Type III Land Division and Environmental Review
Staff Report and Recommendation

Project Name: 5th Plain Creek Subdivision West


Location: 7700 NE 182nd Avenue, Parcel 168641000 located in the Northwest Quarter of Section 7, Township 2 North, Range 3 East of the Willamette Meridian

Request: Subdivision approval of roughly 14.2 acres into 25 single family lots for detached homes in the R1-10 zones using the density transfer standards

Applicant/Owner: Ryan and Rebecca Hurley
7700 NE 182nd Avenue
Vancouver, WA 98682
Email - ryan@hurleydev.com

Contact: PLS Engineering
Attn: Travis Johnson
604 W Evergreen Blvd
Vancouver, WA 98660
Phone - 360.944.6519
Email - travis@plsengineering.com

Recommendation
Denial, unless the applicant can resolve concurrency issues

Land Use Review Manager’s Initials: SE Date issued: April 29, 2020
Public Hearing date: May 14, 2020

<table>
<thead>
<tr>
<th>County Review Staff Department/Program</th>
<th>Name</th>
<th>Ext.</th>
<th>Email Address</th>
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<tbody>
<tr>
<td>Community Development</td>
<td>Susan Ellinger</td>
<td>5122</td>
<td><a href="mailto:susan.ellinger@clark.wa.gov">susan.ellinger@clark.wa.gov</a></td>
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<td>Land Use Manager</td>
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<tr>
<td>Land Use Planner</td>
<td>Richard Daviau</td>
<td>4895</td>
<td><a href="mailto:richard.daviau@clark.wa.gov">richard.daviau@clark.wa.gov</a></td>
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<tr>
<td>Fire Marshal’s Office</td>
<td>Lance Watt</td>
<td>5601</td>
<td><a href="mailto:lance.watt@clark.wa.gov">lance.watt@clark.wa.gov</a></td>
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</tbody>
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Revised 4/22/2020

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
Comp Plan Designation: UL

Applicable Law
Clark County Code Section: Clark County Code: Title 15 (Fire Prevention), 40.200 (General Provisions), 40.220.010 (Single-family), 40.350 (Transportation), 40.350.020 (Transportation Concurrency), 40.370 (Sewer & Water), 40.386 (Storm Water & Erosion Control), 40.440 (Habitat), 40.450 (Wetlands), 40.460 (Shorelines), 40.500 and 40.510 (Procedures), CCC 40.510.030 (Type III Process), CCC 40.540.040 (Subdivision), 40.550.010 (Road Modifications), 40.550.020 (Variances), 40.570 (SEPA), 40.570.080 (SEPA Archaeological), 40.610 (Impact Fees), Title 24 (Public Health), RCW 58.17, and the Clark County Comprehensive Plan.

Neighborhood Association and Contact
Heritage, Contact - Christie BrownSilva
Phone - 360.326.4353, Email - heritageneighborhood@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 or concurrency standards.

A pre-application conference (PAC) was held on this matter and the PAC was determined contingently vested, but a complete application was not submitted within the required 180 days from issuance of the PAC report. Therefore, the application is vested on the fully complete submittal date of November 19, 2019. The application is vested for transportation concurrency also on November 19, 2019. Vesting does not apply to stormwater standards. There are no known disputes regarding vesting.

Time Limits
The application was determined to be fully complete on December 3, 2019. The project was on hold and the applicant submitted a revised application on February 27, 2020. Therefore, the code requirement for issuing a decision within 92 days lapses on April 18, 2020.

Public Notice
Notice of application, public hearing, and likely SEPA determination was mailed to the applicant and property owners within 300 feet of the site, and SEPA Agencies on April 14, 2020. The applicant posted one sign on the subject property on January 8, 2020 revised on April 14, 2020.
Public Comments
The county has received several comments from nearby neighbors with concerns about lack of parking, traffic, tree protections, and protection of the habitat areas on site.

Staff notes there are restrictions to removing trees in the habitat or wetland areas of the site, but not outside these sensitive areas other than obtaining Forest Practice permit if required.

See Findings 4, 9, 10, and 11 for trees and habitat/shoreline protection. See Finding 19 for discussions on traffic and traffic safety.

Project Overview
The subject site is located on the south side of NE 78th Street and east side of NE 176th Avenue and is zoned single-family R1-10. The site consists of one roughly 14.2 acre parcel and contains a single-family residence with accessory structures. 5th Plain Creek bisects the site containing shoreline and habitat areas in the south central and western portions of the site. The proposed development will be served by Fire District #5, the City of Vancouver for public sewer and the Clark Public Utilities for public water.

The applicant proposes to divide the site into a maximum of 25 residential lots for single-family detached homes in three phases; 13 lots on the west side of 5th Plain Creek and 12 lots on the east side of 5th Plain Creek. The lots on the west side of 5th Plain Creek will access directly onto NE 176th Avenue or via NE 75th Way (the proposed on-site cul-de-sac). The lots on the east side of 5th Plain Creek will access onto NE 180th Avenue (the proposed local residential access road).

The following is a land use table of the site and surrounding properties:

<table>
<thead>
<tr>
<th>Compass</th>
<th>Comp Plan</th>
<th>Zoning</th>
<th>Current Land Use</th>
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<td>Site</td>
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<td>R1-10</td>
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</tr>
<tr>
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<td>UL</td>
<td>R1-10</td>
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<tr>
<td>West</td>
<td>UL</td>
<td>R1-10</td>
<td>Single-family residence</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 could 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 proposal not discussed below comply with the applicable code requirements.

**Land Use**

**Finding 1 - Uses**
Under Table 40.220.010-1, single-family detached dwellings are permitted in the R1-10 zone subject to this review.

**Finding 2 - Senior Housing Use**
According to the revised plat, the proposed 5th Plain Creek East subdivision includes two or three senior adult housing lots. These proposed senior adult housing detached lots are located within a standard non-age restricted subdivision in an R1-10 zone.

Staff finds that Clark County code only permits a few types of age restricted developments. In this case, the only type that appears applicable is a “Retirement Community”. Under the county code definition, a Retirement Community is an independent living housing development exclusively for adults (typically 55 and over). Only a small number of the lots are proposed as age restricted in the subdivision which does not meet the definition. In addition, the purpose for the age-restriction appears to be to reduce the number of trips associated with the proposed development for concurrency purposes. Please see transportation concurrency findings below. Based on this information, staff does not support the designation as senior adult housing lots. Staff recommends the use and ownership of the lots shall be unrestricted for all purposes including concurrency. (See Conditions A-6 and D-3)

**Finding 3 - Density Transfer Standards**
The applicant proposes to develop the site under the density transfer provisions of CCC 40.220.010 C5. The density for property developed in single-family zones, if encumbered by land identified as sensitive and set aside, may be transferred to the remaining unencumbered land areas on the same development site. Shoreline and habitat buffer areas exist on the site and the applicant proposes to preserve these sensitive areas. The maximum number of units that can be achieved is based on the density in Table 40.220.010-4, multiplied by the gross acreage of the entire site (both encumbered and unencumbered, without deducting for roads). The potential maximum number of lots will depend on site characteristics and the lot requirements of the same table.

a. The gross site area is roughly 14.2 acres, multiplied by the maximum density for the R1-10 zone in CCC Table 40.220.010-4 (3.5) equals 49 units. The applicant proposes 25 lots which is less than the maximum density allowed.

b. CCC 40.220.010 (C)(5)(b)(4) requires lots that abut single-family zoned property be at least 90% of the minimum lot area standard, have a lot depth of not less than 80% of the
minimum lot depth, and have a minimum lot width not less than 10 feet from the minimum lot width of the subject parcel. All lots in the proposed subdivision that abut single-family zoned property (Lots 1 through 6 in Phase 1 and Lot 1 in Phase 2) are at least 90% of the minimum lot area standard (9,000 square feet).

It appears the lots that abut single-family zoned property have a lot depth of not less than 80% of the minimum lot depth and have a minimum lot width not less than 10 feet from the minimum lot width with one possible exception. Lot 1 in Phase 2 is required to have a minimum lot width of 70 feet and may comply, but is not dimensioned. The applicant shall dimension the width of Lot 1 in Phase 2 on the final plat which shall comply with CCC 40.220.010 (C)(5)(b)(4). (See Condition D-4)

c. CCC Table 40.220.010-4 also requires a minimum usable lot area of 4,000 square feet. The submitted preliminary plat shows a more than required usable lot area per lot.

Staff finds that with conditions of approval, the project complies with the density transfer provisions.

