Type III Land Division and Environmental Review
Staff Report and Recommendation

Project Name: 60th Street Subdivision

Case Number(s): PLD2018-00049, SEP2018-00068, EVR2018-00095, & GEO2018-00070

Request: The applicant requests approval to divide an existing site comprised of two existing lots totaling approximately 3.22 acres, into twenty-one (21) new lots for single family residential development. The subject site is zoned R1-5.

Address: 4510 & 4600 NE 60th Street
Vancouver, WA 98661

Parcel number(s): 156429-000 & 156450-000

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Revised 4/9/2019
Recommendaition
Approved subject to Conditions

Land Use Review Manager’s Initials:  Date issued: April 10, 2019

Public Hearing date: April 25, 2019

County Review Staff

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<th>Name</th>
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Comp Plan Designation: Urban Low Density Residential (UL)

Parcel Number(s): 156429-000 & 156450-000

Applicable Laws
Clark County Code: Title 15 (Fire Prevention), Chapter 40.100, Chapter 40.200 (General Provisions), Section 40.220.010 (Single-Family Residential District), Chapter 40.320 (Landscaping), Chapter 40.350 (Transportation & Circulation), Section 40.350.020 (Transportation Concurrency), Chapter 40.370 (Sewer & Water), Chapter 40.386 (Storm Water & Erosion Control), Chapter 40.430 (Geologic Hazard Areas), Chapters 40.500 and 40.510 (Procedures), Chapter 40.540 (Boundary Line Adjustments & Land Divisions), Section 40.550.010 (Road Modifications), Chapter 40.570 (SEPA), Section 40.570.080 (SEPA Archaeological), Chapter 40.610 (Impact Fees), Title 24 (Public Health), RCW 58.17, and the Clark County Comprehensive Plan.

Neighborhood Association and Contact
East Minnehaha NA
Bob Butler, contact
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bob7butler@comcast.net
**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 on this matter was held on January 11, 2018. The pre-application was determined not contingently vested.

The fully complete application was submitted on December 20, 2018, and determined to be fully complete on January 2, 2019. Given these facts, the application is vested on December 20, 2019 for land use and concurrency standards. Vesting does not apply to stormwater standards.

There are no disputes regarding vesting.

**Time Limits**

The application was determined to be fully complete on January 2, 2019. The applicant was asked to submit additional information which extended the deadline by 40 days. Therefore, the code requirement for issuing a decision within 92 days lapses on May 14, 2019. The state requirement for issuing a decision within 120 calendar days, lapses on June 11, 2019.

**Public Notice**

Notice of application and public hearing was mailed to the applicant, the East Minnehaha Neighborhood Association and property owners within 300 feet of the site on March 14, 2019. One sign was posted on the subject property and two within the vicinity on March 25, 2019, 31 days prior to the public hearing.

**Public Comments**

No public comments letters were submitted for this application.

**Project Overview**

The applicant is proposing to subdivide two (2) existing parcels, zoned R1-5 and approximately 3.22 acres in overall size into twenty-one (21) lots for single family residential development. The subject site is comprised of parcel numbers 156429-000 and 156450-000; both parcels contain residences; all structures will be removed. The site is located along NE 60th Street in Vancouver, Washington. Access to the development will be provided via a private, dead end roadway to be known as NE 46th Avenue, an urban local access roadway that will connect to NE 60th Street.

The subject site is located in an area that is largely underdeveloped to the R1-5 district standard (west, south and east); and developed industrial uses to the north, on industrial zoned land. County GIS systems identify the site as having some steep slopes, but no priority habitat or species areas or classified wetlands. The site is served by Fire District #5, the City of Vancouver for public sewer and potable water service, and Vancouver Public Schools.
Comprehensive Plan, Zoning and Current Land Use

<table>
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<th>Compass</th>
<th>Comp Plan</th>
<th>Zoning</th>
<th>Current Land Use</th>
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<tr>
<td>Site</td>
<td>UL</td>
<td>R1-5</td>
<td>SFRs on underdeveloped parcels</td>
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<tr>
<td>North</td>
<td>IL</td>
<td>IL</td>
<td>Developed industrial property</td>
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<td>East</td>
<td>UL &amp; IL</td>
<td>R1-5 &amp; IL</td>
<td>SFR on an underdeveloped parcel and developed industrial property (NE)</td>
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<tr>
<td>South</td>
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<td>R1-5</td>
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<tr>
<td>West</td>
<td>UL &amp; IL</td>
<td>R1-5 &amp; UL</td>
<td>SFR on an underdeveloped parcel and developed industrial property (NW)</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.

**Finding 1 - Uses**
According to Table 40.220.010-1, single-family residential dwellings are permitted outright in the R1-5 zone.

**Finding 2 - Lot Requirements**
Table 40.220.010-2 prescribes a minimum average lot area of 5,000sf and a maximum average lot area of 7,000sf. This application proposes the smallest lots at 4,476sf and an overall average lot size of **5,462sf**, which meets average lot area standards in the R1-5 zone.
Average lot width\(^1\) and depth\(^2\) minimums are put forth in Table 40.220.010-2, and are established for each individual lot at 45 feet and 65 feet respectively. The plan depicts lots which meet these standards. Any changes to the proposed lot layout may require additional review. [See Condition D-1.a]

Table 40.220.010-3 prescribes setbacks, lot coverage and building height standards for the R1-5 zone, and are depicted in the table below:

