Type III Land Division and Environmental Review
Staff Report and Recommendation

Project Name: McElroy Subdivision


Request: The applicant requests approval to subdivide one (1) existing 39.22 acre parcel zoned R-5 into seven (7) new lots for single family residential construction.

Address: 37116 SE Sunset View Road
Washougal, WA 98671

Parcel number(s): 129818-000

Applicant: Klein & Associates
Elizabeth Betts, contact
1411 13th Street
Hood River, OR 97031
541.386.3322 (phone)
541.386.2515 (fax)
elizabeth@kleinassocinc.com

Owner: Mike and Tricia McElroy
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Contact Person: Klein & Associates
Elizabeth Betts, contact

Staff contact: Amy Wooten, Planner II

Recommendation
Approve subject to Conditions

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

Public Hearing Date: May 23, 2019

Revised 5/8/2019

Community Development
1300 Franklin Street, Vancouver, Washington
Phone: 564.397.2375 Fax: 564.397.2011
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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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<tr>
<td>Community Development</td>
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Comp Plan Designation: R-5

Applicable Laws
Clark County Code: Title 15 (Fire Prevention), Chapter 40.200 (General Provisions), Section 40.210.020 (Rural Residential Zoning District), Chapter 40.350 (Transportation & Circulation), Section 40.350.020 (Transportation Concurrency), Chapter 40.370 (Sewer & Water), Chapter 40.386 (Storm Water & Erosion Control), Chapter 40.430 (Geologic Hazard Areas), Chapter 40.440 (Habitat Conservation), Chapter 40.450 (Wetland Protection), Chapters 40.500 and 40.510 (Procedures), Chapter 40.540 (Boundary Line Adjustments & Land Divisions), Section 40.550.010 (Road Modifications), 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
Washougal River NA – Inactive
Marilee McCall, Neighborhood Program Coordinator
564.397.2316
Marilee.mccall@clark.wa.gov

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 September 6, 2018. The pre-application was determined contingently vested as of August 16, 2018, the date the fully complete pre-application was submitted, if a fully complete application for substantially the same proposal were filed before March 12, 2019.

The fully complete application was submitted on February 7, 2019, and determined to be fully complete on February 21, 2019. Given these facts, the application is vested on August 16, 2019 for land use and transportation standards, and February 7, 2019 for concurrency standards. Vesting does not apply to stormwater standards.

There are no disputes regarding vesting.

**Time Limits**
The application was determined to be fully complete on February 21, 2019. Therefore, the code requirement for issuing a decision within 92 days lapses on May 24, 2019. The state requirement for issuing a decision within 120 calendar days, lapses on June 21, 2019.

**Public Notice**
Notice of application and public hearing was mailed to the applicant, the Clark County Neighborhood Program Coordinator and property owners within 500 feet of the site on April 18, 2019. One sign was posted on the subject property on April 22, 2019.

(Note: The Washougal River Neighborhood Association is currently inactive.)

**Public Comments**
No public comments letters were submitted for this application.

**Project Overview**
The applicant is proposing to subdivide one (1) existing parcel, zoned R-5 and approximately 39.22 acres in overall size into seven (7) lots for single family residential development. Parcel 129818-000 is currently improved with a single family home, freestanding garage and a barn, which are proposed for retention on Lot 1. The site is located along SE Sunset View Road in Washougal, Washington. Access for lots 2 through 7 will be provided via a private roadway, which is extended from SE Sunset View Drive. The existing home will retain the driveway currently in service at 37116 SE Sunset View Road.

The subject site is located in an area that is largely occupied by large lot, single family residential uses. County GIS systems identify the site as having some steep slopes, priority habitat and species areas, and wetlands presence. The site is served by East County Fire, the City of Washougal for public water, and the Washougal School District.
Comprehensive Plan, Zoning and Current Land Use

