# Type III Land Division and Environmental Review
## Staff Report and Recommendation

<table>
<thead>
<tr>
<th><strong>Project Name:</strong></th>
<th>Kebelas Subdivision</th>
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</thead>
<tbody>
<tr>
<td><strong>Case Number(s):</strong></td>
<td>PLD-2020-00044</td>
</tr>
<tr>
<td><strong>Request:</strong></td>
<td>The applicant requests approval to divide one (1) 3.34 acre parcel, zoned R1-7.5 into 14 new lots for single family residential development.</td>
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<tr>
<td><strong>Address:</strong></td>
<td>5705 NE 124th Street</td>
</tr>
<tr>
<td><strong>Parcel number(s):</strong></td>
<td>198893-005</td>
</tr>
</tbody>
</table>
| **Applicant:** | Compass Group, LLC  
PO Box 1900  
Battle Ground, WA 98604  
360.907.8629  
shane@tapaniunderground.com |
| **Owner:** | Kenneth & Betty Lambrecht  
5705 NE 124th Street  
Vancouver, WA 98686 |
| **Contact Person:** | PLS Engineering  
Travis Johnson, contact  
604 W Evergreen Blvd.  
Vancouver, WA 98660  
360.944.6519  
travis@plsengineering.com |
| **Staff contact:** | Amy Wooten, Planner III  
(564) 397-5683  
amy.wooten@clark.wa.gov |

## Recommendation
Approved subject to Conditions

| **Land Use Review Manager's Initials:** |  
| **Date issued:** | July 8, 2020 |
| **Public Hearing date:** | July 23, 2020 |

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Community Development  
1300 Franklin Street, Vancouver, Washington  
Phone: 564.397.2375 Fax: 360.397.2011  
www.clark.wa.gov/development

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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>
<thead>
<tr>
<th>Department/Program</th>
<th>Name</th>
<th>Phone</th>
<th>Email Address</th>
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<tbody>
<tr>
<td>Community Development</td>
<td></td>
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</tr>
<tr>
<td>Land Use Review Manager</td>
<td>Susan Ellinger</td>
<td>564.397.4667</td>
<td><a href="mailto:susan.ellinger@clark.wa.gov">susan.ellinger@clark.wa.gov</a></td>
</tr>
<tr>
<td>Land Use Review Planner</td>
<td>Amy Wooten</td>
<td>564.397.5683</td>
<td><a href="mailto:amy.wooten@clark.wa.gov">amy.wooten@clark.wa.gov</a></td>
</tr>
<tr>
<td>Fire Marshal's Office</td>
<td>Dan Young</td>
<td>564.397.3318</td>
<td><a href="mailto:dan.young@clark.wa.gov">dan.young@clark.wa.gov</a></td>
</tr>
<tr>
<td>Public Works</td>
<td></td>
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<tr>
<td>Transportation and Stormwater</td>
<td>Greg Shafer</td>
<td>564.397.4064</td>
<td><a href="mailto:greg.shafer@clark.wa.gov">greg.shafer@clark.wa.gov</a></td>
</tr>
<tr>
<td>Engineering Engineering Supervisor</td>
<td>Ali Safayi, P.E.</td>
<td>564.397.4102</td>
<td><a href="mailto:ali.safayi@clark.wa.gov">ali.safayi@clark.wa.gov</a></td>
</tr>
<tr>
<td>Engineer</td>
<td>David Bottamini, P.E.</td>
<td>564.397.4881</td>
<td><a href="mailto:david.bottamini@clark.wa.gov">david.bottamini@clark.wa.gov</a></td>
</tr>
<tr>
<td>Concurrency Engineer</td>
<td>David Jardin</td>
<td>564.397.4354</td>
<td><a href="mailto:david.jardin@clark.wa.gov">david.jardin@clark.wa.gov</a></td>
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Comp Plan Designation: UL (Urban Low Density Residential)

Applicable Laws
Clark County Code: Title 15 (Fire Prevention), Chapter 40.200 (General Provisions), Section 40.220.010 (Single-Family Residential District), Chapter 40.320 (Landscaping), Chapter 40.350 (Transportation & Circulation), Section 40.350.020 (Transportation Concurrency), Chapter 40.370 (Sewer & Water), Chapter 40.386 (Storm Water & Erosion Control), Chapter 40.410 (Critical Aquifer Recharge Area), Chapter 40.450 (Wetland Protection), Chapters 40.500 and 40.510 (Procedures), Section 40.520.010 (Legal Lot Determination), Chapter 40.540 (Boundary Line Adjustments & Land Divisions), Chapter 40.570 (SEPA), Section 40.570.080 (SEPA Archaeological), Chapter 40.610 (Impact Fees), Title 24 (Public Health), RCW 58.17, and the Clark County Comprehensive Plan.

Neighborhood Association and Contact
Pleasant Highlands NA
Stephan B. Abramson
360.574.3363
abramson@lifesicpartners.net

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

A pre-application conference on this matter was held on January 9, 2020. The pre-application was determined contingently vested as of December 18, 2020, the date the fully complete pre-application was submitted if a fully complete application for substantially the same proposal were submitted on or before July 14, 2020.

