Type II Staff Report and Decision
Notice to Parties of Record

Project Name: Christopher 2 Short Plat

Case Number: PLD-2020-00030

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

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

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

Any appeal of the final land use decisions shall be in writing and contain the following:
- Case number designated by the county;
- Name of the applicant;
- Name of each petitioner;
- Signature of each petitioner or his or her duly authorized representative;
- A statement showing the following:
  - That each petitioner is entitled to file the appeal as an interested party in accordance with CCC 40.510.030(H);
  - The specific aspect(s) of the decision being appealed;
  - The reasons why each aspect is in error as a matter of fact or law;
  - The evidence relied on to prove the error; and,
- The appeal fee.

See the Appeals handout for more information and fees.

Mailed on: August 12, 2020
Type II Staff Report and Decision

Project Name: CHRISTOPHER 2 SHORT PLAT

Case Number(s): PLD-2020-00030

Request: The applicant is requesting Short Plat Review approval to divide approximately 10.92 acres into two (2) single-family residential lots located in the R-5 zone district.

Address: North side of NE Grantham Road, East of NE 135th Avenue

Parcel number(s): 264371015

Applicant: Roger Christopher
PO BOX 1270
Battle Ground, WA 98604
(360)253-1822
roger@daybreakbuilders.com

Owner: Same as applicant

Contact Person: Ed Greer
13023 NE Highway 99, Suite 7-126
Vancouver, WA 98686
(360)904-4964
ed@ed-greer.net

Staff contact: Angie Merrill
angie.merrill@clark.wa.gov

Decision
Approved subject to Conditions of Approval

Land Use Review manager’s initials: SE Date issued: August 12, 2020
County Review Staff

<table>
<thead>
<tr>
<th>Department/Program</th>
<th>Name</th>
<th>Phone</th>
<th>Email Address</th>
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<tbody>
<tr>
<td>Community Development</td>
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<tr>
<td>Land Use Review Manager</td>
<td>Susan Ellinger</td>
<td>564.397.5122</td>
<td><a href="mailto:susan.ellinger@clark.wa.gov">susan.ellinger@clark.wa.gov</a></td>
</tr>
<tr>
<td>Land Use Review Planner</td>
<td>Angie Merrill</td>
<td>564.397.4028</td>
<td><a href="mailto:angie.merrill@clark.wa.gov">angie.merrill@clark.wa.gov</a></td>
</tr>
<tr>
<td>Fire Marshal's Office</td>
<td>Dan Young</td>
<td>564.397.3318</td>
<td><a href="mailto:dan.young@clark.wa.gov">dan.young@clark.wa.gov</a></td>
</tr>
<tr>
<td>Engineering Team Leader</td>
<td>Ali Safayi P.E.</td>
<td>564.397.4102</td>
<td><a href="mailto:ali.safayi@clark.wa.gov">ali.safayi@clark.wa.gov</a></td>
</tr>
<tr>
<td>Engineer</td>
<td>Michelle Dawson</td>
<td>564.397.4568</td>
<td><a href="mailto:michelle.dawson@clark.wa.gov">michelle.dawson@clark.wa.gov</a></td>
</tr>
<tr>
<td>Concurrency Engineer</td>
<td>David Jardin</td>
<td>564.397.4354</td>
<td><a href="mailto:david.jardin@clark.wa.gov">david.jardin@clark.wa.gov</a></td>
</tr>
<tr>
<td>Biologist</td>
<td>Keith Radcliff</td>
<td>564.397.4180</td>
<td><a href="mailto:keith.radcliff@clark.wa.gov">keith.radcliff@clark.wa.gov</a></td>
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</table>

Comp Plan Designation: R-5

Applicable Laws
Clark County Code: Title 15 (Fire Prevention), 40.200 (General Provisions), 40.210.020 (Rural Residential Zoning District), 40.540.030 Short Plat, 40.350 (Transportation & Circulation), 40.350.020 (Transportation Concurrency), 40.370 (Sewer & Water), 40.386 (Storm Water & Erosion Control), 40.440 (Habitat Conservation), 40.450 (Wetland Protection), 40.500 and 40.510 (Procedures), 40.610 (Impact Fees), Title 24 (Public Health), RCW 58.17 State Platting Laws, and the Clark County Comprehensive Plan.

Neighborhood Association and Contact
This project is not in the boundaries of a recognized neighborhood association

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

A pre-application conference on this matter was held on December 12, 2019. The pre-application was determined contingently vested as of November 25, 2019, the date the fully complete pre-application was submitted.

The fully complete application was submitted on March 18, 2020 and determined to be fully complete on April 29, 2020. Given these facts, the application is vested on November 25, 2020. This vesting does not apply to stormwater or concurrency standards.
There are no disputes regarding vesting.

**Time Limits**
The application was determined to be fully complete on April 29, 2020. The applicant was asked to submit additional information which extended the deadline by 28 days. Therefore, the code requirement for issuing a decision within 78 days lapses on August 12, 2020.