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<th>Compass</th>
<th>Comp Plan</th>
<th>Zoning</th>
<th>Current Land Use</th>
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<tr>
<td>Site</td>
<td>R-5</td>
<td>R-5</td>
<td>Single family residence on 38 acre lot</td>
</tr>
<tr>
<td>North</td>
<td>R-5</td>
<td>R-5</td>
<td>Single family residences on 5 acre lots</td>
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<td>East</td>
<td>R-5</td>
<td>R-5</td>
<td>Single family residences on 5 &amp; 10 acre lots</td>
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<td>South</td>
<td>R-5</td>
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<td>Single family residences on +/- 5 acre lots</td>
</tr>
<tr>
<td>West</td>
<td>R-5</td>
<td>R-5</td>
<td>Single family residences on +/- 5 acre lots</td>
</tr>
</tbody>
</table>

**Staff Analysis**
Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

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

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

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

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

**Land Use**
**Finding 1 - Uses**
According to Table 40.210.020-1, single-family detached residential uses are permitted outright in the R-5 zone.

**Finding 2 - Lot Requirements**
The subject lot is approximately 39.22 acres in size. Table's 40.210.020-2 and 40.210.020-3 prescribe lot standards for the R-5 zone. New developments in the R-5 zone shall provide lots that have a minimum area of 5 acres and a minimum lot width of 140 feet. The applicant proposes 7 new lots that can meet lot requirements prescribed for the R-5 zone.

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1 Unless a greater width is required by the Clark County fire code.
Lot setbacks, coverage and building height requirements for the R-5 zone include a 50 foot front yard setback, a 25 foot street side setback, 20 foot\textsuperscript{2} interior side yard setback, 20 foot\textsuperscript{3} rear yard setback, and a maximum building height of 35 feet, for residential buildings only.

This application proposes to retain the existing residence and appurtenant buildings on proposed Lot 1. Plan dimensions indicate that the existing house and barn meet setback standards as proposed. However, the garage/shop building, which is setback just 13.79 feet from the side lot lines, does not; additionally, the garage/shop building does not appear to have been constructed legally and is located too close to the side lot line. The applicant responded to early issues comments regarding the shop building (See Exhibit #14) that they would either alter or demolish the building in order to remedy the existing non-conformance. If the applicant wishes to retain the building, permits will be required for the continued use of the structure. [See Conditions A-1 & B-1.b]

Any future construction on the newly created lots shall meet all setback and other standards prescribed for the R1-5 zone. [See Condition E-4]

Finding 3 - Fence Encroachment
The boundary survey shows a potential fence encroachment along the east property boundary that may affect Lots 1 and 7.

It is possible that the existing encroachment could cause proposed Lot 1 in the development to be smaller than allowed; therefore, the issue must be resolved prior to final plat. Options for resolution are as follows:

a. The applicant can give the property to the neighboring property owner(s);

b. Record a document signed by the neighboring property owner(s) stating that they realize there is an encroachment and that the fence was never erected as a boundary, and relocate the fence; or,

c. Include the land in question within the plat boundary and show that the lots will continue to meet lot minimum requirements even if the area in question is adversely possessed. [See Condition A-2]

Finding 4 - 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.

The subject development is located within the Washougal School District, and specifically within the boundaries of Columbia River Gorge Elementary, Canyon Creek Middle School, and Washougal High School. According to available GIS information, there are no schools located within one (1) mile of the subject site.

\textsuperscript{2} Minimum side setback on each side of the residential dwelling and incidental buildings shall be twenty (20) feet unless fire regulations require a greater setback, and fifty (50) feet for accessory buildings used for agricultural purposes.

\textsuperscript{3} Minimum rear setback for all structures when the abutting property is not zoned for natural resource or surface mining uses is twenty (20) feet unless fire regulations require a greater setback.
According to the Washougal School District website, there is are bus stop locations along NE Sunset View Road for primary, middle and high schools students; therefore, 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. Provisions for potable water will be provided via private wells; and, the permitted use of on-site septic, 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 finds that the proposed preliminary plan, subject to conditions identified above, meets land use requirements of the Clark County Code.

Archaeology
Finding 1 - Applicability
The development site is located within a low to moderate-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 applicant submitted an archaeological pre-determination to the Washington State Department of Archaeology and Historic Preservation (DAHP) prior to submittal of the application. The DAHP was mailed the public notice and a copy of the SEPA checklist and 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-3.a & D-7a]

Conclusion (Archaeology)
Staff finds that the proposed preliminary plan, subject to the condition identified above, meets archaeology requirements of the Clark County Code.