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Minimum Setbacks</th>
<th>Maximum Lot Coverage</th>
<th>Maximum Building Height (feet)</th>
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<tr>
<td></td>
<td>Front (feet)(^3)</td>
<td>Side</td>
<td>Rear (feet)</td>
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<td>Front (feet)(^3)</td>
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<td>Street (feet)</td>
<td>Interior (feet)</td>
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<td>R1-5</td>
<td>10(^4)</td>
<td>10</td>
<td>5</td>
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The applicant proposes to remove the existing residences. Therefore, prior to site construction the applicant shall procure all required permits pursuant to criteria established in Title 14, Buildings and Structures and demolish the shop. [See Condition B-1.b]

Any future construction on the newly created lots shall meet all setback and other standards prescribed for the R1-5 zone. [See Condition E-1] Excepting any setback lines required for geo-hazard areas (See Geo-Hazard Finding 2), building envelopes shall not be depicted on the final plat. [See Condition D-1.b]

Finding 3 - Landscaping

Table 40.230.010-1 requires L1 screening within a 10 foot buffer when single-family zones abut industrial zones, unless the industrial zoned property is already developed and does not have an L4 wall. And, according to GIS information, the subject site is bound on the northwest, north and northeast boundaries by improved, industrial zoned property.

According to the Existing Conditions Plan (Sheet P2.0), the neighboring industrial lots are contained by chain link fencing, approximately 5.5 feet high, which does not meet the standards for an L4, High Wall (See Figure 40.320.010-4). The L4 standard requires a six (6) foot high wall that complies with the F2 standard (Figure 40.320.010-7) with one (1) tree planted every (30) lineal feet. In addition, four (4) high shrubs are required per thirty (30) lineal feet of wall. Groundcover plants must fully cover the remainder of the landscaped area (See Figure 40.320.010-4).

The applicant has indicated that there is already landscaping on the industrial lot that meets landscaping standards as there is a retaining wall at the bottom the hill separating the two sites. However, Section 40.320.010(B)(4) requires that the wall abuts the property line. Therefore, prior to civil plan approval, a landscape plan shall be provided for approval that

\(^1\) Average “Lot Width” is the average of the front and rear lot lines.
\(^2\) Average “Lot depth” is the average length of the side lot lines.
\(^3\) Front setbacks shall be measured from the edge of any street right-of-way, street tract, street easement, or driveway easement that provides access to the lot, including any separate pedestrian easement that may exist between a street and the front setback line.
\(^4\) Front setbacks for garage fronts in these zones shall be a minimum of eighteen (18) feet. Sides and rear of garages that have no driveway access may use the ten (10) foot living space setback.
portrays a 10 foot buffer containing L4, High Wall screening as required along the industrial property boundaries. [See Condition A-1.a]

Landscaping and screening required in conformance to Chapter 40.320 and consistent with the proposed landscape plan and changes required herein, shall be installed and inspected prior to recording the final plat, pursuant to Section 40.540.070(B)(8)(d). [See Condition D-6]

Maintenance of landscaped areas is the ongoing responsibility of the property owner. Required landscaping must be continuously maintained in a healthy manner. Plants that die must be replaced with in-kind materials unless otherwise authorized by the responsible official. Vegetation shall be controlled by pruning, trimming or otherwise so that it will not interfere with the maintenance or repair of any public utility, restrict pedestrian or vehicular access, or obstruct sight distance at intersections as provided in Section 40.320.020. [See Condition H-1]

**Finding 4 - Pedestrian Facilities**
According to state platting laws (RCW 58.17.110) appropriate provisions shall be made to assure safe walking conditions for students who only walk to and from school.

The subject development is located within the Vancouver School District, and specifically within the boundaries of Minnehaha Elementary School, Jason Lee Middle School and Hudson’s Bay High School.

The applicant provided a letter from the Facilities Planner for Vancouver Public Schools. The letter indicates that all students will be bused to all schools from the proposed development; therefore, staff finds that no ‘safe-walking’ conditions are warranted.

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

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

**Archaeology**

**Finding 1 - Applicability**
The development site is located within a moderate to moderate-high probability area for the discovery of archaeological resources, as designated on the Archaeological Predictive Model Map of the Clark County. Therefore, an Archaeological Predetermination is required.

**Finding 2 - Pre-determination**
The applicant submitted an archaeological pre-determination to the Washington State Department of Archaeology and Historic Preservation (DAHP) prior to submittal of the application. The DAHP was mailed the public notice and a copy of the SEPA checklist and has
not provided comment. A note on the final construction plans will require that if resources are discovered during construction, work shall stop and DAHP and the county will be contacted. A note on the final construction plans will require that if resources are discovered during construction, work shall stop and DAHP and the county will be contacted. [See Conditions A-2 & D-4.a]

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

Geo-Hazard
Finding 1 - Applicability
All development activities in or adjacent (within 100 feet) to geologic hazard areas shall comply with the provisions of CCC 40.430. It is the burden of the applicant to determine if the provisions of CCC 40.430 apply to this development and comply with CCC 40.430 if necessary.

Finding 2 - Geotechnical Assessment
The applicant’s submitted plan shows a regulated geologic hazard area – steep slopes and landslide hazard area within the subject parcel. The applicant’s Geotechnical Engineering Study, prepared by True North Geotechnical dated February 24, 2019, indicates that the assessment has been provided as part of the geotechnical study to determine the stability of the site slopes per CCC 40.430 “as it relates to the proposed grading and stormwater infiltration systems to be implemented for the planned 21-lot subdivision.”

The applicant’s geotechnical engineer concluded that... “the existing slope as observed do not meet the criteria for a landslide hazard area as defined by Clark County in the CCC section 40.430. Based on our observations and review of available information, in our opinion, development at the site with the proposed grading and stormwater facilities as planned is feasible and will not create a risk of increased instability to the natural and newly-graded site slopes, provided the ... recommendations for foundation embedment and cut and fill slopes are implemented into the final design.”