Finding 4 - Administrative Variance

In the project narrative, the applicant proposes two administrative variances for lots in the proposed subdivision. First is a 25% variance to the required 7 foot side setback in the R1-10 zone to 5.25 feet. Second is a 25% variance to the required 15 foot rear setback in the R1-10 zone to 11.25 feet. This variance is not being requested for the yards that abut adjacent properties outside of the proposed plat. The applicant requests at least one of setback variances (either side or rear) on all of the proposed lots and both of the setback variances on some of the proposed lots. For example, Lots 1 through 6 in Phase 1 would vary only the side setback requirement and not the rear, but all three lots in Phase 3 would vary both the side and rear setback requirement. The revised plat shows some lots, specifically Lots 9, 10, and 11 in Phase 2 (but there could be more because some are not dimensioned) with a 10 foot rear setback which is more than a 25% variance requiring a Type III variance review. The applicant did not request a Type III variance and staff would not support a Type III variance, so the applicant will need to make changes prior to final review. (See Condition D-5)

The responsible official shall approve an administrative variance if the applicant proves it complies with all of the following (see CCC 40.550.020 A4):

a. Granting the variance will not substantially detract from the livability or appearance of a residential area, or the variance will substantially enhance the livability or appearance of a residential area; and

The proposed variance should not be clearly noticeable to properties outside the plat because the proposed variance lots are internal to the plat and do not abut outside properties. Staff finds that granting the variance will not detract from the livability or appearance of a residential area.

b. If variances to more than one regulation are being requested, the cumulative effect of the variances shall be consistent with the purpose of the zone in which the site is situated; and

There are two different variances proposed; a 25% variance to the side setback standard and a 25% variance to the rear setback standard. The applicant states that through the Density Transfer standards, the typical lot will be 7,000 square feet. If approved, the setbacks requested in the variance are more similar to the setbacks of the R1-7.5 zone. Staff agrees the requested setbacks are more similar to the R1-7.5 setbacks, but also notes that
both variances will reduce distances between buildings within the plat creating a cumulative impact.

Staff can support the propose variances because they will not impact abutting exterior lots outside of this subdivision with mitigation (see below finding).

c. Adverse impacts resulting from the variance are mitigated to the extent practical; and

For the most part, staff finds that adverse impacts resulting from the variances should be small. However, since there will be a cumulative yard reducing impact to the lots, staff finds that planting one tree in the side or rear yard of all the variance lots, which is all lots in the proposed plat, will help reduce the visual impacts of the proposed variances and will mitigated impacts to the extent practical. Exact tree species and locations will be confirmed by staff during the final review, understanding that trees with smaller root systems may work better on some lots.

d. The variance does not substantially impair or impede the availability or safety of access that would otherwise exist for vehicles or for pedestrians or alternative access is provided.

The proposed variances do not impact access for vehicles or pedestrians.

Staff finds that with conditions the proposed variances comply with the administrative variance criteria of CCC 40.550.020 A4 (see Conditions A-7 and D-6).

Finding 5 - Lot/Phase Numbering
The applicant has submitted a plat that repeats lot numbers in the three phases proposed which is very confusing. Also, the phase and lot numbers do not match those in the mitigation plan submitted to Environmental Services. The applicant shall submit final plans/mitigation plan with consistent phase and lot numbers and do not repeat lot numbers in the different phases (See Condition D-7)

Finding 6 - Setbacks
Except as varied by the proposed variances, the following minimum setbacks apply to the proposed lots (see CCC 40.220.010):

- Ten foot front setback
- Eighteen foot garage setback
- Ten foot street side setback
- Seven foot side setback
- Fifteen foot rear setback

Finding 7 - State Platting Standards (RCW 58.17)
With conditions of approval, staff finds the proposed subdivision will make appropriate provisions for public health, safety, and general welfare of the community. Proof of adequate water and sewer service, as well as treatment of any increase of stormwater runoff will be provided, to protect groundwater supply and integrity. Impact Fees will also be required to contribute a proportionate share toward the costs of school and transportation provisions, maintenance and services.

The site is located within the Evergreen School District. The applicant has provided a letter from the School District indicating that students will be bussed to all three schools from this
development (see Tab 22 of the application packet). Staff finds this satisfies safe walking conditions for students who only walk to school (see RCW 58.17.050)

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

**Archaeology**
Finding 8 - Archaeology
The development site is located within a high probability area for archaeological resources, as designated on the Archaeological Predictive Model Map of the Clark County. The applicant submitted an archaeological pre-determination to the Washington State Department of Archaeology and Historic Preservation (DAHP) prior to submittal of the application that indicates no further archaeological review or work is necessary at this time. DAHP received public notice and a copy of the SEPA checklist and has requested additional documents. They have not yet provided comments but will likely provide them prior to the public hearing.

A note on the final construction plans will be required that in the event that archaeological or historic materials are discovered during project activities, work in the immediate vicinity must stop and the area secured. The concerned tribes cultural staff, cultural committee, and DAHP shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines. (See Conditions A-8 and D-15a)

**Habitat/Shorelines**
Finding 9 - Habitat
County GIS and the Washington Department of Natural Resources indicates a Type S stream (Shoreline) in the central portion of the parcel (169479-000) identified as Fifth Plain Creek. This portion of Fifth Plain Creek is incised within a deep channel maintained by the Drainage District. In reviewing historic aerial imagery it appears there may be a snag on the western end of the parcel at the edge of the cleared woodlot.

The applicant had initially provided a combined Critical Areas Report for Fifth Plain Creek East and West prepared by Ecological Land Services (ELS) dated June 2019. On November 18, 2019 ELS prepared an addendum separating the mitigation into two separate projects (Fifth Plain Creek East and Fifth Plain Creek West). Revised critical areas reports for Fifth Plain Creek West were also submitted on January 23, 2020 and February 26, 2020, and April 17, 2020. The most recent plan indicates the Ordinary High Water Mark for Fifth Plain Creek as well as the location of a 21” Douglas fir snag.

County Wetland/Habitat Review staff visited the site with Ecological Land Services on December 13, 2019 to verify conditions for the Fifth Plain Creek West project. During the site visit County Wetland/Habitat Review staff confirmed the Ordinary High Water Mark for Fifth Plain Creek as well as an individual snag to the west of the stream at the edge of a cleared forest as shown in the provided map. site.

Finding 10 - Habitat
Per the Habitat Protection Ordinance, streams are considered priority riparian habitat and are afforded a riparian conservation zone (HCZ) to protect ecological habitat and water quality values for the stream resource.
The riparian HCZ for a Type S stream extends outward from the OHWM to the edge of the one hundred (100) year floodplain or to a distance of two hundred fifty (250) feet, whichever is greater. In this instance the 250 foot line is greater as indicated in light blue on the attached map.

Staff concurs with the alternatives analysis the applicant has provided in the mitigation plan. Subject to the Reasonable Use assurances (see below), the proposed development meets the avoidance and minimization standards in CCC 40.440.020.A.2. Due to the location of the snag and the potential for a hazard to the proposed lots, the snag could not be saved and meet the proposed use for the project. The applicant has arranged the proposed lots to only impact the outer 50 feet of the riparian habitat conservation zone and avoid impacts to the Shoreline Management Area.

Per the mitigation plan and preliminary plat, the applicant proposes to reduce the riparian HCZ by 11,621 square feet in order to create lots on the western side of the parcel. If additional impacts are proposed in the riparian HCZ or the mitigated habitat area outside of what is indicated in the preliminary plat and mitigation plan then a Final Habitat permit with applicable mitigation shall be required.

**Finding 11 - Shoreline**
A shoreline permit is required because a land division is proposed on a site containing shoreline regulated areas. Since residential construction on all lots proposed will comply with the 100 foot setback requirement of the Urban Conservancy Shoreline Designation, a shoreline exemption is required and has been submitted.

Based upon the proposed plan and the analysis above, staff recommends approval of this request, subject to the understanding that the applicant is required to adhere to all applicable codes/laws subject to conditions. Staff will issue that report separately.

**Conclusion (Habitat/Shoreline)**
Based upon the development site characteristics and the proposed development plan, staff concludes that the proposed development application can comply with the requirements of Chapters 40.440 (Habitat Conservation) and 40.460 (Shorelines) addressed herein, PROVIDED that certain conditions are met. Therefore, the requirements of the preliminary plan review criteria are satisfied. (See Conditions H-1 through H-7, A-9, A-10, B-5, B-6, D-7 though D-11, and D-15b)

**Transportation**
**Finding 12 - Pedestrian/Bicycle Circulation**
Pedestrian circulation facilities in compliance with the Americans with Disabilities Act (ADA) are required within urban areas. When pedestrian circulation facilities are required they shall be in accordance with the provisions of Section CCC 40.350.015.

