Type III Land Division and Environmental Review
Staff Report and Recommendation

Project Name: Anderson Subdivision South


Location: East side of NE 182nd Avenue at NE 85th Way, Parcel 168638000 located in the Northwest Quarter of Section 22, Township 3 North, Range 1 East of the Willamette Meridian

Request: Subdivision and rezone approval of roughly 4.3 acres into 14 single family lots for detached homes in the R1-10 and R1-20 zones

Applicant/Owner: LB Investments LLC C/O Lori Benson
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Email - glprop@aol.com

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

Recommendation
Approval, with conditions

Land Use Review Manager's Initials: Date issued: November 27, 2019
Public Hearing date: December 12, 2019

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<td>Department/Program</td>
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<td>Community Development</td>
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Revised 11/25/2019
Development Engineering

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Comp Plan Designation: UL

Applicable Law
Clark County Code: Title 15 (Fire), 40.100 (Definitions), 40.200 (General Provisions), 40.220.020 (Single-family Districts), 40.350 (Transportation), 40.350.020 (Transportation Concurrency), 40.370 (Sewer & Water), 40.386 (Storm Water & Erosion Control), 40.450 (Wetlands), 40.500 and 40.510 (Procedures), CCC 40.510.030 (Type III Process), 40.540.040 (Subdivision), 40.550 (Road Modifications), 40.560.040 (Changes to Zoning Districts), 40.570 (SEPA), 40.570.080 (SEPA Archaeological), 40.610 (Impact Fees), Title 24 (Public Health), RCW 58.17, and the Clark County Comprehensive Plan

Neighborhood Association and Contact
None mapped

Vesting
An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report. Contingent vesting does not apply to stormwater or concurrency standards.

A pre-application conference (PAC) on this matter, the PAC was determined contingently vested, and a complete application was submitted within the required 180 days from issuance of the PAC report. Therefore, the application is vested on the pre-application submittal date of March 15, 2019. The application is vested for transportation concurrency on September 13, 2019. Vesting does not apply to stormwater standards. There are no known disputes regarding vesting.

Time Limits
The application was determined to be fully complete on September 23. Therefore, the code requirement for issuing a decision within 92 days lapses on December 24, 2019.

Public Notice
Notice of application, public hearing, and likely SEPA determination was mailed to the applicant and property owners within 300 feet of the site, and SEPA Agencies on November 19, 2019. The applicant posted one sign on the subject property on November 4, 2019.

Public Comments
At this time, the county has not received comments from nearby neighbors.
Project Overview
The subject site is located on the east side of NE 182nd Avenue at NE 85th Way and is split zoned single-family R1-10 and R1-20. The site consists of one roughly 4.3 acre parcel and is vacant of structures. There are wetland indicators on or near the site. The proposed development will be served by Fire District #5, the City of Vancouver for public sewer and the Clark Public Utilities for public water.

The applicant proposes to divide the site into a maximum of 14 residential lots for single-family detached homes. The proposed plat will access NE 182nd Avenue via proposed on-site NE 87th Way. The project is proposed to be constructed in one phase.

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

<table>
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<tr>
<th>Compass</th>
<th>Comp Plan</th>
<th>Zoning</th>
<th>Current Land Use</th>
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<tbody>
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<td>Site</td>
<td>UL</td>
<td>R1-10/R1-20</td>
<td>Vacant</td>
</tr>
<tr>
<td>North</td>
<td>UL</td>
<td>R1-10/R1-20</td>
<td>Vacant</td>
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<td>AG</td>
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<td>Single-family residence</td>
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<td>South</td>
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<td>R1-10/R1-20</td>
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</tr>
<tr>
<td>West</td>
<td>UL</td>
<td>R1-20</td>
<td>Single-family residence</td>
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Staff Analysis
Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

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

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

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

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

Land Use
Finding 1 - Uses
Under Table 40.220.010-1, single-family detached dwellings are permitted in the R1-10/R1-20 zones subject to this review.
Finding 2 - Rezone
Roughly one-third of the site is zoned R1-20 and two-thirds of the site is zoned R1-10. The applicant proposes to rezone the R1-20 portion of the site to R1-10. Zone changes may be approved only when all of the following are met (see CCC 40.560.020 F):

- **Requested zone change is consistent with the comprehensive plan map designation.**
  
The proposed zone change is consistent with the comprehensive plan map designation because both the R1-10 and R1-20 zones are designated Urban Low.

- **The requested zone change is consistent with the plan policies and locational criteria and the purpose statement of the zoning district.**
  
The applicant cites plan policies 1.1.2, 1.1.3, and 1.3.1 of the comprehensive plan that are consistent with the proposed rezone. Staff agrees and also cites 1.3.2 which promotes higher urban densities, and finds that the requested zone change is consistent with the purpose statement of the zoning district because both zones share the same comprehensive plan designation and purpose statement.

