Type II Staff Report and Decision
Notice to Parties of Record

Project Name: Johansen Short Plat

Case Number: PLD-2019-00016

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

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

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

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

See the Appeals handout for more information and fees.

Mailed on: July 14, 2020
Type II Staff Report and Decision

Project Name: JOHANSEN SHORT PLAT
Case Number(s): PLD-2019-00016
Request: The applicant is requesting Short Plat Review approval to divide approximately ten acres into two single-family residential lots located in the R-5 zone district.
Address: 25915 NE Brunner Road
Parcel number(s): 174120-000
Applicant/Owner: Mark & Erin Johansen
25915 NE Brunner Road
Camas, WA 98607
(360)910.8438
mejohansen@yahoo.com

Contact Person: Jackson Civil
Devin Jackson
705 Main Street, Suite 103
Battle Ground, WA 98604
(360)723.0381
devin@jacksoncivil.com

Staff contact: Angie Merrill
564.397.4028
angie.merrill@clark.wa.gov

Decision
Approved subject to Conditions of Approval

Land Use Review manager’s initials:  
Date issued: July 14, 2020

Revised 7/14/2020

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
County Review Staff

<table>
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<tr>
<th>Department/Program</th>
<th>Name</th>
<th>Phone</th>
<th>Email Address</th>
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<tbody>
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Comp Plan Designation: R-5

Parcel Number(s): 174120-000

Applicable Laws
Clark County Code: Title 15 (Fire Prevention), 40.200 (General Provisions), 40.210.020 (Rural Residential Zoning District), 40.540.030 Short Plat, 40.350 (Transportation & Circulation), 40.350.020 (Transportation Concurrency), 40.370 (Sewer & Water), 40.386 (Storm Water & Erosion Control), 40.440 (Habitat Conservation), 40.450 (Wetland Conservation) 40.570 and 40.570.080 (SEPA & Archaeological), 40.500 and 40.510 (Procedures), 40.610 (Impact Fees), Title 24 (Public Health), RCW 58.17 State Platting Laws, and the Clark County Comprehensive Plan.

Neighborhood Associations Council of Clark County (NACCC)
Stephan Abramson, Chair
abramson@lifescipartners.net
360.574.3363

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 waiver was approved on this matter on May 15, 2019. Contingent vesting does not apply to pre-application waivers.

The fully complete application was submitted on February 20, 2020, and determined to be fully complete on March 4, 2020. Given these facts, the application is vested on February 20, 2020. This vesting does not apply to stormwater or concurrency standards.

There are no disputes regarding vesting.

**Time Limits**
The application was determined to be fully complete on March 4, 2020. The application was placed on hold for 43 days. Therefore, the code requirement for issuing a decision within 78 days lapses on July 8th, 2020.

**Public Notice**
Notice of application and likely SEPA Determination of Non-Significance (DNS) was mailed to the applicant, Neighborhood Associations Council of Clark County (NACCC) and property owners within 500 feet of the site on May 6, 2020.

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

**Public Comments**
Department of Ecology submitted a standard letter on May 21, 2020 [See Exhibit 7]. The comments have been made a condition of approval [See Condition G-2].

Joanne McGarry, 25706 NE Brunner Road, Camas, WA, a comment was received via email date May 19, 2020 [See Exhibit 6].

Comment: I am very much against this proposal. I moved to Fern Prairie to have a peaceful way of life and wanted a country home. Since I have moved in there has been so much development and construction in this area, I fear it will no longer be considered rural. Camas is such a wonderful place to live because of the diversity, the school district, the rural areas, and more. This development would obviously affect me and I would have to endure the ongoing noise, construction, traffic delays, and more. It will also affect my neighbors, the environment, the wildlife, and change the dynamic city we have. Pretty soon, we will have nothing but cookie cutter homes. No space, no nature, no wildlife, no diversity. Then, people that want to live in rural areas will be forced to move out further.

Please reconsider this development plan. We have to consider things other than greed, money, and development.