The applicant has proposed to divide one parcel, totaling 14.23 acres, into a total of 23 single family residential lots and 3 senior housing lots in three phases. The proposed development is on parcel number 168641-000 located in Vancouver.
The applicant’s plan indicates that there will be pedestrian improvements constructed with all proposed interior streets within the development. The applicant’s narrative also states that all pedestrian facilities will be constructed to comply with ADA standards. (See Condition A-1a)

The applicant’s proposal for the construction of public pedestrian facilities shows that the development can comply with the County Code.

Finding 13 - Circulation Plan
The applicant has submitted plans and a narrative that indicate the proposed development will be served by the construction of half-width frontage improvements on NE 78th Street, an Urban Collector (C-2b). The applicant’s narrative suggests that the construction of these improvements, along with the spacing with existing infrastructure, will facilitate circulation within the immediate area.

The applicant’s plan and narrative also indicates that NE 78th Street frontage improvements will be constructed from the eastern property line to terminate at the 250-foot Riparian Habitat Conservation Area, on the east side of 5th Plain Creek.

The applicant has submitted a road modification to request relief from a portion of NE 78th Street frontage improvements and an east/west public road circulation along the southern portion of the proposed development that would connect the east and west sides of the proposed development. (See Finding 15 below)

Finding 14 - Roads
NE 78th Street is classified as an Urban Collector (C-2b) along the northern property line of the proposed project. This classification requires a total half-width right-of-way of 30 feet, a paved half-width of 17 feet, curb, gutter and sidewalk. The applicant will need to submit construction drawings that show the construction of half-width improvements, for NE 78th Street, in compliance with Clark County Standard Drawing 7. The applicant will need to provide a half-width right-of-way dedication to ensure a 30-foot, along with frontage improvements to ensure a half-width paved surface of 17 feet, curb, gutter, planter strip and a detached sidewalk. (See Condition A-1b)

NE 176th Avenue is classified as an Urban Local Residential Access. This classification requires a total half-width right-of-way of 23 feet, a paved half-width of 14 feet, curb, gutter and sidewalk. The applicant will need to submit construction drawings that show the construction of half-width improvements, for NE 176th Avenue, in compliance with Clark County Standard Drawing 13. The applicant’s plan shows a 45-foot total right-of-way width along the NE 176th Avenue frontage. The roadway classification requires a total of 46 feet of right-of-way. The applicant will need to provide dedication of right-of-way, along NE 176th Avenue, to ensure a total half-width right-of-way of 23 feet. (See Condition A-1c)

NE 178th Street is classified as an Urban Local Residential Access. This classification requires a total right-of-way of 46 feet, 28 feet of paved width, curb and gutter and sidewalks in compliance with Clark County Standard Drawing 13. The applicant is required to dedicate full-width right-of-way and construct full-width improvements for this roadway. The minimum standards are proposed. (See Condition A-1d)
NE 75<sup>th</sup> Circle is classified as an Urban Short Cul-d-sac. This classification requires a total right-of-way of 44 feet, 26 feet of paved width, curb and gutter and sidewalks in compliance with Clark County Standard Drawing 14. The cul-de-sac shall be constructed in compliance with Clark County Standard Drawing 24. The applicant is required to dedicate full-width right-of-way and construct full-width improvements for this roadway. The minimum standards are proposed. (See Condition A-1e)

Finding 15 - Road Modification Request
The applicant has requested the following road modifications:
- Relief from frontage improvement construction of NE 78<sup>th</sup> Street along the entire northern property line.
- Relief from cross circulation standards – East/West

Approval Criteria

Per CCC 40.550.010(C)(2), 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 applicant’s engineer, PLS Engineering, has provided the following justification for the proposed road modification request.

“Per Clark County Code (CCC) 40.550.010 (Road Modifications), we are requesting a Technical Road Modification to CCC 40.350.30(B)(2)(c) (1) concerning cross-circulation and CCC 40.350.30(B)(5) regarding frontage improvements.

To be considered by the County and be granted modifications to the standards, the applicant must demonstrate at least one of the following conditions per CCC 40.550.030(C)(2):

C. Approval Criteria

2. 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.

This Technical Road Modification will use Criteria 2. a. d.

Review Criteria for Cross Circulation:

Cross-Circulation. Cross-circulation shall be provided in a manner that meets these standards and, where possible, that will allow subsequent developments to meet these standards:

(a) Block Length. Block lengths shall be between one hundred (100) to eight hundred (800) feet; provided, that where a block is partially defined by an arterial or industrial road the block lengths along the arterial shall be no less than the minimum full access intersection spacing specified in Table 40.350.030-3. For the purpose of this section, “block length” is the distance between public road intersections as measured along the nearside right-of-way line.

(b) Block Perimeter. The block perimeter shall not exceed three thousand two hundred (3,200) feet unless accessway(s) for pedestrian or bicycle circulation are provided or where topographic or other physical constraints preclude achieving this standard.

Review Criteria for Frontage Improvements:

General Requirement. Unless already fully developed to the transportation standards and subject to the limitations set forth in this section and in Sections 40.350.030(B)(15) and 40.550.010, a partial-width road shall be established and constructed to the applicable right-of-way or easement and improvement standards set out in Section 40.350.030 to that portion of a frontage public or private road which abuts a parcel being developed as a condition of development approval.

Right-of-way for NE 78th Street abuts the north end of the site and half width improvements have been installed by the development to the north outside of the critical areas. The roadway is required by the cross-circulation standards indicated above and half width improvements, and right-of-way dedication abutting the development are also required by code.
The applicant proposes to end the roadway improvements for NE 78th Street at the critical area buffers without making the connection across Fifth Plain Creek. Right-of-way necessary to make a future connection will be dedicated to the County with this proposal. This approach would match what was approved for the development to the north of the site.

The existing conditions of the site make compliance with the cross-circulation and frontage improvements standards clearly impractical for the circumstances. Fifth Plain Creek runs through the site with many critical area constraints. A crossing would require construction of a bridge structure that would be disproportionate to the development impacts. Additionally, permitting this crossing would include the HPA permitting, flood plain impacts, riparian habitat loss, archeological reviews, and a shoreline application. Outside of these existing conditions, meeting the standard would cause an unusual hardship on the applicant due to the disproportionate cost and time it would take to complete a crossing at this location. A public pedestrian path already exists that crosses Fifth Plain Creek in the immediate vicinity of NE 78th Street. This path provides valuable pedestrian circulation that will benefit the subject site.

A secondary east-west connection on the south end of the site is not required by code. Cross circulation road is required at least every 800', and NE 78th Ave is within 800' of the urban growth boundary at the south end of the site. Also, if the additional east-west connection was required, the existing critical area constraints would make construction of the road clearly impractical for the circumstances. In addition, the potential right-of-way dedication would be clearly disproportional to the development impacts. The total right-of-way dedication would far exceed the standard for disproportionality. The development would be required to dedicate more than 260 sqft of cross-circulation related right-of-way to the County per average daily trip (ADT) generated by the development.

CCC 40.550.010(C)(1) states:

C. Approval Criteria.

1. In reviewing a modification request, the county shall consider the applicable factors that include, but are not limited to, the following:
   a. Public safety, durability, cost of maintenance, function, and appearance;

Public safety, durability, and appearance are not affected by this road modification request.

   b. Advancing the goals of the comprehensive plan as a whole;

Approval of the road modification does not conflict with the goals of the comprehensive plan.

   c. Any modification shall be the minimum necessary to alleviate the hardship of disproportional impact;

Approving this road modification will be the minimum necessary to alleviate the hardship.

   d. Potential benefits of low impact development or innovative concepts;
Low impact development or innovative concepts are not applicable to the request.

e. Self-imposed hardships shall not be used as a reason to grant a modification request.

This modification is not a self-imposed hardship by the applicant.

In closing, we request staff to approve this road modification because of the significant critical area challenges that would need to be overcome to create connections across Fifth Plain Creek. Also, the disproportionate costs to construct a bridge structure and the critical areas permitting would cause and undue hardship on the applicant.”

Staff’s Evaluation

Frontage Improvements
NE 78th Street is identified in the Clark County Arterial Atlas as an Urban Collector (C-2b) along the development frontage. This road classification requires a total 60-foot right-of-way width, 34 feet of paved surface, curb, gutter and sidewalk.

As a part of the proposed development, the applicant has proposed half-width frontage improvements with a dedication of right-of-way along the entire northern property line to ensure a 60-foot total right-of-way width. The applicant has proposed the construction of half-street improvements to NE 78th Street to ensure a total of 34 feet of paved surface, curb, gutter and sidewalk. The applicant has proposed construction of these frontage improvements from the eastern property line to terminate at the Riparian Habitat Conservation Area east of 5th Plain Creek.