- **The zone change either responds to a substantial change in conditions to the area, better implements applicable comprehensive plan policies than the current map designation, or corrects an obvious mapping error.**
  
Staff finds the proposed rezone responds to a substantial change in conditions applicable to the area. Recent development to R1-10 standards has occurred to the south. The Velvet Acres Subdivision (roughly 120 lots) had the same split zoning as does the subject site and the applicant sought the same rezone as this application. The examiner approved that rezone and the conclusions for approving that subdivision also applies to the subject site (See the Hearing Examiner's decision for Velvet Acres in Tab 26 of Exhibit 1). Dani Downs and 5th Plain Creek Subdivisions to the southeast have also been recently constructed to R1-10 densities and will contain over 150 lots. Staff finds there has been a significant amount of development in the surrounding area to R1-10 densities creating a substantial change in conditions.

- **There are adequate public facilities and services to serve the requested zone change.**
  
The applicant has demonstrated that public water and sewer as well as other urban services are available to the subject site.

Staff finds that with conditions the proposed zone change complies with the rezone criteria of CCC 40.560.020 F and should be approved.

Finding 3 - Lot Standards
The R1-10 zone requires a minimum lot size of 10,000 square feet and an average maximum lot size of 15,000 square feet. This zone also requires an average lot width of 80 feet and an average lot depth of 90 feet.

The smallest lot in the proposed subdivision is 10,071 square feet and the largest lot is 12,959 square feet. The average lot size in the proposed subdivision is 11,097 square feet which meets the R1-10 lot size standards. All lots in the proposed plat meet the average minimum lot width and depth requirements except possibly lot 14 which does not appear to meet the 80-foot minimum lot width requirement. (See Condition D-2)
Finding 4 - Setbacks
The following minimum setbacks apply to the proposed lots (see CCC 40.220.010):

- Ten foot front setback
- Eighteen foot garage setback
- Ten foot street side setback
- Seven foot side setback
- Ten foot rear setback
- Side and rear setbacks from abutting property zoned for natural resource uses shall be a minimum of fifty (50) feet for all structures. (See Condition D-2)

Finding 5 - Notice of Agricultural Resource Activities
All plats under Title 40 issued for residential development activities on, or within a radius of 500 feet for lands zoned agriculture (AG-20) or in current use pursuant to Chapter 84.34 RCW, shall contain or be accompanied by a notice provided by the responsible official. (See Condition D-6g)

Finding 6 - State Platting Standards (RCW 58.17)
With conditions of approval, staff finds the proposed subdivision will make appropriate provisions for public health, safety, and general welfare of the community. Proof of adequate water and sewer service, as well as treatment of any increase of stormwater runoff will be provided, to protect groundwater supply and integrity. Impact Fees will also be required to contribute a proportionate share toward the costs of school and transportation provisions, maintenance and services.

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

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

Archaeology
Finding 7 - Archaeology
The development site is located within a high probability area for archaeological resources, as designated on the Archaeological Predictive Model Map of the Clark County. The applicant submitted an archaeological pre-determination to the Washington State Department of Archaeology and Historic Preservation (DAHP) prior to submittal of the application that indicates one isolated pre-contact find was identified. The area around the find was thoroughly investigated and no additional cultural material was found. An isolated artifact form was completed and submitted to DAHP. The archaeological pre-determination recommended the artifact is not eligible for listing and no further archaeological work is necessary at this time. DAHP received public notice and a copy of the SEPA checklist and has not provided comment.
A note on the final construction plans will be required that in the event that archaeological or historic materials are discovered during project activities, work in the immediate vicinity must stop and the area secured. The concerned tribes cultural staff, cultural committee, and DAHP shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines. (See Conditions A-7 and D-7a)

**Wetlands**

**Finding 8 - Wetlands**

County GIS does not indicate any mapped or modeled wetlands on the subject parcel (168838-000), however there are modeled slope wetlands and hydric soils offsite to the north and to the south. In reviewing historic aerial imagery there are potential wetland signatures on the subject parcel.