**Public Notice**
Notice of application and likely SEPA Determination of Non-Significance (DNS) was mailed to the applicant, NACCC and property owners within 500 feet of the site on May 20, 2020.

(Note: This site is not located within the boundaries of a recognized neighborhood association.)

**Public Comments**
The Department of Ecology submitted standard erosion control and stormwater permit comments see [Exhibit 8] and [Condition G-2]

Comments regarding dust and keeping the air clean during construction were received by SWCCA see [Exhibit 10] and [Condition G-4]

**Project Overview**
The subject site is approximately 10.92 acres and is located on the corner of NE 135th Avenue and the north side of Grantham Road. The parcel is also known as adjusted Lot 4 of the Christopher Short Plat. The zoning district is R-5. A Boundary Line Adjustment to form the current configuration was conducted and recorded in 2017. The applicant would like to divide the property into (2) single-family residential lots.

There are no existing homes on site. This application package includes the feasibility for construction of a single-family residence and associated improvements located on each lot.

Based on wetland and habitat case (WET2017-00107), some wetlands exist in the southwest corner of the site. Said wetlands and the associated buffers are functionally isolated by the existing driveway, therefore no additional wetland review is required. The wetland and buffers are shown on the Preliminary Short Plat, along with a note indicating that no development shall occur within the wetland or buffer.

The subject property is located in Fire District 10, the Battle Ground School District, and within Clark Public Utilities water service area and Rural Resource Sewer District.

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

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<tr>
<th>Compass</th>
<th>Comp Plan</th>
<th>Zoning</th>
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<td>West</td>
<td>R-5 &amp; FR-2</td>
<td>R-5 &amp; FR-40</td>
<td>Single-Family Residential</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 will 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, or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements and, therefore, are not discussed below.

Land Use
Finding 1 - Lot Standards
The proposed plat is located within an R-5 zone district. Per Table 40.210.020-2, this zone requires a minimum lot area of 5 acres. The zone specifies that each lot shall have a minimum lot width of 140 feet, unless a greater width shall be required by the Clark County fire code. There is no minimum lot depth requirement.

Based on a review of the revised preliminary plat [Exhibit 7], both proposed lots contain at least 5 acres and have an average lot width of 140 feet.

Finding 2 - Legal Lot Determination
Parcel 264371015 was originally deemed a legal lot of record as part of Christopher Short Plat 3-805. The lot has changed in size since the time of creation. A new legal lot determination was completed as part of this Short Plat application.

A boundary line adjustment was recorded under AF#5390114, dated 03/24/2017, this boundary line adjustment modified the area of Lot 1 of Christopher Short Plat 3-805 (15.51 acres) and Lot 4 (5 acres). The zoning at the time of the boundary line adjustment was R-5. Lot 1 was reduced down to 9 acres and Lot 4 was increased to 10.92 acres. The adjustment did not create any new lots or violate zoning or platting regulations.
Based on the above information the project parcel in its current configuration is a legal lot of record.

**Finding 3- Setbacks**
Setbacks prescribed by the R-5 zone are as follows:
Front – 50 feet from the public right-of-way
Street Side – 25 feet
Side – 30 feet and 50 feet for agricultural structures
Rear – 30 feet and 50 feet for agricultural structures

Where fire flow is not provided in the full amount by a public water system, the side and rear setbacks for all buildings shall be increased to 30 feet.

Future construction is required to meet development standards prescribed for new lots and structures put forth in Table CCC 40.210.020-3. [See Condition E-6]

**Finding 4- Safe Walking Conditions**
According to state platting laws RCW 58.17.110, appropriate provisions shall be made to assure safe walking conditions for students who only walk to and from school.

The subject site is located within the Battle Ground School District and specifically Yacolt Elementary, Amboy Middle School, and Battle Ground High School. According to available GIS information, there are no schools located within one (1) mile of the subject site. Therefore, no “safe-walking” conditions are warranted.

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

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

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

The applicant submitted an archaeological pre-determination to the Washington State Department of Archaeology and Historic Preservation (DAHP) prior to submittal of the application, and provided documentation that DAHP received the pre-determination. DAHP was emailed a copy of the SEPA checklist, and did not provide comment. A note shall be included on both the final engineering plans and the final plat stating that if resources are discovered
during ground disturbance, work shall stop and both DAHP and the county shall be notified. See Condition D-12-a.

**Conclusion**

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

**Geologic Hazard Area**

**Finding 1 - Geologic Hazard Applicability**

Clark County GIS indicates that portions of the site are located in a regulated geologic hazard area. All development activities in or adjacent (within 100 feet) to geologic hazard areas shall comply with the provisions of CCC 40.430. It is the burden of the applicant to determine if the provisions of CCC 40.430 apply to this development and comply with CCC 40.430 if necessary.