The fully complete application was submitted on April 16, 2020 and determined to be fully complete on May 6, 2020. Given these facts, the application is vested on December 18, 2020. 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 May 6, 2020. Therefore, the code requirement for issuing a decision within 92 days lapses on August 2, 2020. The state requirement for issuing a decision within 120 calendar days, lapses on September 3, 2020.

**Public Notice**
Notice of application and public hearing was mailed to the applicant, Pleasant Highlands Neighborhood Association and property owners within 300 feet of the site on June 24, 2020. One sign was posted on the subject property on June 23, 2020.

**Public Comments**
A comment letter was received from a neighbor at 12203 NE 58th Avenue. The neighbor, Mr. Johnson expressed concern about increased traffic in the area and specifically about the need for a connection at 122nd Street between 56th and 58th Avenues.

Staff response: The plan provided by the applicant indicates a half-width street improvement at 122nd Street which will provide a connection between 56th and 58th Avenues. Additionally, the plan indicates NE 57th Avenue, which bisects the development, providing an internal north-south connection between 122nd and 124th Streets.

A letter was received from neighbor Sandra Todd who requested the retention of mature trees located near the northeast corner of the site.

Staff response: During review of an application, staff only has authority to evaluate the proposal for compliance with applicable approval criteria and, if necessary, impose conditions to ensure compliance with said standards. Ms. Todd's request does not fall within existing development review criteria. However, she is welcome to reach out to the applicant to see if the trees can be saved.

Jill Moore submitted a letter that included several questions regarding how to attend the public hearing, the anticipated development timeline, whether or not all trees will be removed, where construction vehicles will access the site, and if the development proposes to connect NE 122nd Street. She also shared concerns regarding construction noise and dust.
Staff response: The application does not provide answers to several of Ms. Moore's questions, but the plans do indicate that NE 122nd will connect NE 56th and NE 58th Streets. Construction activity may be disruptive however, the applicant will be required to meet County standards for dust and erosion control and noise.

Project Overview
The applicant is proposing to subdivide one (1) existing parcel, zoned R1-7.5 and approximately 3.34 acres in overall size into fourteen (14) lots for single family residential development. The parcel, numbered 198893-005 contains an existing residence and several out-buildings, all of which will be removed. The site is located south of and will receive its primary access from NE 124th Street. Secondary access will be provided from NE 122nd Street.

County GIS systems do not identify the site as having steep slopes, habitat or wetlands. Fire District #5, Clark Public Utilities, Clark Regional Wastewater District, and the Battle Ground School District provide public services in the area.

Comprehensive Plan, Zoning and Current Land Use

<table>
<thead>
<tr>
<th>Compass</th>
<th>Comp Plan</th>
<th>Zoning</th>
<th>Current Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site</td>
<td>UL</td>
<td>R1-7.5</td>
<td>Single family residential</td>
</tr>
<tr>
<td>North</td>
<td>UL</td>
<td>R1-7.5</td>
<td>Single family residential</td>
</tr>
<tr>
<td>East</td>
<td>UL</td>
<td>R1-7.5</td>
<td>Valley Estates Subdivision</td>
</tr>
<tr>
<td>South</td>
<td>UL</td>
<td>R1-7.5</td>
<td>Single family residential</td>
</tr>
<tr>
<td>West</td>
<td>UL</td>
<td>R1-7.5</td>
<td>Laurin Meadows Subdivision</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.

Finding 1 - Uses
According to Table 40.220.010-1, single-family detached residential dwellings are permitted outright in the R1-7.5 zone.

Finding 2 - Lot Requirements
Table 40.220.010-2 denotes lot requirements for the R1-7.5 zone, which are prescribed as follows: minimum lot area, 7,500sf; maximum average lot size, 10,500sf; average lot width\(^1\), 60 feet; and, average lot depth\(^2\), 90 feet. This application proposes an overall average lot size of 8,081sf with all lots meeting the minimum 7,500sf standard, and minimum lot width and depth standards.

Any changes to lot area, width or depth may require additional review. [See Conditions A-9 & G-5]

Table 40.220.010-3 prescribes setbacks, lot coverage and building height standards for the R1-7.5 zone, that are depicted in the table below:

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Minimum Setbacks</th>
<th>Maximum Lot Coverage</th>
<th>Maximum Building Height (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Front (feet)(^3)</td>
<td>Side Street (feet)</td>
<td>Interior (feet) Rear (feet)</td>
</tr>
<tr>
<td>R1-7.5</td>
<td>10(^4)</td>
<td>10</td>
<td>5</td>
</tr>
</tbody>
</table>

Any future construction on the newly created lots shall meet setback standards prescribed for the R1-7.5 zone. [See Condition E-1]

According to the applicant’s plan, the existing dwelling and accessory buildings will be removed. Therefore, prior to site construction, the applicant shall procure all required permits pursuant to criteria established in Title 14, Buildings and Structures and demolish the shop. [See Condition B-1.b]

Finding 3 - Pedestrian Facilities
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.