Applicant response: *Dear Mr. Garifalakis,*

*Thank you for taking the time to comment on our short plat proposal. We share all your same concerns with loving Fern Prairie and choosing to move into a rural quiet location. We are a single family currently living on 10 acres on Brunner Road which is one of the largest acreages you will find in the immediate area since the rural zoning for our neighborhood is a 5 acre minimum. The one new lot that will be created by splitting our 10 acres will be one, 5 acre lot*
and will only allow the building of one custom home. While we are not proposing any building plans now, the creation of the new 5 acre lot allows for one single family home and the site pre-selected, is secluded and nestled a few hundred feet from Brunner Road, and not visible from the main road. Our environmental study proves that there will be no impact on the environment. Furthermore, the 10 acres we live on was in complete disrepair when we moved onto the property a few years back and we have done nothing but improve the beauty and natural landscape of our property. George, again I want to clarify that we live in a R-5 zone and building one single family home on 5 acres is well within the county allowance. Also, as your property is less than 2 acres, I would think that one home on a five acre property out of your site-range would be acceptable.

Thank you for taking the time to consider our thoughts.

Your neighbors,

Erin & Mark Johansen

**Project Overview**

The subject site is approximately 10 acres and located just south of NE 259th Avenue on the south side of NE Brunner Road (SR 500). The applicant is proposing to short plat the 10 acres into two (2) single-family residential lots located in the R-5 zone district.

The project proposes that the existing home remain on lot one. No construction is currently planned on the second lot, however this application package includes the feasibility for the construction of a single-family residence and associated improvements.

The site is mostly pasture and brush and generally slopes down to the south away from NE Brunner Road with slopes ranging from 5 to 15 percent before the site flattens out in the southern half of the parcel. There are wetlands on site that have been flagged.

The subject property is located in East County Fire District, the Camas School District, is within The City of Camas water service area and Rural Resource Sewer District.

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

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

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

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

**Major Issues**

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

**Finding 1- Lot Standards**

The proposed short plat is located within an R-5 zone district. Per Table 40.210.020-2, this zone requires a minimum lot area of 5 acres. According to CCC 40.200.040(C) (2) one (1) lot within a proposed short plat shall be considered in compliance with the minimum lot area requirements if it is within ten percent (10%) of the required lot area for the zone.

The R-5 zone specifies that each lot shall have a minimum lot width of 140 feet, unless a greater width shall be required by the Clark County fire code. The lot width is based on a front lot line and the front lot line is where access is taken. There is no minimum lot depth requirement.

Based on a review of the preliminary plat [Exhibit 1], proposed lot 1 is 4.58 acres with a lot width of approximately 329 feet and lot 2 is 5 acres in size and the lot width is approximately 196 feet. Both lots meet Clark County lot standard requirements.

**Finding 2- Legal Lot Determination**

Parcel 174120-000 was originally deemed a (10 acre) legal lot of record by zoning review for a single-family residence (C98Ho887). The subject parcel doesn't appear to have changed since the last review.

Based on the above information the project parcel in its current configuration is a legal lot of record and meets Clark County code requirements for legal lot determinations.

**Finding 3- Setbacks**

Setbacks prescribed by the R-5 zone are as follows:

- Front – 50 feet from public road right-of-way, private road easement or driveway easement that provides access to the lot
- Street Side – 25 feet
Type II Land Division and Environmental Review Staff Report and Decision

- Interior Side- 20 feet and 50 feet for agricultural structures
- Rear- 20 feet and 50 feet for agricultural structures

Future construction is required to meet development standards prescribed for new lots and structures put forth in Table CCC 40.210.020-3. [See Condition D-1]

Finding 5 -Existing Structures
The existing outbuilding located on Lot 2 will need to be removed prior to final plat because the outbuilding is considered an accessory use and is not permitted without a primary residence. Agricultural buildings are allowed to remain because agricultural use is allowed in the R-5 zone, however the setback must be 50 feet. The proposed plan shows the setback as 30 feet to the edge of the access easement.

Removal of the existing structure along with a demolition permit will be required prior to recording the final plat. [See condition D-2]

Finding 6 -Safe Walking Conditions According to state platting laws (RCW 58.17.110) appropriate provisions shall be made to assure safe walking conditions for students who only walk to and from school.

The subject short plat is located in the Camas School District, and specifically within the boundaries of Lacamas Heights Elementary, Liberty Middle School, and Camas High School. According to available GIS information, there are no schools located within (1) mile of the subject site.