**Finding 2 - Geotechnical Assessment**

The applicant provided a Geological Hazard Assessment prepared by Jolma Design LLC dated June 16, 2020. Site investigations found that the slopes in excess of 15% and less than 25% did not show any signs of active or past movement. Additionally, test pits did not show any signs of groundwater seepage. The report concludes that the project is feasible provided construction is performed in accordance with generally accepted good engineering and construction practices and the recommendations contained within the report.

The assessment includes the following stormwater management recommendations, these recommendations shall be included on the building permit plans:

- “To the extent practicable, mechanized equipment and construction vehicles should avoid traversing on or within 10 feet of top or toe of slope unless required for constructing improvements, in which case low ground pressure equipment should be used to minimize loading on the underlying soil. Disturbed native should be scarified, conditioned to within 10 percent of optimum moisture content, and compacted to 90 percent maximum dry density as determined by the modified Proctor analysis.”
- “Downgradient slopes upon which dispersion or surface infiltration is proposed shall be stabilized with established vegetation prior to operation. To the extent possible, retain existing, established vegetation in an undisturbed condition. Slopes steeper than 3(H):1(V) shall be armored with riprap or other equivalent stabilization measure a downgradient distance of 5 feet, in a fan-shaped configuration extending outward from the end of trench such that the outward length of riprap is 2 feet beyond each end of the trench.”
- “Dispersion areas on slopes steeper than 15 percent shall be graded to promote dispersed drainage and prevent localized ponding.”
- “Notify JD or other qualified soils professional immediately if slope-failure indicators (e.g., sloughing, cracks) are observed any time during or after construction. Facilities should be inspected during and after the first storm event, and in accordance with Clark County’s Stormwater Operations & Maintenance manual recommendations.” [See Condition D-12-h & E-5] see comment on condition.
Conclusion (Geologic Hazard Area):
Based upon the development site characteristics, the proposed geotechnical plan, the requirements of the County’s geologic hazard area ordinance, and the findings above, staff concludes that the proposed preliminary geotechnical engineering plans is feasible subject to conditions.

Transportation
Finding 1- Transportation Applicability
The provisions of Clark County Code Chapter 40.350, the Transportation and Circulation Ordinance, applies to any subdivision, short plat, site plan application, or conditional use permit.

This application seeks to divide 1 existing tax lot totaling 10.92 acres into 2 legal lots in the R-5 zone.

Finding 2- Roads
Road improvements and design are required to comply with Table 40.350.030-2.

NE Grantham Road
NE Grantham Road is classified as a Rural Minor Collector, half-width right-of-way dedication is required in the rural area if found to be substandard and is 30 feet measured from the historic centerline per Standard Detail Drawing #20. The existing conditions shows that the current right-of-way half-width is 30 feet. A 30-foot half-width right-of-way shall be dedicated to the county with the final plat. [See Condition D-1]

Finding 3- 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. The final engineering plans shall show sight distance triangles for driveways that are proposed to remain. 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 sight distance certification letter for the existing access, prepared by Jolma Design LLC dated June 11, 2020. The letter states that the available sight distance at the existing access exceeds the 500 feet to the east and meets the previously permitted value of 412 feet to the west. The reduced sight distance to the west was permitted under EVR2002-00036.

The applicant has submitted a sight distance certification letter for the proposed access for Lot 2, prepared by Jolma design LLC dated January 7, 2020. The letter states that the available sight distance at the proposed access exceeds the required 500 feet in both directions. [See Condition E-1]

Finding 4- Driveways
Driveway spacing on a collector classified roadway with a posted speed limit of 50 miles per hour is 230 feet. The proposed new driveway for Lot 2 meets the spacing requirement of 230 feet. Driveways in rural areas connecting with paved public roads shall be paved from the edge of the
public road to the right-of-way or to twenty (20) feet from the edge of the public road, whichever is greater. [See Condition E-2]
All new driveways longer than three hundred (300) feet shall be provided with an approved turnaround at the terminus. There shall also be approved turnouts constructed such that the maximum distance from turnout to turnout, or from turnout to turnarounds, does not exceed five hundred (500) feet. Turnouts and turnarounds shall comply with the Standard Details Manual. [See Condition E-3]

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

Transportation Concurrency
Concurrency has reviewed the Land Use Review application for the Christopher 2 Short Plat. The traffic information submitted indicates that this application seeks to divide 10.9 acres into 2 single-family residential lots. The applicant's traffic information suggests an AM peak hour trip generation at 2, PM peak hour trips at 2 and an ADT at 20. The proposed development site is located parcel number 264371-015.

Conclusion
Transportation Concurrency staff concludes that the proposed preliminary plan, subject to conditions identified in their attached report, meets transportation concurrency requirements of the Clark County Code.