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\(^1\) Average lot width shall be the average of the front and rear lot lines.
\(^2\) Average lot depth is the average length of the side lot lines.
\(^3\) Front setbacks shall be measured from the edge of any street right-of-way, street tract, street easement, or driveway easement that provides access to the lot, including any separate pedestrian easement that may exist between a street and the front setback line.
\(^4\) Front setbacks for garage fronts in these zones shall be a minimum of eighteen (18) feet. Sides and rear of garages that have no driveway access may use the ten (10) foot living space setback.
The subject development is located within the Battle Ground School District, and specifically within the boundaries of Pleasant Valley Elementary and Middle Schools, and Prairie High School.

The applicant provided a letter from the Director of Operations Services for the Battle Ground School District. The letter indicates that all students will be bused from the proposed development, and therefore staff finds that no ‘safe-walking’ conditions are warranted.

**Finding 4 - County/State Platting Standards**
With conditions of approval, staff finds the proposed subdivision will make appropriate provisions for the public health, safety and general welfare of the community. Connection to public water and sewer 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**

**Finding 1 - Applicability**
The development site is located within a “moderate-high” to “high” probability area for the discovery of archaeological resources, as designated on the Archaeological Predictive Model Map of the Clark County. Therefore, an Archaeological Predetermination is required.

**Finding 2 - Pre-determination**
The Department of Archaeology confirmed receipt of an archaeological pre-determination to on March 12, 2020. The DAHP was mailed the public notice and a copy of the SEPA checklist and as of the issuance of this report, has not provided comment. 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 plans will require that if resources are discovered during construction, work shall stop and DAHP and the county will be contacted. [See Conditions A-1 & D-4.a]

**Transportation**

**Finding 1 - Pedestrian/Bicycle Circulation Plan**
Pedestrian circulation facilities in compliance with the Americans with Disabilities Act are required in accordance with the provisions of Section CCC 40.350.015. The applicant has proposed sidewalk along the frontage of NE 124th Street and internal sidewalks with NE 122nd Street and NE 57th Avenue. All proposed pedestrian facilities shall be constructed to comply with ADA standards. The applicant will be required to construct curb ramps at all street intersections. [See Condition A-2.a]

**Finding 2 - Road Circulation**
The proposed block lengths fall within the maximum allowable 800-foot block length. Proposed NE 122nd St. will be barricaded on a temporary basis between where it will connect to
an existing stub to the southwest and the proposed intersection of NE 57th Avenue and NE 122nd Street. Vehicles will not be allowed to access this section of NE 122nd Street as the road cannot be proposed to meet the minimum 20-foot road width. As a result of the existing stub road to the southwest being lined up with the southern property line, an approximate 14-foot pinch point exists between property lines. As a result, a 12-foot wide road width is proposed until it widens as it approaches the intersection of NE 57th Avenue and NE 122nd Street. The 2 barricades will be present until the road can be widened on parcel #198893-000 to the southwest. A road modification has been submitted which addresses this issue. [See Transportation Finding 4]

Finding 3 - Roads
NE 124th St. is an “Urban Neighborhood Circulator”. The minimum half-width requirements include 27 feet of right-of-way, 18 feet of paved width, curb, gutter, and sidewalk. NE 57th Avenue is proposed as an “Urban Local Residential Access” road consisting of 46 feet of right-of-way, 28 feet of paved width, curbs, gutters, and sidewalks. NE 122nd St. is an “Urban Local Residential Access” road which requires partial width improvements including 31 feet of right-of-way, 20 feet of paved width, sidewalk, curb, and gutter to the north of the property line. This standard applies to the easterly leg of the proposed intersection of NE 122nd St. and NE 57th Ave. The applicant proposes 37 feet of right-of-way and 24 feet of paved width which exceed the standard. Parking is prohibited on one side of this partial width roadway per CCC 40.350.030(B)(5)(a)(5). [See Conditions A-2.b, A-2.c, A-2.d, & Transportation Finding 4]

Per CCC 40.350.030 (B)(4)(b)(1)(b), corner lot driveways, on two intersecting local access roads, shall be placed a minimum of 40 feet from the projected curb line, as measured to the nearest edge of the driveway, as long as the parked cars in the driveway are outside of the sight distance triangle. [See Condition A-2.e]

Finding 4 - Minor Deviation Road Modification
The applicant submitted a technical road modification analysis, dated February 26th, 2020, that requests relief from the 20-foot partial width pavement requirement in addition to a request for relief from circulation standards on a temporary basis.

CCC 40.550.010(C)(2) - Approval Criteria
Modifications to the standards contained in Chapter 40.350 may be granted when the applicant demonstrates at least one (1) of the following:

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
According to the applicant:

"This Modification Request is utilizing Criteria (2)(a)(d) and (e). Kebelas subdivision is located between 2 existing subdivisions. NE 122nd Street (An Urban Local Residential Access Road) is fully constructed to the west and east of Kebelas Subdivision. At the western connection point, the property line is the proposed centerline for 122nd Street. The applicant does not own the property to the south, and no right of way has been dedicated. Additionally, there is an existing structure located 5' south of the property line/roadway centerline. (a) There is not physically room for this development to construct the required 20' roadway half width while making a safe connection to the existing full width street improvements. (d) Application of the standards would force the developer to purchase the neighboring property and remove the existing structure at a grossly disproportional expense. (e) A change to the 20' requirement is necessary so that this project can connect to the existing roadway at the SW corner of the project."

