Type III Land Division and Environmental Review
Staff Report and Recommendation

Project Name: Felida Landing Subdivision

Case Numbers: PLD2018-00051; SEP2018-00070; EVR2018-00097; FOR2018-00130

Location: 3215 NW 124th Street, Parcels 187829 and 187793 in the Southeast Quarter of Section 29, Township 3 North, Range 1 East of the WM

Request: Subdivision approval to divide roughly 3 acres into 10 single family residential lots for detached homes in the R1-10 zone

Applicant: Ginn Development, LLC (Phil Wuest)
7223 NE Hazel Dell Avenue
Vancouver, WA 98665
Email - phil@ginngrp.com

Contact: PLS Engineering (Travis Johnson)
604 W Evergreen Blvd
Vancouver, WA 98660
Phone - 360.944.6519
Email - travis@plsengineering.com

Owner: Marguerite Guthrie Trustee
1221 SW 10th Avenue, Unit 508
Portland, OR 97205

Recommendation
Approval, with Conditions

Land Use Review Manager’s Initials: Date issued: April 10, 2019
Public Hearing date: April 25, 2019

County Review Staff
Department/Program Name Ext. Email Address

<table>
<thead>
<tr>
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<td>Fire Marshal’s Office</td>
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Revised 4/4/2019

Community Development
1300 Franklin Street, Vancouver, Washington
Phone: 564.397.2375 Fax: 564.397-2011
www.clark.wa.gov/development

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
Comp Plan Designation: UL

Applicable Laws
Clark County Code: Title 15 (Fire), 40.100 (Definitions), 40.200 (General Provisions), 40.220.020 (Single-family Districts), 40.260.080 (Forest Practices), 40.320 (Landscaping), 40.350 (Transportation), 40.350.020 (Transportation Concurrency), 40.370 (Sewer & Water), 40.386 (Storm Water & Erosion Control), 40.500 and 40.510 (Procedures), 40.540.040 (Subdivision), 40.550 (Road Modifications), 40.570 (SEPA), 40.570.080 (SEPA Archaeological), 40.610 (Impact Fees), Title 24 (Public Health), RCW 58.17, and the Clark County Comprehensive Plan.

Neighborhood Association and Contact
Felida, Contact - Milada Allen, Phone - (360) 573-4030, E-mail - timberline713@gmail.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 (PAC) on this matter was held on November 15, 2018. The PAC was determined contingently vested and a complete application was submitted within the required 180 days from issuance of the PAC report. Therefore, the application is vested on October 25, 2018, the pre-application submittal date. Vesting does not apply to stormwater standards. There are no known disputes regarding vesting.

Time Limits
The application was determined to be fully complete on January 11, 2019, but was on hold until February 14, 2019 because the required updated deeds and fully complete copies were not submitted. Therefore, the code requirement for issuing a decision within 92 days lapses on May 17, 2019. The state requirement for issuing a decision within 120 calendar days, lapses on June 14, 2019.

Public Notice
Notice of application, public hearing, and likely SEPA determination was mailed to the applicant and property owners within 300 feet of the site on March 14, 2019. The applicant posted one sign on the subject property on February 28, 2019.
Public Comments
The county has received a comment from a nearby neighbor with concerns about traffic and traffic safety for children. See Findings 10 through 15 for discussions on traffic and transportation. See Finding 6 for discussions on safe walking conditions.

Project Overview
The subject site is located on the south side of NW 124th Street and is zoned single-family R1-10. The site consists of two parcels with a total area of roughly 3 acres. The site contains two single-family residences and accessory structures. All existing buildings will be demolished and the two existing driveways will be removed.

The proposed development will be served by Fire District #6, Clark Regional Wastewater and Clark Public Utilities for public water and electric.

The applicant proposes to divide the site into 10 residential lots ranging between 10,036 square feet and 11,565 square feet for single-family detached homes. The proposed plat will take access from NW 124th Street via private road NW 33rd Court (Tract B on the submitted plan). The applicant also proposes a 10,455 square foot public stormwater facility (Tract A on the submitted plan). The project is proposed to be constructed in one phase.