There are no schools located within a one-mile radius of the project parcel therefore, safe-walking' conditions are not warranted.

The short plat meets the Clark County safe walking standards.

Finding 7 - County/State Platting Standards
With conditions of approval, staff finds the proposed short plat will make appropriate provisions for the public health, safety and general welfare of the community. Connection to private water and septic facilities, as well as treatment of any future stormwater runoff will be provided to protect groundwater supply and integrity. Impact fees will also be required to ensure that the development will contribute a proportionate share toward the costs of school, park and transportation facilities, maintenance and services.

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

Archaeology:
The applicant has submitted an archaeological pre-determination to the Washington State Department of Archaeology and Historic Preservation (DAHP) prior to submittal of the application.

DAHP has not yet confirmed the results of the applicant's archaeological predetermination. Final construction plans are not required, and prior to final plat approval, the applicant shall provide
confirmation from DAHP that either confirms that no further archaeological work is necessary, or that the applicant has met, or will meet, conditions that will mitigate potential impacts to cultural resources.

In addition, a note on the final construction plans will require that if resources are discovered during construction, work shall stop and DAHP and the county will be contacted. A note on the final construction plans will require that if resources are discovered during construction, work shall stop and DAHP and the county will be contacted. [See Condition D-10.a]

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

**Wetland/Habitat:**
**Finding 1 – Wetland & Habitat Determination**
A wetland and habitat determination (WHR-2019-00067) was completed March 17, 2020. County wetland and habitat review Staff has determined a Category III wetland with a habitat score of six (6) and non-riparian priority habitat (Oregon white oak woodland & Snags) exist on the site.

Per the Wetland Protection Ordinance (Table 40.450.030-3), a one hundred ten (110) foot moderate intensity buffer and a seventy-five (75) foot low intensity buffer is required for the proposed development.

To qualify for a waiver 40.450.030.G.2, (wetland delineation, permanent demarcation, and conservation covenant requirements) the applicant’s plan must correctly depict the delineated wetlands, associated buffers, Oregon white oak woodland and snags. A note on the face of the plat must be included that describes the limitation of development outside the building envelopes. [See Condition D-10.e & D-9.c]

Prior to final plat building envelopes that clearly avoid critical areas, wetlands and wetland buffers, Oregon white oak and snags shall be shown on the face of the final plat. [See Condition D-9.a]

A note must be placed on the final plat stating the following:

No clearing or development shall occur outside the building envelopes shown on the face of this plat without written confirmation from Clark County wetland and habitat Staff that the proposed activity complies with, or is exempt from, Clark County Code 40.440 and 40.450. [See Condition D-9.b]

**Conclusion**
Environmental Services concludes that the proposed preliminary plan, subject to conditions identified the project, meets the wetland and habitat requirements of the Clark County Code.

**Transportation:**
**Finding 1- Proposal**
Per the applicant, this proposal consists of dividing the subject 9.58 parcel into 2 lots. A house exists on proposed Lot #1 and a house will be constructed on proposed Lot #2.

Finding 2- Roads / Access
NE Brunner Rd., which fronts the development, is State Route 500. Per CCC 40.350.030(B)(4)(e), if the access serving a development is onto a state road or highway, required dedication and/or improvements thereto must meet the requirements of the Washington Department of Transportation. Per WSDOT, a new access permit to SR 500 is not required as the applicant proposes to utilize existing driveway approaches. A sight distance deficiency has been identified by the applicant, however, per WSDOT, mitigation is not necessary due to the access being an existing one. WSDOT requested that this deficiency be documented. Access to proposed Lot #2 will come via an existing offsite 24-foot wide easement to the west on parcels #174114-000 and #174112-000. [See Exhibit #1 and Transportation Finding #2]

All driveways shall meet the minimum standard of 12 feet wide. Driveways longer than 300 feet shall be constructed with an approved turnaround at the terminus and approved turnouts at maximum 500-foot intervals (see the Standard Details Manual, Drawings #27 and #29). [See Plat Note D-2.b and Condition # E-1]

Per CCC 40.350.030(B)(11), A maximum of 4 legal lots may use a joint driveway to access a public or private road. [See Plat Note D-10.h]