"The applicant is requesting that the County allow for the project to construct a 12' width for approximately 76' of frontage improvements and deviate below the 20' standard for an additional 34'. This will all occur to the west of the proposed intersection with NE 122nd Street and NE 57th Avenue. In the future, should the property to the south develop, it will be a simple process for them to build out the full roadway width. As mitigation, the applicant is proposing to construct a 24' roadway width on the east side of the intersection and install temporary barricades on either end of the narrow roadway section.

"CCC 40.550.010(C)(1) states:
In reviewing a modification request, the county shall consider the applicable factors that include, but are not limited to, the following:

"a. Public safety, durability, cost of maintenance, function, and appearance;

Durability, cost of maintenance, and appearance will not be affected by the modification. Public safety and function will be impacted. 20' minimum roadway widths are required in order to allow for emergency vehicle access. However, due to the fact that this is not a dead-end location, and there are multiple ways for emergency vehicles to access the area from both sides, the impacts to public safety will be minimal. Function will also be impacted by the reduced width and temporary closure of that section of roadway, but similarly to safety, there are other points of connection resulting in minimal impacts. The proposed mitigation of barricades and additional roadway width at the opposite access point should help to alleviate the issues with safety and function."

b. Advancing the goals of the comprehensive plan as a whole;

"Approval of the road modification does not conflict with the goals of the comprehensive plan."

c. Any modification shall be the minimum necessary to alleviate the hardship or disproportional impact;
“Approving this road modification will be the minimum necessary to alleviate the hardship. There is actually a 14’ width between the curb and the property line, but 2’ is needed between the edge of pavement and the property line to resolve grading issues.”

d. Potential benefits of low impact development or innovative concepts;

“Low impact development or innovative concepts are not applicable to the request.”

e. Self-imposed hardships shall not be used as a reason to grant a modification request.

“The modification is not a self-imposed hardship by the applicant.”

“This deviation from the standards will be easily corrected by future development to the south. Please refer to the Preliminary Plat for additional information regarding this road modification request.”

“In closing, we request staff to approve this road modification for the reasons listed above.”

Staff's Evaluation
Staff agrees with the applicant that this proposal meets criteria (a) & (d).

Staff recommends Approval of the road modification per approval criteria CCC 40.550.010(C)(2)(a) & (d).

The Development Engineering Supervisor concurs with staff's recommendation.

Finding 5 - 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 indicating that the required 250 feet of sight distance based on the posted 25 mph speed limit can be achieved for both proposed intersections looking to the east and west. This sight distance certification shall be completed once the improvements are constructed. The sight distance triangles shall be shown on the final engineering plans and on the final plat. [See Conditions A-2.f, C-1, & D-4.e]

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

Transportation Concurrency
Finding 1 - Trip Generation
County concurrency staff has reviewed the proposed Kebelas Subdivision. The traffic study submitted indicates that the proposed development will divide 3.34 acres into 14 single family residences. The applicant’s traffic study has estimated the a.m. peak-hour trip generation at 9 trips, a p.m. peak-hour trip generation at 13 trips and an average daily trip (ADT) generation of 122. The trip generation was estimated using the nationally accepted data published by the Institute of Transportation Engineers 10th Edition. The proposed development site is located near the intersection at 5705 NE 124th Street in Vancouver.

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

Finding 2 - Site Access
Traffic conditions are usually expressed using a scale that quantifies the ability of a facility to meet the needs and expectations of the driver. This scale is graded from A to F and is referred to as level-of-service (LOS). A driver who experiences an LOS A condition would expect little delay. A driver who experiences an LOS F condition would expect significant delay, but the traffic facility would be just within its capacity to serve the needs of the driver. A driver who experiences an LOS F condition would expect significant delay with traffic demand exceeding the capacity of the facility with the result being growing queues of traffic.

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

The traffic study indicates that the proposed subdivision will use a proposed new, public, local street network. This network will provide access to the existing street network at the proposed connection to the existing NE 124th Street.

The submitted plan shows that there will be other streets and intersections within the subdivision for the purpose of setting up a road infrastructure for circulation to adjacent underdeveloped parcels.

The applicant's analysis shows that the local access intersections of NE 123rd Street/NE 72nd Avenue, NE 119th Street/NE 56th Avenue and NE 119th Street/NE 58th Avenue are estimated to operate at a LOS C or better in the 2022 build-out horizon. The study also shows that the LOS was evaluated during AM and PM peak hour traffic conditions in existing and build-out scenarios. County Staff concurs with the traffic study findings.

Finding 3 - Clark County Concurrency
The proposed development is required to meet the standards established in CCC 40.350.020(G) for corridors and intersections of regional significance within 1 mile of the proposed development.

Signalized Intersections
The County’s model evaluated the operating levels, travel speeds and delay times for the regionally significant signalized intersections. This analysis showed that individual movements during peak hour traffic conditions had approach delays that did not exceed the maximum 240 seconds, or 2 cycles, of delay in the build-out year.
Therefore, County Staff has determined that this development will comply with adopted Concurrency standards for signalized intersections.

*Unsignalized Intersections*
County Staff has evaluated the operating levels and standard delays represented in the County’s model. The County’s model yielded operating levels and standard delay times with a LOS better than the minimum allowable LOS E for unsignalized intersections.