Staff believes that the applicant has demonstrated that approval criterion CCC 40.550.010(C)(2)(a) has been met.

The frontage improvements constructed and the amount of right-of-way to be dedicated will need to comply with Clark County Standard Drawing 5. This will require that the applicant dedicate sufficient right-of-way, along the NE 78th Street frontage and west along the NE 78th Street alignment, sufficient to ensure a 30-foot half-width. The applicant will also need to construct frontage improvements to ensure a 17-foot wide paved half-width, curb, gutter and detached sidewalk. The applicant will need to construct NE 78th Street frontage improvements terminating at the Riparian Habitat Conservation Area, such that construction of the improvements extends as far as practicable without entering an identified environmentally sensitive area.

Cross Circulation
The applicant has indicated that the proposed development will construct half-street improvements along the northern property line, as well as, an interior street network. The applicant’s narrative suggests that the construction of these improvements, along with existing infrastructure, will facilitate vehicle circulation in the area. The applicant has also stated that existing pedestrian paths, constructed on both sides of 5th Plain Creek with in the critical area as part of previous development, will continue to facilitate pedestrian circulation.
The applicant suggests that an additional east/west road along the southern portion of the development is not necessary because the neighboring property to the south is outside of the Urban Growth Area. The applicant also states that construction of an additional east/west road would be clearly impractical for the circumstances due to the crossing of 5th Plain Creek environmentally sensitive areas.

As mentioned above, the applicant has proposed the construction of half-street improvements to NE 78th Street and an interior road network that can be extended to provide public road access to the underdeveloped parcel (169479-000) to the east. The applicant's circulation plan has also shown that the extension of the internal public street could connect to the larger road network, at NE 182nd Avenue, and comply with code requirements for intersection spacing.

Staff believes that the applicant has shown that the existing pedestrian circulation along 5th Plain Creek, the proposed internal street network and the NE 78th Street frontage improvements will facilitate circulation in the area and for the development.

Staff believes that the applicant has demonstrated that approval criterion CCC 40.550.010(C)(2)(a) has been met.

**Staff's Recommendation**

Staff recommended:
- **Approval with condition** of NE 78th Street frontage improvements (See Condition A-1b)
- **Approval** of cross circulation

The Development Engineering Division Manager concurred with staff and recommends approval of the road modification requests as noted above. [See Exhibit 34]

**Finding 16 - Driveways**

The applicant's narrative indicates that all lots within the proposed development will access the interior street network and then enter the larger public street network at the intersection of NE 78th Street/NE 180th Avenue. Tract 1 and Tract 2 are proposed as joint driveways. Joint driveways are required to be places within 20-foot wide easements. The applicant's plan does not show driveways for lots in relation to the new intersection. These corner lots will need to meet the minimum requirements. The applicant will need to submit final construction drawings that show corner lot driveways will comply with CCC 40.350.030 (B)(4)(b)(1). (See Condition A-1f and D-15e)

**Finding 17 - Turnaround**

The applicant's plan shows that NE 180th Avenue will be constructed within the proposed and terminate in a temporary cul-de-sac turnaround. The applicant's plan shows that a partial temporary cul-de-sac will be constructed. The temporary turnaround will also need to be within a public easement. (See Condition A-1g)

**Finding 18 - 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. Additional building setbacks may be required for corner lots in order to maintain adequate sight distance.
Landscaping, trees, utility poles, and miscellaneous structures will not be allowed to impede required sight distance requirements at all proposed driveway approaches and intersections.

The applicant's traffic engineer has performed a sight distance evaluation and determined that there is greater than 300 feet of sight distance available at the new intersection location of NE 78th Street/NE 180th Avenue. The applicant will need to submit final construction drawings for review and approval. These plans will need to show sight distance triangles at the development intersections. The plans will also need to show objects that are within the sight distance triangle. Notes on the plans shall indicate the vegetation within the sight distance triangle that needs to be maintained, trimmed or removed. (See Condition A-1h)

**Conclusion (Transportation & Circulation):**
Staff concludes that the proposed preliminary plan, subject to conditions, meets the transportation requirements of the Clark County Code.

**Transportation Concurrency**

**Finding 19**
Staff review of the development proposal, the number of lots and the purpose of age restricted lots (AKA senior adult housing - detached) raised questions and concerns with the appropriateness of the subdivision proposal for the 5th Plain Creek West Subdivision. The following findings are the result of staff's research and analysis.

According to the plans and narrative submitted for review, it appears that the proposed subdivision is proposing 3 senior adult housing - detached lots out of the proposed 26 lot subdivision. These senior adult housing - detached lots are located within a standard non-age restricted suburban subdivision in an R1-10 zoning area. The use of the senior adult housing - age restricted lots within the proposed subdivision is not a typical lot restriction that would be found in this type of subdivision.

The trip generation as reported in the applicant's submitted traffic study is provided in the following table:

<table>
<thead>
<tr>
<th>Housing Type</th>
<th>ITE Code</th>
<th>Size (Lots)</th>
<th>AM Peak</th>
<th>PM Peak</th>
<th>ADT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing Home*</td>
<td>210</td>
<td>1</td>
<td>(1)</td>
<td>(1)</td>
<td>(10)</td>
</tr>
<tr>
<td>New Single Family</td>
<td>210</td>
<td>22</td>
<td>17</td>
<td>22</td>
<td>206</td>
</tr>
<tr>
<td>Senior Housing</td>
<td>251</td>
<td>3</td>
<td>1</td>
<td>1</td>
<td>12</td>
</tr>
<tr>
<td><strong>Totals:</strong></td>
<td><strong>26</strong></td>
<td><strong>17</strong></td>
<td><strong>23</strong></td>
<td><strong>218</strong></td>
<td></td>
</tr>
</tbody>
</table>

*The existing home and its trip generation is shown for accounting purposes only. The trips from the existing home are not used in the trip generation totals.

**The AM Peak Hour Trips are reported as shown in the applicant's traffic study. The addition error appears to be a rounding error caused when discounting the existing home from the net new trip generation calculation.

Senior adult housing-detached, as defined in the *Institute of Transportation Engineers (ITE) Trip Generation Manual 10th Edition Land Use: 251, "...consists of detached independent living developments, including retirement communities, age-restricted housing, and active adult communities. These developments may include amenities such as golf courses,*
swimming pools, 24-hour security, transportation, and common recreational facilities. ... Detached senior adult housing communities may or may not be gated. Residents in these communities are typically active (requiring little to no medical supervision). The percentage of retired residents varies by development. Senior Adult housing-attached (Land Use 252), congregate care facility (Land Use 253), assisted living (Land Use 254), and continuing care retirement community (Land Use 255) are related uses.” The submitted plans and narrative for the proposed subdivision does not provide any indication that the age-restricted lots would create the independent living developments, retirement communities, or active adult communities described above. Nor does the submitted information show that there would be the community amenities, or public transportation that would justify the reduction in trip generation.

Further, based on the statements on the submitted drawings it appears that the senior adult housing – detached lots were used in a near term effort to take advantage of a reduced trip generation and a maximized number of lots within each of the subdivisions without incurring Concurrency related mitigations at the intersections of NE 88th Street/NE Ward Road and NE 182nd Avenue/NE Fourth Plain Boulevard (SR 500). (The drawing statement is added below). These intersections have been identified as locations that operate at a level-of-service 'F' within the traffic study submitted for the proposed 5th Plain Creek West Subdivision. The submitted plans also indicate that the long term goal is to remove the senior adult housing – detached lot designation when Concurrency related intersection mitigations have been constructed by others. The proposed transportation impacts of the 5th Plain Creek West Subdivision do not appear equitable or feasible with the senior adult housing lots having the same travel patterns as the single-family homes that exit the 5th Plain Creek area destined for work or recreational facilities outside of the area.

The submitted plan, Sheet 2/3 for the 5th Plain Creek West Subdivision, states “Individual lot owners will be able to remove the senior adult housing designation once intersection improvements of NE Ward Road with NE 88th Street and NE 182nd Ave with NE Fourth Plain Blvd have been constructed, are operational, and are no longer out of compliance with the level-of-service requirements as identified in CCC 40.350.020 and as determined by an analysis performed by a licensed traffic engineer. The payment of TIF for the difference between senior housing and single family residential will be required at that time. The removal of the senior adult housing designation may require additional school and park impact fees. A note will be included on the plat that indicates this as an option for the senior adult designated lots.”