Finding 3- Sight Distance
The applicant submitted a sight distance analysis, dated March 21, 2019, which states the following:

"West from Driveway

As the vehicle occupying the driveway looks west there is an eight-inch diameter utility pole partially obstructing the sight distance. It is located approximately 53 linear feet away from the driveway. The calculated obstructed intersection sight distance is 239 linear feet which is greater than the distance from the measured obstruction. The calculated stopping sight distance required to satisfy WSDOT criteria is 386 linear feet. The field measured stopping sight distance for SR 500 traffic approaching the driveway from the west is greater than 1,000 feet which satisfies the calculated WSDOT criteria for stopping sight distance. Refer to Figure 1 below. The photograph was taken approximately 10 feet from fog line, 8-inch utility pole is clearly visible and the obstruction only partially blocks the view of oncoming traffic (passenger vehicles or larger).

East from Driveway

As the vehicle occupying the driveway looks east the field measured intersection sight distance is 450 linear feet. The stopping sight distance for SR 500 traffic approaching the driveway from the east was measured at 420 linear feet. The calculated intersection sight distance required to satisfy WSDOT criteria is 551 linear feet and the calculated stopping sight distance is 477 linear feet. Both analyses were performed for a passenger vehicle on a declined slope of -6.4%.
The existing driveway location fails to meet the criteria for both sight distance and stopping sight distance. Refer to Figure 2 below, the photograph was taken approximately 10 feet from fog line.

In summary the existing driveway fails to meet intersection sight distance and stopping sight distance in the easterly direction and intersection sight distance for the westerly direction. Since the access is located within WSDOT right of way, any frontage improvements are outside of Clark Counties Jurisdiction. Clark County has recently revised their code in regards to access onto state routes the County defers to WSDOT for required dedication and/or improvements thereto must meet the requirements of the Washington Department of Transportation per Clark County Code 40.350.030(B)(4)(e). Based upon WSDOT correspondence on 03/13/2019 [See Exhibit 1] the existing driveway does not require a New Access Connection Permit and no further action is required.”

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

**Transportation Concurrency**
The traffic information submitted indicates that this application seeks to divide 10 acres into 2 single family residential lots. The applicant’s traffic information suggests an AM peak hour trip generation at 1, PM peak hour trips at 1 and ADT at 10. The proposed development site is located 25915 NE Brunner Road in Camas.

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

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

**Stormwater**
**Finding 4- 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 2015 Clark County Stormwater Manual.

**Finding 5- Stormwater Proposal**
The applicant has submitted a technical information report dated May 8th, 2020. The applicant proposes to meet List #2 of the Clark County Stormwater Manual. The applicant has proposed stormwater treatment consisting of dispersion for the driveway and proposed home on Lot #2 as part of addressing minimum requirements 1–9 which are applicable. The applicant proposes to utilize dispersion as a means of stormwater mitigation. [See Exhibit 8]
For proposed Lot #2, a single-family residential stormwater review will be necessary with the building permit application. The future owner of Lot #2 is responsible for obtaining approval of a stormwater plan with the building permit and constructing necessary stormwater systems. This shall apply to all new and replaced hard surfaces within the proposed lots and for any required driveway widening and turnouts. [See Plat Note D-10.k and Condition E-2]

**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 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]

**Finding 2- Fire Flow**
Fire flow in the amount of 500 gallons per minute supplied for 30 minutes duration is required for this application. Where fire flow is not provided in the full amount by a public water system, the side and rear setbacks for all buildings shall be increased to thirty (30) feet. Class "B" or better rated roof and noncombustible siding shall be required. [See Conditions D-6 & E-5]

Homes exceeding 3600 square feet including attached garages will require additional fire protection features up to and including a residential fire sprinkler system when adequate public water and a hydrant is not within required distances. [See Condition E-3]

**Finding 3- Roadways and Maneuvering Areas**
The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standards. Provide an unobstructed vertical clearance of not less than 13.5 feet, with an all-weather driving surface capable of supporting the imposed loads of fire apparatus. [See Conditions E-6]

New private driveways in excess of three hundred (300) feet in length shall be provided with an approved turnaround at the terminus. Turnouts shall be provide at intervals five hundred (500) feet or less, such that no portion of the driveway is in excess of three hundred (300) feet from an approved turnaround or turnout. [See Condition E-4]