The County has determined that this development can comply with adopted Concurrency Standards for unsignalized intersections.

*Concurrency Corridors*
Evaluation of the concurrency corridor capacity levels represented in the County Code yielded capacity at acceptable levels.

*Summary*
The County has determined that this development can comply with adopted Concurrency Standards for corridors, signalized and unsignalized intersections under County jurisdiction.
SAFETY:

Where applicable, a traffic study shall address the following safety issues:
- traffic signal warrant analysis,
- turn lane warrant analysis,
- crash history analysis,
- roadside safety (clear zone) evaluation,
- vehicle turning movements, and
- any other issues associated with highway safety.

Mitigation for off-site safety deficiencies may only be a condition of approval on development in accordance with CCC 40.350.030(B)(6) The code states that "nothing in this section shall be construed to preclude denial of a proposed development where off-site road conditions are inadequate to provide a minimum level of service as specified in Section 40.350.020 or a significant traffic or safety hazard would be caused or materially aggravated by the proposed development; provided, that the applicant may voluntarily agree to mitigate such direct impacts in accordance with the provisions of RCW 82.02.020."

Finding 4 - Turn Lane Warrants
Turn lane warrants are evaluated at unsignalized intersections to determine if a separate left or right turn lane is needed on the uncontrolled roadway.

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

Finding 5 - Historical Accident Situation
The applicant’s traffic study analyzed the crash history as obtained from Washington State Department of Transportation (WSDOT) for the period December 2014 through December 2019.

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

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

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

"For managed access state highways within an urban area, it might not be practicable to provide the Design Clear Zone distances shown in Exhibit 1600-2. Roadways within an urban area generally have curbs and sidewalks and might have objects such as trees, poles, benches, trash cans, landscaping and transit shelters along the roadside."

The applicant shall consider the WSDOT Design Manual – Roadside Safety Mitigation Guidance (Section 1600.04) in the final engineering design of all proposed roadways and frontage improvements. [See Condition A-4.b]

Finding 7 - Vehicle Turning Movements
It shall be noted that, the curb return radii listed above are minimum criteria and are intended for normal conditions, per CCC 40.350.030 (C)(3). CCC 40.350.030 (C)(3) also states, "The responsible official may require higher standards for unusual site conditions."

The applicant will need to submit construction plans that show the design of the intersection geometry will accommodate all applicable design vehicles for review and approval. The plans will also need to show that all applicable design vehicles have the ability to enter and exit the development minimizing the turning movement impact to opposing or adjacent travel lanes, which may result in no on-street parking areas on local residential access roads, at/near public road intersections. [See Condition A-4.c]

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

Conclusion (Concurrence)
In summary, Concurrency Staff recommends approval of the development application, as conditioned.

Stormwater
Finding 1 - Stormwater Applicability
The provisions of Clark County Code Chapter 40.386 shall apply to all new development, redevelopment, land disturbing activities and drainage projects consistent with the Stormwater Management Manual for Western Washington (SMMWW) and the Clark County Stormwater Manual (2015). The project adds more than 5,000 square feet of new hard surface; therefore, the applicant shall comply with Minimum Requirements (MR) 1 through 9. [See Condition A-5.a]

Finding 2 - Stormwater Proposal
The applicant provided a stormwater technical information report dated February 26th, 2020 which proposes to comply with On-site Stormwater Management (MR#5), Runoff Treatment (MR#6), and Flow Control (MR#7) standards. The applicant proposes to comply with the LID Performance Standard. The applicant has proposed public facilities consisting of StormFilters (Contech) and infiltration trenches located within NE 124th Street and NE 57th Avenue. [See Conditions A-5.a, A-5.b, A-5.c, D-4.f, & E-2]
Per the applicant's geotechnical engineer, the tested infiltration rates were 22.5 inches per hour (iph) at the depth of 7 feet below ground surface (bgs) in TP-3 between the proposed lots 5 and 6, the rate was 0.0 iph at the depth of 6.5 feet bgs in TP-4 within the proposed Lot 1, and 10 iph in TP-4 at the depth of 11.8 feet bgs within the proposed Lot 1. The applicant's engineer is proposing a design infiltration rate of 11.25 iph using a safety factor of 2 for the infiltration systems to the north of the site and 5 iph for the systems to the south of the site. The geotechnical engineer observed perched groundwater in TP-1 at 3.5 feet bgs but did did not observe groundwater down to 14 feet below the ground surface in other test pits. Per the analysis, poorer infiltration rates were located closer to the surface and better infiltration rates were found few feet below the ground surface. The geotechnical engineer shall provide a memorandum indicating that groundwater monitoring is not necessary. Additionally, the applicant shall not materially increase or concentrate runoff onto neighboring properties. [See Condition A-5.d, A-5.e, C-2.a, & C-2.b]

The applicant has not provided conclusive information in the stormwater Technical Information Report as to how the runoff from the individual roof and crawl space drains will be managed. Direct or indirect conveyance of stormwater runoff from the roofs to the infiltration systems under the public road section is not allowed. The applicant's engineer has submitted a letter dated July 7, 2020, proposing to keep the infiltration systems for any individual lots outside of the roadway area. [See Condition A-5.f]

In accordance with the 2015 Clark County Stormwater Manual, Book 1, Section 2.5.1.3, for an infiltration trench that receives water exclusively from a roof surface, a minimum separation of 1-foot is required from the bottom of the infiltration facility to the seasonal high-groundwater elevation. [See Condition A-5.g]

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

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

**Fire Protection**
**Finding 1 - Fire Marshal Review**
This application was reviewed by Donna Goddard in the Fire Marshal's Office. Donna can be reached at (564) 397-3323, or e-mail at donna.goddard@clark.wa.gov. Where there are difficulties in meeting these conditions or if additional information is required, contact Donna in the Fire Marshal's office immediately.