The ITE Trip Generation Manual 10th Edition does not list this kind of land use combination in the data collected. The development team has not provided any justification and/or analysis to show that it is appropriate to use age restricted lots within the proposed standard suburban subdivision to reduce the trip generation, when this type of lot integration is not in the definition of either ITE LUC 210: Single-Family Detached Housing or ITE LUC 251: Senior Adult Housing – Detached, nor are they considered related uses. Because the applicant has not provided any evidence and analysis that shows why these 2 incompatible land use types could be used together to determine trip generation and/or trip impacts on the adjacent public road network, staff believes that the applicant’s traffic impact analysis does not provide an appropriate assessment of the transportation impacts on the surrounding road network.
Conclusion (Concurrence):
Therefore, Concurrency recommends denial of the 5th Plain Creek West Subdivision.

Stormwater
Finding 20 - Stormwater Applicability
The provisions of Clark County Code Chapter 40.386 shall apply to all new development, redevelopment, and drainage projects consistent with the Stormwater Management Manual for Western Washington (SMMWW) as modified by CCC 40.386 and the county’s stormwater manual. The project adds more than 5,000 square feet or more of new impervious surface and therefore the applicant shall comply with Minimum Requirements 1 through 9. (See Condition A-3a)

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-3b)

Finding 21 - Stormwater Proposal
The applicant’s stormwater narrative has indicated that there may be a potential that an adjacent neighboring parcel may develop at the same time. The narrative states that “the owners of both properties have reached an agreement to combine stormwater facilities on the neighboring property, parcel number 169479-000. The applicant’s engineer has provided an alternative stormwater plan that shows a PerkFilter™ vault would be constructed to treat stormwater from pollution generating surfaces prior to entering a detention pond.

According to the submitted TIR, the offsite stormwater facility located on 5th Plain Creek East Subdivision (PLD-2019-00061), is designed and sized to manage both 5th Plain Creek West Subdivision and 5th Plain Creek East Subdivision. The applicant has provided an alternate stormwater design, this alternate design is necessary to determine the feasibility of the proposed stormwater system for the 5th Plain Creek West Subdivision in case the offsite system is not available prior to approval of final construction plan. Therefore, any alternate design of the stormwater system, that seeks to remove and/or consolidate the storm systems as proposed, will need to be proposed and reevaluated at the time of final construction plan review.

The applicant’s plan shows that Phase 1 includes 9 residential lots; however, it appears that lots 7 and 8 are encumbered with a stormwater detention facility and its associated conveyance system. The stormwater detention system will need to be within its own stormwater tract that will need to be shown on the final plat. Changes to remove the stormwater detention system and its associated conveyance systems must be shown on final construction plan. (See Conditions A-3c and D-2)

The applicant is proposing to collect, convey, treat, detain and release at predevelopment flows the stormwater generated in phases 1 and 3. PerkFilter™ catch basins will be placed for collection and treatment of surface water prior to conveyance to the detention ponds in their respective phases.

The applicant’s plan and narrative indicate that phase 2, on the west side of 5th Plain Creek, will utilize individual infiltration trenches for each lot. Infiltration trenches will also be used for
stormwater generated within the public right-of-way. The narrative states that the stormwater quality, of the pollution generating areas, will be facilitated by PerkFilter™ catch basins.

The applicant’s engineer identified the on-site soils as Hillsboro Silt Loam (HIA), Dollar Loam (DoB), Hesson Clay Loam (HcB), Cove Silty Clay (CvA) and Lauren Gravelly Loam (LgB).

The geotechnical engineer submitted data collected while performing preliminary soils evaluation and infiltration testing. The information submitted indicates that there were a total of 10 test pits dug and 6 infiltration tests performed on two parcels. The two parcels are identified as parcel number 168641-000, the subject parcel – 5th Plain Creek West Subdivision, and parcel number 169479-000, an undeveloped neighboring parcel east of the subject site.

Test pits TP-1 through TP-5 and TP-9 occurred within the subject development, with TP-6 through TP-8 and TP-10 occurring off-site on parcel number 169479-000. The data collected off-site on parcel number 169479-000 is not relevant to the feasibility of the proposed subdivision so it will not be discussed in this staff report.

The 3 infiltration tests performed on the west side of 5th Plain Creek yielded infiltration rates between 3 and 9 inches per hour at a depth of 2 feet below ground surface. The geotechnical engineer also reported infiltration rates in test pits TP-1 and TP-2, of 125 and 170 inches per hour, respectively. These rates were achieved at a depth of 4 feet below ground surface. Groundwater was not encountered at a 14 foot depth in TP-1 and TP-2, and to a 12 foot depth in TP-5.

One infiltration test in TP-9 occurred east of 5th Plain Creek. The geotechnical engineer reported an infiltration rate of 0.2 inches per hour at a depth of 2 feet. Groundwater was also reported in this test pit at a depth of 4.5 feet below ground surface. (See Conditions A-3d, C-1, and C-2)

Onsite Stormwater Management BMPs (MR #5)
The applicant’s engineer has identified on-site source control stormwater management Best Management Practices (BMPs) that are applicable to the proposed development. These BMPs deal with:

- Post-Construction Soil Quality and Depth
- Downspout Full Infiltration – Infiltration Trenches (Phase 2 Only)

Staff has reviewed the source control BMPs identified for applicability and concurs with the applicant’s findings. The applicant will need to submit final stormwater system construction plans for review and approval.

Runoff Treatment (MR #6)
The applicant’s engineer has indicated that the runoff treatment will be met with the use of PerkFilter™ catch basins that will be placed to collect and treat pollution generating stormwater. These catch basins will be placed within the public right-of-way. The applicant will need to submit documentation from the stormwater treatment system manufacturer indicating that the proprietary treatment devices were sited and sized appropriately. (See Condition A-3e)
The proposed development is located within Lacamas Creek watershed. The Clark County Stormwater Manual requires phosphorus removal with this watershed. The preliminary stormwater report indicates that the media in PerkFilter™ is capable of phosphorus treatment. (See Condition A-3f)

The applicant has shown that Flow Control (MR#7) will be met by using native infiltration rates to infiltrate 100% of the stormwater generated by the proposed development west of 5th Plain Creek (Phase 2).

Phases 1 and 3, on the east side of 5th Plain Creek will accomplish flow control through the combination of detention ponds and flow control structures prior to dispersing the stormwater overland toward 5th Plain Creek.

Conveyance Systems
The applicant's engineer has shown that a combination of water quality catch basins, infiltration trenches, detention ponds, and flow control devices will work together to collect, treat and infiltrate/detain the stormwater generated by the proposed development.

The applicant shall submit final construction plans that identify which stormwater systems will be publicly or privately owned and maintained. (See Condition A-3g)

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

Fire Protection
Finding 22 - Review Process
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 23 - Fire Flow/Hydrants
Fire flow in the amount of 1000 gallons per minute supplied at 20 psi for 60 minutes duration is required for this application. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval.

Fire hydrants are required for this application and either the indicated number or the spacing of the fire hydrants is inadequate. Provide fire hydrants such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads.

Unless waived by the fire district chief fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact Fire District #5 at (360) 487-7260 to arrange for location approval. Provide and maintain a six-foot clear space completely around every fire hydrant. (See Conditions A-11a, A-11b, A-11c, and E-3)

Finding 24 - Fire Apparatus Access/Sprinklers
Provide fire apparatus access roads with an unobstructed width of not less than 20 feet, an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus. Approved fire apparatus turnarounds are required for this project - the indicated provisions for turning around fire apparatus are adequate.

Homes exceeding 3,600 square feet (excluding attached garages) will require additional fire protection features possibly including fire sprinkler systems. No gate may be installed across a required fire department access road or driveway without first obtaining a permit from the fire marshal's office. Inspection and testing of the gate will be required. Split gates with a divided entry and exit side will need 15 feet on either side for a total gate width of 30 feet. (See Conditions A-11d and E-4)

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

**Water and Sewer Service**
**Finding 25 - Water and Sewer Service**
The site will be served by Clark Public Utilities and the City of Vancouver for public water. The site will be served by the City of Vancouver for public sewer. Letters from both purveyors confirm that potable water and public sewer services are available to the site in NE 78th Street and NE 176th Avenue. Therefore, prior to final plat approval, documentation shall be provided from the water and sewer purveyor that all water and sewer connections have been installed and approved. (See Condition D-12)

**Impact Fees**
**Finding 26 - Impact Fees**
All residential lots created by this plat will produce impacts on schools, parks, and traffic, and are subject to School (SIF), and Traffic Impact Fees (TIF) in accordance with CCC 40.610. The proposed unit lots will pay the following impact fees:

- Orchards sub-area with a TIF of $3,406.73 per dwelling
- Evergreen District, with a SIF of $6,432.00 per dwelling
- Park District 5, with a SIF of $4,353.00 per dwelling

The amounts listed above are an estimate 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 Conditions D-14e & E-2)

**SEPA Determination**
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 Clark County Code.

The likely SEPA Determination of Non-Significance (DNS) in the Notice of Development Review Application issued on April 14, 2020 is now final.