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

<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>
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<td>R1-10</td>
<td>Single-family residence</td>
</tr>
<tr>
<td>North</td>
<td>UL</td>
<td>R1-10</td>
<td>Single-family residence</td>
</tr>
<tr>
<td>East</td>
<td>UL</td>
<td>R1-10</td>
<td>Single-family residence</td>
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<tr>
<td>South</td>
<td>UL</td>
<td>R1-10</td>
<td>Single-family residence</td>
</tr>
<tr>
<td>West</td>
<td>UL</td>
<td>R1-10</td>
<td>Single-family residence</td>
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Staff Analysis
Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

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

Staff then reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts could be mitigated by the requirements of the code.
Staff’s analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

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

Land Use
Finding 1 - Uses
Under Table 40.220.010-1, single-family detached dwellings are permitted in the R1-10 zone subject to this review.

Finding 2 - Lot Standards
The R1-10 zone requires a minimum lot size of 10,000 square feet and an average maximum lot size of 15,000 square feet. The R1-10 zone also requires an average lot width of 80 feet and an average lot depth of 90 feet.

The smallest lot in the proposed subdivision is 10,036 square feet and the largest lot is 11,565 square feet. The proposed plat meets the lot size standards as well as the average lot width and depth requirements.

Finding 3 - Existing Residential Structures
There are two existing single-family residences and associated structures on the site. The applicant proposes to remove all structures with the construction of the proposed subdivision. All structures on the site shall be removed prior to construction plan approval complying with Clark County Building Division, state/federal requirements. (See Condition A-6)

Finding 4 - Setbacks
The following minimum setbacks apply to the proposed lots (see CCC 40.220.010):

- Ten foot front setback
- Eighteen foot garage setback
- Ten foot street side setback
- Seven foot side setback
- Fifteen foot rear setback

Finding 5 - State Platting Standards (RCW 58.17)
With conditions of approval, staff finds the proposed subdivision will make appropriate provisions for public health, safety, and general welfare of the community. Proof of adequate water and sewer service, as well as treatment of any increase of stormwater runoff, will be provided, to protect groundwater supply and integrity. Impact Fees will also be required to contribute a proportionate share toward the costs of school and transportation provisions, maintenance and services.

Finding 6 - Safe Walking Conditions
The site is located within the Vancouver School District. The applicant has provided a letter from the School District indicating that students will walk to Felida Elementary and Jefferson Middle Schools from this development; both these schools are located on the same 28 acre site on the east side of NW 31st Avenue.
Students will be bussed to Skyview High School (see Tab 22 of application packet). In order to address adequate provisions under RCW 58.17, the applicant must make adequate provisions for safe walking conditions for students who walk to school. The applicant has not provided a pedestrian route plan that clearly shows the walking path students would take to the schools. However, staff finds students from this development can walk to the north side of NW 124th Street where sidewalks exist heading east to NW 31st Avenue, crossing to the east side of NW 31st Avenue where sidewalks exist heading south to the school site.

Staff finds the applicant has made adequate provisions including for safe walking conditions for students who only walk to school

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

**Archaeology**
**Finding 7 - Archaeology**
The development site is located within a moderate-high probability area for archaeological resources, as designated on the Archaeological Predictive Model Map of the Clark County. The applicant submitted an archaeological pre-determination to the Washington State Department of Archaeology and Historic Preservation (DAHP) prior to submittal of the application. DAHP received public notice and a copy of the SEPA checklist and has not provided comment.

A note on the final construction plans will be required that in the event that archaeological or historic materials are discovered during project activities, work in the immediate vicinity must stop and the area secured. The concerned tribes cultural staff, cultural committee, and DAHP shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines. (See Conditions A-7)

**Forest Practices**
**Finding 8 - Forest Practices**
The project involves harvesting less than 1 acre of timber on approximately 3 acres with an application for a land division in the R1-10 zoning district. The site is partially located in a Category 1 Critical Aquifer Recharge Area (CARA)

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 and state permits for construction stormwater.

Finding 9 - Maintenance and Requirements
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.

This is a NO Burning Zone. All slash shall be chipped or removed to an approved off-site within 6 months of cutting.
Log hauling 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. Log hauling 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.

