Type III Land Division and Environmental Review
Staff Report and Recommendation

Project Name: CODY PROPERTY SUBDIVISION

Case Number: PLD2019-00011; SEP2019-00015; FOR2019-00018

Request: The applicant is proposing to divide approximately 10 acres located in an R1-5 zoning district into 59 single family residential lots.

Address: 11000 block of NE 112th Avenue

Parcel number: Lot 95 (986049-266) located in the northeast quarter of Section 33; Township 3 North; Range 2 East of the Willamette Meridian.

Applicant: Houston Aho
Aho Construction I, Inc.
5512 NE 109th Court, Suite 101
Vancouver, WA 98662

Owner: S. Jean Cody, Trustee (Karen Williams)
c/o Cody Donald A. Trust
10809 NE 119th Street
Vancouver, WA 98662

Contact Person: Dave Weston
AKS Engineering
9600 NE 126th Avenue, Suite 2520
Vancouver, WA 98682
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Email: davew@aks-eng.com

Staff contact: Vicki Kirsher, Planner III
Phone: 564.397.4178
Email: vicki.kirsher@clark.wa.gov

Recommendation
Approve Subject to Conditions

Land Use Review Manager’s Initials:  Date issued: May 8, 2019

Public Hearing Date: May 23, 2019

Revised 5/7/2019

For an alternate format, contact the Clark County ADA Compliance Office.
Phone: 564.397.2322
Relay: 711 or 800.833.6384
E-mail: ADA@clark.wa.gov
County Review Staff

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

Applicable Laws
Clark County Code Sections: 40.200 (General Provisions); 40.220.010 (Single-Family Residential Districts, R1-5); 40.260.080 (Forest Practices); 40.320.010 (Landscaping and Screening); 40.350 (Transportation and Circulation); 40.350.020 (Transportation Concurrency); 40.370.010 (Sewer); 40.370.020 (Water Supply); 40.386 (Stormwater and Erosion Control); 40.500.010 (Procedures); 40.510.030 (Type III Process); 40.540.040 (Subdivisions); 40.570 (SEPA); 40.570.080 (Archaeological); 40.610 & 40.620 (Impact Fees); Title 15 (Fire Code); Title 24 (Public Health); RCW 58.17 (State Platting Laws) and the Clark County Comprehensive Plan.

Neighborhood Association and Contact
Sunnyside Neighborhood Association
Judy Bumbarger-Enright President
Email: sunnysidenava@yahoo.com

Vesting
An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report. Contingent vesting does not apply to stormwater or concurrency standards.
A pre-application conference on this matter was held on April 19, 2018. The pre-application was determined to be contingently vested. However, a preliminary subdivision application was not filed within the prescribed 180 days.

The fully complete application was submitted on February 8, 2019, and determined to be fully complete on February 22, 2019. Given these facts, the application is vested on February 8, 2019. Vesting does not apply to stormwater standards. There are no disputes regarding vesting.

**Time Limits**
The application was determined to be fully complete on February 22, 2019. Therefore, the code requirement for issuing a decision within 92 days lapses on May 25, 2019. The state requirement for issuing a decision within 120 calendar days, lapses on June 22, 2019.

**Public Notice**
Notice of application and public hearing was mailed to the applicant, Sunnyside Neighborhood Association, SEPA agencies and property owners within 300 feet of the site on April 15, 2019. One sign was posted by the applicant on the subject property on April 19, 2019 [Exhibit 6].

**Public Comments**
No written comments were submitted in response to public notice. However, the following SEPA comments were received:

1. A letter was received from Southwest Clean Air Agency on April 23, 2019 [Exhibit 7]. It notes that construction and activities have the potential to generate dust nuisances related to the movement of equipment and material handling operations. This correspondence further states 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.”

   **Staff Response:** Prior to commencing construction of the subdivision, approval of an erosion and dust control plan is required by county code (See Condition A-7). County inspection staff will monitor erosion and control measures during construction activities.

2. An email was received from the Cowlitz Indian Tribe on April 23, 2019 [Exhibit 8]. It recommends “an Inadvertent Discovery Plan be attached to the permit”.

   **Staff Response:** See Archaeology Finding 2, Condition A-1 and Condition D-8-a.

3. In a letter dated April 30, 2019 [Exhibit 10], the Washington Department of Ecology (ECY) advises that any discharge of sediment-laden runoff or other pollutants to water of the state is a violation of state statute. It also specifies that erosion control measures must be in place prior to any clearing, grading or construction on site. In addition, it states “all grading and filling of land must utilize only clean fill”.

   The ECY letter also identifies those construction activities that require “coverage under the Construction Stormwater General Permit” and for which the applicant must obtain a permit from that agency.
Staff Response: As noted in #1 above, the county requires an approved erosion control plan prior to beginning construction on the site. The applicant has been provided a copy of the ECY letter, and will be required to obtain any permits required (See Condition G-2).