The applicant has provided a wetland determination letter prepared by Ecological Land Services dated July 19, 2019. The letter noted that multiple test plots were dug on the parcel however none of the test pits met all of the wetland indicators. Staff visited the site on October 21, 2019 with Ecological Land Services and noted additional areas which had hydrophytic vegetation and hydric soils near Test Pit 2, however the hydrology component was not met per the applicant’s site visit in July 2017 or during the October 2019 visit. Weather patterns had been periods of dry weather which were interrupted by periods of rain prior to the October site visit. September was wetter than normal for this area (5.11 inches of rain observed versus the average is 1.90 inches) while October was drier (3.01 inches observed and 4.70 are normal); prior to the site visit, local climatological data show there had been four days of steady rainfaill which totaled approximately 2.03 inches. While the ideal time to check hydrology is in late winter/early spring, the climatological conditions at the time of the site visit were still normal. County Wetland/Habitat Review staff concur that there were no wetlands onsite.

**Finding 9 - Wetlands**

Offsite to the north and east contains a Category III slope wetland with a Habitat Score of 7 points on the Wetland Rating Form requiring a 75 foot Low Intensity Use buffer, a 110 foot Moderate Intensity Use Buffer, and a 150 foot High Intensity Use buffer for the proposed development. Per Table 40.450.030-4, a residential subdivision is considered a High Intensity Use. When the 150 foot High Intensity Use buffer is projected, it does not reach the subject parcel. As such, there are no wetlands or wetland buffer impacts related to the Anderson Subdivision South project and no further wetland review is required.

**Conclusion (Wetlands)**

There are no wetlands or wetland buffer impacts related to the Anderson Subdivision South project and no further wetland review is required.

**Transportation**

**Finding 10 - Pedestrian/Bicycle Circulation**

Pedestrian/Bicycle Circulation is required along NE 182nd Avenue and the interior private roads by CCC 40.350.010. The proposal includes sidewalks along the frontage of NE 182nd Street, and sidewalks along one side of the Private Roads.
Finding 11 - Circulation Plan
Cross-circulation is required by CCC 40.350.030(B)(2). The applicant is addressing cross-circulation through a road modification request. [See Finding 14]

Finding 12 - Roads
Road improvements and design are required to comply with CCC 40.350.030(B)(5) and CCC Table 40.350.030-2.

NE 182nd Avenue
NE 182nd Avenue is classified as a 2-lane Urban Collector road with bike lanes (C-2b) The minimum half-width frontage requirements include 30 feet of right-of-way, 17 feet of paved width, curb, gutter, 5-foot wide sidewalk, and landscape strip per Standard Detail #7. The preliminary plat indicates that the proposal complies with the Standard Detail.

Private Roads
The applicant has proposed a private on site road network to provide access to all the lots within the subdivision. The proposed Private Roads will be required to be built per Standard Detail #16. The applicant’s plan shows that the private road will include 24-foot paved width, curb, gutter and sidewalk on one side; all within a 34-foot easement. The onsite private road will stub to the north to provide circulation to the adjacent property. Temporary cul-de-sac will be built at the end of the stub road. (See Condition A-1a)

The proposed Private Road will connect to the public street network at NE 182nd Avenue. The proposed location is more than 275 feet from the nearest full access intersection, meeting the minimum requirements for intersection spacing on a collector according to CCC Table 40.350.030-3.

Access onto collector roads is regulated by CCC 40.350.030(B)(4)(c). Residential roads intersecting with collectors shall be classified and constructed to standards applicable to local residential access roads. (See Condition A-1b & A-1c)

Per CCC 40.350.030(B)(7)(b), at intersections of the roads with collectors and arterials, dedication of right-of-way on corners shall include the chord of the right-of-way radius. This additional right-of-way (or easement) dedication shall be shown at the corners of NE 182nd Avenue and onsite NE 87th Way intersection. (See Conditions A-1d and D-1)

Finding 13 - 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 has submitted a traffic study dated June 6, 2019 prepared by PLS Engineering. The applicant’s letter states that the proposed intersection of the private road with NE 182nd Avenue will have 340 feet of sight distance to the south with the next intersection, and 320 feet of sight distance to the north where 200 is required. The letter determined the sight distance requirement to the south based on the existence of the controlled intersection of NE 85th Way.
entering NE 182\textsuperscript{nd} Avenue, and an assumed speed limit of 35 mph, and to the north based on
the existence of a 90 degree turn of NE 88\textsuperscript{th} Street into NE 182\textsuperscript{nd} Avenue with a posted
recommended speed of 20 mph. The unposted statutory speed in the county is 50 mph, which
has a stopping sight distance of 425 feet, and a controlled intersection sight distance triangle of
500 feet. The proposed location of NE 87\textsuperscript{th} Way/NE 182\textsuperscript{nd} Avenue intersection can meet sight
distance triangle and stopping sight distance to the south, but does not meet these to the north.
The code requires this project to meet these sight distance requirements to the north or gain
approval of a reduced sight distance through a road modification request.