Stormwater
Finding 5- Applicability
The provisions of Clark County Code Chapter 40.386 shall apply to all new development, redevelopment, land disturbing activities and drainage projects consistent with the Stormwater Management Manual for Western Washington (SMMWW) and the Clark County Stormwater Manual (2015). The project proposes to add more than 5,000 square feet 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. [See Condition Plat Note D-12-g and Condition E-4]

Finding 6- Stormwater Proposal
The site consists of a mostly cleared grassy field, the site slopes northeast to southwest, with the high point being in the northwest corner and the low point being in the southwest corner and is relatively flat from the middle of the site to the eastern property line. Slopes in excess of 15% are present towards the southwest corner and is mapped as a potential steep slope or landslide hazard. Mapped soil types include Cinebar Silt Loam (CnD), which have a hydrologic soil group classification of "B" and a Clark County WWHM Soil Group classification of "SG-2". Mapped soil types include Cinebar Silt Loam (CnB), which have a hydrologic soil group classification of "B" and a Clark County WWHM Soil Group classification of "SG-2". The applicant submitted a geotechnical report prepared by Jolma Design LLC, dated June 16, 2020. Groundwater was not encountered to a depth of 4 feet, and a coefficient of permeability of 1.26 inches per hour was
calculated. The report recommends a correction factor of 2 resulting in a design infiltration rate of 0.632 inches per hour.

The applicant provided a Preliminary Technical Information Report prepared by Jolma Design LLC dated June 15, 2020. Proposed site improvements include two single family residences, driveways and associated improvements. This will result in 0.23 acres of proposed new hard surface.

On-site Stormwater Management (MR#5) will be met by BMP T5.10C Downspout Dispersion for roofs (0.11 acres) and BMP T7.40 Compost Amended Vegetated Filter Strip (CAVFS) for all pollution generating hard surfaces (0.12 acres).

Runoff Treatment (MR#6) will be addressed with BMP T7.40 Compost Amended Vegetated Filter Strip (CAVFS).

Per the applicant’s engineer, flow Control (MR#7) is not triggered as the project does not create 10,000 square feet of effective impervious surface, convert ¾ acres of vegetation to lawn or landscape, convert 2.5 acres of native vegetation to pasture, or cause a 0.15 cubic foot per second increase in the 100-year flow frequency.

Wetlands Protection (MR#8) is not triggered as the project does not propose to directly or indirectly discharge to a wetland.

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

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

This application was reviewed by Donna Goddard in the Fire Marshal’s Office. Donna can be reached at (564) 397-3323, or e-mail at donna.goddard@clark.wa.gov. Where there are difficulties in meeting these conditions or if additional information is required, contact Donna immediately.

Finding 2- Fire Flow
Fire flow in the amount of 500 gallons per minute supplied for 30 minutes duration is required for this application. Where fire flow is not provided in the full amount by a public water system, the side and rear setbacks for all buildings shall be increased to thirty (30) feet. Class "B" or better rated roof and noncombustible siding shall be required. [See Condition D-6]

Homes exceeding 3600 square feet including attached garages will require additional fire protection features up to and including a residential fire sprinkler system when adequate public water and a hydrant is not within required distances. [See Condition G-5-b]
Finding 3- Fire Apparatus, Access, Turnaround
The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standard. Provide an unobstructed vertical clearance of not less than 13.5 feet, with an all-weather driving surface capable of supporting the imposed loads of fire apparatus.

New private driveways in excess of three hundred (300) feet in length shall be provided with an approved turnaround at the terminus. Turnouts shall be provide at intervals five hundred (500) feet or less, such that no portion of the driveway is in excess of three hundred (300) feet from an approved turnaround or turnout. [See Condition E-7]

Finding 4- Wildland Urban Interface Zone
This application is sited in the designated high fire hazard Wildland - Urban Interface zone. No building shall be located within 30 feet of a property line. Additional building construction, access, fire flow and addressing requirements will be applied at the time of building permit application. [See Condition G-5-c]

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

Water and Sewer Service
Finding 1- Water & Sewer The use of water wells and septic systems are proposed to serve the site. A Public Health Evaluation Letter has been submitted that confirms Public Health staff conducted an evaluation of the site and determined that existing well and proposed septic systems are located on the site. There are no structures on the site at this time. The letter also confirms that the existing shared well and proposed septic systems are approved for use/feasible, subject to conditions of approval.

Finding 2- Final Plat Where use of wells or septic systems are proposed, Public Health staff must sign the final plat prior to submittal to the county for final plat review and recording. [See Condition D-3].

Prior to final plat approval, each lot must have legal and physical access to a drilled well with a current satisfactory Water Adequacy Verification Evaluation (WAVE). Two-party shared wells are subject to approval under Group B standards for small public water systems. A well site evaluation from Clark County Public Health is required for all new wells prior to drilling.

The 100' radius of any individual well must be entirely contained within the current property lines of the proposed parcel. A restrictive covenant is required for any existing wells with a 100' radius located outside the current property lines of the proposed parcel. The actual locations of all wells must be indicated on the final plat along with a 100 foot radius zone of protection. Each individual well must be located on the lot it serves.