Project Overview
The subject 10 acre parcel is located on the west side of NE 112th Avenue, approximately 115 feet north of its intersection with NE 109th Street. The site is currently vacant.

Existing site topography slopes gently from northeast to west/southwest. The western quarter of the site is currently devoted to a hay field. Vegetation on the remainder of the property is a mix of field grass and Himalayan blackberry.

The applicant is proposing to divide approximately 10 acres into 59 single-family residential lots. Parcels range in size from 4,157 square feet to 7,249 square feet.

The proposed plan [Exhibit 2, Sheet P3.0] calls for the main vehicular access to be via a new roadway (identified as NE 110th Street) extending westward from NE 112th Avenue. A secondary access will be from the extension of NE 109th Avenue on the south. All resulting lots will obtain access from an internal network of streets constructed with development of the subdivision.

The site is located within the Battle Ground School District, Fire District #5, and Park District #6.

The comprehensive plan designation, zoning, and uses of both the subject and surrounding properties are noted in the following table:

<table>
<thead>
<tr>
<th>Compass</th>
<th>Comp Plan</th>
<th>Zoning</th>
<th>Current Land Use</th>
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</thead>
<tbody>
<tr>
<td>Site</td>
<td>Urban Low Density Residential</td>
<td>R1-5</td>
<td>Vacant</td>
</tr>
<tr>
<td>North</td>
<td>Urban Low Density Residential</td>
<td>R1-6</td>
<td>Single family residential subdivision</td>
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<td>East</td>
<td>Industrial</td>
<td>I with Surface Mining Overlay</td>
<td>Waste Connection Storage and Maintenance</td>
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<tr>
<td>South</td>
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<td>R1-5</td>
<td>Single family residential subdivision</td>
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<tr>
<td>West</td>
<td>Urban Low Density Residential</td>
<td>R1-5</td>
<td>Acreage homesite and agricultural</td>
</tr>
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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. 7. Biological
5. 8. Geotechnical
6. Cultural
7. Archaeological
8. Vegetation
9. Housing
10. Aesthetics
11. Light and Glare
4. Plants
5. Animals
6. Energy and Natural Resources
7. Environmental Health
8. Land and Shoreline Use
9. Public Safety
10. Police
11. Fire
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 – Permitted Uses**
The proposed subdivision is located within an R1-5 zoning district. According to Table 40.220.010-1, single family detached residential dwellings are permitted a permitted use within this designation.

**Finding 2 – Lot Standards**
The R1-5 zone requires an average minimum lot area of 5,000 square feet and an average maximum area of 7,000 square feet. The zone also specifies that each lot shall have an average width of 45 feet and an average depth of 75 feet.

Based on a review of the preliminary plan [Exhibit 2, Sheet P3.0], average lot area for the proposed subdivision will be 5,529 [Exhibit 9]. In addition, all proposed lots meet prescribed width and depth requirements of the R1-5 zone. Any changes to the proposed lot layout, however, may require additional review (See Conditions D-1-a and D-1-b).

**Finding 3 – Development Standards**
In accordance with Table 40.220.010-3, setbacks prescribed for the R1-5 zoning district are as follows:

- Front: 10 feet or eighteen (18) feet to garage front
- Street Side: 10 feet
- Interior Side: 5 feet
- Rear: 10 feet

1 Front setbacks shall be measured from the edge of any street right-of-way, street tract, street easement, or driveway easement that provides access to the lot, including any separate pedestrian easement that may exist between a street and the front setback line.
The maximum lot coverage is 50 percent and the maximum building height is 35 feet. Accessory buildings, however, shall not exceed 18 feet in height.

Details of future home construction on these resulting lots have not been provided, nor is it required at preliminary subdivision review. All future construction on these newly created lots must meet setbacks and development standards of the zone (See Condition E-1).

Finding 4 – Landscape Buffers
CCC 40.320.010 requires perimeter landscaping and screening between adjoining properties and uses. The degree and height of the required screening is based upon zoning of both the proposed development and the neighboring properties.

In accordance with Table 40.320.010-1, the following perimeter landscaping scheme is required for this site:

North: No buffer
West: No buffer
South: No buffer
East: 10-foot L3 buffer

As previously noted, the proposed subdivision is located in an R1-5 zoning district. Surrounding properties to the north, west and south are all zoned for single family residential development. As a result, no buffering or screening is prescribed along these property boundaries. A 10-foot L3 buffer is required along the eastern perimeter of the development site because land across NE 112th Avenue is zoned I1.

The L3 standard provides physical and visual separation between uses or development principally using screening. This standard requires enough high shrubs to form a screen six (6) feet high and ninety-five percent (95%) opaque year-round. In addition, one (1) tree is required per thirty (30) lineal feet of landscaped area or as appropriate to provide a tree canopy over the landscaped area. Groundcover plants must fully cover the remainder of the landscaped area with the exception of energy dissipation points at the locations of stormwater inlets. LID bioretention facility plantings may be used in combination with perimeter shrubs, provided a continuous screen six (6) feet high and ninety-five percent (95%) opaque year-round can be achieved within two (2) years of planting. A six (6) foot high wall or fence that complies with the F2 standard (100% sight-obscuring) with or without a berm may be substituted for shrubs, but the trees and groundcover plants are still required. When applied along street lot lines, the screen or wall is to be placed along the interior side of the landscaped area.