The applicant has submitted a road modification request for using a reduced sight distance
north of the intersection of NE 87\textsuperscript{th} Street/NE 182\textsuperscript{nd} Avenue. The road modification is
submitted with this application but it is also required for Anderson Subdivision North (PLD-
2019-00042) since the onsite road, NE 87\textsuperscript{th} Way is shared by both developments.

The applicant will need to submit final construction drawings for review and approval. These
plans will need to show sight distance triangles at the intersection of NE 87\textsuperscript{th} Way/NE 182\textsuperscript{nd}
Avenue. The plans will also need to show objects that are within the sight distance triangles.
Notes on the plans shall indicate the vegetation within the sight distance triangle that needs to
be maintained, trimmed, or removed. [See Finding 14]

Finding 14 - Road Modifications
The applicant is requesting a minor deviation and a technical road modification as follows:

1. Minor deviation for relief from providing cross-circulation to the east and north.
2. Technical road modification for reduction in the required sight distance north of the
intersection of NE 87\textsuperscript{th} Way/NE 182\textsuperscript{nd} Avenue.

40.550.010(C)(2) 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 is met:

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
1. The applicant has submitted a minor road modification narrative [Exhibit #7] prepared
by PLS Engineering, dated October 22, 2019, providing justification for relief from
providing cross-circulation to the east and north.
2. The applicant has submitted a technical road modification narrative [Exhibit #9] prepared by PLS Engineering, dated October 29, 2019, providing justification for reduction in the required sight distance north of the intersection of NE 87th Way/NE 182nd Avenue.

Staff's Evaluation
Road Modification #1
Per CCC 40.350.030(B)(2), the purpose of this section [Circulation] is to ensure adequate cross-circulation in a manner which allows subsequent developments to meet these standards [Block Length & Perimeter]. And to provide a mechanism for integrating various streets into an efficient and safe transport network.

Staff can support the request to not provide stubbed roads to their east and west property lines. This is based on the neighboring properties being outside the Urban Growth Area. Approval criterion CCC 40.550.010(C)(2)(a) has been demonstrated.

Road Modification #2
Per CCC 40.350.030(B)(8), the purpose of this section [Sight Distance] is to ensure safe intersections. The statutory unposted speed on NE 182nd Avenue is 50 mph, which has a sight distance requirement of 500 feet and stopping sight distance of 425 feet.

Staff can support the request for a reduced sight distance to the north of the proposed intersection of Private Road/NE 182nd Avenue. This is based on a horizontal curve north of the proposed intersection. Information presented by the applicant further indicates that a reduced sight distance north of the proposed intersection can be used. Approval criterion CCC 40.550.010(C)(2)(a) has been demonstrated.

Road Modification Recommendations
Staff recommends Approval for the following road modification requests, subject to conditions (See Condition A-1e and A-1f):
   (1) Relief from providing cross-circulation to the east and north.
   (2) Reduction in the required sight distance at the intersection of NE 87th Way/NE 182nd Avenue.

The Development Engineering Division Manager has concurred with the staff's recommendations. [See Exhibit 12]

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

Transportation Concurrency
Finding 15 - Trip Generation
Concurrency staff has reviewed the proposed Anderson Subdivision South traffic study dated July 5, 2019 prepared by Lancaster Engineering. The traffic study submitted indicates that the proposed development will divide 4.27 acres into 14 single family residential lots. The applicant’s traffic study has estimated the a.m. peak hour trip generation at 10, the p.m. peak-
hour trip generation at 14 trips and an average daily trip generation (ADT) of 132 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 on parcel
number 168638-000 in Vancouver.

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

**Finding 16 - 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 an LOS A condition would expect little
delay. A driver who experiences an LOS E condition would expect significant delay, but the
traffic facility would be just within its capacity to serve the needs of the driver. A driver who
experiences an LOS F condition would expect significant delay with traffic demand exceeding
the capacity of the facility with the result being growing queues of traffic.

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

The applicant’s plan shows the construction of an interior private road network to serve as
access for lots within the proposed subdivision. The interior private road network will connect
to the public road system at NE 182nd Avenue and NE 87th Way, as shown. The proposed
development also includes NE 182nd Avenue frontage improvements along the western
property line. NE 182nd Avenue is classified as an Urban Collector.

The applicant’s study evaluated the level of service and found that the site access intersections
analyzed will have an estimated LOS B, in the 2021 build-out horizon. The study also shows
that the LOS was evaluated during the a.m. and p.m. peak hour traffic conditions in existing
and build-out scenarios. County Staff concurs with the traffic study findings.

**Finding 17 - Clark County 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**
The County’s model 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, County Staff has determined that this development will comply with adopted
Concurrence standards for signalized intersections.
Unsignalized Intersections
County Staff has evaluated the operating levels and standard delays represented in the County's model. The County's model yielded operating levels and standard delay times with a LOS better than the minimum allowable LOS E for unsignalized intersections.