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

**Water and Sewer Service**
**Finding 1- Development Review Evaluation**
The use of individual water wells and on-site septic systems are proposed to serve the two lots. A Public Health Evaluation letter has been submitted and confirms that Public Health Staff has conducted an evaluation of the site. Clark County Public Health has determined that shared wells and on-site sewage systems are appropriate for this short plat.
Finding 2 - Water Supply
In accordance with the Health Department Development Review Evaluation provided with the application documents, the following will be required on the face of the plat:

a) Prior to final plat approval, each lot must have legal and physical access to a drilled well with a current satisfactory Water Adequacy Verification Evaluation (WAVE).

b) The 100’ radius of any existing or proposed wells must be entirely contained within the current property lines of the parent parcel. A restrictive covenant is required for any well with a 100’ radius located outside of the current property lines of the parent parcel. The locations of all wells must be indicated on the final plat along with a 100’ radius zone of protection.

c) A note will be required on the plat stating: “This land was approved without water rights and is therefore required to meet ground water permit exemption requirements within RCW 90.44.050. Unless water rights are obtained, the total combined water use by the lots in this land division is limited to 5,000 gallons per day. The watering of lawns or non-commercial gardens is limited to a total not to exceed 1 acre. The water supply portion of the signature block on the final plat must refer to this note. [See Condition D-10.m]

Finding 3 - Sewage Treatment & Disposal

a) Current on-site sewage system design or soil & site evaluation for proposed Lot 2 is required at the time of final plat. Current on-site sewage inspection report for proposed Lot 1 is required at the time of final plat. Each on-site sewage system shall be located on the lot that it serves. The test hole locations corresponding to the onsite sewage system primary and reserve drain field areas for proposed Lot 2 shall be surveyed and marked on the final plat. The existing on-site sewage system primary and reserved drain field areas for proposed Lot 1 shall be marked on the final plat. [See Condition D-5.j]

b) A note shall be on the final plat stating “The approved initial, reserve, and/or existing sewage system sites shall be protected from damage due to the development. These sites shall be maintained so they are free by encroachments by buildings, roads and other structures. These areas shall not be covered by any impervious material and not be subject to vehicular traffic or other activity that would adversely affect the soil. Provisions shall be made to prevent flow or accumulation of surface water of the area where the onsite sewage system is located. [See Condition D-10.c]

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

All other conditions contained in the Health Department Development Review Evaluation must be met prior to final plat. Additionally, Public Health staff must sign the final plat prior to submittal to the county for final plat review and recording. [See Condition D-5.i]
Conclusion (Public Health)
Staff finds that the proposed preliminary plan, subject to conditions identified above, meets water and sewer service requirements of the Clark County Code.

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

Camas School District (SIF): $5371.00
Rural (TIF): $2848.38

The amounts listed above are an estimate using the current impact fee rates and are subject to change. As found in CCC 40.610.040, impact fees are calculated using the rates in effect at the time of building permit issuance. [See Conditions D-7.d, D-10.l, E-7]

Conclusion (Impact Fees)
Staff finds that the proposed preliminary plan, subject to conditions identified above, meets impact fee requirement of the Clark County Code.

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

- **DS = Determination of Significance** - The impacts cannot be mitigated through conditions of approval and, therefore, require the preparation of an Environmental Impact Statement (EIS);

- **MDNS = Mitigated Determination of Non-Significance** - The impacts can be addressed through conditions of approval; or,

- **DNS = Determination of Non-Significance** - The impacts can be addressed by applying the Clark County Code.

The likely SEPA determination of Non-Significance (DNS) in the Notice of Development Review Application issued on May 6, 2020 is hereby final.

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

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

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

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

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

Please refer to the Appeals handout for more information and fees.

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

Staff Contact Person: Angie Merrill, 564.397.4028

Responsible Official: Dan Young, Community Development Director

Decision
Based upon the proposed plan known as [Exhibit 1], and the findings and conclusions stated above and within the attached reports and decisions, the Community Development Director hereby APPROVES this request, subject to the following conditions of approval.