In accordance with CCC 40.320.010(C)(6), required landscaping and screening shall be located on the perimeter of a lot or parcel. The submitted landscape plan [Exhibit 2, Sheet P7.0] shows the plant materials located in a 4-foot planter strip in the public right-of-way. Both location and width of the landscape buffer are not acceptable and shall be revised on the final landscape plan (See Condition A-2-a).

The written narrative [Exhibit 1, Tab 5] indicates the applicant is proposing a "6-foot wood fence in lieu of shrubs with trees at 30 feet on center and groundcover” to meet the L3 standard. The landscape plan calls for the planting of 14 trees north of the proposed NE 110th
Street. Based on the length of this boundary, however, 15 trees are required. This deficiency shall be corrected on the final plan (See Condition A-2-b).

Per CCC 40.540.070(B)(8)(c), the applicant shall submit verification that all required landscaping and any irrigation has been installed according to the approved landscape plan shall be submitted prior to recording the final plat (See Condition D-7).

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

Finding 5 – State Platting Standards (RCW 58.17)
RCW 58.17.110 requires, among other things for subdivision approval, a finding that safe walking conditions exist for students who walk to school. A letter from the Battle Ground School District was provided by the applicant [Exhibit 1, Tab 18]. It confirms “all students will be bused”.

With conditions of approval, staff finds the proposed subdivision will make appropriate provisions for the public health, safety, and general welfare of the community. Extension and connection of proposed future residences to public sewer and water, as well as treatment of any future increase in 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, park and transportation provisions, maintenance and services.

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

Archaeology

Finding 1 – Applicability
The entire site is located within a moderate to high probability area for discovery of archaeological resources, as designated on the Archaeological Predictive Model Map of Clark County. The proposal is a high impact development. Therefore, an archaeological pre-determination was required as part of the application submittal packet.

Finding 2 – Historic and Cultural Preservation
The applicant submitted an archaeological pre-determination to the Washington State Department of Archaeology and Historic Preservation (DAHP) prior to submittal of the preliminary subdivision application [Exhibit, Tab 14]. DAHP was mailed the public notice along with a copy of the SEPA checklist, and has not provided comment. Therefore, a note will be required on the final engineering plans that if resources are discovered during ground disturbance, work shall stop and both DAHP and the county shall be notified (See Condition A-1). In addition, a similar note shall be placed on the final plat (See Condition D-8-a).
Conclusion (Archaeology): Staff finds that the proposed preliminary plan, subject to conditions identified above, meets archaeology requirements of the Clark County Code.

Forest Practices

Finding 1 – Forest Practice
The property was harvested under a Clark County Forest Practice Application (FOR2014-00005) and indicated replanting of Douglas-fir on the harvested area. One (1) leave tree per acre was also indicated in the application. Upon a staff site visit, some leave trees were left, no reforestation took place, and currently does not meet Forest Practices reforestation requirement of 190 trees per acre being established within 3 years of the expired permit as required by this 2014 approval.

Finding 2 – Storm Water and Erosion Control
The harvest operator is responsible for providing all Stormwater and erosion control requirements in accordance with Chapter 40.386 (Storm Water and Erosion Control) for Class IVG Forest Practices for the entire project site. Any site prep such as stump pulling and grading may be subject to a Clark County grading permit and state permits for construction stormwater.

Finding 3 – Road Maintenance
Damage to the public roads or right of way shall be the sole responsibility of the applicant and underlying property owner. Any such damage shall be corrected to the satisfaction of Clark County Public Works within 24 hours.

Finding 4 – Slash Disposal
This is a NO Burning Zone. All slash shall be chipped or removed to an approved off-site within 6 months of cutting.

Finding 5 – Public Safety
- Activity from this site shall avoid the hours of 0700 to 0800 hours in the morning and 1500 to 1630 hours in the afternoon on days in which school bus activity is anticipated.

- Activity must abide by all posted speed limits and rules of the road, the use of unmuffled "jake brakes" will not be permitted adjacent to private residences.

- Tracking on to county roads is prohibited under CCC 40.386 and 13.26A.

Finding 6 – Archaeological Resources
The applicant successfully completed an Archaeological predetermination report submitted to the Department of Archeological Historic Preservation (DAHP). DAHP reviewed the predetermination report and had no comment in response to SEPA notice. It is therefore unlikely that archaeological resources will be impacted as proposed in the SEPA checklist.

Finding 7 – Leave Trees
The property was harvested under FOR2014-00005 and 1 tree per acre was to be left on site post-harvest. Leave Trees are not required under a Class IV-G Forest Practice on the converted home site areas.
Finding 8 – Reforestation
The property was harvested under FOR2014-00005 and was not reforested with Douglas-fir. Reforestation is not required under the Class IV general forest practices permit currently under review (FOR2019-00018) as the property subject to the permit is being converted to a non-forestry use.