The applicant has submitted a traffic study that reports anticipated levels-of-service on individual intersection approaches. Two of these approaches were reported to have a level-of-service "F" and "F" in the 2021 evaluation year with the proposed development. These intersection approaches are the westbound approach of NE Ward Road/NE 88th Street and the southbound approach of NE Fourth Plain Blvd/NE 182nd Avenue, respectively.

The applicant's traffic study has analyzed the impacts of the proposed development on the intersection approaches, listed above, to determine if mitigation requirements would be warranted per CCC 40.350.020 (G)(1)(c), which states:

“All unsignalized intersections of regional significance in the unincorporated county shall achieve LOS E standards or better (if warrants are not met). If warrants are met, unsignalized intersections of regional significance shall achieve LOS D standards or better. Intersection control or mitigation of unsignalized intersections shall be at the discretion of the Public Works Director and shall not obligate the county to meet this LOS standard. However, proposed developments shall not be required to mitigate their impacts in order to obtain a concurrency approval unless:

(1) The proposed development adds at least five (5) peak period trips to a failing intersection approach; and

(2) The worst movement on the failing approach is worsened by the proposed development. In determining whether the movement is worsened, the Public Works Director shall consider trip volume, delay, and any other relevant factors.”

The applicant’s analysis compared the anticipated impacts against the criteria in the code section listed above and found that none of the criteria were met. Staff concurs with the applicant’s findings.

The County has determined that this development can 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.

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 18 - 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 traffic study information found that with the low right and left turning traffic volumes, turn lanes would not be warranted at the public road intersections entering the proposed development. Staff concurs with the applicant’s findings.

Finding 19 - Historical Accident Situation
The applicant’s traffic study analyzed the crash history as obtained from Washington State Department of Transportation (WSDOT) for the period January 2014 through December 2018.

The intersection crash rates, for the study intersections do not exceed thresholds that would warrant additional analysis. The applicant’s study did not recommend any safety mitigations as a part of this development. Staff concurs with the applicant’s finding.

Finding 20 - 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, trash cans, 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-2b)

Finding 21 - Vehicle Turning Movements
It shall be noted that, the curb return radii listed above 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 have the ability to enter and exit the development minimizing impact to opposing travel lanes. This may result in no on-street parking areas on local residential access roads, at/near public intersections. (See Condition A-2c).

Conclusion (Concurrency):
In summary, Concurrency Staff recommends approval of the development application with conditions.

Stormwater
Finding 22 - Stormwater Applicability
The provisions of Clark County Code Chapter 40.386 shall apply to all new development, redevelopment, and drainage projects consistent with the Stormwater Management Manual for Western Washington (SMMWW) as modified by CCC 40.386 and the county’s stormwater manual. The project adds more than 5,000 square feet or more of new impervious surface and therefore the applicant shall comply with Minimum Requirements 1 through 9.

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

Finding 23 - Stormwater Proposal
The site consists of a grassy field. The sight is gently sloped, with the high point at the northwest corner and the low point at the northeast corner. Mapped soil types within the development area consist of Hillsboro Sandy Loam (HIA), Dollar Loam (DoB), and Hockinson Sandy Loam (HtA), which has a hydrological soil group of “B”, “C” and “D” respectively and a Clark County WWHM Soil Group classification of “SG-2”, “SG-3” and “SG-4” respectively. Ground water was encountered at 12 feet below ground surface. Columbia West Engineering, Inc. prepared a Geotechnical Report on June 14, 2019, which found a coefficient of permeability of 0.1 inches per hour, and recommends that all site soils should be classified as “D” hydrological soil group and “SG-4” WWHM Soil Group. The site is located in the Lacamas Basin, and is required to provide phosphorus treatment/removal. (See Condition A-3a)
The applicant provided a Preliminary Technical Information Report (TIR) prepared by PLS Engineering, dated June 6, 2019. Proposed site improvements include the new construction of 14 single-family homes, private roads, and frontage improvements. This will result in 1.92 acres of proposed new hard surface.