Habitat
Finding 1 - Mapping
County GIS and the Washington Department of Natural Resources indicate the presence of a Type F stream on the northwestern end of the parcel. County GIS and the Washington Department of Fish and Wildlife indicate a portion of the forested area as non-riparian priority habitat identified as Biodiversity Area and Corridor.

Finding 2 - Site Inspection
County Wetland/Habitat Review staff conducted a site visit on March 7, 2019 as part of the combined habitat/wetland determination WET2019-00002 to verify the conditions on the ground. County Wetland/Habitat Review staff confirmed the location and flow regime for the
Type F (fish-bearing) stream, as well as non-riparian habitat identified as Biodiversity Area and Corridor, as shown on the provided map.

Finding 3 - Habitat Conservation Zone
Per the Habitat Protection Ordinance (CCC 40.440.010.C.1.a), streams are considered priority riparian habitat and are protected by a riparian conservation zone (HCZ) in order to protect ecological habitat and water quality values for the stream resource. The riparian HCZ for a Type F stream extends outward from the OHWM to the edge of the 100 year floodplain or to a distance of 200 feet, whichever is greater; in this instance, the 200 foot mark is greater, as shown in the provided map (light blue line).

Finding 4 - Biodiversity Corridor
Additionally, the Washington Department of Fish and Wildlife (WDFW) has a portion of the subject parcel mapped as Priority Non-riparian habitat identified as Biodiversity Area and Corridor. Biodiversity Area and corridors are areas of habitat that are relatively important to various species of native fish and wildlife. Biodiversity areas are those areas identified as biologically diverse through a scientifically based assessment conducted at the landscape scale or are areas are areas which contain habitat that is valuable to fish and wildlife and are mostly comprised of native vegetation. Relative to other vegetated areas the mapped area is vertically and horizontally diverse, or supports a diverse community of species as identified by a qualified professional. Per the Habitat Protection Ordinance (CCC 40.440.010.C), areas identified by and consistent with WDFW priority habitat and species criteria are also afforded protection. The portion of the property which remained forested and did not have a cleared understory met the criteria for being Biodiversity Area and Corridor as shown in the provided map in red.

Finding 5 - Development Impacts
The Habitat Conservation Ordinance follows a hierarchy of impacts with the first being avoidance of all impacts within a priority habitat area, if possible. The applicant may avoid a habitat permit by mapping the locations of these priority habitat types and establishing building envelopes that show the habitats are not impacted or disturbed; the building envelopes must be labeled on the plat and a note must be included on the face of the plat indicating that no construction will occur outside of development envelope areas. Any proposed clearing or development within a priority habitat area will require a Habitat Permit with applicable mitigation. Storm water designs and outflows also need to avoid adverse impacts to riparian and non-riparian habitat.

Finding 6 - Building Envelopes
The preliminary plan also shows the location of the stream, riparian habitat conservation zone and biodiversity area and corridor. The preliminary plan also shows building envelopes which are shown outside of the priority habitat areas, which would avoid the need for a habitat permit. The applicant shall be required to show building envelopes on the final plat which clearly avoids impacts to the priority habitat areas (as shown in the attached map) and include a plat note which states that no clearing or development shall occur outside of the indicated building envelopes within a priority habitat area. [See Conditions D-2.a, D-2.b, D-7.c]
Finding 7 - Logging Road
At the time of the site visit there was a gravel logging road on the northern end of the parcel. At early issues, County Wetland/Habitat Review staff noted that the logging road is for temporary use and should be removed and reseeded in order to avoid a habitat permit. In a response to early issues dated April 2, 2019 (Exhibit 14) the applicant noted that the gravel would be scraped off and the area would be reseeded. Prior to final plat the applicant shall provide evidence that the gravel road has been removed and reseeded or a Final habitat permit shall be required. [See Condition D-2.c]

Conclusion (Habitat)
Environmental Services concludes that the proposed preliminary plan, subject to conditions contained herein, meets habitat requirements of the Clark County Code.