Finding 9 – Critical Areas
No critical areas on site.

Conclusion (Forest Practices): Staff finds that the proposed preliminary plan, subject to the conditions of approval (See Conditions AA-1 through AA-12), meets requirements of the Clark County Code.

Transportation

Finding 1 – Pedestrian/Bicycle Circulation Plan
Pedestrian circulation facilities in compliance with the Americans with Disabilities Act are required in accordance with the provisions of Section CCC 40.350.010. The applicant has proposed internal sidewalks and sidewalk along the frontage of NE 112th Avenue. Staff believes the proposal meets the pedestrian circulation code.

Finding 2 – Road Circulation
This development proposal includes widening existing NE 112th Avenue to the east and providing circulation to the west. Circulation to the north and south is proposed via NE 112th Avenue and NE 109th Avenue. The block and perimeter length requirements have been satisfied. The roadway circulation plan complies with the circulation plan requirements, Section CCC 40.350.030(B)(2).

Finding 3 – Roads
NE 112th Avenue is an “Urban Neighborhood Circulator”. The applicant proposes to complete the road in order to meet the full width standards. The associated required full-width improvements include 54 feet of right-of-way, 36 feet of paved width, curb, gutter, and 5-foot sidewalk (See Condition A-3-a).

Proposed NE 111th Street, NE 110th Street, NE 111th Avenue, and NE 110th Avenue are “Urban Local Residential Access” roads. The associated required full-width improvements include 46 feet of right-of-way, 28 feet of paved width, curbs, gutters, and sidewalks (See Condition A-3-b).

NE 109th Avenue is also proposed as an “Urban Local Residential Access” road. The required partial width improvements range from 46 feet of right-of-way, 28 feet of paved width, curb, gutter, and sidewalk (where the road connects with an existing stub to the south) to 29 feet of right-of-way, 20 feet of paved width, curb, gutter, and sidewalk. Parking shall be prohibited with placement of “No Parking” signs on both sides of the road except on the east side of the road to the south of the proposed intersection of NE 110th Street and NE 109th Avenue (See Conditions A-3-c and A-3-d).
Finding 4 – 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 at all intersections. 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 submitted a sight distance analysis, dated October 1, 2018, indicating that greater than 400 feet of sight distance will exist at the proposed intersection of NE 110th Street and NE 112th Avenue (See Conditions A-3-e and D-8-e).

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

Transportation Concurrency

Finding 1 – Trip Generation
Concurrency staff has reviewed the proposed Cody Property Subdivision traffic study dated October 1, 2018 prepared by Lancaster Engineering. The traffic study submitted indicates that the proposed development will divide 10 acres into 59 single family residential lots. The applicant’s traffic study has estimated the a.m. peak hour trip generation at 44, the p.m. peak-hour trip generation at 58 trips and an average daily trip generation (ADT) of 556 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 986049-266 in Vancouver.

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

Finding 2 – Site Access
Traffic conditions are usually expressed using a scale that quantifies the ability of a facility to meet the needs and expectations of the driver. This scale is graded from A to F and is referred to as level-of-service (LOS). A driver who experiences 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 road network to serve as public street access for lots within the proposed subdivision. The proposed development also includes NE 112th Avenue frontage improvements along the eastern property line. NE 112th Avenue is classified as an Urban Neighborhood Circulator. The applicant’s plan also shows the extension of NE 109th Avenue, from the south, to facilitate public street connections with the interior road network along the western property line. NE 109th Avenue is classified as an Urban Local Access road.
The applicant’s study evaluated the level of service and found that the site access intersections analyzed will have an estimated LOS C, in the 2020 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 3 – 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 2 miles 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 Concurrency 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 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 4 – Turn Lane Warrants
Turn lane warrants are evaluated at unsignalized intersections to determine if a separate left or right turn lane is needed on the uncontrolled roadway.

The applicant’s 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 5 – 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 2013 through December 2017.

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

Further, as adopted by Clark County Code (CCC) 40.350.030(C)(1)(b), the Washington State Department of Transportation (WSDOT) Design Manual, Chapter 1600 states that “A clear roadside border area is a primary consideration when analyzing potential roadside and median features. The intent is to provide as much clear, traversable area for a vehicle to recover as practicable given the function of the roadway and the potential tradeoffs. The Design Clear Zone is used to evaluate the adequacy of the existing clear area and proposed modifications of the roadside. When considering the placement of new objects along the roadside or median, evaluate the potential for impacts and try to select locations with the least likelihood of an impact by an errant vehicle.”

“For managed access state highways within an urban area, it might not be practicable to provide the Design Clear Zone distances shown in Exhibit 1600-2. Roadways within an urban area generally have curbs and sidewalks and might have objects such as trees, poles, benches, 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-5-b).
Finding 7 – 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-5-c).