**Finding 2 - 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-6.a]

Finding 3 - Fire Flow
Fire flow in the amount of 1000 gallons per minute (gpm) 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. A letter from Clark PUD dated 12/18/19 indicates there is 1788 gpm available in the area. [Conditions A-8.a, D-5.a, & E-4.a]

Finding 4 - Fire Hydrants
Fire hydrants are required for this application. Either the indicated number or the spacing of the fire hydrants is inadequate. Provide fire hydrants such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads. [See Condition A-8.b]

The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact Fire District # 5 via the Vancouver Fire Department at (360) 487-7260 to arrange for location approval. Unless waived by the fire district chief fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. Provide and maintain a three (3) -foot clear space around the entirety of each fire hydrant. [See Conditions A-8.c, A-8.d, D-5.b, F-1, & H-1]

Finding 5 - Fire Apparatus Access
Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application adequately provide 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. [See Conditions A-8.e & H-1.b]

Finding 6 - Fire Apparatus Turnarounds
Fire apparatus turnarounds are not required for this application.

Finding 7 - Fire Sprinklers
Homes exceeding 3600 square feet including attached garages will require additional fire protection features up to and including a sprinkler system when adequate water and a hydrant is not within required distances. [See Conditions E-4.b & G-6.b]

Finding 8 - Parking
Parking is prohibited on access roads that are less than twenty-four (24) feet wide. Roads that are less than twenty-four (24) feet wide shall be posted "NO PARKING-FIRE LANE". [See Conditions A-8.f, D-5.c, & H-1.c]

Conclusion (Fire Protection)
Staff finds that the proposed preliminary plan, subject to conditions identified herein, meets the fire protection requirements of the Clark County Code.
Water and Sewer Service
Finding 1 - Service Availability
The site will be served by the Clark Public Utilities for potable water and Clark Regional Wastewater sewer district. Letters from the above districts confirm that services are available to the site.

Finding 2 - Site Conditions
A Conditional Development Review Evaluation was submitted as part of the preliminary application. The letter has confirmed that Public Health staff conducted an evaluation of the site and determined that the existing structure is served by on-site septic and well systems.

Finding 3 - Final Approval
The existing wells and septic systems are proposed to be decommissioned and/or abandoned. Submittal of an acceptable Public Health Final Approval Letter is required prior to final plat approval. [See Conditions B-1.a, D-1 & D-2]

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), and Traffic Impact Fees (TIF) in accordance with CCC 40.610.

- Battle Ground School District (SIF): $6,397.00
- Park District #8 (PIF): $3,959.00
- Mt. Vista (TIF): $7,525.56

The amount listed above provides a “per lot” estimate using the current impact fee rate and is 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.

Finding 2 - Existing Residence
While the subdivision is proposed at fourteen (14) total lots, impact fees will be waived for the one (1) existing dwelling that will be removed from the site. Therefore, prior to final plat approval, one (1) lot shall be identified as the recipient of the waived fees, and a note shall be added to the face of the plat which states, “Impact fees for Lot ‘X’ shall be waived at time of building permit application.” [See Conditions D-3.c, D-4.g & E-3]

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

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

- **MDNS = Mitigated Determination of Non-Significance** - The impacts can be addressed through conditions of approval; or,
• **DNS = Determination of Non-Significance** - The impacts can be addressed by applying the Clark County Code.

The likely SEPA determination of Non-Significance (DNS) in the Notice of Development Review Application issued on June 24, 2020 will become final July 9, 2020 if substantive comments are not received.

**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: Amy Wooten, 564.397.5683

Responsible Official: Dan Young, Community Development Director

Recommendation
Based upon the proposed plan known as Exhibit 18, and the findings and conclusions stated above, staff recommends the Hearing Examiner APPROVES this request, subject to the understanding that the application is required to adhere to all applicable codes and laws, and is subject to the following conditions of approval.

Conditions of Approval

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 Construction Plan - The applicant shall submit and obtain county approval of a final construction plan with the following note (Archaeology):
"If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Department of Archaeology and Historic Preservation in Olympia shall be notified. Failure to comply with these state requirements may constitute a Class C Felony, subject to imprisonment and/or fines."