The applicant’s engineer recommends that “...the foundations for any proposed new homes which are to be set atop a sloped area (specifically at lots 1 through 5 and 10 through 15) be embedded so as to maintain a setback on the downslope face of the footing of at least 5 feet from the adjacent downhill slope. These embedment recommendations are also intended to reduce potential for slope instability by limiting increases to the dynamic and static loading resulting from construction and permanent structures.”

The applicant’s engineer also states that “Fill placed on existing grades steeper than 5H:1V should be horizontally benched at least 10 feet into the slope. Fill slopes greater than six feet in height should be vertically keyed into existing subsurface soil.”

“Final cut or fill slopes at the site should not exceed 2H:1V without individual slope stability analysis. The values above assume a minimum horizontal setback for loads of 5 feet from top of cut or fill slope face or overall slope height divided by three (H/3), whichever is greater.”
In order to establish areas for home, or outbuilding, construction that would comply with the engineer’s recommendations, a geologic hazard setback line or building envelopes shall be established. This geologic hazard setback line and setback notes shall be shown on the plat. [See Condition D-2]

The geotechnical site assessment also provided design recommendations for the design and construction of the proposed infrastructure. Therefore, the proposed project shall implement the recommendations identified in the geotechnical engineering studies prepared by Columbia Geotechnical and True North Geotechnical for the subject site, unless further studies present new or different facts. [See Conditions A-3 & E-3.c]

**Conclusion (Geo-Hazard)**

Based upon the development site characteristics, the proposed geotechnical plan, the requirements of the County’s geologic hazard area ordinance, and the findings contained herein, staff concludes that the proposed preliminary geotechnical engineering plan is feasible subject to conditions.

**Transportation**

**Finding 1 - Pedestrian/Bicycle Circulation Plan**

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 40.350.010.

The applicant’s plan indicates that there will be pedestrian improvements constructed with the proposed private roads within the development in compliance with Clark County Standard Drawings 15 & 16.

The applicant’s narrative also states that all pedestrian facilities will be constructed to comply with ADA standards. [See Condition A-4.a]

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

**Finding 2 - Circulation Plan**

The applicant has submitted plans and a narrative that indicate the proposed development will be served by the construction of an internal private road that will connect to the public road system at NE 60th Street, on the south project boundary. The applicant’s narrative suggests that with the construction of the private road improvements, along with the existing NE 60th Street infrastructure, area circulation can be facilitated.

The applicant has submitted a circulation plan that indicates circulation can be facilitated based on the NE 60th Street road classification and the lack of opportunity to facilitate north/south connectivity because of the zoning differences, i.e. residential zoning and light industrial zoning.

Staff believes that the NE 60th Street, a neighborhood circulator, can provide area circulation for properties with the same zoning classification to the east and the west. The applicant has submitted a road modification request for relief from providing public road circulation to the east and west within the subject site. (See Transportation Finding 3, below)
Finding 3 - Road Modification Request (EVR2018-000095)
The applicant has requested the following road modifications:

- Relief from providing vehicle circulation to the east of the subject site.

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

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

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

c. An alternative design is proposed which will provide a plan that is functionally equivalent or superior to the standards;

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

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

Applicant’s Discussion
“Project Summary”
“The NE 60th Street Subdivision includes the creation of a 21 lot subdivision accessed off of NE 60th Street. Proposed development would encompass parcels 156429-000 and 1564580-000, for total site area of 3.47 acres within urban Clark County. The current proposed development is accessed off of NE 60th Street, which is classified as a neighborhood circulator street. A private road is proposed to provide access to the site from NE 60th Street and will terminate in a cul-de-sac. A private road is proposed due to the existing topographical features.”

“Road Modification Request(s)”
“The applicant requests a technical road modification to CCC 40.350.030 (B)(9)(a)(1) which states: “Connection with Adjacent Areas. All residences, buildings or structures shall be constructed in such a position on the property that they will not interfere with the extension or widening of the roadway to adjacent areas and shall be so situated that such extension will make orderly and planned development for additional road installations to meet the reasonable minimum requirements of good and safe traffic circulation, consistent with applicable zoning setbacks.” The applicant is requesting to not have to provide public road accesses to all parcels adjacent to the proposed development, due to the existing grades on site not allowing the applicant to economically construct safe and efficient roads for use to the general public. In addition, NE 60th Street is classified as a neighborhood circulator, which allows direct access to neighboring parcels.”

“Road Modification Justification(s)”
“If the adjacent property to the east is developed, providing access to the property to the east will provide negligible long-term benefits to both the site and adjacent property. Providing a roadway network to the adjacent property will reasonably require tow accesses along NE 60th Street. As both developments will likely be similar in size, trips utilizing the shortest travel route possible between individual houses and NE 60th Street will cause both accesses to serve
similar volumes of traffic. This will result in minimal changes to the current proposed access along NE 60th Street.”

“Existing topographical features do not make it feasible to provide access to the parcels adjacent to the east and west of the proposed development.

- Public road will require severe grading on site and will create a burden for adjacent parcels to connect to in the future.
- Public road will make the proposed site and neighboring site layouts impractical, as it creates an unnecessary burden to create a connection.
- Increased costs of site grading and reduced gross density of the site created by existing topography and site dimensions make circulation to adjacent properties impractical.
- Property to the east may be serviced by a looped street. Adjacent properties may also access NE 60th Street directly, as NE 60th Street is a neighborhood circulator.
- Application of the standard would be grossly disproportionate to the impacts created.”