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

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

Stormwater

Finding 1 – 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.

Finding 2 – Stormwater Proposal
The applicant provided a stormwater technical information report dated February 5th, 2019. The applicant shall state whether the proposal will comply with the LID Performance Standard or List #2 of the Clark County Stormwater Manual. The applicant has proposed public facilities consisting of Perk Filters (Old Castle) and infiltration trenches to be located within the public rights-of-way. Additionally, private infiltration trenches have been proposed to be utilized for the individual lots (See Conditions A-6-a, D-8-f, D-8-g, and E-2).

Infiltration rates were tested from a range of 50 to 175 inches per hour at a depth of about 5 feet. The design infiltration is identified as 15 inches per hour for the purpose of sizing the infiltration systems. The applicant’s geotechnical engineer states “Groundwater was not encountered within the test pits to the maximum explored depth of 13 feet. According to Clark County Maps Online, the depth to groundwater at the subject site is approximately 40 to 60 feet below ground surface depending upon location and ground surface elevation.”

In accordance with the 2015 Clark County Stormwater Manual, Book 1, Section 2.5.1.3, for an infiltration trench that receives water exclusively from a roof surface, a minimum separation of 1-foot is required from the bottom of the infiltration facility to the seasonal high-groundwater elevation (See Conditions A-6-b, C-1-a, C-1-b).
In accordance with the 2015 Clark County Stormwater Manual, Book 2, Section 5.1.1, a minimum separation of 5 feet is required to the seasonal high-groundwater elevation from the bottom of an infiltration facility that receives stormwater from a pollution generating surface (See Conditions A-6-c, A-6-d, C-1-a, and C-1-b).

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

**Fire Protection**

**Finding 1 – Building Construction**
Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process (See Condition G-3-a).

**Finding 2 – Fire Flow**
Fire flow in the amount of 1000 gallons per minute supplied at 20 psi for 60 minutes duration is required for this application. Fire flow requirements are based on future dwellings with up to 3,600 square feet, including attached garages. Dwellings that exceed this square footage will have additional fire protection requirements up to and including a residential fire sprinkler system (See Condition G-3-b).

The application packet includes a utility review letter from the water purveyor [*Exhibit 1, Tab 16*] which states that “fire flow has not been recently calculated in the near vicinity but is anticipated to meet or exceed 1,000 gpm at 20 psi.” Prior to final plat approval, the applicant shall submit a current utility review letter from the water purveyor indicating that required fire flow is available at the site (See Condition D-2-a).

Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval. Plans showing location of waterlines shall be submitted for review and approval at time of final construction plan review (See Condition A-9-a). Documentation showing that water mains supplying fire flow have been installed, approved and operational (See Condition D-2-b).

**Finding 3 – Fire Hydrants**
Fire hydrants are required for this application. The applicant is required to 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. The indicated number and spacing of the fire hydrants appears to be adequate. Plans showing fire hydrant locations shall be submitted for review and approval at time of final construction plan review (See Condition A-9-b). As a condition of approval, contact Fire District #5 at 360.487.7260 to arrange for approval of exact fire hydrant locations (See Condition A-9-c).
Unless waived by the fire district chief, fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection (See Condition D-2-c). In addition, a six-foot clear space completely around every fire hydrant shall be provided and maintained (See Conditions A-9-d and H-2-a).

Finding 4 – Fire Apparatus Access
Fire apparatus access is required for this application. The proposed roadways and maneuvering areas shall meet requirements of the Clark County Road Standards. Access roads shall be provided and maintained with an unobstructed vertical clearance of not less than 13.5 feet, an all-weather driving surface and be capable of supporting the imposed loads of fire apparatus. The roadways and maneuvering areas as indicated in the application adequately provide required fire apparatus access. Plans showing roadways and maneuvering areas that are consistent with the preliminary land division plan shall be submitted for review and approval at time of final construction plan review (See Conditions A-9-e and H-2-b).

Fire apparatus turnarounds are not required for this application.

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

Utilities

Finding 1 – Water and Sewer
Dwellings within this subdivision will be required to connect to public water and sewer. Clark Public Utilities is the purveyor for water while Clark Regional Wastewater District provides sanitary sewer service. The applicant has submitted a current utility review from these agencies confirming that both services are available to the site [Exhibit 1, Tabs 15 and 16].

Prior to final plat approval, the applicant shall provide documentation from the utilities indicating that water and sewer connections have been installed and approved (See Conditions D-3 and D-4).

Conclusion (Utilities): Staff finds that the proposed preliminary plan, subject to conditions identified above, meets water and sewer service requirements of the Clark County Code.

Public Health Department

Finding 1 – On-site Sewage Treatment Systems
No on-site sewage systems are indicated for this property. If an on-site sewage system is found during development of this project, it must be properly abandoned, including notification to Clark County Public Health (See Conditions B-5-a and D-5-a).