**SEPA Appeal Process**

An appeal of this SEPA determination and any required mitigations, must be filed with the Department of Community Development within fourteen (14) calendar days from the date this notice. The hearing examiner shall hear appeals in a public hearing. Notice of the appeal hearing shall be mailed to parties of record, but shall not be posted or published.

A **procedural SEPA appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance).

A **substantive SEPA appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing Clark 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.

A **procedural or substantive appeal** must be filed within fourteen (14) calendar days of this determination, together with the appeal fee. Such appeals will be considered at a scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

Appeals must be in writing and should contain the following information:

- 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 40.510.020(H) or 40.510.030(H)
  - The reasons why the SEPA determination is in error
- The appeal fee

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

The decision of the Hearing Examiner is final unless:

- A motion for reconsideration is filed within fourteen (14) days of written notice of the decision, as provided under Clark County Code, Section 2.51.160; or,
- An appeal is filed with Clark County Superior Court.

**Staff Contact Person:** Richard Daviau, 564.397.4895

**Responsible Official:** Dan Young, Community Development Director
Recommendation
Based upon the proposed plan and the findings and conclusions stated above, staff recommends the Hearing Examiner Deny the request unless the applicant can resolve concurrency issues (See Finding 19). If the concurrency issues are resolved and the applicant understands the requirement to adhere to all applicable codes and laws, the following are conditions of approval:

Conditions of Approval

<table>
<thead>
<tr>
<th>H</th>
<th>General Habitat Conditions</th>
</tr>
</thead>
</table>

These are conditions that are not specifically tied to subsequent review and approval processes that may need to be met at a time specified in each condition or apply generally as described:

1. Final Habitat Permit approval shall be required if there are any changes from the preliminary plat or mitigation plan which cause additional habitat impacts which were not addressed in this permit.

2. The applicant shall do the following for the creation of a snag:
   a. Identify the species and diameter at breast height (DBH) of the snag onsite.
   b. Prior to removing the snag, the applicant shall identify 5 trees within the riparian habitat area that are suitable for snag creation. These trees will be of similar species and DBH range as the impacted snags.
   c. The applicant shall then photograph, flag, and record locations of the selected trees. Provide tree information to County wetland/habitat Review staff to decide which tree will be best suited for snag creation.
   d. Once the County Wetland/Habitat Review staff has verified the tree intended for snag creation, the tree will be girdled by removing a two to four inch belt of inner and outer bark around the trunk which stops the movement of water and nutrients. Once the tree has been girdled then the snag may be removed.

3. The priority habitat area shall be maintained in a natural state. The applicant shall retain all native vegetation on site that is outside of the indicated development area but within a priority habitat area and/or mitigation area. The applicant shall only impact areas indicated in the conditions provided below during construction of this project. Any changes to the development layout causing greater impacts to the priority habitat or mitigation area than what is approved herein shall be subject to additional habitat review by County Wetland/Habitat Review staff and may include additional permits and/or mitigation requirements.

4. Incidental damage to surrounding native vegetation shall be mitigated by replanting with native vegetation of like kind.

5. The applicant shall utilize best management practices to control erosion and prevent sediment from entering adjacent wetlands and wetland buffers.

6. Any temporary impacts to the habitat or mitigation area buffer shall be minimized and all disturbed soils shall be reseeded with a native grass mix appropriate for the hydrology of the site upon completion of construction. The area shall have 100% grass coverage within 1
year of planting. If this condition is not met then the applicant shall continue re-seeding
the site with monitoring continuing until the performance standard is met.

7. Routine maintenance of the site is necessary to ensure the integrity and success of the
installed plants which includes, but is not limited to, removing invasive species and weeds,
irrigation (if required), and plant replacement to meet the performance standards. Adaptive
management and alternate species may be considered if plantings appear to have massive
failures. The mitigation area shall be maintained and monitored for 10 years. The following
performance standards shall be utilized:

a. The applicant shall maintain the performance standard for year 1 of 90% survival of
   native woody/herbaceous mitigation plantings.

b. The applicant shall maintain the performance standard for year 2 of 80% survival of
   native woody/herbaceous mitigation plantings.

c. The applicant shall maintain the performance standard for year 3 of 75% survival of
   native woody/herbaceous mitigation plantings.

d. The applicant shall maintain the performance standard for year 5 of 25% coverage of
trees AND 10% coverage of shrubs.

e. The applicant shall maintain the performance standard for year 7 of 35% tree coverage
   AND 15% shrub coverage.

f. The applicant shall maintain the performance standard for year 10 of 50% coverage by
trees or shrubs.

g. Native volunteer plants may count towards the tree and shrub performance standards.
   Dead plants shall be replaced if the performance standard was not met in any given
   year.

h. The applicant shall maintain a performance standard of less than 10% invasive species
cover within the mitigation area (including Himalayan blackberry and reed canary
grass).

A Final Construction Review for Land Division
Review and Approval Authority: Development Engineering

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 pedestrian facilities
   will be constructed to comply with ADA standards (see Finding 12).

b. The applicant shall submit construction drawings for review and approval. These
   construction drawings shall include NE 78th Street frontage improvements from the
eastern property line to terminate at the Riparian Habitat Conservation Area east of 5th Plain Creek. The frontage improvements shall comply with Clark County Standard Drawing 7. The applicant shall also dedicate sufficient right-of-way to ensure that there is a total half-width of 30 feet of right-of-way along the NE 78th Street entire frontage and west along the alignment of NE 78th Street as it relates to the subject parcel. NE 78th Street frontage improvements shall be constructed to ensure a half-width paved surface of 17 feet, curb, gutter, planter strip and a detached sidewalk. (See Finding 14)

c. The applicant shall submit construction drawings that show the construction of half-width improvements, for NE 176th Avenue, in compliance with Clark County Standard Drawing 13. The applicant shall also dedicate sufficient right-of-way to ensure that there is a total half-width of 23 feet of right-of-way along the frontage of NE 176th Avenue. (See Finding 14)

d. The applicant shall submit construction drawings that show the construction of NE 178th Street complies with Clark County Standard Drawing 13 (see Finding 14).

e. The applicant shall submit construction drawings that show the construction of NE 75th Circle is in compliance with Clark County Standard Drawing 14 and the cul-de-sac is in compliance with Clark County Standard Drawing 24 (see Finding 14).

f. The applicant shall submit final construction drawings that show that corner lot driveways will comply with CCC 40.350.030 (B)(4)(b)(1) (see Finding 16).

g. In compliance with CCC 40.350.030(B)(12)(a)(2)(b), the proposed temporary turnaround at the terminus of NE 180th Avenue shall provide a minimum paved diameter of 80 feet for the bulb including the road width. The portion outside of the right-of-way shall be placed within a temporary public easement. (See Finding 17)

h. The applicant shall show the sight distance triangles on the final construction plans and on the final plat (see Finding 18).

A-2 Final Transportation Plan/Off Site (Concurrency) - None at this time

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 (See Findings 20 and 21):

a. The applicant shall submit final construction plans and a final Technical Information Report that addresses Minimum Requirements 1 through 9 for each development phase.

b. No new development or redevelopment shall be allowed to materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots.

c. The final construction plans for Phases 1 & 3 shall show detention facilities in a stormwater tract.
d. The final construction plans for Phase 3 shall include tested and design infiltration rates and groundwater information.

e. The applicant shall submit a letter, or documentation, from the stormwater treatment system manufacturer indicating the treatment devices were sited and sized appropriately.

f. The development lies within the Lacamas Basin and is subject to stormwater requirements for phosphorus treatment/removal.

g. The applicant shall submit final construction plans that identify which stormwater systems will be publically or privately owned and maintained.

A-4 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-5 Excavation and Grading - Excavation/grading shall be performed in compliance with CCC14.07.

A-6 The applicant shall submit final engineering plans and a final plat for which the use and ownership of the lots is unrestricted for all purposes including concurrency (see Finding 2).

A-7 The applicant shall submit a landscape plan that shows one tree in the side or rear yard of all the variance lots, which is all lots in the proposed plat. Exact tree species and locations will be confirmed by staff during the final review with the understanding that trees with smaller root systems may work better on some lots. (See Finding 4)

A-8 Archaeology - The following note shall be placed on the construction plans “Should archaeological materials (e.g. bones, shell, stone tools, beads, ceramics, old bottles, hearths, etc.) be observed during project activities, all work in the immediate vicinity should stop and the State Department of Archaeology and Historic Preservation (360-586-3065), the County planning office, and the affected Tribe(s) should be contacted immediately. If any human remains are observed, all work should cease and the immediate area secured. Local law enforcement, the county medical examiner (360-397-8405), State Physical Anthropologist, Department of Archaeology and Historic Preservation (360-586-3534), the County planning office, and the affected Tribe(s) should be contacted immediately. Compliance with all applicable laws pertaining to archaeological resources (RCW 27.53, 27.44 and WAC 25-48) and human remains (RCW 68.50) is required. Failure to comply with this requirement could constitute a Class C Felony.”