Wetlands
Finding 1 - Mapping
GIS indicates the presence of modeled National Wetland Inventory wetlands near the mapped stream which is identified as a riverine wetland on an intermittent stream which is seasonally flooded. The modeled wetlands continue offsite to the north and west. Historic aerial imagery suggests deciduous trees near the stream, however is inconclusive on the presence of wetlands.

Finding 2 - Site Visit
County Wetland/Habitat Review staff conducted a site visit on March 7, 2019 as part of the combined habitat/wetland determination WET2019-00002 to verify the conditions on the ground. County Wetland/Habitat Review did not note any wetlands above the Ordinary High Water Mark for the Type F stream. As such, no further wetland review is required.

Conclusion (Wetlands)
Environmental Services concludes that the proposed preliminary plan, subject to conditions contained herein, meets wetland requirements of the Clark County Code.

Geo-Hazard
Finding 1 - Applicability:
All development activities in or adjacent (within 100 feet) to geologic hazard areas shall comply with the provisions of CCC 40.430. The provisions of CCC 40.430, therefore, apply to this development. The applicant submitted a geotechnical engineering report dated January 7, 2018. Per the analysis, steep slopes to the northwest exist and associated setbacks have been delineated on the preliminary plan. [See Conditions A-9.a & A-9.b]

A building permit is required for retaining walls greater than 4 feet tall or when the wall is surcharged. All retaining walls shall be shown in sufficient detail on the engineering plans for staff to assess their impact on adjacent roads, structures, and public and private utilities. [See Condition A-9.c]

Conclusion (Geologic Hazard Area)
Staff concludes that the proposed preliminary geotechnical engineering plan, subject to conditions contained herein, is feasible. Therefore, the requirements of the preliminary plan review criteria are satisfied.
Transportation
Finding 1 - Roads
Proposed McElroy Subdivision consists of 7 lots that will access existing SE Sunset View Road via 2 private roads. SE Sunset View Road is a “Rural Minor Collector” road and requires 30 feet of half-width right-of-way dedication. Frontage improvements are not required in rural areas outside of Rural Centers. The proposed private road intersecting with SE Sunset View Road shall be paved 25 feet back from the nearest edge of the traveled lane, or shall be equal to the minimum intersection radii as specified in Table 40.350.030-3, whichever is greater. [See Conditions A-4.a, A-4.b & D-1]

A “Rural Private Road” shall adhere to Standard Detail #22 with associated minimum 30-foot easement and 20-foot paved width. The cul-de-sac bulbs shall adhere to Standard Detail #25. Per Table 40.350.030-3, the associated required minimum centerline radius is 60 feet except for where the curve is between eighty (80) to one hundred ten (110) degrees in which a minimum thirty-five (35) foot radius may be used. [See Conditions A-4.c & A-4.d]

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 Detail Drawings #27 or #27A; and #29). [See Conditions A-4.e & D-7.f]

Finding 2 - Technical Modification (EVR2019-00004)
The applicant submitted a technical road modification, dated April 9th, 2019, that requests relief from the driveway spacing requirement.

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

a. Topography, right-of-way, existing construction or physical conditions, or other geographic conditions make compliance with standards clearly impractical for the circumstances;
b. A minor change to a specification or standard is required to address a specific design or construction problem which, if not enacted, will result in an unusual hardship;
c. An alternative design is proposed which will provide a plan that is functionally equivalent or superior to the standards;
d. Application of the standards of Chapter 40.350 to the development would be grossly disproportional to the impacts created;
e. A change to a specification or standard is required to ensure consistency with existing features adjacent to or affected by the site where those existing features are not expected to change over time.

Applicant’s Discussion
Per the applicant:

“Sunset View Road is classified as a ‘Rural Minor Collector’. The posted speed limit when travelling northeast from NE Evergreen Blvd is 30 mph. There is no speed posted when travelling southwest from SE 377th Avenue. Due to the lack of posted speed in one direction, the posted speed becomes 50 mph on a County Road per RCW 46.61.400.
The sight distance requirement for a 50 mph road is 500 feet. The minimum separation requirement for driveways with access to a rural minor collector with a speed limit greater than 45 mph is 230 feet. The minimum separation requirement for intersections with full access on a rural minor collector is 275 feet.