Staff’s Evaluation

Cross-Circulation
The applicant’s narrative indicates that circulation for the area could be maintained without public roadway connections in the east/west directions. The applicant’s plan does not show public road circulation to the neighboring properties to the east and west because of topographic constraints. Public road circulation to properties to the north is not provided because of the zoning differences between the properties. Properties north of the subject site are zoned light industrial (IL).

It should be noted that NE 60th Street is classified as a neighborhood circulator road and does not have direct driveway access restrictions, provided direct driveway access can be provided safely.

Although the block length and block perimeter are not met, the applicant’s narrative indicates that NE 60th Street can facilitate area circulation and provide access to the adjacent residential parcels. Therefore, staff concurs with the applicant’s findings that public road circulation to adjacent properties is not necessary.

Based on the information provided, staff agrees with the applicant’s analysis and is of the opinion that the proposal meets criterion 40.550.010(C)(2)(a) only.

The Development Engineering Manager concurred with staff and recommends approval of the road modification request as noted above. [See the Road Modification Report and Recommendation, Exhibit 24]
Finding 4 - Roads
The applicant’s plan shows that the internal private roadway, NE 46th Avenue. The applicant’s plan shows that approximately 240 feet of the proposed private road, entering the site from NE 60th Street, will be constructed to comply with Clark County Standard Drawing 15 - Urban Private Road. The remaining proposed private road, approximately 345 feet, will be constructed to comply with Clark County Standard Drawing 16 – Urban Private Road with Parking Lane. The minimum standards are proposed. [See Condition A-4-b]

NE 60th St is classified as an “Urban Neighborhood Circulator” road, requires minimum half-width improvements consisting of 27 feet of right-of-way, 18 feet of roadway, curb, gutter, and sidewalk. [See Condition A-4.c]

Finding 5 - Sight Distance
The approval criteria for sight distances are found in CCC 40.350.030(B)(8). This section establishes minimum sight distances at intersections and driveways. 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 study, dated December 18, 2018 and prepared by Lancaster Engineering, performed a sight distance evaluation. The applicant’s engineer states that the required 250 feet of sight distance is met to the east and west, on NE 60th Street. The engineer has also recommended that on-site landscaping and any above-ground utilities should be placed, and existing vegetation along the development frontage in the NE 60th Street right-of-way should be managed to ensure that required sight distance is maintained. [See Condition A-4.d]

Conclusion (Transportation)
Staff concludes that the proposed preliminary plan, subject to the conditions contained herein, meets the transportation requirements of the Clark County Code.

Transportation Concurrency
Finding 1 - Trip Generation
County concurrency staff has reviewed the proposed NE 60th Street Subdivision. The traffic study submitted indicates that the proposed development will divide 3.47 acres, into 21 single family residential lots. The applicant’s traffic study has estimated the a.m. peak-hour trip generation at 15, p.m. peak-hour trip generation at 19 trips and an average daily trip generation (ADT) of 180 trips. The trip generation was estimated using the nationally accepted data published by the Institute of Transportation Engineers Tenth Edition. The proposed development site is located at 4510 and 4600 NE 60th Street in Vancouver.

The applicant has submitted a traffic study under the provisions of Clark County Code section 40.350.020 (D)(1).

Finding 2 - Site Access
Traffic conditions are usually expressed using a scale that quantifies the ability of a facility to meet the needs and expectations of the driver. This scale is graded from A to F and is referred to as level-of-service (LOS). A driver who experiences a LOS A condition would expect little delay. A
driver who experiences a LOS E condition would expect significant delay, but the traffic facility would be just within its capacity to serve the needs of the driver. A driver who experiences a LOS F condition would expect significant delay with traffic demand exceeding the capacity of the facility with the result being growing queues of traffic.

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

The traffic study indicates that a private road will be extended north through the site from NE 60th Street, a neighborhood circulator fronting the south side of the subject site. The proposed private road will provide individual lot access for this development.

Staff evaluated the level of service at nearby local access intersections and found that they will have an estimated LOS C or better in the 2021 build-out horizon.

Finding 3 - Concurrency
The proposed development is required to meet the standards established in CCC 40.350.020(G) for corridors and intersections of regional significance within 1 mile of the proposed development.

Signalized Intersections
Staff evaluated the operating levels, travel speeds and delay times for the regionally significant signalized intersections. This analysis showed that individual movements during peak hour traffic conditions had approach delays that did not exceed the maximum 240 seconds, or 2 cycles, of delay in the build-out year.

Therefore, staff has determined that this development will comply with adopted Concurrency standards for signalized intersections.

Unsignalized Intersections
Staff evaluated the operating levels and standard delays for regionally significant unsignalized intersections. The evaluation yielded operating levels and standard delay times with a LOS better than the minimum allowable LOS E in the 2021 buildout horizon.

Therefore, staff has determined that this development will comply with adopted Concurrency Standards for unsignalized intersections.

Concurrency Corridors
Evaluation of the concurrency corridor capacity levels represented in the County Code yielded capacity at acceptable levels.

Therefore, staff has determined that this development can comply with adopted volume/capacity (v/c) standards for regionally significant corridors.

Summary
The county has determined that this development can comply with adopted Concurrency Standards for corridors, signalized and unsignalized intersections under County jurisdiction.
SAFETY:

Where applicable, a traffic study shall address the following safety issues:
- traffic signal warrant analysis,
- turn lane warrant analysis,
- crash history analysis,
- roadside safety (clear zone) evaluation,
- vehicle turning movements, and
- any other issues associated with highway safety.