A-2 Final 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. The applicant shall show that all pedestrian facilities will be constructed in compliance with ADA Standards. The applicant shall construct curb ramps at all street intersections. [See Transportation Finding 1]

b. NE 124th St. is an “Urban Neighborhood Circulator” and the minimum half-width requirements include 27 feet of right-of-way, 18 feet of paved width, curb, gutter, and sidewalk. [See Transportation Finding 3]

c. The on-site public road, NE 57th Ave., shall adhere to an “Urban Local Residential Access” road consisting of 46 feet of right-of-way, 28 feet of paved width, curbs, gutters, and sidewalks. [See Transportation Finding 3]

d. Parking is prohibited on one side of the proposed partial width NE 122nd Street per CCC 40.350.030(B)(5)(a)(5). [See Transportation Finding 3]
e. Per CCC 40.350.030 (B)(4)(b)(1)(b), for the corner lot driveways adjacent to intersections of local access roads (Lots 1, 7, 8 & 14), the nearest edge of the driveways shall be placed a minimum of 40 feet from the projected curb line of the intersecting road. [See Transportation Finding 3]

f. The sight distance triangles shall be shown on the final engineering plans. [See Transportation Finding 5]

A-3 Transportation:

a. 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-4 Final Transportation Plan/Off Site (Concurrence) - The applicant shall submit and obtain county approval of a final transportation design in conformance to CCC 40.350 and the following conditions of approval:

a. The applicant shall submit a signing and striping plan for review and approval. This plan shall show signing and striping and all related features for required frontage improvements and any off-site improvements, if necessary. The applicant shall obtain a work order with Clark County to reimburse the County for required signing and striping.

b. The applicant shall consider the WSDOT Design Manual – Roadside Safety Mitigation Guidance (Section 1600.04) in the final engineering design of all proposed roadways and frontage improvements. [See Concurrency Finding 6]

c. The applicant shall submit construction plans that show all applicable design vehicles have the ability to enter and exit the development minimizing the turning movement impact to opposing or adjacent travel lanes, which may result in no on-street parking areas on local residential access roads, at/near public road intersections. [See Concurrency Finding 7]

A-5 Final Stormwater Plan - The applicant shall submit and obtain County approval of a final stormwater plan designed in conformance to CCC 40.386 and the following conditions of approval:

a. The applicant shall submit a final construction plan and a final Technical Information Report that addresses Minimum Requirements #1 through #9. [See Stormwater Finding 1]

b. The applicant shall submit documentation from the stormwater treatment system manufacturer indicating that the stormwater treatment devices were sited and sized appropriately. [See Stormwater Finding 2]
c. Tested and design infiltration rates in addition to the minimum separation from the bottom of an infiltration facility to the seasonal high-groundwater elevation shall be identified on the final construction plans. [See Stormwater Finding 2]

d. The geotechnical engineer shall provide a memorandum indicating that groundwater monitoring is not necessary. [See Stormwater Finding 2]

e. The applicant shall not materially increase or concentrate runoff onto neighboring properties. [See Stormwater Finding 2]

f. Direct or indirect conveyance of stormwater runoff from the roofs to the infiltration systems under the public road paved section is not allowed. [See Stormwater Finding 2]

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

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

**A-6 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-7 Excavation and Grading** - Excavation/grading shall be performed in compliance with CCC14.07.

**A-8 Fire Marshal Requirements** -

a. The applicant shall submit plans showing location of water lines for review and approval. [See Fire Protection Finding 3]

b. Plans shall be submitted for review and approval showing fire hydrants such that maximum spacing between hydrants does not exceed 700 feet and such that no portion of the building exterior is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads. [See Fire Protection Finding 4]

c. The fire district chief shall sign the engineering construction mylar indicating fire hydrant location has been reviewed and approved. [See Fire Protection Finding 4]

d. Plans showing a three (3) –foot clear space around the circumference of all fire hydrants shall be submitted for review and approval.
e. Plans showing roadways and maneuvering areas that are consistent with the preliminary plat shall be submitted for review and approval. [See Fire Protection Finding 5]

f. Submit plans showing posted signs that state, “NO PARKING-FIRE LANE” for review and approval on roads that are less than twenty-four (24) feet wide. [See Fire Protection Finding 8]

A-9 Any changes to lot area, width or depth may require additional review.

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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; and,

a. Prior to site construction, abandonment of septic systems, water wells and underground tanks shall be decommissioned in accordance with the procedures of the Clark County Public Health.

b. Prior to site construction, structures slated for demolition shall be demolished in accordance with the procedures of the Clark County demolition permit.

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.

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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 **Sight Distance** - The applicant shall provide a sight distance certification letter verifying that sight distance requirements have been met at the intersections. (See Finding #5)

C-2 **Stormwater** -

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

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

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

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**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 Public Health Signature Requirement** – Public Health is **not** required to sign the final plat, because there is no use of well or septic systems proposed. However, submittal of a Public Health Final Approval Letter is required.

**D-2 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-3 Developer Covenant** - A “Developer Covenant to Clark County” shall be submitted for recording to include the following:

a. **Critical Aquifer Recharge Areas:** "The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."
b. **Erosion Control:** "Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."

c. **Impact Fees:** "In accordance with CCC 40.610, except for lot “X” which is designated on the final plat as waived, impact fees for each dwelling in this subdivision shall be assessed for impacts on schools, parks and transportation facilities based for the following districts: Battle Ground School District (SIF), Park District 8 (PIF) and Mt. Vista Sub-area (TIF). As found in CCC 40.610.040, impact fees are calculated using the rates in effect at the time of building permit issuance."