Existing driveways and proposed access locations are shown on the attached Exhibit A, with existing driveway spacing as shown below in Table 1. Sight distances were verified during a sight visit on November 9, 2018. Additional measurements were made on Google Earth and Clark County GIS mapping.

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<thead>
<tr>
<th>Driveway to Driveway</th>
<th>Spacing (ft)</th>
<th>Meets Minimum Spacing?</th>
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<tbody>
<tr>
<td>A TO B</td>
<td>303</td>
<td>Yes</td>
</tr>
<tr>
<td>B TO C</td>
<td>316</td>
<td>Yes</td>
</tr>
<tr>
<td>C TO D</td>
<td>130</td>
<td>No</td>
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As noted in the table above, the existing home’s driveway (C) on this parcel does not currently meet spacing standards with the driveway to the east (D). The existing driveway does have adequate sight distance in both directions as long as the brush is maintained along the slope to the west. The driveway accesses a long straight stretch of SE Sunset View Road, and there are no records of accidents at or near this driveway.

In preparation of the proposed development plan for this subdivision, three locations were assessed for the new private road access to Sunset View Road as shown in Exhibit A:

AO1) Along the southwestern property line, to line up with the driveway across Sunset View Road.
AO2) Approximately 90’ northeast of the western property line.
AO3) Further northeast, such that the existing home’s driveway could share the access.

Access Option # 1 (AO1) was assessed first, as it minimized the number of driveways that did not meet the standard for 230 feet of driveway separation distance by lining up with the existing driveway on the opposite side of SE Sunset View Road. This location was first assessed for sight distance. With cutting back the bank and vegetation, sight distance to the northeast can exceed the 500’ minimum. To the southwest, however, the sight distance would be about 440’, and would require cutting the bank in addition to some of the neighbor’s large trees.

Access Option # 2 (AO2) puts the proposed access approximately 80’ up the road (northeast) from the existing driveway across the street. This location still maintains at least 500’ sight distance to the northeast, and increases the sight distance to the southwest to the 500’ minimum once the banks and vegetation are cut back. The neighbor’s trees would be retained with this intersection location. The intersection with this option is 80’ from the opposing driveway to the southwest and 230’ from the existing home’s driveway. The existing power pole near this driveway is proposed to be retained in its current position. Power poles are
considered to be point obstacles, and do not obstruct sight distance since a driver can see from slightly behind or ahead of the object with minor adjustment of their vehicle’s location.

Access Option #3 (AO3) would combine the proposed access and existing driveway further northeast along Sunset View Road, but would impact the existing home’s drainfield and large trees, so was not pursued further.

This road modification is requested to reduce the driveway and intersection spacing in order to locate the access at the AO2 location and maintain the existing driveway in its current location. This will allow the neighbor’s trees to remain and also give the minimum sight distance required for the 50 mph speed limit.

Table 2 - Proposed Driveway and Intersection Spacing In The Project Vicinity

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<th>Spacing (ft)</th>
<th>Meets Minimum Spacing?</th>
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<tr>
<td>A TO B</td>
<td>303</td>
<td>Yes</td>
</tr>
<tr>
<td>B TO AO2</td>
<td>80</td>
<td>No</td>
</tr>
<tr>
<td>AO2 TO C</td>
<td>286</td>
<td>Yes</td>
</tr>
<tr>
<td>C TO D</td>
<td>130</td>
<td>No (Extg)</td>
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The proposed intersection location AO2 meets the aforementioned requirements of the Clark County code except separation distance from Driveway B to AO2 as seen in Exhibit A.

The following is an excerpt from the Road Modification Application Form demonstrating how the requested modification meets approval criteria.

1. This road modification request is for a reduction in separation distance between driveways and intersections on Sunset View Road, a Rural Minor Collector. Standards require 230 feet of distance for driveways and 275 feet of distance for intersections. Exhibit ‘A’ shows the location of the proposed intersection and existing driveways with their respective separation distances.

2. The specific county code to be modified for this project is 40.350.030. The table showing separation distance is Tables 40.350.030-3 (access spacing) and 40.350.030-4 (driveway spacing).