Mitigation for off-site safety deficiencies may only be a condition of approval on development in accordance with CCC 40.350.030(B)(6) The code states that “nothing in this section shall be construed to preclude denial of a proposed development where off-site road conditions are inadequate to provide a minimum level of service as specified in Section 40.350.020 or a significant traffic or safety hazard would be caused or materially aggravated by the proposed development; provided, that the applicant may voluntarily agree to mitigate such direct impacts in accordance with the provisions of RCW 82.02.020.”

Finding 4 - Turn Lane Warrants
Turn lane warrants are evaluated at unsignalized intersections to determine if a separate left or right turn lane is needed on the uncontrolled roadway.

The applicant’s engineer evaluated the need for turn lanes and concluded that turn lanes would not be warranted. Staff concurs with the applicant’s findings.

Finding 5 - Historical Accident Situation
The applicant’s traffic study analyzed the crash history as obtained from Clark County for the period January 2013 through December 2017.

The intersection crash rates, for the study intersections do not exceed thresholds that would warrant additional analysis. Staff concurs with the applicant’s finding.

Finding 6 - Roadside Safety (Clear Zone) Evaluation
The Institute of Transportation Engineers (ITE) Traffic Engineering Handbook 6th Edition, states that “The clear roadside concept...is applied to improve safety by providing an unencumbered roadside recovery area that is as wide as practical...”. Further, this concept “allows for errant vehicles leaving the roadway for whatever reason and supports a roadside designed to minimize the serious consequences of roadway departures.”

Further, as adopted by Clark County Code (CCC) 40.350.030(C)(1)(b), the Washington State Department of Transportation (WSDOT) Design Manual, Chapter 1600 states that “A clear roadside border area is a primary consideration when analyzing potential roadside and median features. The intent is to provide as much clear, traversable area for a vehicle to recover as practicable given the function of the roadway and the potential tradeoffs. The Design Clear Zone is used to evaluate the adequacy of the existing clear area and proposed modifications of the roadside. When considering the placement of new objects along the roadside or median, evaluate the potential for impacts and try to select locations with the least likelihood of an impact by an errant vehicle.”
"For managed access state highways within an urban area, it might not be practicable to provide the Design Clear Zone distances shown in Exhibit 1600-2. Roadways within an urban area generally have curbs and sidewalks and might have objects such as trees, poles, benches, trashcans, landscaping and transit shelters along the roadside."

The applicant shall consider the WSDOT Design Manual – Roadside Safety Mitigation Guidance (Section 1600.04) in the final engineering design of all proposed roadways and frontage improvements. [See Condition A-5.b]

Finding 7 - Vehicle Turning Movements
It shall be noted that the curb return radii, as outlined in the county code, are minimum criteria and are intended for normal conditions, per CCC 40.350.030 (C)(3). CCC 40.350.030 (C)(3) also states, “The responsible official may require higher standards for unusual site conditions.”

The applicant will need to submit construction plans that show the design of the intersection geometry will accommodate all applicable design vehicles for review and approval. The plans will also need to show that all applicable design vehicles can maneuver on public roads while minimizing lane encroachments on opposing travel lanes, which may result in no on-street parking areas at/near the intersection of the private road site access and NE 60th Street. [See Condition A-5.c]

Finding 8 - Sight Distance
Sight distance issues are addressed by other Development Engineering Staff; therefore, this issue will not be addressed here.

Conclusion (Concurrence)
In summary, Concurrency Staff recommends approval of the development application, as conditioned.

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

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. [See Condition A-7.a]

Finding 2 - Stormwater Proposal
The applicant is proposing Perk Filter catch basins for treatment of surface water and infiltration trenches for flow control of treated water and roof runoff.
Onsite Stormwater Management BMPs
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:

- Downspout Full Infiltration – Infiltration Trenches
- Post-Construction Soil Quality and Depth
- Perk Filter Water Quality Catch Basin Systems

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. [See Conditions A-7.b & E-3.b]

Soils Evaluation
The applicant has submitted two (2) geotechnical evaluations, 1) Prepared by Columbia Geotechnical, dated June 2017, and 2) Prepared by True North Geotechnical dated July 2018. Both reports state that the development area is an east-west-trending, rounded ridge that has a local topographic high on an adjacent lot to the east. The studies also report that the existing homes were located in the middle of the subject site with level to 10 percent slopes; 10 to 20 percent dipping to the north; and, 10 to 30 percent slopes dipping to the south.

<table>
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<th>Study</th>
<th># of Test Pits</th>
<th>Test Pit Depth Range (ft)</th>
<th>Infiltration Tests</th>
<th>Infiltration Rates (iph)</th>
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<td>6.5 &amp; 8.6</td>
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<tr>
<td>True North Geotechnical</td>
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<td>10 - 31.5</td>
<td>B - 1; B - 3</td>
<td>5.6 &amp; 8.6</td>
<td>10</td>
</tr>
</tbody>
</table>

[See Condition C-1.a]

In 2017, Columbia Geotechnical stated that groundwater was not encountered at any of the test pit locations. In the subsequent 2018 True North Geotechnical report, groundwater was reported in test pit B – 3 at a depth of 23.5 feet. True North Geotechnical installed a piezometer to a depth of approximately 27 feet and recorded groundwater elevations at a depth of 23 feet below ground surface (bgs). It should be noted that these readings were collected in July 2018. It should also be noted that a digital water level logger was placed in the piezometer to collect daily groundwater levels through the end of December 2018. Per CCSM, Book 1, Section 4.3.1.2, the applicant shall submit additional information to show seasonal high groundwater elevation is at least 15 feet below the base of the proposed infiltration facilities. [See Conditions A-7.c, A-7.d, & A-7.e]