Finding 2 – Water Systems
No wells were indicated on the property. If a well is found during development of this property which has not been properly decommissioned, it must be properly decommissioned by a licensed well driller, including notification to Clark County Public Health (See Conditions B-5-b and D-5-b). In addition, all well locations shall be marked on the final plat (See Condition D-5-c).
**Conclusion (Public Health):** Staff finds that the proposed preliminary plan, subject to conditions identified above, meets Public Health requirements of the Clark County Code.

**Impact Fees**

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

- Battle School District with a SIF of $6,397.00 per dwelling;
- Park District #6 with a PIF of $5,572.00 per dwelling;
- Orchards sub-area with a TIF of $2,879.61 per dwelling;

The amount listed above provides a “per lot” estimate using the current impact fee rate and is subject to change. In accordance with CCC 40.610.040, impact fees are calculated using the rates in effect at the time of building permit issuance (See Conditions D-6-d, D-8-h and E-3).

**SEPA Determination**
As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

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

The likely SEPA determination of Non-Significance (DNS) in the Notice of Development Review Application issued on April 15, 2019 is hereby final.

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

The hearing examiner shall hear appeals in a public hearing. Notice of the appeal hearing shall be mailed to parties of record, but shall not be posted or published.

A *procedural SEPA appeal* is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance).
A **substantive SEPA appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing Clark County Code or other law.

Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.

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

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

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

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

The decision of the Hearing Examiner is final unless:

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

**Staff Contact Person:** Vicki Kirsher, 564.397.4178

**Responsible Official:** Mitch Nickolds, Community Development Director

**Recommendation**

Based upon the proposed *[Exhibit 2, Sheet P3.0]* and the findings and conclusions discussed above, staff recommends the Hearing Examiner **APPROVE** this request, subject to the understanding that the application is required to adhere to all applicable codes and laws, and is subject to the following conditions of approval.

**Conditions of Approval**

<table>
<thead>
<tr>
<th>AA</th>
<th>Forest Practice Permit Review and Approval Authority: County Forester</th>
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<tr>
<td>AA-1</td>
<td>Expiration: Forest Practice Permit approval shall be valid for a period of 2 years from the date of issuance of the Final Order or completion of any subsequent appeal proceedings.</td>
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Pre-Harvest Conference: Prior to commencing operations, an on-site meeting maybe required with the County Forester. Call 360.624.7533 and provide the application number and legal description for your operation.

Property Damage: Applicant is responsible for any and all damage occurring to neighboring properties as a result of this tree removal.

Building Envelopes / Subsequent Development
a. Any proposed building envelopes must be located a minimum distance of one site potential tree height from any tree to be left on-site. If this cannot be accomplished a Certified Arborist must be onsite to evaluate edge trees during and immediately following logging operations to mitigate potential risks for the future homes.

b. The construction activity must be consistent with Chapters 40.450 (Wetland Protection), 40.440 (Habitat Conservation), 40.430 (Geologic Hazard Areas), and 40.460 (Shoreline Overlay District) including the shoreline management master program.

c. Implied subsequent development should shall be done in accordance with the Department of Ecology established best practices and all applicable rules and regulations to protect the integrity of groundwater resources in the area.

Construction Stormwater General Permit - Operators of the following construction activities are required to seek coverage under this general permit:

a. Clearing, grading and/or excavation that results in the disturbance of one or more acres (including off-site disturbance acreage authorized in §1.C.2) and discharges stormwater to surface waters of the state; and 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.

i. 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 (that is, forest practices that prepare a site for construction activities).

Stormwater Site Plan, Erosion Control and Grading: The harvest operator is responsible for providing all stormwater and erosion control requirements in accordance with Chapter 40.386 (Storm Water and Erosion Control) for Class IVG Forest Practices for the entire project site. Subsequent to harvest, any site prep such as stump pulling and grading may be subject to a Clark County grading permit.
AA-7  Road Construction
- Forest practice roads, per WAC 222-24-026, are approved on a temporary basis. Therefore, these roads may not meet Clark County codes and standards for single family residences or future developments. Contact Clark County Development Engineering team (360) 397-6118 for further information.

- All driveways and roads intended for use after the forest practice of this permit is completed must comply with Chapter 40.350 Transportation and 40.386 Stormwater and Erosion Control.

AA-8  Road Maintenance
- Damage to the public roads or right of way shall be the sole responsibility of the applicant and underlying property owner. Any such damage shall be corrected to the satisfaction of Clark County Public Works within 24 hours.

- Tracking on to county roads is prohibited under CCC 40.386 and 13.26A.

AA-9  Operations
- Motorized equipment operating hours will be limited to between 6 AM and 10 PM Mondays to Saturdays.

- Activity from this site shall avoid the hours of 0700 to 0800 hours in the morning and 1500 to 1630 hours in the afternoon on days in which school bus activity is anticipated.

- Activity must abide by all posted speed limits and rules of the road, the use of unmuffled "jake brakes" will not be permitted adjacent to private residences.

