Notice of Type II Development Review Application and Optional SEPA Determination of Non-Significance

The Clark County Department of Community Development has received an application for development review, as described below. Based on a review of the submitted application materials, the county expects to issue a Determination of Non-Significance (DNS) for the proposal allowed by state law and Clark County Code, Section 40.570.040(E) – Optional DNS Process. As lead agency, the county has determined that the requirements for environmental analysis, protection, and mitigation measures are adequately addressed in the development regulations and comprehensive plan adopted under Chapter 36.70A RCW, and in other applicable local, state, or federal laws and rules, as provided by RCW 43.21.240 and WAC 197-11-158. Our agency will not require any additional mitigation measures under SEPA. The proposal may include mitigation under applicable codes and the project review.

Comments received within the deadline will be considered in the review of the proposal. Your response to this notice may be your only opportunity to comment on the environmental impacts of this proposal. No additional comment period will be provided unless probable significant environmental impacts are identified during the review process, which would require additional study or special mitigation. The proposal may include mitigation under applicable codes and the project review process may incorporate or require mitigation measures regardless of whether an Environmental Impact Statement (EIS) is prepared.

Date of this notice: May 21, 2019

Closing date for public comments: June 5, 2019 – fifteen days from notice

Information regarding this application can be obtained by contacting the staff contact person listed below or in person at the Community Development Permit Center, 1300 Franklin Street, first floor, Vancouver, Washington, 98660.

Project Name: ACERO PADDEN APARTMENTS

Case Number(s): PSR-2019-00013

Request:
The applicant is requesting Site Plan Review approval for the construction of a 300 unit apartment complex, including accessory parking and open space areas, a property management and fitness center building, a pool, and a maintenance building. The site is located on approximately 13.78 acres in the OR-22 zone district.
Notice of Optional SEPA - DNS

Address: 3507, 6311, 3701 & 3813 NE 78TH St, Vancouver, WA 98686

Parcel number(s): 144516000, 144514000, 144492000 & 144534000

Applicant: Ott Gaither
1101 SE Tech Center Drive, #160
Vancouver, WA 98683
(360) 798-2282
ott@gaitherconstruction.com

Contact Person: SGA Engineering, PLLC
Samuel Moss
2005 Broadway St
Vancouver, WA 98663
(360)993-0911
smoss@sgaengineering.com

Property Owner: Gaither Family LLC
17308 NE 65th Ave
Vancouver, WA 98686

Staff contact: Scott Wiedemer
564.397.5273
scott.wiedemer@clark.wa.gov

Neighborhood Association/Contact:
NE Hazel Dell Neighborhood Association
Doug Ballou, President
360-573-3314
dougballou@comcast.net

Applicable code sections
Clark County Code Sections: 40.200 (General Provisions); 40.220.020 (Residential and Office Residential Districts); 40.350.020 (Transportation Concurrency); 40.260.150 (Multi-family Residential Outdoor Recreation Area Standards); 40.310 (Signs); 40.320 (Landscaping and Screening); 40.340 (Parking and Loading); 40.350 (Transportation and Circulation); Solid Waste and Recycling (40.360); 40.370 (Sewer and Water); 40.386 (Stormwater and Erosion Control); 40.410 (Critical Aquifer Recharge Area); 40.430 (Geologic Hazard Areas); 40.500.010 (Procedures); 40.510.020 (Type II Process); 40.520.040 (Site Plan Review); Chapter 40.570 (SEPA); Section 40.570.080 (SEPA Archaeological); 40.610 & 40.620 (Impact Fees); Title 14 (Building and Structures); Title 15 (Fire Code); and Title 24 (Public Health)

Application Filing date: April 8, 2019

Fully Complete date: April 29, 2019
Public Comment
The public is encouraged to comment on this proposal. Comments received by the closing date noted below will be considered in the staff report. This notice is intended to inform potentially interested parties about the application and invite written comments regarding any concerns.

Public Comment Deadline: June 5, 2019

In person: The Community Development Permit Center is located in the Public Service Center, first floor, 1300 Franklin Street, Vancouver, Washington 98660.

Mail: Attn: Scott Wiedemer
Department of Community Development
P.O. Box 9810
Vancouver, WA. 98666-9810

An accurate mailing address for those mailing comments must be included or they will not qualify as a "Party of Record" and, therefore, will not have standing to appeal the decision.