The applicant will need to provide groundwater information to depth of at least 5 feet below the bottom of infiltration trench facilities, within the proposed private residential access road, during construction to make sure groundwater separation can be achieved to comply with the requirements of CCC 40.386. [See Condition C-1.b]

Conveyance Systems
The applicant’s engineer has shown that a combination of water quality catch basins and infiltration trenches, will collect, treat and infiltrate the public and proposed private road stormwater below the public and proposed private roadway.
The applicant shall submit final construction plans that identify which stormwater systems will be publically or privately owned and maintained. [See Condition A-7.f]

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

**Fire Protection**
**Finding 1 - Building Construction**
Building construction occurring subsequent to this application shall be in accordance with the provisions of the county’s building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. [See Condition G-5.a]

**Finding 2 - Fire Flow**
Fire flow in the amount of 1000 gallons per minute supplied at 20 psi for 60 minutes duration is required for this application. A utility review letter from the water purveyor estimates that at least 1000gpm fire flow is available from hydrants in the area. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval. [A-10.a, D-7.a, & E-4.a]

Homes exceeding 3600 square feet including attached garages may require a residential fire sprinkler system when adequate public water and a hydrant is not within required distances. [See Conditions E-4.b & G-5.b]

**Finding 3 - Fire Hydrants**
Fire hydrants are required for this application. 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. [See Condition A-10.b]

The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact Fire District #5 at 360.397.2100 to arrange for location approval. Unless waived by the fire district chief fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. Provide and maintain a six-foot clear space completely around every fire hydrant. [See Conditions A-10.c, A-10.d, & D-7.b]

**Finding 4 - Fire Apparatus Access**
Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application adequately provide required fire apparatus access. 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. [See Conditions A-10 & H-2]

Parking is prohibited on access roads that are less than twenty-four (24) feet wide. Roads that are less than twenty-four (24) feet wide shall be posted "NO PARKING-FIRE LANE". [See Conditions A-10.e & D-7.c]
Finding 5 - Fire Apparatus Turnarounds
Approved fire apparatus turnarounds are required for this project. The indicated provisions for turning around fire apparatus are adequate.

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

Water and Sewer Service
Finding 1 - Service Availability
The site will be served by the City of Vancouver for potable water and public sewer services. A letter from the City confirms that services are available to the site.

Finding 2 - Public Health Site Evaluation
A Development Review Evaluation Letter (DRE) was submitted as part of the preliminary review application. The DRE confirms that both residences are connected to public sewer and water. Therefore, a final DRE is not required.

If a sewage tank which has not been properly abandoned or well which has not been decommissioned should be found during development, they must be properly abandoned or decommissioned as applicable with documentation submitted to Clark County Public Health prior to final plat approval. [See Condition D-8]

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

Impact Fees
Finding 1 - Applicability & Assessment
The additional residential lots created by this plat will produce impacts on schools, parks, and traffic, and are subject to School (SIF), Park (PIF), and Traffic Impact Fees (TIF) in accordance with CCC 40.610.

Finding 2 - Estimate & Assessment
The following fees and fee districts apply to the proposed single family detached lots.

☑ Orchards sub-area with a TIF of $2,879.61 per dwelling
☑ Vancouver School District, with a SIF of $2,880.75 per dwelling
☑ Park District #7, with a PIF of $4,252.00 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-3.e, D-4.h & E-2.a]

Finding 3 - Existing Residences
While the subdivision is proposed at 21 total lots, impact fees will be waived for the two (2) existing dwellings that will be removed from the site. Therefore, a note shall be added to the
face of the plat which states, “Impact fees for Lots ‘X & X’ shall be waived at time of building permit application.” [See Conditions D-4.i & E-2.b]

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

**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 March 14, 2019 is hereby 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: Amy Wooten, Planner II, 564.397.5683

Responsible Official: Mitch Nickolds, Community Development Director

Recommendation

Based upon the proposed plan known as Exhibit 12, and the findings and conclusions stated above, staff recommends the Hearing Examiner APPROVES this request, subject to the understanding that the application is required to adhere to all applicable codes and laws, and is subject to the following conditions of approval.

Conditions of Approval

### 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 Landscape Plan - The applicant shall submit and obtain county approval of final landscape plan consistent with the approved preliminary landscape plan and conditions listed below (CCC 40.320).

  a. A landscape plan shall be provided for approval that portrays a 10 foot buffer containing L4, High Wall screening as required along the industrial property boundaries on the north, northwest and northeast. [See Land Use Finding 3]

A-2 Final Construction Plan - The applicant shall submit and obtain county approval of a final construction plan with the following note on its face (Archaeology):
"If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Department of Archaeology and Historic Preservation in Olympia shall be notified. Failure to comply with these state requirements may constitute a Class C Felony, subject to imprisonment and/or fines."

A-3 **Geotechnical** - The proposed project shall implement the recommendations identified in the geotechnical engineering studies prepared by Columbia Geotechnical and True North Geotechnical for the subject site, unless further studies present new or different facts. [See Geo-Hazard Finding 2]

A-4 **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 Transportation Finding 1]

b. The applicant shall submit construction drawings that show the construction of an Urban Private Road and Urban Private Road with Parking Lane in compliance with Clark County Standard Drawings 15 and 16, respectively. [See Transportation Finding 4]

c. NE 60th Street along the development’s frontage shall be improved as an “Urban Neighborhood Circulator” road, with minimum half-width improvements consisting of 27 feet of right-of-way, 18 feet of roadway, curb, gutter, and sidewalk. [See Transportation Finding 4]

d. The applicant shall submit construction drawings that show sight distance triangles at proposed site access/NE 60th Street intersection. These plans will also need to show objects that are within the sight distance triangle. Notes on the plans shall indicate the fixed objects and vegetation within the sight distance triangle that needs to be maintained, trimmed or removed. [See Transportation Finding 5]