On-site Stormwater Management (MR#5) will be addressed with Post-Construction Soil Quality and Depth (BMP T5.13) for all land disturbing activities, and Wetponds (BMP T10.10) for all hard surfaces. According to the submitted TIR, the Wetpond located on Anderson Subdivision North (PLD-2019-00042), is designed to have a total design surface area of 5000 sq-ft, and is sized to manage both Anderson Subdivision North and Anderson Subdivision South. The Wetpond sizing includes volume for Runoff Treatment (MR#6) and Flow Control (MR#7). The plan also includes a temporary Wetpond on Anderson Subdivision South that will treat and manage stormwater from this site if it develops prior to Anderson Subdivision North. This facility will need to be sized and modeled. Additionally, a provision will need to be made for its eventual decommissioning. (See Condition A-3b and C-2)

Runoff Treatment (MR#6) will take place in the above mentioned Wetpond. If the phosphorus treatment will also take place in the Wetpond, it will need to be designed to the standards of a Large Wetpond in order to meet phosphorus removal/treatment for the Lacamas Basin. Alternatively, a different BMP for phosphorus removal/treatment must be selected. (See Condition A-3a)

Flow Control (MR#7) will take place in the above mentioned Wetpond. The TIR supplied by the applicant shows that detention volume has been added on top of the required treatment volume in the sizing of the wetpond.

Wetlands Protection (MR#8) is met by the submitted Western Washington Wetland Rating Form. An Offsite Analysis is required. (See Condition A-3c and A-3d)

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

Fire Protection
Finding 24 - Review Process
Building construction occurring subsequent to this application shall be in accordance with the provisions of the county’s building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process.

Finding 25 - Fire Flow/Hydrants
Fire flow in the amount of 1000 gallons per minute supplied at 20 psi for 60 minutes duration is required for this application. A water utility review letter dated 4/15/19 from Clark Public Utilities indicates that adequate fire flow is available. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval.

Fire hydrants are required for this application and either the indicated number or the spacing of the fire hydrants is inadequate. Provide fire hydrants such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads.
Unless waived by the fire district chief fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact Fire District #5 at (360) 487-7260 to arrange for location approval. Provide and maintain a six-foot clear space completely around every fire hydrant. (See Conditions A-8a, A-8b, A-9, and E-3)

Finding 26 - Fire Apparatus Access/Sprinklers
Provide fire apparatus access roads with an unobstructed width of not less than 20 feet, an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus. Approved fire apparatus turnarounds are required for this project - the indicated provisions for turning around fire apparatus are now adequate with the installation of a temporary turnaround at Lots 3 & 4.

Homes exceeding 3,600 square feet (excluding attached garages) will require additional fire protection features possibly including fire sprinkler systems. No gate may be installed across a required fire department access road or driveway without first obtaining a permit from the fire marshal's office. Inspection and testing of the gate will be required. Split gates with a divided entry and exit side will need 15 feet on either side for a total gate width of 30 feet. (See Conditions A-8d and E-4)

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

Water and Sewer Service
Finding 27 - Water and Sewer Service
The site will be served by Clark Public Utilities for public water and the City of Vancouver for public sewer. Letters from both purveyors confirm that potable water and public sewer services are available to the site in NE 88th Street, NE 85th Way, and NE 182nd Avenue. Therefore, prior to final plat approval, documentation shall be provided from the water and sewer purveyor that all water and sewer connections have been installed and approved. (See Condition D-4)

Impact Fees
Finding 28 - Impact Fees
All residential lots created by this plat will produce impacts on schools, parks, and traffic, and are subject to School (SIF), and Traffic Impact Fees (TIF) in accordance with CCC 40.610. The proposed unit lots will pay the following impact fees:

- Orchards sub-area with a TIF of $2,864.57 per dwelling
- Evergreen District, with a SIF of $6,100.00 per dwelling
- Park District 5, with a SIF of $4,353.00 per dwelling

The amounts listed above are an estimate using the current impact fee rates and are subject to change. As found in CCC40.610.040, impact fees are calculated using the rates in effect at the time of building permit issuance. (See Conditions D-6f & E-2)
SEPA Determination
As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

- **DS = Determination of Significance** - The impacts cannot be mitigated through conditions of approval and, therefore, require the preparation of an Environmental Impact Statement (EIS);
- **MDNS = Mitigated Determination of Non-Significance** - The impacts can be addressed through conditions of approval; or,
- **DNS = Determination of Non-Significance** - The impacts can be addressed by applying the Clark County Code.

The likely SEPA Determination of Non-Significance (DNS) in the Notice of Development Review Application issued on November 19, 2019 will be final on December 5, 2019.

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

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

A substantive SEPA appeal is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing Clark County Code or other law. Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.

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

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

- Case number designated by the county
- Name of the applicant
- Name of each petitioner
- Signature of each petitioner or his or her duly authorized representative
- A statement showing the following:
  - That each petitioner is entitled to file the appeal as an interested party in accordance with CCC 40.510.020(H) or 40.510.030(H)
  - The reasons why the SEPA determination is in error
- The appeal fee

Refer to the Appeals handout for more information and fees.
The decision of the Hearing Examiner is final unless:
- A motion for reconsideration is filed within fourteen (14) days of written notice of the decision, as provided under Clark County Code, Section 2.51.160; or,
- An appeal is filed with Clark County Superior Court.