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

<table>
<thead>
<tr>
<th>A</th>
<th>Final Construction Review for Land Division Review and Approval Authority: Development Engineering</th>
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<tbody>
<tr>
<td>N/A</td>
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<tr>
<td>B</td>
<td>Prior to Construction of Development Review and Approval Authority: Development Inspection</td>
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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 Setbacks - Setbacks for detached single-family residence within the R-5 zone district are as follows: [See Land Use Finding 3]

- Front – 50 feet from public road right-of-way
- Street Side – 25 feet
- Interior Side- 20 feet and 50 feet for agricultural structures
- Rear- 20 feet and 50 feet for agricultural structures

D-2 Removal of the existing structure along with a demolition permit will be required prior to recording the final plat. [See Land Use Finding 5]

D-3 Public Health Signature Requirement – Public Health is not required to sign the final plat, unless the use of well or septic systems is proposed.

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

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

   a. Small public water systems shall be drilled and approved by Public Health prior to final plat approval;
   b. A 100-foot radius of protection for any wells shall be shown on the final plat map and be located within the boundaries of the land division;
   c. The location of all existing wells (in use, not in use, or abandoned) shall be indicated on the final plat map;
   d. Each on-site sewage system shall be on the same lot it serves;
   e. Test hole locations corresponding to the designated treatment sites shall be surveyed and indicated on the final plat map;
   f. No public or private easements or rights-of-way shall be extended through the approved, reserve or existing on-site sewage system sites;
   g. Provisions shall be made to prevent flow or accumulation of surface water over the area where an on-site sewage system is located;
h. A copy of the county approved final drainage plan shall be submitted for review; and,
   i. All proposed lots shall have a current approved septic system site evaluation or septic system permit. Should either be allowed to expire, subsequent approval of an on-site sewage treatment system cannot be assured and, therefore, Public Health will not sign the final plat. [Sewage Treatment & Disposal Finding 3-c]

j. Current on-site sewage system design or soil & site evaluation for proposed Lot 2 is required at the time of final plat. Current on-site sewage inspection report for proposed Lot 1 is required at the time of final plat. Each on-site sewage system shall be located on the lot that is serves. The test hole locations corresponding to the onsite sewage system primary and reserve drain field areas for proposed Lot 2 shall be surveyed and marked on the final plat. The existing on-site sewage system primary and reserved drain field areas for proposed Lot 1 shall be marked on the final plat. [Sewage Treatment & Disposal Finding 3-a]

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

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

a. **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."

b. **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."

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 per the county's Stormwater Facilities Maintenance Manual as adopted by Chapter 13.26A. The responsible official prior to county approval of the final stormwater plan shall approve such arrangements. Final plats shall specify the party(s) responsible for long-term maintenance of stormwater facilities within the Developer Covenants to Clark County. The county may inspect privately maintained facilities for compliance with the requirements of this chapter. If the parties responsible for long-term maintenance fail to maintain their facilities to acceptable standards, the county shall issue a written notice specifying required actions to be taken in order to bring the facilities into compliance. If these actions are not performed in a
timely manner, the county shall take enforcement action and recover from parties responsible for the maintenance in accordance with CCC 32.04.060.

d. **Impact Fees**: "In accordance with CCC 40.610, except for designated Lot 1 on the final plat as waived, impact fees for each dwelling in this short plat shall be assessed for impacts on schools, parks and transportation facilities based for the following districts: Camas School District (SIF), and Rural (TIF). As found in CCC40.610.040, impact fees are calculated using the rates in effect at the time of building permit issuance."

**D-8 Addressing** - At the time of final plat, existing residence(s) that will remain may be subject to an address change. Addressing will be determined based on point of access.

**D-9 Wetlands**
The wetland and buffer boundaries shall be delineated on the face of the Final Plat. See Attachment A.

a. Prior to final plat building envelopes that clearly avoid critical areas, wetlands and wetland buffers, Oregon white oak and snags shall be shown on the face of the final plat. [See Wetland/Habitat Finding 1]

b. No clearing or development shall occur outside the building envelopes shown on the face of this plat without written confirmation from Clark County wetland and habitat Staff that the proposed activity complies with, or is exempt from, Clark County Code 40.440 and 40.450. [See Wetland/Habitat Finding 1]

c. To qualify for a waiver 40.450.030.G.2, (wetland delineation, permanent demarcation, and conservation covenant requirements) the applicant’s plan must correctly depict the delineated wetlands, associated buffers, Oregon white oak woodland and snags. A note on the face of the plat must be included that describes the limitation of development outside the building envelopes. [See Wetland/Habitat Finding 1]

d. A conservation covenant shall be submitted for recording with the Clark County Auditor that runs with the land and requires that the wetlands and buffers remain in their natural state. See Attachment A.