This land division is proposed without a Washington State Department of Ecology water rights permit or certificate. Revised Code of Washington (RCW) 90.44.050 provides a ground water permit exemption, in general, for the following four types of water uses:
• Providing water for livestock (no gallon per day limit or acre restriction). • Watering a non-commercial lawn or garden one-half acre in size or less (no gallon per day limit). • Providing water for a single home or groups of homes (limited to 5,000 gallons per day). • Providing water for industrial purposes (limited to 5,000 gallons per day, no acre limit).

All wells for a given project apply toward the limits of the exemption. For example, you cannot irrigate two acres by installing four wells (each serving 1/2 acre). If you wish to develop land and supply the commercial or domestic development with water from several wells, all the wells of the development together must pump 5,000 gallons a day or less to be covered under this exemption. Cumulative total of withdrawn ground water for a commercial or domestic project exceeding 5,000 gallons a day requires a water right from Ecology.

A note shall be required on the plat stating: “This land division was approved without water rights and is therefore required to meet ground water permit exemption requirements within RCW 90.44.050. Unless water rights are obtained, the total combined water use by the lots in this land division is limited to five thousand gallons per day. The watering of lawns or of noncommercial gardens is limited to a total not to exceed one-half acre.” The water supply portion of the signature block on the final plat must refer to this note. [See Condition D-12-j]

A note shall be required on the plat stating: “The approved initial, reserve, and/or existing sewage system sites shall be protected from damage due to development”. These sites shall be maintained so they are free from encroachment by buildings, roads and other structures. These areas shall not be covered by any impervious material and not be subject to vehicular traffic or other activity which would adversely affect the soil. Provisions shall be made to prevent flow or accumulation of surface water over the area where an on-site sewage system is located [WAC 246-272-140(6)]. [See Condition D-12-k]

No public or private easements or rights-of-way shall be through the approved initial, reserve, or existing on-site sewage system sites.

Impact Fees
Finding 1 – Impact Fees
The additional residential lots created by this plat will produce impacts on schools, parks, and traffic, and are subject to Battle Ground School (SIF) $6397.00 and Rural Impact Fees (TIF) $2848.38 in accordance with CCC 40.610.

The amounts listed above are an estimate using the current impact fee rates and are subject to change. As found in CCC 40.610.040, impact fees are calculated using the rates in effect at the time of building permit issuance.

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 May 20, 2020 and is hereby final.

**SEPA Appeal Process**

An appeal of this SEPA determination and any required mitigations, must be filed with the Department of Community Development within fourteen (14) calendar days from the date this notice.

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.

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

Please 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: Angie Merrill, 564.397.4028, angie.merrill@clark.wa.gov

Responsible Official: Dan Young, Community Development Director

Decision
Based upon the revised proposed plan known as Exhibit 7, and the findings and conclusions stated above and within the attached reports and decisions, the Community Development Director hereby APPROVES this request, subject to the following conditions of approval.

Conditions of Approval
Note: The Conditions of Approval below include those identified above and those contained within Attachments A, B, and C. The letters or numbers may have changed from those in the attachments.

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  None

B  Prior to Construction of Development Review and Approval Authority: Development Inspection

Prior to construction, the following conditions shall be met:

B-1  None

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

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

C-1  None

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

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

D-1  A 30-foot half-width right-of-way along NE Grantham Road shall be dedicated to the county with the final plat. [See Transportation Finding 2]

D-2  Setbacks: Setbacks for detached single-family units within the R-5 zone shall be identified for each lot on the face of the plat.
D-3 **Public Health Signature Requirement:** Public Health is required to sign the final plat, the use of well or septic systems is proposed. [See Water & Sewer Finding 2]

D-4 **Abandonment of On-Site Water Wells and Sewage Systems:** The location of abandoned septic tanks and decommissioned wells shall be shown on the face of the final plat.

D-5 **On-Site Water Wells and Sewage System Requirements:** For on-site water wells and sewage system, the following requirements shall be completed:

   a. Small public water systems shall be drilled and approved by Public Health prior to final plat approval;
   b. A 100-foot radius of protection for any wells shall be shown on the final plat map and be located within the boundaries of the land division;
   c. The location of all existing wells (in use, not in use, or abandoned) shall be indicated on the final plat map;
   d. Each on-site sewage system shall be on the same lot it serves;
   e. Test hole locations corresponding to the designated treatment sites shall be surveyed and indicated on the final plat map;
   f. No public or private easements or rights-of-way shall be extended through the approved, reserve or existing on-site sewage system sites;
   g. Provisions shall be made to prevent flow or accumulation of surface water over the area where an on-site sewage system is located;
   h. A copy of the county approved final drainage plan shall be submitted for review; and,
   i. All proposed lots shall have a current approved septic system site evaluation or septic system permit. Should either be allowed to expire, subsequent approval of an on-site sewage treatment system cannot be assured and, therefore, Public Health will not sign the final plat.