### D-4 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. **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."

g. **Impact Fees:** "In accordance with CCC 40.610, except for lot “X” which is designated on the final plat as waived, impact fees for each dwelling in this subdivision shall be assessed for impacts on schools, parks and transportation facilities based for the following districts: Battle Ground School District (SIF), Park District 8 (PIF) and Mt. Vista Sub-area (TIF). As found in CCC 40.610.040, impact fees are calculated using the rates in effect at the time of building permit issuance."
D-5  Fire Marshal Requirements -

   a. The applicant shall demonstrate that water mains supplying fire flow have been
      installed, approved and operational prior to the commencement of combustible
      building construction. [See Fire Protection Finding 3]

   b. Unless waived by the fire district chief, fire hydrants shall be provided with
      appropriate 'storz' adapters for the pumper connection. [See Fire Protection
      Finding 4]

   c. Roads that are less than twenty-four (24) feet wide shall be posted “NO
      PARKING – FIRE LANE”. [Fire Protection Finding 8]

D-6  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.

E  Building Permits
Review and Approval Authority: Permit Services

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

E-1  Land Use - All construction on the lots in this plat shall meet setback standards
      prescribed the R1-7.5 zone. [See Land Use Finding 2]

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

E-3  Impact Fees - In accordance with CCC 40.610, except for lot “X” which is designated on
      the final plat as waived, impact fees for each dwelling in this subdivision shall be assessed
      for impacts on schools, parks and transportation facilities based for the following
      districts: Battle Ground School District (SIF), Park District 8 (PIF) and Mt. Vista 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.

E-4  Fire Marshal Requirements -

   a. Prior to issuance of a building permit, the applicant shall submit a current utility
      review letter form the water purveyor indicating required fire flow remains
      available at the site. [See Fire Protection Finding 3]

   b. Homes exceeding 3,600 square feet (including attached garages) will have
      additional fire protection requirements. Contact the Clark County Fire Marshal’s
      Office for additional information. [See Fire Protection Finding 7]

F  Occupancy Permits
Review and Approval Authority: Building
Prior to issuance of an occupancy permit, the following conditions shall be met:

**F-1 Fire Marshal Requirements** - A three (3) -foot clear space shall be provided around the circumference of all fire hydrants. [See Fire Protection Finding 4]

**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 (DOE)** is required for any **land disturbing activities** such as clearing, grading, excavating, stockpiling of fill material, and/or demolition that:

- Disturbs one or more acres of land.; **OR**
- Are part of a common plan of development or sale that will ultimately disturb one or more acres of land. A common plan of development or sale is an area where multiple, separate, and distinct construction activities may be taking place on different schedules under one plan. In a common plan of development, the disturbed area of the entire plan is used to determine if a permit is required.; **AND**
- Discharge stormwater from the site into surface water(s) of the state or into storm drainage systems, including ditches, which discharge to state surface waters. Surface waters of the state: Include wetlands, ditches, rivers, unnamed creeks, rivers, lakes, estuaries, and salt water.

**The applicant shall Contact the DOE for further information.**
https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Stormwater-general-permits/Construction-stormwater-permit

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

**G-4 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.

**G-5** Any changes to the approved preliminary plat, specifically lot dimensions may require additional review. [See Land Use Finding 2]
G-6 Fire Protection -

a. Building construction occurring subsequent to this application shall be in accordance with provisions of the county’s building and fire codes. [See Fire Protection Finding 2]

b. Homes exceeding 3,600 square feet (including attached garages) will have additional fire protection requirements. Contact the Clark County Fire Marshal’s Office for additional information. [See Fire Protection Finding 7]

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

H-1 Fire Protection -

a. A three (3) -foot clear space shall be maintained around the circumference of all fire hydrants. [See Fire Protection Finding 4]

b. Access roads shall maintain an unobstructed width of not less than 20 feet and 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 Fire Protection Finding 5]

c. Parking is prohibited on access roads that are less than twenty-four (24) feet wide and posted “NO PARKING – FIRE LANE”. [See Fire Protection Finding 8]

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
Final Decision Attachment – For staff use only

This is not part of the decision, but rather an attachment for processing purposes only.

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<th>Final Plans Required with Construction Plans</th>
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<td>- On-site landscape plan</td>
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<td>- Right-of-way landscape plan*</td>
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<tr>
<td>Final Habitat Plan</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Final right-of-way landscape plan required for projects fronting on arterial and collector streets.

Note: If final plan submittals are required, list each plan under Case Notes in Permit Plan for future reference.

Building Setbacks Established at Preliminary Plan Review

Project Name:

Case Number:

The following minimum building setback requirements are based upon the zoning in place at the time, or setbacks as otherwise approved through preliminary plan review of the above listed project.

Setback requirements by lot

<table>
<thead>
<tr>
<th>Lot Number(s)</th>
<th>Front Setback</th>
<th>Garage Setback</th>
<th>Rear Setback</th>
<th>Side Setback</th>
<th>Street-side Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>(e.g., 1-10)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Attachments A: Environmental Services Report
(Cut and Paste report here)

Attachment B: Development Engineering Report
(Cut and Paste report here)

Attachment C: Transportation Concurrency Report
(Cut and Paste report here)