Staff Contact Person: Richard Daviau, 564.397.4895
Responsible Official: Mitch Nickolds, Community Development Director

Recommendation
Based upon the proposed plan and the findings and conclusions stated above, staff recommends the Hearing Examiner APPROVES 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 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. Temporary cul-de-sacs shall be built in accordance with standard Detail Drawing #26. (See Finding 12)

b. The curb returns at the proposed NE 87th Way/NE 182nd Avenue intersection shall have a 35-foot radius. (See Finding 12)

c. NE 87th Avenue shall have a minimum of a 28-foot wide opening onto NE 182nd Avenue and tapered according to accepted engineering practices and supplemental standards listed in Section 40.350.030(C)(1)(b). (See Finding 12)

d. The construction plans must show the required right-of-way or public easement for the chord of the right-of-way radius on the corners of NE 182nd Avenue and onsite NE 87th Way intersection. (See Finding 12)

e. The applicant may use a reduced sight distance north of the intersection of NE 187th Way/NE 182nd Avenue. Vegetation removal/trimming within the NE 182nd Avenue right-of-way shall be performed and maintained to the extent feasible. (See Finding 14)

f. The applicant shall use the statutory speed of 50 mph for sight distance requirements south of the intersection of NE 87th Way/NE 182nd Avenue. Vegetation removal/trimming within the NE 182nd Avenue right-of-way shall be performed and maintained to the extent feasible. (See Finding 14)
A-2  **Final Transportation Plan/Off Site (Concurrency)** - 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 submit a signing and striping plan for review and approval. This plan shall show signing and striping and all related features for required frontage improvements and any off-site improvements, if necessary. The applicant shall obtain a work order with Clark County to reimburse the County for required signing and striping.

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 Finding 20).

c. The applicant shall submit construction plans that show all applicable design vehicles have the ability to enter and exit the development minimizing impact to opposing travel lanes. This may result in no on-street parking areas on local residential access roads, at/near public intersections. (See Finding 21).

A-3  **Final Stormwater Plan** - The applicant shall submit and obtain County approval of a final stormwater plan designed in conformance to CCC 40.386 and the following conditions of approval (See Findings 22 and 23):

a. **Phosphorus Treatment/Removal**: The development lies within the Lacamas Basin and is subject to stormwater requirements for phosphorus treatment/removal.

b. **Temporary Wetpond**: The applicant will need to include sizing calculations for the temporary wetpond.

c. **Wetlands**: The applicant will need to submit a Western Washington Wetland Rating Form for the wetland that the site will be discharging to.

d. Offsite analysis: An offsite analysis is required, and will be submitted prior to acceptance of final engineering plans.

A-4  **Erosion Control Plan** - The applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.386.

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

A-6  **Easement and Right-of-Way** – Recorded easement and dedication of right-of-way outside of the subject parcel is required prior to approval of final construction plans. Recording numbers must be placed on the plans.

A-7  **Archaeology** - The following note shall be placed on the construction plans “Should archaeological materials (e.g. bones, shell, stone tools, beads, ceramics, old bottles, hearths, etc.) be observed during project activities, all work in the immediate vicinity should stop and the State Department of Archaeology and Historic Preservation (360-586-3065), the County planning office, and the affected Tribe(s) should be contacted immediately. If any human remains are observed, all work should cease and the
immediate area secured. Local law enforcement, the county medical examiner (360-397-8405), State Physical Anthropologist, Department of Archaeology and Historic Preservation (360-586-3534), the County planning office, and the affected Tribe(s) should be contacted immediately. Compliance with all applicable laws pertaining to archaeological resources (RCW 27.53, 27.44 and WAC 25-48) and human remains (RCW 68.50) is required. Failure to comply with this requirement could constitute a Class C Felony."

A-8 Fire Protection Requirements
a. Fire flow in the amount of 1,000 gallons per minute supplied at 20 psi for 60 minutes duration is required for this application. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval. (See Finding 25)

b. Fire hydrants are required for this application. Provide fire hydrants such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads. (See Finding 25)

c. Unless waived by the fire district chief fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact Fire District #5 at (360) 487-7260 to arrange for location approval. Provide and maintain a six-foot clear space completely around every fire hydrant. (See Finding 25)

d. Provide fire apparatus access roads with an unobstructed width of not less than 20 feet, an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus. Homes exceeding 3,600 square feet (excluding attached garages) will require additional fire protection features possibly including fire sprinkler systems. (See Finding 26)

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.