**Conclusion (Forest Practices)**
Staff finds that the proposed preliminary plan can meet the Forest Practice Permit requirements subject to conditions. (See Forest Practice Permit Conditions 1 through 11)

**Transportation**

**Finding 10 - Pedestrian/Bicycle Circulation Plan**
Pedestrian circulation facilities 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 124th Street. Staff believes the proposal meets the pedestrian circulation code.

**Finding 11 - Road Circulation**
This development proposes to construct a private road, NW 33rd Court to provide access to the proposed lots within this subdivision. The applicant has submitted a road modification for the purpose of requesting relief from the cross circulation standards. (See Finding 13)

**Finding 12 - Roads**
NW 124th Street, an "Urban Local Residential Access" road, requires minimum half-width improvements consisting of 23 feet of right-of-way, 14 feet of roadway, curb, gutter, and sidewalks. (See Condition A-1a)

NW 33rd Court is proposed as an "Urban Private Road" consisting of a 20-foot wide road within a 36-foot wide tract. Parking shall be prohibited along both sides of the road and within the cul-de-sac with placement of "No Parking" signs. (See Condition A-1b)

The proposed cul-de-sac bulb is for roads that are a maximum of 150 feet long measured from the curb face to the center of the cul-de-sac. The proposed road exceeds 150 feet in length, therefore, the applicant propose a cul-de-sac bulb that adhere to Standard Detail #23. (Condition A-1c)

**Finding 13 - Technical Road Modification (EVR2018-000097)**
The applicant submitted a technical road modification, dated December 20th, 2019, that requests relief from the cross circulation code.

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

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

b. A minor change to a specification or standard is required to address a specific design or construction problem which, if not enacted, will result in an unusual hardship;
c. An alternative design is proposed which will provide a plan that is functionally equivalent or superior to the standards;

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

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

**Applicant's Discussion**

Per the applicant:

"This Technical Road Modification will use Criteria 2.a.

The scope of the Felida Landing Subdivision is to subdivide two existing parcels (187793-000 and 187829-000) into ten lots. The current addresses for these parcels are 3215 and 3305 NW 124th Street. Access to the ten lots is proposed to be extended from NW 124th Street via a new private road. Currently, this site is part of the block formed by NW 124th Street on the north, NW 31st Avenue on the east, NW 119th Street on the south, and NW 36th Avenue on the west perimeter. This existing block is approximately 5,356 feet (refer to the circulation plan provided with this submittal).

An analysis is performed to find possible solutions to achieve the 3,200-foot block perimeter standard. There are three viable solutions. The first is to extend NW 122nd Street east to connect to NW 31st Avenue. The second is to extend NW 33rd Avenue north through the site to connect with NW 124th Street. And last would be to build a public road through the site and connect it to the east property boundary.

Each scenario would require small lots with homes to develop and would require each development to demolish the existing homes on those lots. To extend NW 122nd Street to NW 31st Avenue would require six small lots to redevelop and would require the removal of three homes. Based on NW 122nd Street dead ending in the Columbia Gardens-5 plat this was the plan for the public roadway; however, based on the existing conditions it seems that this option will never occur or be economically viable. To extend NW 33rd Avenue to the south would require three parcels to redevelop and all three parcels would have to demolish homes for roadway improvements. This option would also not be economically feasible. The last option would provide circulation for the proposed development and the two neighboring parcels to the east, but this circulation would not fix the existing block length issue. This connection would not be required by code since it does not fix the current block length problem and, if the connection is made, the 5,356 block length will remain the same. There is no economically feasible option for this development to fix the existing block length issue."