A-9 The applicant shall implement the April 17, 2020 Critical Areas and Buffer Averaging Report prepared by Ecological Land Services, which involves removing invasive species and replanting with native vegetation, except as amended by County Wetland/Habitat Staff:
a. For invasive removal the applicant shall use herbicide to spray the infested area and then scrape the top 1-foot layer of soil to remove the invasive plants and seed bank. The scraped soil shall be disposed of in an environmentally sound manner in an area outside of any priority habitat or wetland/buffer areas.

b. Post invasive removal, the applicant shall install a suitable layer of topsoil prior to installation of native seed and/or plantings (deep enough to fully facilitate planting the one-gallon container plants).

c. After the enhancement area has been scraped the applicant shall install silt fence on the water-ward side of the planting area to prevent sedimentation and erosion from entering the priority habitat area. This silt fence shall be removed once the native ground cover (including native seed) is established at 90%. The remaining enhancement preparation proposed in the mitigation plan is acceptable.

d. The applicant shall plant 9 Douglas fir (Pseudotsuga menziessii) and 9 big-leaf maple (Acer macrocarpa) for a tree layer in the 3,741 square foot mitigation area. As a shrub layer the applicant shall plant 15 each of snowberry (Symphoricarpos albus), service berry (Amelanchier alnifolia), oceanspray (Holodiscus discolor), bald-hip rose (Rosa gymnocalpa), and tall Oregon grape (Mahonia aquifolium). As a ground cover layer the applicant shall plant 15 sword fern (polystichum munitum) and re-seeding with a native seed mixture. County Wetland/Habitat Review staff feel that the proposed planting plan is heavy on shrubs and should contain more of a tree layer given the surrounding landscape and to help contain nearby blackberry infestations; the number of Douglas fir and big-leaf maple should be increased to 9 trees each. The number of shrubs and ground cover are acceptable to create a more diverse understory. The remaining specifications for planting container stock in the revised mitigation plan are acceptable.

A-10 On the final construction plans, the location of the dripline of any trees which are rooted in the priority habitat area or mitigation area shall be shown where it overlaps Lots 7-9 in Phase 1, Lots 1-4 in Phase 2, Lots 7-11 in Phase 2, and Lot 3 in Phase 3.

A-11 Fire Protection Requirements
a. Fire flow in the amount of 1,000 gallons per minute supplied at 20 psi for 60 minutes duration is required for this application. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval. (See Finding 23)

b. Fire hydrants are required for this application. Provide fire hydrants such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads. (See Finding 23)

c. Unless waived by the fire district chief fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact Fire District #5 at (360) 487-7260 to arrange for location approval. Provide and
maintain a six-foot clear space completely around every fire hydrant. (See Finding 23)

d. Provide fire apparatus access roads with an unobstructed width of not less than 20 feet, an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus. Homes exceeding 3,600 square feet (excluding attached garages) will require additional fire protection features possibly including fire sprinkler systems. (See Finding 24)

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<tr>
<th>B</th>
<th>Prior to Construction of Development Review and Approval Authority: Development Inspection</th>
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<tbody>
<tr>
<td><strong>B-1</strong> Pre-Construction Conference - Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.</td>
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<tr>
<td><strong>B-2</strong> Traffic Control Plan: Prior to issuance of any building or grading permits for the development site, the applicant shall obtain written approval from Clark County Department of Public Works of the applicant's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system.</td>
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<td><strong>B-3</strong> 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.</td>
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<td><strong>B-4</strong> Erosion Control - Erosion control facilities shall <strong>not</strong> be removed without County approval.</td>
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<td><strong>B-5</strong> Prior to construction, the applicant shall implement mitigation plantings as proposed by Ecological Land Services and amended in this permit. If the plantings are not installed prior to construction, then a performance financial assurance shall be required and the mitigation plantings shall occur in the next planting season. A maintenance financial assurance shall be required at the acceptance of the As-Built per the conditions of this permit.</td>
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<td><strong>B-6</strong> Prior to Final Construction, the applicant shall provide the required photographs and locations of the trees proposed for girdling to County Wetland/Habitat Review staff.</td>
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<th>C</th>
<th>Provisional Acceptance of Development Review and Approval Authority: Development Inspection</th>
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<tr>
<td><strong>C-1</strong> Stormwater - 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</td>
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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 Book 1, Section 1.8.5. This plan shall address steps to correct the problem, including additional testing and/or resizing of the facilities to ensure that the system will meet the minimum requirements of the stormwater manual. (See Finding 21)

C-2 Stormwater - During installation of the infiltration trenches, the applicant shall demonstrate that the required minimum vertical separation to seasonal high groundwater table for each facility as shown on the final construction plans shall be met. The systems shall be redesigned if the required separation is not achieved. (See Finding 21)

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

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

D-1 The applicant shall dedicate the required right-of-way along all public roads with the plat (see Finding 14).

D-2 The applicant shall provide a stormwater tract for the detention facility within Phase 1 and Phase 3 (see Finding 21).

D-3 The applicant shall submit final engineering plans and a final plat for which the use and ownership of the lots is unrestricted for all purposes including concurrency (see Finding 2).

D-4 The applicant shall dimension the width of Lot 1 in Phase 2 on the final plat to verify there is a 70-foot lot width. All lots in the plat shall comply with CCC 40.220.010 (C)(5)(b)(4). In order to comply with the average maximum lot standards of the R1-10 zone, Phase 3 shall be completed after Phases 1 and 2 or at the same time. (See Findings 3b)

D-5 All lots on the final plat shall show a side setback of at least 5.25 feet and a rear setback of 11.25 (see Finding 4).

D-6 The applicant shall plant one tree in the side or rear yard of all lots in the proposed plat (see Finding 4).

D-7 The applicant shall submit final plans/mitigation plan with consistent phase and lot numbers and do not repeat lot numbers in the different phases (see Finding 5).

D-8 The applicant shall establish building envelopes on Lots 7-9 in Phase 1, Lots 1-4 in Phase 2, Lots 7-11 in Phase 2, and Lot 3 in Phase 3 which clearly avoid the dripline of trees rooted within the priority habitat mitigation area. Lots 7-9 in Phase 1, Lots 1-4 in Phase 2, Lots 7-11 in Phase 2, and Lot 3 in Phase 3 shall be required to have privacy fencing to screen human and pet disturbances.

D-9 The applicant shall record a conservation covenant which demarcates the location of the priority habitat conservation zone and mitigation areas in a form approved by the
Prosecuting Attorney as adequate to incorporate the other restrictions of Chapter 40.440 and to give notice of the requirement to obtain a habitat permit prior to engaging in regulated activities within a priority habitat area.

D-10 Permanent physical demarcation along the upland boundary of the priority habitat and mitigation area shall be installed and thereafter maintained. Such demarcation may consist of logs, a tree or hedge row, fencing, or other prominent physical marking approved by the responsible official. In addition, small signs shall be posted at an interval of one per lot or every 100 feet, whichever is less, or in a location approved by the Resource Permitting and Enhancement Manager, and perpetually maintained at locations along the outer perimeter of the wetland buffer approved by the responsible official worded substantially as follows:

Priority Habitat and Mitigation Area –
Please retain in a natural state

D-11 The priority riparian habitat, ordinary high water mark, shoreline setbacks, and oak mitigation area shall be delineated on the Final Plat.

D-12 Water and sewer - The applicant shall provide documentation from the water and sewer purveyor that all water and sewer connections have been installed and approved.

D-13 Water mains supplying fire flow and fire hydrants shall be installed, approved and operational (see Finding 23).

D-14 Developer Covenant - A Developer Covenant to Clark County shall be submitted for recording to include the following:

a. 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).

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

c. 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."

d. 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. 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 Section 32.04.060.

e. Impact Fees: "In accordance with CCC 40.610 impact fees for each dwelling in this subdivision shall be assessed for impacts on schools, parks and transportation facilities based for the following districts: Evergreen School District (SIP), Park District #5 (PIF), and Orchards Sub-area (TIF). As found in CCC 40.610.040, impact fees are calculated using the rates in effect at the time of building permit issuance."