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**  
|---|---------------------------------------------------------------
| C-1 | **Geotechnical/Stormwater** - The proposed project shall implement the recommendations identified in the Geotechnical Site Investigation prepared by Columbia West Engineering, Inc., dated June 14, 2019, unless further studies present new or different facts.  
| C-2 | **Temporary Stormwater Facilities** - Prior to decommissioning of the Temporary Wetpond on Lots 4 & 5, the applicant will need to obtain final inspection approval of the Stormwater Facilities associated with both Anderson Subdivision North (PLD-2019-000042) & South (PLD-2019-000042) from the County.

| D | **Final Plat Review & Recording**  
|   | **Review and Approval Authority: Development Engineering**  
|---|------------------------------------------------------------------
| D-1 | **Right-of-way Dedication** - The required right-of-way or public easement for the chord of the right-of-way radius on the corners of NE 182nd Avenue and NE 87th Way shall be dedicated to the county. (See Finding 12)  
| D-2 | All lots in the plat shall comply with the lot standards and setbacks of the R1-10 zone. Side and rear setbacks from abutting property zoned for natural resource uses shall be a minimum of fifty (50) feet for all structures. (See Findings 4 and 5)  
| D-3 | None  
| D-4 | **Water and sewer** - The applicant shall provide documentation from the water and sewer purveyor that all water and sewer connections have been installed and approved.  
| D-5 | Water mains supplying fire flow and fire hydrants shall be installed, approved and operational (see Finding 25).  
| D-6 | **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. **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."

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

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

e. **Responsibility for Stormwater Facility Maintenance:** For stormwater facilities for which the county will not provide long-term maintenance, the developer shall make arrangements with the existing or future (as appropriate) occupants or owners of the subject property for assumption of maintenance 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.

f. **Impact Fees:** "In accordance with CCC 40.610 impact fees for each dwelling in this subdivision shall be assessed for impacts on schools, parks and transportation facilities based for the following districts: Evergreen School District (SIF), Park District #5 (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."

g. **Notice of Agricultural Resource Activities:** "The subject property is within or near designated agricultural resource lands on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration. Potential discomforts or inconveniences may include, but are not limited to: noise, odors, fumes, dust, smoke, insects, operation of machinery (including aircraft) during any twenty-four (24) hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides."

D-7 **Plat Notes** - The following notes shall be placed on the final plat:
a. Archaeological: "If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Department of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."

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

c. Utilities: "An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."

d. Driveways: "All residential driveway approaches entering public roads are required to comply with CCC 40.350." Direct driveway access onto NE 182nd Avenue is prohibited.

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

f. Temporary Wetpond: "Before decommissioning of the temporary wetpond on lots 4 and 5, responsible parties will need to obtain approval from the county." (This note may be deleted or modified due to changes to the timing of improvements for Anderson Subdivision North or south)

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

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

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<td><strong>Review and Approval Authority: Permit Services</strong></td>
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Prior to issuance of a building permit, the following conditions shall be met:

E-1 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.

E-2 Impact Fees - Impact fees shall be assessed for impacts on schools, parks and transportation facilities based for the following districts: Evergreen School District (SIF), Park District #5 (PIF) and Orchards Sub-area (TIF) (see Finding 32). As found in CCC40.610.040, impact fees are calculated using the rates in effect at the time of building permit issuance."
E-3 **Fire** - Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection prior to combustible building construction. Homes exceeding 3,600 square feet (excluding attached garages) will require additional fire protection features possibly including fire sprinkler systems. (See Finding 25 and 26)

E-4 **Fire** - No gate may be installed across a required fire department access road or driveway without first obtaining a permit from the fire marshal's office. Inspection and testing of the gate will be required. Split gates with a divided entry and exit side will need 15 feet on either side for a total gate width of 30 feet. (See Finding 26)

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<th>Development Review Timelines &amp; Advisory Information</th>
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<td><strong>Review and Approval Authority: Advisory to Applicant</strong></td>
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<td>F-1</td>
<td><strong>Land Division</strong> - Within seven (7) years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.</td>
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F-2 **Department of Ecology Permit for Construction Stormwater** - A permit from the Department of Ecology (DOE) is required if:

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

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

F-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.

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

**Hearing Examiner Decision and Appeal Process**

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

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

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

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

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

The examiner will issue a decision on the motion for reconsideration within twenty-eight (28) calendar days of filing of a motion for reconsideration.

**Appeal Rights**
Any party of record to the proceeding before the hearings examiner may appeal any aspect of the Hearing Examiner's decision, except the SEPA determination (i.e., procedural issues), to the Superior Court.

See the *Appeals* handout for more information and fees.

**Attachments**
- Copy of Proposed Preliminary Plan