**D-10 Plat Notes** - The following notes shall be placed on the final plat:

a. **Archaeological** (all plats): "If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Department of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."
b. **Building Envelope Note:** If any development activity or ground disturbance occurs outside of the building envelopes represented on the final plat, an additional archaeological predetermination survey will be required for the area impacted.

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

d. **Wetland Covenants:** "Clark County Wetland Protection Ordinance (Clark County Code Chapter 40.450) requires wetlands and wetland buffers to be maintained in a natural state. Refer to Conservation Covenant (Ref #___) recorded with the Clark County Auditor for limitations on the maintenance and use of the wetland and wetland buffer areas identified on the face of this plat."

e. **Wetland Building Envelopes:** To qualify for a waiver 40.450.030.G.2, (wetland delineation, permanent demarcation, and conservation covenant requirements) the applicant's plan must correctly depict the delineated wetlands, associated buffers, Oregon white oak woodland and snags. A note on the face of the plat must be included that describes the limitation of development outside the building envelopes [See Wetland/Habitat Finding 1].

f. **Wetland Development Envelopes:** "No clearing or development activities shall occur outside the development envelopes shown on the face of this plat unless the activities are exempt from, or approved under, the provisions of the Clark County Wetland Protection Ordinance (CCC 40.450). Other building setbacks may apply within the development envelopes."

g. **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."

h. **Driveways:** "A maximum of 4 legal lots may use a joint driveway to access a public or private road."

i. **Driveway:** "The owner of Lot #2 is responsible for obtaining approval and construction of the proposed driveway extension. Driveways shall have a minimum width of 12 feet of clear, unobstructed driving surface. Driveways longer than 300 feet shall be constructed with an approved turnaround at the terminus. There shall also be approved turnouts constructed such that the maximum distance from turnout to turnout or from turnout to turnarounds does not exceed 500 feet." [See Transportation Finding #2]
j. Privately Owned Stormwater Facilities: "The following party(s) is responsible for long-term maintenance of the privately owned stormwater facilities: _______."

k. The owner of Lot #2 is responsible for obtaining approval of stormwater plan for both the driveway and the proposed home with the building permit and necessary stormwater systems. These drainage systems will be owned and maintained by the property owner on whose lot the system is located. This shall apply to all new and replaced hard surfaces within the proposed lots and for any necessary driveway widening and turnouts.” [See Stormwater Finding #5]

l. Impact Fees: "In accordance with CCC 40.610, except for the 1 lot designated on this plat as waived, impact fees for each dwelling in this short plat shall be assessed for impacts on schools, parks and transportation facilities based for the following districts: Camas School District (SIF) and Rural (TIF). As found in CCC40.610.040, impact fees are calculated using the rates in effect at the time of building permit issuance.”

m. Water Rights: A note will be required on the plat stating: “This land was approved without water rights and is therefore required to meet ground water permit exemption requirements within RCW 90.44.050. Unless water rights are obtained, the total combined water use by the lots in this land division is limited to 5,000 gallons per day. The watering of lawns or non-commercial gardens is limited to a total not to exceed 1 acre. The water supply portion of the signature block on the final plat must refer to this note.

<table>
<thead>
<tr>
<th>E</th>
<th>Building Permits</th>
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<tbody>
<tr>
<td>Review and Approval Authority: Permit Services</td>
<td></td>
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</table>

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

**E-1** Driveways shall have a minimum width of 12 feet of clear, unobstructed driving surface. Driveways longer than 300 feet shall be constructed with an approved turnaround at the terminus. There shall also be approved turnouts constructed such that the maximum distance from turnout to turnout or from turnout to turnarounds does not exceed 500 feet. (See Finding #2)