**Staff's Evaluation**

Staff agrees with the applicant that the proposal meets criterion (a). Both surrounding roadways, NW 124th Street and NW 31st Avenue, are residential roads. These roadways have limited associated access restrictions. Surrounding parcels are of relatively small size and if further developed would likely not necessitate the need for larger roadway cross circulation. Staff recommends approval of the road modification. Development Engineering Division Manager concurs with staff's recommendation.
Finding 14 - 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 December 20th, 2018, indicating that the required 250 feet exists in both directions looking east and west from the proposed intersection. (See Conditions A-1d and D-5e)

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

Transportation Concurrency
Finding 15
Concurrency has reviewed the Land Use Review application for the Felida Landing Subdivision development. The traffic information submitted indicates that this application seeks to divide 2.97 acres into 10 single family residential lots. The applicant’s traffic information suggests an AM peak hour trip generation at 6, PM peak hour trips at 8 and ADT at 76. The proposed development site is located at 3215 & 3305 NW 124th Street in Vancouver.

The applicant has submitted traffic information under the provisions of Clark County Code section 40.350.020. Staff concurs with the applicant’s finding.

Stormwater
Finding 16 - 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 17 - Stormwater Proposal
The applicant provided a stormwater technical information report dated December 28th, 2018, which states that the proposal will comply with List #2 of the Clark County Stormwater Manual. The applicant has proposed a public PerkFilter vault for treating runoff from the frontage improvements along NW 124th Street and onsite private facilities consisting of a PerkFilter (Old Castle) and detention. The preliminary plans state the onsite stormwater facility within Tract "A" is public. Since the facility provides stormwater control for the private roads and properties, it shall be privately owned and maintained. A downstream analysis is required as a result of the proposal to utilize detention. (See Conditions A-3a, A-3b, A-3c, E-1, D-5f, and D-5g)

The applicant has proposed significant grading along the external property lines. The applicant is required to avoid materially increasing or concentrating stormwater onto neighboring properties per the requirements of the Clark County Stormwater Manual. (See Condition A-3d)
Infiltration rates were tested from a range of 0.1 to 0.5 inches per hour and, therefore, infiltration was determined to not be a feasible option. It is believed that seasonal high groundwater is located between 25 and 40 feet below the ground surface per the applicant.

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

**Fire Protection**
**Finding 18 - Review Process**
This application was reviewed by Donna Goddard in the Fire Marshal's Office and Donna can be reached at (360) 397-2186 x3323, 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 in the Fire Marshal's office immediately.

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

**Finding 19 - Fire Flow/Hydrants**
One and two family homes over 3,600 square feet (excluding attached garages) will have additional fire protection requirements. Fire flow in the amount of 1,000 gallons per minute supplied at 20 psi for 60 minutes duration is required for this application. Prior to final approval submit proof from the water purveyor indicating that the required fire flow is available at the site. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval.

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

Unless waived by the fire district chief fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact Fire District #6 at (360) 576-1195 to arrange for location approval. Provide and maintain a six-foot clear space completely around every fire hydrant. (See Conditions A-8a, A-8b, and A-8c)

**Finding 20 - Fire Apparatus Access**
The roadways and maneuvering areas as indicated in the application adequately provide the required fire apparatus access. Provide fire apparatus access roads with an unobstructed width of not less than 20 feet, an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus. Approved fire apparatus turnarounds are required for this project - the indicated provisions for turning around fire apparatus are adequate. Parking is prohibited on access roads that are less than 24-feet wide; roads that are less than 24-feet wide shall be posted "No Parking-Fire Lane". (See Condition A-8d)

**Conclusion (Fire Protection)**
Staff finds that the proposed preliminary plan, subject to conditions, meets the fire protection requirements of the Clark County Code.
Water and Sewer Service
Finding 21 - Water and Sewer Service
The site will be served by Clark Public Utilities for water and Clark Regional Wastewater for public sewer. Letters from both purveyors confirm that potable water and public sewer services are available to the site in NW 124th Street. Therefore, prior to final plat approval, documentation shall be provided from the water and sewer purveyor that all water and sewer connections have been installed and approved. (See Condition D-2)

Submittal of a Public Health Evaluation Letter is required as part of the Final Construction Plan Review application. If the evaluation letter specifies that an acceptable Public Health Final Approval Letter must be submitted, the evaluation letter will specify the timing of when the final approval letter must be submitted to the county such as at Final Construction Plan Review, Final Plat Review or prior to occupancy. The evaluation letter will serve as confirmation that Public Health staff conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer. The Public Health Final Approval Letter will confirm that all existing wells and/or septic systems have been abandoned, inspected and approved by Public Health staff, if applicable. (See Condition A-9)