D-15 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. Habitat: "No clearing or development shall occur outside of the building envelopes shown without County review and consent; additional permitting and mitigation may be required. Lots 7-9 in Phase 1, Lots 1-4 in Phase 2, Lots 7-11 in Phase 2, and Lot 3 in Phase 3 shall have privacy fencing to screen human and pet disturbances from the priority habitat and mitigation areas."

c. Sidewalks: "Prior to issuance of occupancy permits, sidewalks shall be constructed along all the respective lot frontages."

d. 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."

e. Driveways: "All residential driveway approaches entering public roads are required to comply with CCC 40.350." No direct driveway access onto NE 78th Street will be permitted.

f. 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(s) on whose lot the stormwater system is located."
g. Privately Owned Stormwater Facilities: "The following party(s) is responsible for long-term maintenance of the privately owned stormwater facilities: _______."

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<th>E</th>
<th>Building Permits Review and Approval Authority: Permit Services</th>
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<tr>
<td>E-1</td>
<td><strong>Roof and Crawl Space Drains</strong> - Roof and crawl space drains 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.</td>
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<td>E-2</td>
<td><strong>Impact Fees</strong> - Impact fees shall be assessed for impacts on schools, parks and transportation facilities based for the following districts: Evergreen School District (SIF), Park District #5 (PIF) and Orchards Sub-area (TIF) (see Finding 26). As found in CCC40.610.040, impact fees are calculated using the rates in effect at the time of building permit issuance.&quot;</td>
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<td>E-3</td>
<td><strong>Fire</strong> - Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection prior to combustible building construction. Homes exceeding 3,600 square feet (excluding attached garages) will require additional fire protection features possibly including fire sprinkler systems. (See Finding 23 and 24)</td>
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<td>E-4</td>
<td><strong>Fire</strong> - No gate may be installed across a required fire department access road or driveway without first obtaining a permit from the fire marshal's office. Inspection and testing of the gate will be required. Split gates with a divided entry and exit side will need 15 feet on either side for a total gate width of 30 feet. (See Finding 24)</td>
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<th>F</th>
<th>Development Review Timelines &amp; Advisory Information Review and Approval Authority: Advisory to Applicant</th>
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<tr>
<td>F-1</td>
<td><strong>Land Division</strong> - Within seven (7) years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.</td>
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<tr>
<th>F-2</th>
<th><strong>Department of Ecology Permit for Construction Stormwater</strong> - A permit from the Department of Ecology (DOE) is required if:</th>
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<td>▪ The construction project disturbs one or more acres of land through clearing, grading, excavating, or stockpiling of fill material; <strong>AND</strong></td>
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<td>▪ 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.</td>
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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.**

| F-3 | **Building and Fire Safety** |

**Revised 4/22/2020, DS1300 PLD**
Building and fire, life, and safety requirements must be addressed through specific approvals and permits. This decision may reference general and specific items related to structures and fire, life, and safety conditions, but they are only for reference in regards to land use conditions. It is the responsibility of the owner, agent, tenant, or applicant to insure that Building Safety and Fire Marshal requirements are in compliance or brought into compliance. Land use decisions do not waive any building or fire code requirements.

**Note:** Any additional information submitted by the applicant within fourteen (14) calendar days prior to or after issuance of this report, may not be considered due to time constraints. In order for such additional information to be considered, the applicant may be required to request a “hearing extension” or “open record” and shall pay the associated fee.

**Hearing Examiner Decision and Appeal Process**
This report to the Hearing Examiner is a recommendation from the Land Use Review program of Clark County, Washington.

The examiner may adopt, modify or reject this recommendation. The examiner will render a decision within 14 calendar days of closing the public hearing. Clark County will mail a copy of the decision to the applicant and neighborhood association within 7 days of receipt from the Hearing Examiner. All parties of record will receive a notice of the final decision within 7 days of receipt from the Hearing Examiner.

**Motion for Reconsideration**
Any party of record to the proceeding before the Hearing Examiner may file with the responsible official a motion for reconsideration of an examiner's decision within fourteen (14) calendar days of written notice of the decision. A party of record includes the applicant and those individuals who signed the sign-in sheet or presented oral testimony at the public hearing, and/or submitted written testimony prior to or at the Public Hearing on this matter.

The motion must be accompanied by the applicable fee and identify the specific authority within the Clark County Code or other applicable laws, and/or specific evidence, in support of reconsideration. A motion may be granted for any one of the following causes that materially affects their rights of the moving party:

- Procedural irregularity or error, clarification, or scrivener's error, for which no fee will be charged;
- Newly discovered evidence, which the moving party could not with reasonable diligence have timely discovered and produced for consideration by the examiners;
- The decision is not supported by substantial evidence in the record; or,
- The decision is contrary to law.

Any party of record may file a written response to the motion if filed within fourteen (14) calendar days of filing a motion for reconsideration.

The examiner will issue a decision on the motion for reconsideration within twenty-eight (28) calendar days of filing of a motion for reconsideration.
Appeal Rights
Any party of record to the proceeding before the hearings examiner may appeal any aspect of the Hearing Examiner's decision, except the SEPA determination (i.e., procedural issues), to the Superior Court.

See the Appeals handout for more information and fees.

Attachments
- Copy of Proposed Preliminary Plan
Fifth Plain Creek Subdivision West

Located in the NE 1/4 of the NW 1/4 Of Section 07, Township 2N, Range 3E, W.M., Clark County, Washington

PROJECT CONTACT:
ARS Engineering
3820 NE 97th Avenue
Vancouver, WA 98662
PH: (360) 910-4514
FX: (360) 910-4516
arsengineering.com

APPELLANT:
Holley Development, LLC
315 Broadway Street, Suite 300
Longview, WA 98632
PH: (916) 929-3524
info@holleydev.com

PROPERTY OWNER:
Green Valley Realty
316 NE 78th Avenue
Vancouver, WA 98662
PH: (360) 832-8266

GENERAL NOTES:
The site address is 7840 NE 78th Ave, Vancouver, WA 98685. The property is located within the City of Vancouver, Washington.

PRESENT USE: Single-family residences.

PROPOSED SITE USE: 65 lot subdivisions with 3 Phases. Lots 1, 2, and 3 of Phase 3 will be designated for Senior Adult Housing.

Individual lot owners will be able to remove the senior adult housing designation once specific improvements are made. The improvements will be paid by the individual lot owner and will be required to be in compliance with the local senior housing requirements as defined in City of Vancouver, Washington, Code No. 4.0.430.050 and as determined by an analysis performed by a licensed traffic engineer. The proposed VTPB for the difference between senior adult housing and single family residencies will be required at that time. The removal of the senior adult housing designation is dependent on the completion of the specific improvements and the payment of impact fees. A note will be included on the plat that indicates this as an option for the senior adult designee lot.

EXISTING WELLS OR SEPTIC: There are existing septic tanks on site. There are no existing wells on site.

EXISTING CONDITIONS:
Lot area is not adjacent to any associated 300' shoreside and 200' riprap buffer. There are no existing wetland boundaries or other land use restrictions on the site.

EXISTING LOT SIZE:
Parcel # 0506014000 - 20,561 sq ft (475.23 ac.)

PROPOSED LOT AREAS:
Minimum = 4,564 sq ft
Maximum = 1,774 sq ft

Density transfer is proposed with a base density of 0.40 units per acre. Density levels are proposed within 5 phases.

Tract 1, 2, and 3 are for proposed mixed-use development and are subject to approval. Tract 4 is set aside as a central open space.

SETBACKS:
Tract 1:
1. Side Street = 8' 18' (with 200' setback) 18' (with 200' setback)
2. Side Street = 12' (with 200' setback)

PROPOSED STORMWATER PLAN:
Stormwater generated from the development of this site will be treated and delivered through the use of a Purifier Filter Water Quality Vault, stormwater detention pond, and linseed control structures for the development east of Fifth Plain Creek. The development west of Fifth Plain Creek will utilize individual stormwater treatment.

TRANSPORTATION:
NE 78th St is an Urban Collector; NE 77th Ave is an Urban Local Access Road as defined according to Clark County MPO Jurisdictional Classifications. NE 78th St is an Urban Collector and NE 77th Ave is an Urban Local Access Road as defined according to Clark County MPO Jurisdictional Classifications. There are no transit stops within the development site. No proposed pedestrian or bicycle improvements are proposed outside of the proposed right-of-way. No proposed streets are in excess of 35 mph. No pedestrian bridges or other hard landscaping features are proposed.

There are no transit stops within the development site. No proposed pedestrian or bicycle improvements are proposed outside of the proposed right-of-way. No proposed streets are in excess of 35 mph. No pedestrian bridges or other hard landscaping features are proposed.