A-5 **Final Transportation Plan/Off Site (Concurrence)** - 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. This plan shall show signing and striping and all related features for required frontage improvements and any off-site improvements. The applicant shall obtain a work order with Clark County to reimburse the County for required signing and striping. [See Concurrency Finding 4]

b. The applicant shall consider the WSDOT Design Manual – Roadside Safety Mitigation Guidance (Section 1600.04) in the final engineering design of all proposed roadways and frontage improvements. [See Concurrency Finding 6]
c. The applicant shall submit construction plans that show the design of the intersection geometry will accommodate all applicable design vehicles for review and approval. The plans shall show that all applicable design vehicles, up to and including an SU30, can maneuver on public roads within the subdivision while minimizing lane encroachments on opposing travel lanes, which may result in no on-street parking areas at/near the intersection of the private road site access and NE 60th Street. [See Concurrency Finding 7]

A-6 Transportation -

a. Signing and Striping Plan: The applicant shall submit a signing and striping plan and a reimbursable work order, authorizing County Road Operations to perform any signing and pavement striping required within the County right-of-way. This plan and work order shall be approved by the Department of Public Works prior to final plat or final site plan approval.

A-7 Final Stormwater Plan - The applicant shall submit and obtain County approval of a final stormwater plan designed in conformance to CCC 40.386 and the following conditions of approval:

a. 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. [See Stormwater Finding 1]

b. The applicant shall submit final construction plans and a final Technical Information Report that addresses Minimum Requirements 1 through 9. [See Stormwater Finding 2]

c. The applicant shall submit additional information to show seasonal high groundwater elevation is at least 15 feet below the base of the proposed infiltration facility. [See Stormwater Finding 2]

d. In accordance with the 2015 Clark County Stormwater Manual, Book 2, Section 5.1.1, a minimum separation of 5-feet is required from the bottom of an infiltration facility that receives stormwater from a pollution generating surface to the seasonal high-groundwater elevation. [See Stormwater Finding 2]

e. Tested and design infiltration rates in addition to the minimum separation from the bottom of an infiltration facility to the seasonal high-groundwater elevation shall be provided on the final construction plans. [See Stormwater Finding 2]

f. The applicant shall submit final construction plans that identify the stormwater facilities within the public right-of-way receiving runoff from the public roads will be publically owned and maintained. All other stormwater facilities shall be privately owned and maintained. [See Stormwater Finding 2]

A-8 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-9 **Excavation and Grading** - Excavation/grading shall be performed in compliance with CCC14.07.

A-10 **Fire Marshal Requirements** -

a. The applicant shall submit plans showing location of water lines for review and approval. [See Fire Protection Finding 2]

b. Plans shall be submitted for review and approval showing fire hydrants such that 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 Fire Protection Finding 3]

c. The fire district chief shall sign the engineering construction mylar indicating fire hydrant location has been reviewed and approved. [See Fire Protection Finding 3]

d. Plans showing a six (6) –foot clear space around the circumference of all fire hydrants shall be submitted for review and approval. [See Fire Protection Finding 3]

e. Parking is prohibited on access roads that are less than twenty-four (24) feet wide. Roads that are less than twenty-four (24) feet wide shall be posted "NO PARKING-FIRE LANE". [See Fire Protection Finding 4]

B **Prior to Construction of Development**

| Review and Approval Authority: Development Inspection |

Prior to construction, the following conditions shall be met:

B-1 **Pre-Construction Conference** - Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the county; and,

a. Prior to site construction, abandonment of septic systems, water wells and underground tanks shall be decommissioned in accordance with the procedures of the Clark County Public Health.

b. Prior to site construction, structures slated for demolition shall be demolished in accordance with the procedures of the Southwest Clean Air Agency and the Clark County demolition permit. [See Land Use Finding 2]

B-2 **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.

B-3 **Erosion Control** - Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering
infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.

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

C  **Provisional Acceptance of Development**
   **Review and Approval Authority: Development Inspection**

Prior to provisional acceptance of development improvements, construction shall be completed consistent with the approved final construction / land division plan and the following conditions of approval:

C-1  **Stormwater** -

   a. In accordance with Section 5.1.2, Book 2 of the Clark County Stormwater Manual 2015, if the tested coefficient of permeability determined at the time of construction is at least 95 percent of the uncorrected coefficient of permeability used to determine the design rate, construction may proceed. If the tested rate does not meet this requirement, the applicant shall submit a plan to Clark County that follows the requirements in 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 Stormwater Finding 2]

   b. 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 Stormwater Finding 2]

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  **Land Use** –

   a. Any changes to the proposed lot layout may require additional review. [See Land Use Finding 2]

   b. Setback lines, excepting those required for geo-hazards, shall be removed from the face of the plat. [See Land Use Finding 2]

D-2  **Building Envelope** - The applicant shall delineate the geologic hazard setback line or building envelopes on the plat. The applicant shall also include building setback notes on the final plat. [See Geo-Hazard Finding 2]
D-3  **Developer Covenant** - A "Developer Covenant to Clark County" shall be submitted for recording to include the following:

a. **Private Road Maintenance Covenant**: A private road maintenance covenant shall be submitted to the responsible official for approval and recorded with the 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 Department 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, except for two (2) lots designated on the final plat as waived, impact fees for each dwelling in this subdivision shall be assessed for impacts on schools, parks and transportation facilities based for the following districts: Vancouver School District (SIF), Park District 7 (PIF) and Orchards Sub-area (TIF). As found in CCC40.610.040, impact fees are calculated using the rates in effect at the time of building permit issuance."