Impact Fees
Finding 22 - Impact Fees
All residential lots created by this plat will produce impacts on schools, parks, and traffic, and are subject to School (SIF), and Traffic Impact Fees (TIF) in accordance with CCC 40.610. The proposed unit lots will pay the following impact fees (the applicant will receive an impact fee reduction for the existing residence and must select the lot that fees will not apply during the final plat review):

- Hazel Dell sub-area with a TIF of $3,107.38 per dwelling
- Vancouver School District, with a SIF of $2,880.75 per dwelling
- Park District 9, with a SIF of $5,500.00 per dwelling

The amounts listed above are an estimate using the current impact fee rates and are subject to change. As found in CCC40.610.040, impact fees are calculated using the rates in effect at the time of building permit issuance. (See Conditions D-4f & E-2)

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

- **DS** = Determination of Significance - The impacts cannot be mitigated through conditions of approval and, therefore, require the preparation of an Environmental Impact Statement (EIS);
- **MDNS** = Mitigated Determination of Non-Significance - The impacts can be addressed through conditions of approval; or,
- **DNS** = Determination of Non-Significance - The impacts can be addressed by applying the Clark County Code.
The likely SEPA Determination of Non-Significance (DNS) in the Notice of Development Review Application issued on March 14, 2019 is hereby final.

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

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

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

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

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

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

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

**Staff Contact Person:** Richard Daviau, (360) 397-2375, ext. 4895

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

**Recommendation**
Based upon the proposed plan and the findings and conclusions stated above, staff recommends the Hearing Examiner **APPROVES** request, subject to the understanding that the application is required to adhere to all applicable codes and laws, and is subject to the following conditions of approval.
Conditions of Approval

**Forest Practice Permit Conditions**

1. **Pre-Harvest Conference** - Prior to commencing harvesting operations, an on-site meeting is required with the County Forester. Call (360) 624-7533 and provide the application number and legal description for your operation.

2. **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.

3. **Construction Stormwater General Permit** - Operators of the following construction activities are required to seek coverage under this general permit: Clearing, grading and/or excavation that results in the disturbance of one or more acres (including off-site disturbance acreage authorized in S1.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.

4. **Emergency Response Plan** - An Emergency Response Plan (ERP) shall be provided to the County Forester containing but not limited to, valid contact numbers and procedures for medical emergencies, fire, hazardous spills, forest practice violations and any unauthorized or unlawful activity on or in the vicinity of the sale area. The County Forester and the County Code Enforcement Officer shall be promptly notified whenever an incident occurs requiring an emergency response.

   The ERP must be presented for inspection at the prework meeting and kept readily available to all personnel, including subcontractors, on site during active operations.

5. **Operations:**
   - This timber harvest shall be executed in substantial conformance of the information as presented in the application package with any modifications found in findings and conditions as a result of this review.
   - During the "closed season", when the humidity is 30 percent or lower on the harvest area, all operations must cease unless authority to continue is granted by the County in writing.
   - Applicant shall provide a fully functional pump truck or pump trailer equipped to meet the specifications of WAC 332-24-005 and WAC 332-24-405 during the "closed season" or as extended by the State and shall provide trained personnel to operate this equipment on the sale area during all operating periods.
   - Applicant shall provide, during the "closed season", a water supply with a minimum capacity of 300 gallons for rapid filling of pump trucks or trailers at a location designated by the County Forester.
   - Trees shall be felled into the sale area unless otherwise approved by the County Forester.
   - Motorized equipment operating hours will be limited to between 6 AM and 10 PM Mondays to Saturdays.
   - Log hauling 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.
• Log hauling 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.

6. **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.

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

8. **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 40.386 Stormwater and Erosion Control.

9. **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.

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.

11. **Hazardous Materials**

   • **Regulatory Compliance** - Applicant is responsible for understanding and complying with all applicable local, state, and federal hazardous material/waste laws and regulations for operations conducted under this contract. Such regulations pertain to, but may not be limited to, hazardous material storage, handling and transport, personnel protection, release notification and emergency response, cleanup and waste disposal. Applicant shall be responsible for restoring the site in the event of a spill.