AA-10 Logging Debris and Slash Disposal: This is a NO Burning Zone. All slash shall be chipped or removed to an approved off-site within 6 months of cutting.

AA-11  Reforestation: WAC 222-34-050 - Urban and other lands are exempted from the reforestation requirements.

AA-12  Archaeological: 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.
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 Archaeology - A note shall be placed on the face of the final construction plans as follows:

"If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Department of Archaeology and Historic Preservation in Olympia shall be notified. Failure to comply with these state requirements may constitute a Class C Felony, subject to imprisonment and/or fines."

A-2 Final Landscape Plan - The applicant shall submit and obtain county approval of final landscape plan consistent with the approved preliminary landscape plan and conditions listed below:

a. Buffer Location and Width: The required 10-foot L3 landscape buffer required along the eastern boundary shall be located on the perimeter of the development site as prescribed by CCC 40.320.010(C)(6). (See Land Use Finding 4)

b. Trees: A total of 15 trees shall be planted in the landscape buffer along the site boundary north of NE 110th Street. (See Land Use Finding 4)

A-3 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. NE 112th Avenue, an "Urban Neighborhood Circulator", requires full-width improvements consisting of 54 feet of right-of-way, 36 feet of paved width, curb, gutter, and 5-foot sidewalk. (See Transportation Finding 3)

b. NE 111th Street, NE 110th Street, NE 11th Avenue, and NE 110th Avenue are "Urban Local Residential Access" roads requiring full-width improvements consisting of 46 feet of right-of-way, 28 feet of paved width, curbs, gutters, and sidewalks. (See Transportation Finding 3)

c. NE 109th Avenue is proposed as an "Urban Local Residential Access" road and the required partial width improvements range from 46 feet of right-of-way, 28 feet of paved width, curb, gutter, and sidewalk (where the road connects with an existing stub to the south) to 29 feet of right-of-way, 20 feet of paved width, curb, gutter, and sidewalk. (See Transportation Finding 3)

d. Parking shall be prohibited with placement of "No Parking" signs on both sides of NE 109th Avenue except on the east side of the road to the south of the proposed
intersection of NE 110th Street and NE 109th Avenue. (See Transportation Finding 3)

e. The sight distance triangles for all intersections shall be shown on the final engineering plans and on the final plat. (See Transportation Finding 4)

A-4 Signing and Striping Plan: The applicant shall submit a signing and striping plan and a reimbursable work order, authorizing County Road Operations to perform any signing and pavement striping required within the county right-of-way. This plan and work order shall be approved by the Department of Public Works prior to final plat or final site plan approval.

A-5 Final Transportation Plan/Off Site (Concurrence) - The applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350 and the following conditions of approval:

a. 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 Transportation Concurrency Finding 6)

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 Transportation Concurrency Finding 7)

A-6 Final Stormwater Plan - The applicant shall submit and obtain County approval of a final stormwater plan designed in conformance to CCC 40.386 and the following conditions of approval:

a. The applicant shall state whether the proposal will comply with the LID Performance Standard or List #2 of the Clark County Stormwater Manual. (See Stormwater Finding 2)

b. In accordance with the 2015 Clark County Stormwater Manual, Book 1, Section 2.5.1.3, for an infiltration trench that receives water exclusively from a roof surface, a minimum separation of 1-foot is required from the bottom of the infiltration facility to the seasonal high-groundwater elevation. (See Stormwater Finding 2)

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

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

A-7 **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-8 **Excavation and Grading:** Excavation / grading shall be performed in compliance with CCC Chapter 14.07.

A-9 **Fire Marshal Requirements**

a. **Water Mains:** The applicant shall submit plans showing location of water lines for review and approval.  (See Fire Protection Finding 2)

b. **Fire Hydrants:** Plans showing fire hydrant locations 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 shall be submitted for review and approval.  (See Fire Protection Finding 3)

c. **Fire Hydrants:** Contact Fire District #5 at 360.487.7260 to arrange for fire hydrant location approval.  (See Fire Protection Finding 3)

d. **Fire Hydrants:** Plans showing location a 6-foot clear space around all fire hydrants shall be submitted for review and approval.  (See Fire Protection Finding 3)

e. **Fire Apparatus Access:** Plans showing roadways and maneuvering areas that are consistent with the preliminary land division plan shall be submitted for review and approval.  (See Fire Protection Finding 4)

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**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.