**E-2** The owner of Lot #2 is responsible for obtaining approval of a stormwater plan with the building permit and constructing necessary stormwater systems. This shall apply to all new and replaced hard surfaces within the proposed lots and for any required driveway widening and turnouts. These drainage systems will be owned and maintained by the property owner on whose lot the system is located. (See Finding #5)

**E-3** **Fire Protection**: Homes exceeding 3600 square feet including attached garages will require additional fire protection features up to and including a residential fire sprinkler system when adequate public water and a hydrant is not within required distances. [See Fire Protection Finding 2]
E-4 **Fire Protection:** New private driveways in excess of three hundred (300) feet in length shall be provided with an approved turnaround at the terminus. Turnouts shall be provided at intervals five hundred (500) feet or less, such that no portion of the driveway is in excess of three hundred (300) feet from an approved turnaround or turnout. [See Fire Protection Finding 3]

E-5 **Fire Flow:** Fire flow in the amount of 500 gallons per minute supplied for 30 minutes duration is required for this application. Where fire flow is not provided in the full amount by a public water system, the side and rear setbacks for all buildings shall be increased to thirty (30) feet. Class "B" or better rated roof and noncombustible siding shall be required [See Fire Protection Finding 2]

E-6 **Maneuvering Areas:** The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standards. Provide an unobstructed vertical clearance of not less than 13.5 feet, with an all-weather driving surface capable of supporting the imposed loads of fire apparatus.

E-7 **Impact Fees:** Impact fees shall be assessed for impacts on schools, parks and transportation facilities based for the following districts: Camas School District (SIF), and Rural 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.”

| F | Occupancy Permits  
| Review and Approval Authority: Building |

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

F-1 **None**

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

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](https://www.ecology.wa.gov) (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.**
G-3 **Building and Fire Safety**  
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 Fire Protection Finding 1]

G-4 **Building Elevation Approvals** – Approval of building elevations submitted for preliminary plan review does not ensure compliance with other requirements (such as building setbacks) under other construction codes. Compliance with other construction codes is the responsibility of the applicant at the time of building permit issuance.

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

N/A

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

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

The appeal shall be filed with the Department of Community Development within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record. This decision was mailed on July 14, 2020. Therefore any appeal must be received in this office by the close of business on July 28, 2020.

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

An appeal of any aspect of the Hearing Examiner's decision, except the SEPA determination (i.e., procedural issues), may be appealed to the Superior Court or reconsidered by the Hearing Examiner only by a party of record.
Refer to the *Appeals* handout for more information and fees.

**Attachments**
- Copy of Proposed Preliminary Plan
10. Proposed Development Plans
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<td>Angie Merrill</td>
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<tr>
<td>Applicant</td>
<td>Mark &amp; Erin Johansen</td>
<td>25915 NE Brunner Rd</td>
<td>Camas</td>
<td>WA</td>
<td>98607</td>
<td><a href="mailto:mejohansen@yahoo.com">mejohansen@yahoo.com</a></td>
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<td><a href="mailto:devin@jacksoncivil.com">devin@jacksoncivil.com</a></td>
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<tr>
<td>Contact Person</td>
<td>Jackson Civil</td>
<td>Devin Jackson</td>
<td>705 Main St</td>
<td>Ste 103</td>
<td>Battle Ground</td>
<td>WA</td>
<td>98604</td>
<td><a href="mailto:devin@jacksoncivil.com">devin@jacksoncivil.com</a></td>
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<td>Utility Contact</td>
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<td>Desiree DeMonye</td>
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<td><a href="mailto:Desiree.DeMonye@clark.wa.gov">Desiree.DeMonye@clark.wa.gov</a></td>
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<td>Kristin Lehto</td>
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<td>Jennifer Halleck</td>
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<td>George Garifalakis</td>
<td>25706 NE Brunner Rd</td>
<td>Camas</td>
<td>WA</td>
<td>98607</td>
<td><a href="mailto:josie2978@gmail.com">josie2978@gmail.com</a></td>
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# EXHIBIT LIST

**Project Name:** JOHANSEN SHORT PLAT  
**Case Number:** PLD-2019-00016

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<td>Public Comment</td>
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Copies of these exhibits can be viewed at:  
Department of Community Development  
Development Services Division  
1300 Franklin Street  
Vancouver, WA 98666-9810