   • **Spill Prevention** - All operations shall be conducted in a manner that avoids the release of hazardous materials, including petroleum products, into the environment (water, air or land).

   • **Spill Containment, Control and Cleanup** - If safe to do so, the applicant shall take immediate action to contain and control all hazardous material spills. The applicant shall ensure that enough quick response spill kits capable of absorbing 4 to 6 gallons of oil, coolant, solvent or contaminated water are available on site to quickly address potential spills from any piece of equipment at all times throughout active operations. If large quantities of bulk fuel/other hazardous materials are stored on site, the applicant must be able to effectively control a container leak and contain & recover a hazmat spill equal to the largest single on site storage container volume. (HAZWOPER reg. 29CFR 1910.120 (j) (1) (vii)).
• **Release Reporting** - Releases of oil or hazardous materials to the environment must be reported according to the State Department of Ecology (ECY). It is the responsibility of the applicant to have all emergency contact information readily available and a means of remote communication for purposes of quick notification. In the event of a spill, the applicant is responsible for notifying the Department of Ecology Southwest Region (360.407.6300) and the Clark County Forester (360.624.7533).

### A Final Construction Review for Land Division Review and Approval Authority: Development Engineering

Prior to construction, a Final Construction Plan shall be submitted for review and approval, consistent with the approved preliminary plan and the following conditions of approval:

#### A-1 Final Transportation Plan/On-Site - The applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350 and the following conditions of approval:

a. NW 124th Street, an “Urban Local Residential Access” road, requires minimum half-width improvements consisting of 23 feet of right-of-way, 14 feet of roadway, curb, gutter, and sidewalks (see Finding 12).

b. Parking shall be prohibited along both sides of the road and within the cul-de-sac with placement of “No Parking” signs (see Finding 12).

c. The proposed cul-de-sac bulb shall adhere to Standard Detail #23 (see Finding 12).

d. The sight distance triangles for intersection of onsite road and NW 124th Street shall be shown on the final engineering plans (see Finding 14).

#### A-2 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-3 Final Stormwater Plan - The applicant shall submit and obtain County approval of a final stormwater plan designed in conformance to CCC 40.386 and the following conditions of approval (See Finding 17):

a. The proposal will comply with List #2 of the Clark County Stormwater Manual.

b. A downstream analysis is required as a result of the proposal to utilize detention.

c. The onsite stormwater facilities shall be privately owned and maintained.

d. The applicant is required to avoid materially increasing or concentrating stormwater onto neighboring properties per the requirements of the Clark County Stormwater Manual.

#### A-4 Erosion Control Plan - The applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.386.
A-5 **Excavation and Grading** - Excavation/grading shall be performed in compliance with CCC14.07.

A-6 All structures on the site shall be removed prior to construction plan approval complying with Clark County Building Division, state/federal requirements (see Finding 3).

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

A-8 **Fire Protection Requirements**

a. Fire flow in the amount of 1,000 gallons per minute supplied at 20 psi for 60 minutes duration is required for this application. One and two family homes over 3,600 square feet (excluding attached garages) will have additional fire protection requirements. Prior to final approval submit proof from the water purveyor indicating that the required fire flow is available at the site. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval. (See Finding 19)

b. Fire hydrants are required for this application. Provide fire hydrants such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads. (See Finding 19)

c. Unless waived by the fire district chief fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact Fire District #6 at (360) 576-1195 to arrange for location approval. Provide and maintain a six-foot clear space completely around every fire hydrant. (See Finding 19)

d. The roadways and maneuvering areas as indicated in the application adequately provide the required fire apparatus access. Provide fire apparatus access roads with an unobstructed width of not less than 20 feet, an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus. Parking is prohibited on access roads that are less than 24-feet wide; roads that are less than 24-feet wide shall be posted "No Parking-Fire Lane". (See Finding 20)
A-9 Public Health Review - Submittal of a Public Health Evaluation Letter is required as part of the Final Construction Plan Review or early grading application. If the evaluation letter specifies that certain actions are required, the evaluation letter will specify the timing of when those activities must be completed, such as prior to Final Construction Plan Review, construction, Provisional Acceptance, Final Plat Review, building permit issuance, or occupancy, and approved by Public Health.