D-4  **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. 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."

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

d. Sight Distance: "The lot owners in this subdivision are responsible for long-term maintenance of roadside vegetation along the NE 60th Street frontage facilitating best possible sight distance"

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

f. Roof and Crawl Space Drains: "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.

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

h. Impact Fees: "In accordance with CCC 40.610, except for the two (2) lots designated on this plat as waived, impact fees for each dwelling in this subdivision shall be assessed for impacts on schools, parks and transportation facilities based for the following districts: Vancouver School District (SIF), Park District 7 (PIF) and Orchards Sub-area (TIF). As found in CCC40.610.040, impact fees are calculated using the rates in effect at the time of building permit issuance."

i. Impact Fees: “Impact fees for Lots 'X & X' shall be waived at time of building permit application.”

D-5  Addressing  - At the time of final plat, existing residence(s) that will remain may be subject to an address change. Addressing will be determined based on point of access.
D-6 Verification of Landscape Installation - The applicant shall provide verification in accordance with CCC 40.320.030(B) that the required landscape has been installed in accordance with an approved landscape plan. [See Land Use Finding 3]

D-7 Fire Marshal Requirements -
   a. The applicant shall demonstrate that water mains supplying fire flow have been installed, approved and operational prior to the commencement of combustible building construction. [See Fire Protection Finding 2]
   b. Unless waived by the fire district chief, fire hydrants shall be provided with appropriate ‘storz’ adapters for the pumper connection. [See Fire Protection Finding 3]
   c. Roads that are less than twenty-four (24) feet wide shall be posted “NO PARKING–FIRE LANE”. [See Fire Protection Finding 4]

D-8 Public Health - If a sewage tank which has not been properly abandoned or well which has not been decommissioned should be found during development, they must be properly abandoned or decommissioned as applicable with documentation submitted to Clark County Public Health prior to final plat approval. [See Water and Sewer Finding 2]

E Building Permits
Review and Approval Authority: Permit Services

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

E-1 Land Use - Any future construction on the newly created lots shall meet all setback and other standards prescribed for the R1-5 zone. [See Land Use Finding 2]

E-2 Impact Fees -
   a. Impact fees shall be assessed for impacts on schools, parks and transportation facilities based for the following districts: Vancouver School District (SIF), Park District 7 (PIF) and Orchards Sub-area (TIF). As found in CCC40.610.040, impact fees are calculated using the rates in effect at the time of building permit issuance.”
   b. Impact fees shall be waived for two (2) lots, as designated on the face of the plat. [See Impact Fees Finding 3]

E-3 Engineering Requirements -
   a. Excavation and Grading: Excavation/grading shall be performed in compliance with CCC 14.07.
b. **Roof and Crawl Space Drains:** 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. [See Stormwater Finding 2]

c. **Geotechnical:** The proposed project shall implement the recommendations identified in geotechnical engineering studies prepared by Columbia Geotechnical and True North Geotechnical for the subject site, unless further studies present new or different facts. [See Geo-Hazard Finding 2]

**E-4 Fire Marshal Requirements** -

   a. Prior to issuance of a building permit, the applicant shall submit a current utility review letter from the water purveyor indicating that required fire flow remains available at the site. [See Fire Protection Finding 2]

   b. One and two family homes over 3,600 square feet (including attached garages) will have additional fire protection requirements. Contact the Clark County Fire Marshal’s Office for additional information. [See Fire Protection Finding 2]

**F Occupancy Permits**

**Review and Approval Authority: Building**

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

**F-1 None**

**G Development Review Timelines & Advisory Information**

**Review and Approval Authority: None - Advisory to Applicant**

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

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

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

The cumulative acreage of the entire project whether in a single or in a multiphase project will count toward the one acre threshold. This applies even if the applicant is responsible for only a small portion (less than one acre) of the larger project planned over time. **The applicant shall contact ECY for further information.**
G-3  **Building and Fire Safety** - Building and fire, life, and safety requirements must be addressed through specific approvals and permits. This decision may reference general and specific items related to structures and fire, life, and safety conditions, but they are only for reference in regards to land use conditions. It is the responsibility of the owner, agent, tenant, or applicant to insure that Building Safety and Fire Marshal requirements are in compliance or brought into compliance. Land use decisions do not waive any building or fire code requirements.

G-4  **Building Elevation Approvals** - Approval of building elevations submitted for preliminary plan review does not ensure compliance with other requirements (such as building setbacks) under other construction codes. Compliance with other construction codes is the responsibility of the applicant at the time of building permit issuance.

G-5  **Fire Marshal Requirements** -
   a. Building construction occurring subsequent to this application shall be in accordance with provisions of the county’s building and fire codes. [See Fire Protection Finding 1]
   b. One and two family homes over 3,600 square feet (including attached garages) will have additional fire protection requirements. Contact the Clark County Fire Marshal’s Office for additional information. [See Fire Protection Finding 2]

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H-1  Maintenance of landscaped areas is the ongoing responsibility of the property owner. Required landscaping must be continuously maintained in a healthy manner. Plants that die must be replaced with in-kind materials unless otherwise authorized by the responsible official. Vegetation shall be controlled by pruning, trimming or otherwise so that it will not interfere with the maintenance or repair of any public utility, restrict pedestrian or vehicular access, or obstruct sight distance at intersections as provided in Section 40.320.020. [See Land Use Finding 3]

H-2  **Fire Protection** - Access roads shall maintain an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13.5 feet with an all-weather driving surface capable of supporting the imposed loads of fire apparatus to within 150 feet of all portions of the building exterior. [See Fire Protection Finding 4]

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 Preliminary Plan