D-6 **Fire Marshal Requirements:** Fire flow in the amount of 500 gallons per minute supplied for 30 minutes duration is required for this application. Where fire flow is not provided in the full amount by a public water system, the side and rear setbacks for all buildings shall be increased to thirty (30) feet. Class "B" or better rated roof and noncombustible siding shall be required. [See Fire Protection Finding 2]

D-7 **Developer Covenant:** A Developer Covenant to Clark County shall be submitted for recording to include the following:

   a. **Private Road Maintenance Covenant:** A private road maintenance covenant shall be submitted to the responsible official for approval and recorded with the Clark County Auditor. The covenant shall set out the terms and conditions of responsibility for maintenance, maintenance methods, standards, distribution of expenses, remedies for noncompliance with the terms of the agreement, right of use easements, and other considerations, as required under CCC 40.350.030(C)(4)(g).
b. 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 meet applicable current road 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 owners of the subject property for assumption of maintenance per the county’s Stormwater Facilities Maintenance Manual as adopted by Chapter 13.26A. The responsible official prior to county approval of the final stormwater plan shall approve such arrangements. Final plats shall specify the party(s) responsible for long-term maintenance of stormwater facilities within the Developer Covenants to Clark County. The county may inspect privately maintained facilities for compliance with the requirements of this chapter. If the parties responsible for long-term maintenance fail to maintain their facilities to acceptable standards, the county shall issue a written notice specifying required actions to be taken in order to bring the facilities into compliance. If these actions are not performed in a timely manner, the county shall take enforcement action and recover from parties responsible for the maintenance in accordance with CCC 32.04.060.

f. Land Near Agricultural, Forest or Mineral Resources: Land owners and residents are hereby notified that this plat is located within 500 feet of lands zoned agriculture-wildlife (AG-WL), agriculture (AG-20), forest (FR-40, FR-80), or surface mining (S), or in current use under Revised Code of Washington (RCW) Chapter 84.34. Therefore, the subject property is within or near designated agricultural land, forest land or mineral resource land, as applicable, 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.

g. Impact Fees: "In accordance with CCC 40.610 impact fees for each dwelling in this short plat shall be assessed for impacts on schools, parks and transportation
facilities based for the following districts: Battle Ground School District (SIF), and Rural (TIF). As found in CCC40.610.040, impact fees are calculated using the rates in effect at the time of building permit issuance."

D-9 Addressing: At the time of final plat, existing residence(s) that will remain may be subject to an address change. Addressing will be determined based on point of access.

D-12 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. Building Envelope Note: If any development activity or ground disturbance occurs outside of the building envelopes represented on the final plat, an additional archaeological predetermination survey will be required for the area impacted.

  c. Septic Systems: "The approved, initial, reserve, and/or existing sewage system sites shall be protected from damage due to development. All sites shall be maintained so they are free from encroachment by buildings and not be subject to vehicular traffic or other activity which would adversely affect the site or system function."

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

  e. Driveways: "All new driveways longer than three hundred (300) feet shall be provided with an approved turnaround at the terminus. There shall also be approved turnouts constructed such that the maximum distance from turnout to turnout, or from turnout to turnarounds, does not exceed five hundred (500) feet."

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

  g. Stormwater: The owners of each lot are responsible for obtaining approval of individual stormwater plans with the building permit and constructing the individual on-site stormwater systems. The homeowner is responsible for long term maintenance of the drainage system serving their lot.

  h. Geologic Hazard: "At the time of building permit application, the applicant shall include the recommendations contained in the Geological Hazard Assessment
prepared by Jolma Design LLC dated June 16, 2020 in the building permit plans. The applicant shall implement the recommendations identified in the geotechnical report unless further studies present new or different facts.”

i. **Impact Fees:** "In accordance with CCC 40.610 impact fees for each dwelling in this short plat shall be assessed for impacts on schools, parks and transportation facilities based for the following districts: Battle Ground School District (SIF) and Rural (TIF). As found in CCC40.610.040, impact fees are calculated using the rates in effect at the time of building permit issuance.”

j. **Water Rights:** A note shall be required on the plat stating: “This land division was approved without water rights and is therefore required to meet ground water permit exemption requirements within RCW 90.44.050. Unless water rights are obtained, the total combined water use by the lots in this land division is limited to five thousand gallons per day. The watering of lawns or of noncommercial gardens is limited to a total not to exceed one-half acre.” The water supply portion of the signature block on the final plat must refer to this note.

k. A note shall be required on the plat stating: “The approved initial, reserve, and/or existing sewage system sites shall be protected from damage due to development”. These sites shall be maintained so they are free from encroachment by buildings, roads and other structures. These areas shall not be covered by any impervious material and not be subject to vehicular traffic or other activity which would adversely affect the soil. Provisions shall be made to prevent flow or accumulation of surface water over the area where an on-site sewage system is located [WAC 246-272-140(6)]