Email: scott.wiedemer@clark.wa.gov

SEPA Options
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, requiring 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.

Responsible Official: Mitch Nickolds, Community Development Director

Timelines and Process
Decisions on Type II applications are made within 78 calendar days of the Fully Complete date (noted above), unless placed on hold for the submittal of additional information.

Community Development Web site - www.clark.wa.gov/development
- Weekly Preliminary Plan Review Status Report - includes current applications
- Pre-Application Conferences and Land Use Hearing agendas
- Applications and handouts for each type of land use permit
Appeals
The responsible official’s decision on the application may be appealed to the Hearing Examiner by the applicant or any person or group that qualifies as a “Party of Record.” To qualify as a party of record, you must have submitted written comments or a written request to be identified as a Party of Record within the comment deadline.

An accurate mailing address for those submitting comments must be included or they will not qualify as a "Party of Record" and, therefore, will not have standing to appeal the decision. An appellant must submit an appeal application and appeal fee within 14 calendar days after the written notice of the decision is mailed.

Refer to the Appeals handout for more information and fees.

SEPA Appeal
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.

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.

Attachments
- Project Site Plan
- SEPA Checklist
- Map of property owners receiving notice
Distribution
This notice is being provided to the following agencies with jurisdiction whose services may be impacted by implementation of this proposal:

Tribes:  
Cowlitz Indian Tribe  
Yakama Nation  
Chinook Tribe

State Agencies:  
Department of Natural Resources (S.W. Region)  
Department of Ecology  
Department of Fish and Wildlife  
Department of Transportation

Regional Agencies:  
Fort Vancouver Regional Library  
Southwest Clean Air Agency  
Vancouver-Clark Parks & Recreation

Local Agencies:  
Clark County Community Development  
Land Use Review  
Fire Marshal's Office  
Clark County Public Health  
Clark County Public Works  
Development Engineering  
Transportation Division  
Clark County Conservation District  
Clark County Water Resource Council  
City of Vancouver Transportation  
Vancouver School District

Special Purpose Agencies:  
Fire Protection District #5  
Clark Public Utilities  
Clark Regional Wastewater District/City of Vancouver Water/Sewer

The Media  
The Columbian  
The Oregonian  
The Reflector  
Vancouver Business Journal  
The Post Record

Other:  
Applicant  
Clark County Neighbors  
Clark County Natural Resources Council  
Clark County Citizens United  
C-Tran  
NE Hazel Dell Neighborhood Association

Additional attachment for agencies:  
• SEPA checklist
Acero Padden Apartments 300' List

Legend
- Taxlots
- Cities Boundaries
- Urban Growth Boundaries

Notes:
Parcels within 300 foot radius of the project.

This map was generated by Clark County's "MapsOnline" website. Clark County does not warrant the accuracy, reliability or timeliness of any information on this map, and shall not be held liable for losses caused by using this information.
SEPA Environmental Checklist
Washington Administrative Code (WAC) 197-11-960

Purpose of checklist:
The State Environmental Policy Act (SEPA), Revised Code of Washington (RCW), Chapter 43.21C, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and agencies identify impacts from your proposal and to help agencies decide whether or not an EIS is required.

Instructions for applicants:
This environmental checklist asks you to describe basic information about your proposal. Governmental agencies use this checklist to determine whether or not the environmental impacts of your proposal are significant. Please answer the questions briefly, giving the most precise information or best description known. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you do not know the answer, or if a question does not apply to your proposal, write “do not know” or “does not apply.”

Some questions pertain to governmental regulations such as zoning, shoreline, and landmark designations. If you have problems answering these questions, please contact the Clark County Permit Center for assistance.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. You may be asked to explain your answers or provide additional information related to significant adverse impacts.

Use of checklist for non-project proposals:
Complete this checklist for non-project proposals (e.g., county plans and codes), even if the answer is “does not apply.” In addition, complete the supplemental sheet for non-project actions (Part D).