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

Prior to construction, the following conditions shall be met:

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

B-2 Traffic Control Plan: Prior to issuance of any building or grading permits for the development site, the applicant shall obtain written approval from Clark County Department of Public Works of the applicant's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system.

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

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

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

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 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 All lots shall comply with the R1-10 zone standards in Clark County Code.

D-2 Water and sewer - The applicant shall provide documentation from the water and sewer purveyor that all water and sewer connections have been installed and approved.

D-3 Water mains supplying fire flow and fire hydrants shall be installed, approved and operational (See Finding 19).
D-4  **Developer Covenant** - A *Developer Covenant to Clark County* shall be submitted for recording to include the following:

a. **Private Road Maintenance Covenant** - A private road maintenance covenant shall be submitted to the responsible official for approval and recorded with the County Auditor. The covenant shall set out the terms and conditions of responsibility for maintenance, maintenance methods, standards, distribution of expenses, remedies for noncompliance with the terms of the agreement, right of use easements, and other considerations, as required under 40.350.030(C)(4)(g).

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

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

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

e. **Responsibility for Stormwater Facility Maintenance**: For stormwater facilities for which the county will not provide long-term maintenance, the developer shall make arrangements with the existing or future (as appropriate) occupants or owners of the subject property for assumption of maintenance to the county’s Stormwater Facilities Maintenance Manual as adopted by Chapter 13.26A. The responsible official prior to county approval of the final stormwater plan shall approve such arrangements. Final plats shall specify the party(s) responsible for long-term maintenance of stormwater facilities within the Developer Covenants to Clark County. The county may inspect privately maintained facilities for compliance with the requirements of this chapter. If the parties responsible for long-term maintenance fail to maintain their facilities to acceptable standards, the county shall issue a written notice specifying required actions to be taken in order to bring the facilities into compliance. If these actions are not performed in a timely manner, the county shall take enforcement action and recover from parties responsible for the maintenance in accordance with Section 32.04.060.

f. **Impact Fees**: "In accordance with CCC 40.610 impact fees for each dwelling in this subdivision shall be assessed for impacts on schools, parks and transportation facilities based for the following districts: Vancouver School School District (SIF), Park District #9 (PIF), and Hazel Dell 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-5 **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 for all lots of the development shall be installed in accordance with the approved As-Built plans, unless a revised plan is approved by the county. These stormwater systems will be owned and maintained by the property owner(s) on whose lot the stormwater system is located."

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

**E-2 Impact Fees:** Impact fees shall be assessed for impacts on schools, parks and transportation facilities based for the following districts: Vancouver School District (SIF), Park District #9 (PIF) and Hazel Dell Sub-area (TIF). The applicant will receive an impact fee reduction for two existing residences (see Finding 22). As found in CCC40.610.040, impact fees are calculated using the rates in effect at the time of building permit issuance."
E-3 Fire - Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection prior to combustible building construction.

F Development Review Timelines & Advisory Information

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

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

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

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

F-3 Building and Fire Safety

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

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

Hearing Examiner Decision and Appeal Process

This report to the Hearing Examiner is a recommendation from the Land Use Review program of Clark County, Washington.

The examiner may adopt, modify or reject this recommendation. The examiner will render a decision within 14 calendar days of closing the public hearing. Clark County will mail a copy of the decision to the applicant and neighborhood association within 7 days of receipt from the Hearing Examiner. All parties of record will receive a notice of the final decision within 7 days of receipt from the Hearing Examiner.
Motion for Reconsideration
Any party of record to the proceeding before the Hearing Examiner may file with the responsible official a motion for reconsideration of an examiner's decision within fourteen (14) calendar days of written notice of the decision. A party of record includes the applicant and those individuals who signed the sign-in sheet or presented oral testimony at the public hearing, and/or submitted written testimony prior to or at the Public Hearing on this matter.

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

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

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

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

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

See the Appeals handout for more information and fees.

Attachments
- Copy of Proposed Preliminary Plan