, grading, excavating, or stockpiling of fill material; **AND**
- There is a possibility that stormwater could run off the development site during construction and into surface waters or conveyance systems leading to surface waters of the state.

The cumulative acreage of the entire project whether in a single or in a multiphase project will count toward the one acre threshold. This applies even if the applicant is responsible for only a small portion (less than one acre) of the larger project planned over time. **The applicant shall contact DOE for further information.**

G-3 **Building and Fire Safety**
Building and fire, life, and safety requirements must be addressed through specific approvals and permits. This decision may reference general and specific items related to structures and fire, life, and safety conditions, but they are only for reference in regards
to land use conditions. It is the responsibility of the owner, agent, tenant, or applicant to insure that Building Safety and Fire Marshal requirements are in compliance or brought into compliance. Land use decisions do not waive any building or fire code requirements, (See Fire Protection Finding 2).

H | Post Development Requirements
Review and Approval Authority: As specified below

H-1 Fire Marshal Requirements:
   a. A six (6) -foot clear spaces shall be maintained around the circumference of all fire hydrants, (See Fire Protection Finding 4).

   b. Access roads shall maintain an unobstructed width of not less than 12 feet and 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 to within 150 feet of all portions of the building exterior, (See Fire Protection Finding 5).

   c. Approved fire apparatus turnarounds shall be maintained and unobstructed, (See Fire Protection Finding 6).

Note: The Community Development Director reserves the right to provide additional comment and findings of fact regarding this decision, if appealed.

Appeal Process
An appeal of any aspect of this decision may be appealed to the Clark County Hearing Examiner by a party of record only. A Party of Record includes the applicant and those individuals who submitted written testimony or a written request to be a “party of record,” prior to the issuance of the decision.

The appeal shall be filed with the Department of Community Development 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 May 20, 2019. Therefore any appeal must be received in this office by the close of business on June 3, 2019.

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.
An appeal of any aspect of the Hearing Examiner’s decision, except the SEPA determination (i.e., procedural issues), may be appealed to the Superior Court or reconsidered by the Hearing Examiner only by a party of record.

Refer to the *Appeals* handout for more information and fees.

**Attachments**
- Proposed Plat
<table>
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<th>Role</th>
<th>Company Name</th>
<th>Name</th>
<th>Address 1</th>
<th>Address 2</th>
<th>City</th>
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<tr>
<td>Planner</td>
<td>Clark County</td>
<td>Bryan Mattson</td>
<td>3538 S 3rd Way</td>
<td></td>
<td>Ridgefield</td>
<td>WA</td>
<td>98642</td>
<td><a href="mailto:ccsswsolutions@gmail.com">ccsswsolutions@gmail.com</a></td>
</tr>
<tr>
<td>Applicant/Contact</td>
<td>BSG Design, LLC</td>
<td>Brian Groth</td>
<td></td>
<td>10013 NE Hazel Dell Ave</td>
<td>PMB 504</td>
<td>Vancouver</td>
<td>WA</td>
<td>98685</td>
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<tr>
<td>Owner</td>
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<td></td>
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<td><a href="mailto:n.chambers@comcast.net">n.chambers@comcast.net</a></td>
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<td>Utility Contact</td>
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<td>Desiree DeMonye</td>
<td></td>
<td></td>
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<td><a href="mailto:Desiree.DeMonye@clark.wa.gov">Desiree.DeMonye@clark.wa.gov</a></td>
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<tr>
<td>City of Vancouver</td>
<td>Kristin Lehto</td>
<td></td>
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<td><a href="mailto:Kristin.Lehto@cityofvancouver.us">Kristin.Lehto@cityofvancouver.us</a></td>
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<tr>
<td></td>
<td>Jennifer Halleck</td>
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<td><a href="mailto:Jennifer.Halleck@vansd.org">Jennifer.Halleck@vansd.org</a></td>
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<td>Jeff Roberts</td>
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<td><a href="mailto:jeff@crandallgroup.com">jeff@crandallgroup.com</a></td>
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</tbody>
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### EXHIBIT LIST

**Project Name:** 58th Avenue Infill Short Plat  
**Case Number:** PLD2019-00005, EVR2019-00007

<table>
<thead>
<tr>
<th>EXHIBIT NUMBER</th>
<th>DATE</th>
<th>SUBMITTED BY</th>
<th>DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1/23/19</td>
<td>Applicant</td>
<td>Application Package</td>
</tr>
<tr>
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<td>2/13/19</td>
<td>CC Land Use</td>
<td>Fully Complete</td>
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<td>3</td>
<td>2/25/19</td>
<td>CC Surveyor</td>
<td>Survey Corrections</td>
</tr>
<tr>
<td>4</td>
<td>3/5/19</td>
<td>CC Public Works</td>
<td>Concurrency Comments</td>
</tr>
<tr>
<td>5</td>
<td>3/8/19</td>
<td>CC Development Engineering</td>
<td>Engineering related Early Issues</td>
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<td>6</td>
<td>3/16/19</td>
<td>CC Land Use</td>
<td>Early Issues Memo to applicant</td>
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<tr>
<td>7</td>
<td>3/18/19</td>
<td>CC Land Use</td>
<td>Notice of Type II Application</td>
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<tr>
<td>8</td>
<td>3/15/19</td>
<td>CC Land Use</td>
<td>Affidavit of Mailing - Exhibit 7</td>
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<tr>
<td>9</td>
<td>3/19/19</td>
<td>Applicant</td>
<td>Revised Preliminary Boundary Survey</td>
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<td>12</td>
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<td>Engineering Staff Report and Recommendation</td>
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<td>5/6/19</td>
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<td>School District Letter regarding busing</td>
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<tr>
<td>15</td>
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<td>CC Fire Marshal</td>
<td>Fire Marshal Comments</td>
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<td>16</td>
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<td>CC Land Use</td>
<td>Staff Report and Decision</td>
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<td>17</td>
<td>5/20/19</td>
<td>CC Land Use</td>
<td>Affidavit of Mailing - Exhibit 16</td>
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Copies of these exhibits can be viewed at:  
Department of Community Development  
Development Services Division  
1300 Franklin Street  
Vancouver, WA 98666-9810