For non-project actions, the references in the checklist to the words “project,” “applicant,” and “property or site” should be read as “proposal,” “proposer,” and “affected geographic area,” respectively.
A. Background
1. Name of proposed project, if applicable:
   **Acero Padden Apartments**

2. Name of applicant:
   **Ott Gaither**

3. Address and phone number of applicant and contact person:
   **1101 SE Tech Center Dr. #160**
   **Vancouver, WA. 98683**
   **Phone (360) 798-2282**
   **ott@gaitherconstruction.com**

4. Date checklist prepared:
   **March 28, 2019**

5. Agency requesting checklist:
   **Clark County**

6. Proposed timing or schedule (including phasing, if applicable):
   **The project is tentatively scheduled for construction in late 2019.**

7. Do you have any plans for future additions, expansion, or further activity related to this proposal? If yes, explain.
   **No.**

8. List any environmental information that has been or will be prepared related to this proposal.
   **The project will be designed and developed in accordance with state and local requirements for stormwater management, erosion control and any other environmental standards. The Boomsnub/Airco Superfund Site is to the east and this site has monitoring wells on-site. A remediation plan was implemented for that site to the east.**

9. Are other applications pending for governmental approvals affecting the property covered by your proposal? If yes, please explain.
   **Archaeological Predetermination with DAHP.**

10. List any government approvals or permits needed for your proposal:
    **Clark County Health Department Review, Clark County planning, engineering and construction approvals and permits, NPDES.**

11. Give a brief, complete description of your proposal, including the proposed uses and size of the project and site. There are several questions addressed later in this checklist asking you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)
Gaither Apartments proposes to construct 300 apartments on approximately 13.78 acres. Associated roads and urban infrastructure will be completed with this project. Buildings will be built on-site along with a community center, garages, trash enclosure, and maintenance building.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including street address, section, township, and range. If this proposal occurs over a wide area, please provide the range or boundaries of the site. Also, give a legal description, site plan, vicinity map, and topographic map. You are required to submit any plans required by the agency, but not required to submit duplicate maps or plans submitted with permit applications related to this checklist. Gaither Apartments includes parcels 144534-000, 144492-000, 144514-000, and 144516-000. The site is approximately located at 3611, 3701, 3813 NE 78th Street in Vancouver, 98665 in Clark County, WA

B. Environmental Elements

1. Earth
a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other ____________. The site has steep slopes in the northwest portion of the site.

b. What is the steepest slope on the site and the approximate percentage of the slope? 15-25%

c. What general types of soils are found on the site (e.g., clay, sand, gravel, peat, muck)? Please specify the classification of agricultural soils and note any prime farmland. HoB (Hillsboro Silt Loam) on 100% of the site.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, please describe. No

e. Describe the purpose, type, and approximate quantities of any filling or proposed grading. Also, indicate the source of fill. Grading will occur onsite for infrastructure development and apartment construction. The exact quantities are unknown at this time. Approximately 80,000 CY of grading may occur on the site.

f. Could erosion occur as a result of clearing, construction, or use? If so, please describe. Yes, soil could erode due to exposure to rain during construction.

g. What percentage of the site will be covered with impervious surfaces after the project construction (e.g., asphalt or buildings)? Approximately 70%.
h. Proposed measures to reduce or control erosion, or other impacts to the earth include: Silt fence, inlet protection, mulching and seeding.

2. Air

a. What types of emissions to the air would result from this proposal (e.g., dust, automobile, odors, industrial wood smoke) during construction and after completion? Please describe and give approximate quantities.
   Construction equipment will emit exhaust. Air may get dusty during construction.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, please describe. None known.

c. Proposed measures to reduce or control emissions or other impacts to air: Water will be used to keep dust down.

3. Water

a. Surface:

   1) Is there any surface water body on or in the vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, and wetlands)? If yes, describe the type and provide names and into which stream or river it flows into.
      There are no mapped wetlands, habitat or other critical areas known to exist on the site.

   2) Will the project require any work within 200 feet of the described waters? If yes, please describe and attach available plans. No.

   3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. N/A

   4) Will the proposal require surface water withdrawals or diversions? Please provide description, purpose, and approximate quantities: No.