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**E Building Permits Review and Approval Authority: Permit Services**

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

E-1 **Sight Distance:** The owner of Lot 2 shall submit a sight distance certification letter verifying that their access to NE Grantham Road meets the sight distance requirements as outlined in CCC 40.350(B)(8). [See Transportation Finding 3]

E-2 **Driveway:** The owners of Lot 1 and Lot 2 shall construct their access and driveway in compliance with CCC 40.350. [See Transportation Finding 4]

E-3 **Driveway Lengths:** The owners of each lot are responsible for constructing their on-site driveways, and ensuring they include appropriate turnouts and turnarounds: driveways longer than 300 feet shall be provided with an approved turnaround at the terminus and approved turnouts at maximum 500-feet intervals in accordance with the Clark County Standard Details. [See Transportation Finding 4]

E-4 **Stormwater:** The applicable stormwater minimum requirements must be determined in accordance with CCC 40.386. The owners of each lot are responsible for obtaining
approval of individual stormwater plans with the building permit and constructing the
dividual on-site stormwater systems. The homeowner is responsible for long term
maintenance of the drainage system serving their lot. [See Stormwater Finding 5]

E-5 Geological Hazard: The owners of each lot are responsible for obtaining approval of
individual site improvements in compliance with CCC 40.430, and the following
conditions:

Geological Hazard Report: The applicant shall implement the following
recommendations identified in the Geological Hazard Report prepared by Jolma Design
LLC, dated June 16, 2020, unless further studies present new or different facts.

i. “To the extent practicable, mechanized equipment and construction vehicles
should avoid traversing on or within 10 feet of top or toe of slope unless required
for constructing improvements, in which case low ground pressure equipment
should be used to minimize loading on the underlying soil. Disturbed native should
be scarified, conditioned to within 10 percent of optimum moisture content, and
compacted to 90 percent maximum dry density as determined by the modified
Proctor analysis.”

ii. “Downgradient slopes upon which dispersion or surface infiltration is proposed
shall be stabilized with established vegetation prior to operation. To the extent
possible, retain existing, established vegetation in an undisturbed condition.
Slopes steeper than 3(H):1(V) shall be armored with riprap or other equivalent
stabilization measure a downgradient distance of 5 feet, in a fan-shaped
configuration extending outward from the end of trench such that the outward
length of riprap is 2 feet beyond each end of the trench.”

iii. “Dispersion areas on slopes steeper than 15 percent shall be graded to promote
dispersed drainage and prevent localized ponding.”

iv. “Notify JD or other qualified soils professional immediately if slope-failure
indicators (e.g., sloughing, cracks) are observed any time during or after
construction. Facilities should be inspected during and after the first storm event,
and in accordance with Clark County’s Stormwater Operations & Maintenance
manual recommendations. [See Geo Hazard Finding 2]

E-6 Impact Fees: Impact fees shall be assessed for impacts on schools, parks and
transportation facilities based for the following districts: Battle Ground School District
(SIF) and Rural (TIF). As found in CCC40.610.040, impact fees are calculated using the
rates in effect at the time of building permit issuance.”

E-7 Driveway: New private driveways in excess of three hundred (300) feet in length shall
be provided with an approved turnaround at the terminus. Turnouts shall be provide at
intervals five hundred (500) feet or less, such that no portion of the driveway is in excess
of three hundred (300) feet from an approved turnaround or turnout

E-6 Setbacks: Future construction is required to meet development standards prescribed for
new lots and structures put forth in Table CCC 40.210.020-3 [See Land Use Finding 3]
Excavation and Grading: Excavation/grading shall be performed in compliance with CCC 14.07.

Occupancy Permits
Review and Approval Authority: Building

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

None

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

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

Department of Ecology Permit for Construction Stormwater:

SOLID WASTE MANAGEMENT:

All grading and filling of land must utilize only clean fill. All other materials may be considered solid waste and permit approval may be required from the local jurisdictional health department prior to filling. All removed debris resulting from this project must be disposed of at an approved site. Contact the local jurisdictional health department for proper management of these materials.

WATER QUALITY/WATERSHED RESOURCES UNIT:

Erosion control measures must be in place prior to any clearing, grading, or construction. These control measures must be effective to prevent stormwater runoff from carrying soil and other pollutants into surface water or stormdrains that lead to waters of the state. Sand, silt, clay particles, and soil will damage aquatic habitat and are considered to be pollutants.

Any discharge of sediment-laden runoff or other pollutants to waters of the state is in violation of Chapter 90.48 RCW, Water Pollution Control, and WAC 173-201A, Water Quality Standards for Surface Waters of the State of Washington, and is subject to enforcement action.