B-5 Public Health
a. If an on-site sewage system is found during development of the subdivision, it must be properly abandoned, including notification to Public Health. (See Public Health Finding 1)

b. If a well is found during development of this project, it must be properly decommissioned by a licensed well driller, including notification to Public Health. (See Public Health Finding 2)

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

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

C-1 Stormwater
a. In accordance with Book 2, Section 5.1.2, of the Clark County Stormwater Manual, if the tested coefficient of permeability determined at the time of construction is at least 95 percent of the uncorrected coefficient of permeability used to determine the design rate, construction may proceed. If the tested rate does not meet this requirement, the applicant shall submit a plan to the county that follows the requirements in Book 1, Section 1.8.5. This plan shall address steps to correct the problem, including additional testing and/or resizing of the facility to ensure that the system will meet the minimum requirements of the manual. (See Stormwater Finding 2)

b. During installation of the infiltration galleries, the applicant shall demonstrate that:

   The required minimum vertical separation to the seasonal high water table for each facility as shown on the final construction plans shall be met. The systems shall be redesigned if the required separation is not achieved. (See Stormwater Finding 2)

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

Prior to final plat approval and recording, the following conditions shall be met:
D-1 Land Use
   a. Lot Size: All resulting lots shall contain an average minimum lot area of 5,000 square feet and an average maximum area of 7,000 square feet. (See Land Use Finding 2)

   b. Lot Dimensions: Each resulting lot shall have an average width of 45 feet and an average depth of 75 feet. (See Land Use Finding 2)

D-2 Fire Marshal Requirements
   a. Fire Flow: The applicant shall submit a current utility review letter from the water purveyor indicating that fire flow in the amount of 1000 gallons per minute supplied at 20 psi for 60 minutes duration is available at the site. (See Fire Protection Finding 2)

   b. Water Mains: The applicant shall provide documentation showing that water mains supplying fire flow have been installed, approved and operational. (See Fire Protection Finding 2)

   c. 'Storz' Adapters: Unless waived by the fire district chief, fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. (See Fire Protection Finding 3)

D-3 Water Service: The applicant shall provide documentation from Clark Public Utilities that water connections to the new lots have been installed and approved. (See Utilities Finding 1)

D-4 Sewer Service: The applicant shall provide documentation from Clark Regional Wastewater District that sewer connections to the new lots have been installed and approved. (See Utilities Finding 1)

D-5 Health Department Final Approval - The following is required for final plat approval:

   a. Documentation of proper abandonment of the on-site sewage systems must be submitted to Clark County Public Health prior to final plat approval.

   b. All wells must be property decommissioned by a licensed well driller per WAC 173-160-381 and reported to Clark County Public Health.

   c. The location of each decommissioned well must be shown on the final plat.

D-6 Developer Covenant - A Developer Covenant to Clark County shall be submitted for recording to include the following:

   a. 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."

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

c. **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.

d. **Impact Fees:** "Impact fees for each dwelling in this subdivision shall be assessed for impacts on schools, parks and transportation facilities based for the following districts: Battle Ground School District (SIF), Park District 6 (PIF) and Orchards Sub-area (TIF). As found in CCC40.610.040, impact fees are calculated using the rates in effect at the time of building permit issuance."

D-7 **Verification of Landscape Installation** - The applicant shall provide verification in accordance with CCC 40.320.030(B) that the required landscaping has been installed in accordance with the approved landscape plan. (See Land Use Finding 4)

D-8 **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."

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

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

g. **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."

h. **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: Battle Ground School District (SIF), Park District #6 (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."

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

**E-1 Setbacks:** Future construction on the newly created lots shall meet setback and other development standards prescribed by the R1-5 zoning district. *(See Land Use Finding 3)*

**E-2 Roof and Crawl Space Drains:** Roof and crawl space drains shall be installed in accordance with the approved As-Built plans, unless a revised plan is approved by the county. These stormwater systems will be owned and maintained by the property owner on whose lot the stormwater system is located. *(See Stormwater Finding 2)*

**E-3 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), Park District #6 (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."

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<thead>
<tr>
<th>F</th>
<th>Occupancy Permits</th>
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<td><strong>Review and Approval Authority:</strong> Building</td>
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Prior to issuance of an occupancy permit, the following conditions shall be met:
G-1 Land Division: Within seven (7) years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.

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

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

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

G-3 Fire Protection
a. Building construction occurring subsequent to this application shall be in accordance with provisions of the county's building and fire codes. Land use decisions do not waive any building or fire code requirements. (See Fire Protection Finding 1)

b. Dwellings that exceed 3,600 square feet, including garages will have additional fire protection requirements. (See Fire Protection Finding 2)

H-1 Landscaping: Maintenance of landscaped areas is the ongoing responsibility of the property owner. Required landscaping must be continuously maintained in a healthy manner. Plants that die must be replaced with in-kind materials unless otherwise authorized by the responsible official. Vegetation shall be controlled by pruning, trimming or otherwise so that it will not interfere with the maintenance or repair of any public utility, restrict pedestrian or vehicular access, or obstruct sight distance at intersections as provided in Section 40.320.020. (See Land Use Finding 4)

H-2 Fire Marshal
a. Fire Hydrants: A six-foot clear space completely around every fire hydrant shall be maintained. (See Fire Protection Finding 3)
b. Fire Apparatus Access: Access roads shall be maintained with an unobstructed vertical clearance of not less than 13.5 feet, an all-weather driving surface and be capable of supporting the imposed loads of fire apparatus.

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**
- Proposed Preliminary Plan [*Exhibit 2, Sheet P3.0*]