   5) Does the proposal lie within a 100-year floodplain? If so, please note the location on the site plan. No
6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. No

b. Ground:

1) Will ground water be withdrawn, or will water be discharged to ground water? Please give description, purpose, and approximate quantities. **Groundwater will not be withdrawn. Stormwater will be treated and infiltrated into the ground using rain gardens and/or other approved BMP’s. Quantity varies depending on rainfall.**

2) Describe waste material that will be discharged into the ground from septic tanks or other sources; (e.g., domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the size and number of the systems, houses to be served; or, the number of animals or humans the systems are expected to serve. **None**

c. Water runoff (including stormwater):

1) Describe the source of runoff (including storm water) and method of collection and disposal. Include quantities, if known. Describe where water will flow, and if it will flow into other water. **Infiltration is proposed for most of the stormwater from this project. Rain gardens or other approved BMP’s will be used to treat the contaminated runoff and then it will be infiltrated on-site. During large storm events runoff may be released to pre-developed pathways through metered release.**

2) Could waste materials enter ground or surface waters? If so, please describe. No

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:
   **Infiltration is proposed for most of the stormwater from this project. Rain gardens or other approved BMP’s will be used to treat the contaminated runoff and then it will be infiltrated on-site. During large storm events, runoff may be released to pre-developed pathways through metered release.**

4. Plants

a. Check or circle types of vegetation found on the site
- Deciduous tree: **alder**, **maple**, aspen, **cottonwood**, other
- Evergreen tree: **fir**, **cedar**, **pine**, other

Shrubs:
- Grass
- Pasture
- Crop or grain
- Wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- Water plants: water lily, eelgrass, milfoil, other
- **Other types of vegetation and native brush.**

b. What kind and amount of vegetation will be removed or altered?
   **Grass, most trees and shrubs will be stripped for roadway and apartment construction.**

c. List threatened or endangered species on or near the site.
   **None known**

d. List proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site:
   **The site will be fully landscaped prior to occupancy. Native plants will be used when and where appropriate.**

5. Animals

a. Circle any birds and animals which have been observed on or near the site:
   - Birds: hawk, heron, eagle, **songbirds**, other;
   - Mammals: deer, bear, elk, beaver, other; and,
   - Fish: bass, salmon, trout, herring, shellfish, other.

b. List any threatened or endangered species known to be on or near the site. **None**

Agency use only

c. Is the site part of a migration route? If so, please explain.
   **The site is located within what is commonly referred to as the Pacific Flyway. The flyway stretches from Alaska to Mexico and from the Pacific Ocean to the Rocky Mountains**

d. List proposed measures to preserve or enhance wildlife:
   **Landscape plantings, rain garden plantings and opens space tracts will provide food and cover for small mammals, birds, insects, animals and soil organisms.**
6. Energy and natural resources

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project’s energy needs? Describe whether it will be used for heating, manufacturing, etc.
   **Electricity or natural gas will be used to heat the homes and electricity for lighting.**

b. Would your project affect the potential use of solar energy by adjacent properties? If so, please describe. **No**

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts:
   - Comply with state building and energy codes. Incorporate sustainable building design features like passive solar heating through the use of certain building materials and strategic placement of windows and openings. Utilize efficient building designs to maximize building materials and minimize waste.

7. Environmental health

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? If so, please describe. **No**

1) Describe special emergency services that might be required.
   **Fire, Police and Ambulance**

2) Proposed measures to reduce or control environmental health hazards, if any:
   **Public sewer and water will serve the development.**

b. Noise

1) What types of noise exist in the area which may affect your project (e.g., traffic, equipment, operation, other)? **The site is bordered by busy roads. Background noise will be ongoing. Light industrial uses are to the south and sports fields exist to the north.**

2) What types and levels of noise are associated with the project on a short-term or a long-term basis (e.g., traffic, construction,
operation, other)? Indicate what hours the noise would come from
the site. **Short-term 7am – 7pm construction noise; long-
term noise will be associated with residential uses.**

3) Proposed measures to reduce or control noise impacts:
**Construction noise will be limited to allowed hours by county code.**

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8. Land and shoreline use

a. What is the current use of the site and adjacent properties?
**The site currently has existing homes and outbuildings.** The properties
directed to the north are zoned PF (Public Facilities) and CC (Community
Commercial). The parcel to the west is zoned CC (Community
Commercial). The parcel to the east is zoned BP (Business Park). The
parcels to the south are zoned IL (Light Industrial). NE 78th Street borders
the north.

b. Has the site been used for agriculture? If so, please describe.
**None known**

c. Describe any structures on the site.
**Single Family Homes and outbuildings.**

d. Will any structures be demolished? If so, please describe.
**Yes, all will be demolished**

e. What is the current zoning classification of the site?
**OR-22 (Office/Residential)**

f. What is the current comprehensive plan designation of the site?
**UM (Urban Medium Density)**

g. What is the current shoreline master program designation of the site?
**N/A**

h. Has any part of the site been classified as an "environmentally
sensitive" area? If so, please specify.
**No**

i. How many people would reside or work in the completed project?
**Approximately 600+ people may reside in the apartments. 2-10 people may work in the office or on the grounds of the
complex at any given time for maintenance and management.**

j. How many people would the completed project displace?
+/- 4 people will move to a new location.