Construction Stormwater General Permit:

The following construction activities require coverage under the Construction Stormwater General Permit:

1. Clearing, grading and/or excavation that results in the disturbance of one or more acres and discharges stormwater to surface waters of the State; and 2. Clearing, grading and/or excavation on sites smaller than one acre that are part of a larger common plan of
development or sale, if the common plan of development or sale will ultimately disturb one acre or more and discharge stormwater to surface waters of the State. a) This includes forest practices (including, but not limited to, class IV conversions) that are part of a construction activity that will result in the disturbance of one or more acres, and discharge to surface waters of the State; and 3. Any size construction activity discharging stormwater to waters of the State that Ecology: a) Determines to be a significant contributor of pollutants to waters of the State of Washington. b) Reasonably expects to cause a violation of any water quality standard.

If there are known soil/ground water contaminants present on-site, additional information (including, but not limited to: temporary erosion and sediment control plans; stormwater pollution prevention plan; list of known contaminants with concentrations and depths found; a site map depicting the sample location(s); and additional studies/reports regarding contaminant(s)) will be required to be submitted.

Additionally, sites that discharge to segments of waterbodies listed as impaired by the State of Washington under Section 303(d) of the Clean Water Act for turbidity, fine sediment, high pH, or phosphorous, or to waterbodies covered by a TMDL may need to meet additional sampling and record keeping requirements. See condition S8 of the Construction Stormwater General Permit for a description of these requirements. To see if your site discharges to a TMDL or 303(d)-listed waterbody, use Ecology’s Water Quality Atlas at: https://fortress.wa.gov/ecy/waterqualityatlas/StartPage.aspx

The applicant may apply online or obtain an application from Ecology’s website at: http://www.ecy.wa.gov/programs/wq/stormwater/construction/ - Application. Construction site operators must apply for a permit at least 60 days prior to discharging stormwater from construction activities and must submit it on or before the date of the first public notice.

WATER RESOURCES:

The ground water withdrawal from a shared well may not exceed 5,000 gallons per day for domestic purposes, and up to one-half acre lawn or non-commercial garden irrigation. Any use above 5,000 gallons per day for domestic purposes, or the irrigation of more than one-half acre lawn or non-commercial garden irrigation requires a water right from the Department of Ecology.

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

G-4 South West Clean Air Agency: Construction Dust [SWCAA 400 - General Regulations for Air Pollution Sources]: Construction and earthmoving activities have the potential to generate excessive dust emissions if reasonable control measures are not implemented.
SWCAA Regulation 400-040(2) requires that “no person shall cause or permit the emission of particulate matter from any stationary source to be deposited beyond the property under direct control of the owner or operator of the stationary source in sufficient quantity to interfere unreasonably with the use and enjoyment of the property upon which the material is deposited”. Furthermore, SWCAA Regulation 400-040(8)(a) requires that “the owner or operator of any source of fugitive dust shall take reasonable precautions to prevent fugitive dust from becoming airborne and shall maintain and operate the source to minimize emissions”. Common control measures to mitigate the emission of dust from construction and earthmoving activities include: application of water before and during earthmoving operations, application of water to disturbed surface areas (including access roads and staging areas) after earthmoving operations, application of chemical dust control products and/or surfactants, limiting access to open/disturbed areas, reducing equipment/vehicle speeds, establishing vegetative cover on inactive areas and ceasing operations altogether during high wind events. Violations of SWCAA Regulation 400-040 may result in civil penalties being assessed against the project operator and/or property owner.

The proponent of this project may contact SWCAA at 360-574-3058 for more information regarding the agency’s requirements. Notification forms, permit applications, air quality regulations and other information are available on the internet at http://www.swcleanair.org.

G-5 Building Construction:

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

b. Homes exceeding 3600 square feet including attached garages will require additional fire protection features up to and including a residential fire sprinkler system when adequate public water and a hydrant is not within required distances. [See Fire Protection Finding 2]

c. This application is sited in the designated high fire hazard Wildland - Urban Interface zone. No building shall be located within 30 feet of a property line. Additional building construction, access, fire flow and addressing requirements will be applied at the time of building permit application. [See Fire Protection Finding 4]

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

H-1 None

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

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

The appeal shall be filed with the Department of Community Development within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record. This decision was mailed on August 12, 2020. Therefore any appeal must be received in this office by the close of business on August 26, 2020.

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

- Case number designated by the county;
- Name of the applicant;
- Name of each petitioner;
- Signature of each petitioner or his or her duly authorized representative;
- A statement showing the following:
  - That each petitioner is entitled to file the appeal as an interested party in accordance with CCC 40.510.030(H);
  - The specific aspect(s) of the decision being appealed;
  - The reasons why each aspect is in error as a matter of fact or law;
  - The evidence relied on to prove the error; and,
- The appeal fee.

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

Refer to the Appeals handout for more information and fees.

**Attachments**

- Copy of Proposed Preliminary Plan
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<tr>
<td>Contact Person</td>
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<td>13023 NE Hwy 99</td>
<td>Ste 7-126</td>
<td>Vancouver</td>
<td>WA</td>
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