k. Please list proposed measures to avoid or reduce displacement impacts: **None proposed.**

l. List proposed measures to ensure the proposal is compatible with existing and projected land uses and plans:

**Access roadway improvements and sidewalks will be provided around the site for pedestrian circulation**

9. Housing

a. Approximately how many units would be provided? Indicate whether it's high, middle, or low-income housing. **300 new, middle income apartment units.**

b. Approximately how many units, if any, would be eliminated? Indicate whether it’s high, middle, or low-income housing. **2 single family homes, low income, will be eliminated.**

c. List proposed measures to reduce or control housing impacts: **N/A**

10. Aesthetics

a. What is the tallest height of any proposed structure(s), not including antennas? What is proposed as the principal exterior building materials?

**The tallest buildings will be 3-story apartments, approximately 40’ tall. Some form of wood, or composite siding will cover the buildings**

b. What views in the immediate vicinity would be altered or obstructed?

**No large vistas or views will be altered with this project. Only neighbors directly adjacent to the property will have views of the new apartments with associated fencing and landscaping.**

c. Proposed measures to reduce or control aesthetic impacts:

**Adding landscape buffers to screen apartments from adjacent properties. Construction of aesthetically pleasing apartments with some unique architecture and upgraded finishes.**

11. Light and glare

a. What type of light or glare will the proposal produce? What time of day would it mainly occur?
The buildings, pathways, roads and parking areas will be lighted at night. Lights will be shielded to minimize glare when possible.

b. Could light or glare from the finished project be a safety hazard or interfere with views? **No**

c. What existing off-site sources of light or glare may affect your proposal? **None known**

d. Proposed measures to reduce or control light and glare impacts: **Proper orientation and shading of light sources.**

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12. Recreation

a. What designated and informal recreational opportunities are in the immediate vicinity? **Luke Jensen Park is to the north.**

b. Would the project displace any existing recreational uses? If so, please describe. **No**

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13. Historic and cultural preservation

a. Are there any places or objects on or near the site which are listed or proposed for national, state, or local preservation registers. If so, please describe. **None known**

b. Please describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site. **None known**

c. Proposed measures to reduce or control impacts: **N/A**

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14. Transportation
a. Identify the public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.

The proposed project will take access from the existing 78th Street. The project will construct NE 39th Avenue on the eastern boundary of the site. Internal roadways and parking will be constructed on-site to serve the proposed apartments.

b. Is the site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?

C-TRAN #78 runs along NE 78th Street.

c. How many parking spaces would the completed project have? How many would the project eliminate?

590 new, eight will be eliminated.

d. Will the proposal require new roads or streets, or improvements to existing roads or streets, not including driveways? If so, please describe and indicate whether it’s public or private.

The proposed project will take access from the existing 78th Street. The project will construct NE 39th Avenue on the eastern boundary of the site. Internal drive aisles and parking will be constructed on-site to serve the proposed apartments.

e. Will the project use water, rail, or air transportation? If so, please describe.

No

f. How many vehicular trips per day would be generated by the completed project? Indicate when peak traffic volumes would occur.

Approximately 1,613 new trips per day would be generated. 107 net new AM peak trips and 130 net new PM peak trips

g. Proposed measures to reduce or control transportation impacts:

A public NE 39th Avenue will be constructed to serve the site.

15. Public services

a. Would the project result in an increased need for public services (e.g., fire protection, police protection, health care, schools, other)? If so, please describe.

The apartments will require all public services and they are all available to serve the site.
b. Proposed measures to reduce or control direct impacts on public services:
   The proposed apartments will pay Impact Fees

16. Utilities

   a. Circle the utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.
      Electricity, natural gas, water, telephone, sanitary sewer and refuse service.

   b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on or near the site:

      Water: Clark Public Utilities
      Sewer: Clark Regional Waste Water District
      Telephone: Qwest or Comcast
      Electricity: Clark Public Utilities
      Gas: NW Natural Gas

C. Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: [Signature] Date Submitted: 4/3/19

Agency use only