3. Locating the proposed intersection to meet spacing requirements would place it such that the sight distance would be inadequate. Furthermore, some of the neighbor’s trees would require removal to accommodate the sight triangle. In my opinion, the best location to access Sunset View Road is at the proposed location ‘AO2’ shown in Exhibit ‘A’. A driver exiting the proposed access road has more than 500 feet sight distance along SE Sunset View Road in both directions. They also have full visibility of driveways A, B, C and D. All of the driveways are single-family residential, thus, conflicts will be minimal from these driveways due to very low volumes.
4. This modification conforms to 40.550.010 (C) 2.A Approval Criteria as follows:

   a) Topographic features: This criteria applies to both the proposed access, AO2, as well as the existing home’s driveway, C. A curve in the road and neighbor’s trees reduce sight distance to the southwest of access option AO1 below minimum sight distance requirements. In addition, the existing home has an existing drainfield and large mature trees that preclude either placing a combined proposed access closer to the existing driveway (shown as AO3) or connecting the existing driveway (C) across the front of the existing home to the proposed access (AO2).

   c) Design is functionally equivalent or superior to the standards: This criteria applies to the both the proposed access (AO2) and the existing home’s driveway (C), which is proposed to remain in place. While the existing driveway has more than adequate sight distance, it does not meet spacing standards. Located on a straight stretch of Sunset View Road, all driveways have full visibility of each other and there is no history of crashes at or near this location. The spacing standards are in place to ensure safety, and driveways C (existing home) and D (home to east) appear to have operated safely for many years in their current locations, so this design is functionally equivalent to the standards.

This modification is similar to others that appear to have been granted along Sunset View Road, as it is clear that there are newer driveways and private road intersections such as the 35900 block of Sunset View Road that do not meet the minimum separation distances.

The sight distance triangles should be maintained in such a manner that any vegetation within the sight distance triangles do not encumber the sight lines. Also, any physical objects placed within the sight distance triangles should be located so as to not encumber the sight lines of the motorist at the project access intersection.”

Staff’s Evaluation
The applicant has proposed to retain a driveway access to SE Sunset View Road for an existing home proposed to be within the 7-lot subdivision. Staff acknowledges the engineer’s review of sight distance for the intersection of the proposed private road and historic driveway operations. Staff does not support the applicant’s request to retain the existing driveway. This conclusion is based on the applicant’s lack of justification for identifying a hardship that would preclude the existing residence from access to the private road in compliance with the county’s road standards.

Staff recommends Denial of the road modification. The driveway for the existing house on Lot #1 shall be closed and relocated such that it takes access from the proposed private road and not SE Sunset View Road. [See Conditions A-4.f & D-7.e]

Finding 3 - Sight Distance
The approval criteria for sight distances are found in CCC 40.350.030(B)(8). This section establishes minimum sight distances at intersections and driveways. Landscaping, trees, utility poles, and miscellaneous structures will not be allowed to impede required sight distance requirements. The applicant submitted sight distance analysis in a memorandum dated April 1, 2019. Per the applicant, the proposed location of the private road intersection...
with SE Sunset View Road is where mitigation can be performed in order to achieve the required 500 feet of sight distance in both directions. Sight distance mitigation will need to consist of cutting back a bank and vegetation removal. [See Condition A-4.g]

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

**Transportation Concurrency**
**Finding 1 - Trip Generation**
Concurrency has reviewed the Land Use Review application for the McElroy Subdivision development. The traffic information submitted indicates that this application seeks to divide 39.22 acres into 7 single family residential lots. The applicant's traffic information suggests an AM peak hour trip generation at 6, PM peak hour trips at 6 and ADT at 60. The proposed development site is located at 37116 SE Sunset View Road in Washougal.

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

**Conclusion (Transportation Concurrency)**
Transportation Concurrency staff concludes that the proposed preliminary plan, subject to conditions contained herein, meets transportation concurrency requirements of the Clark County Code.

**Stormwater**
**Finding 1 - Stormwater Applicability**
The provisions of Clark County Code Chapter 40.386 shall apply to all new development, redevelopment, and drainage projects consistent with the Stormwater Management Manual for Western Washington (SMMWW) as modified by CCC 40.386 and the county's 2015 stormwater manual. This project is subject to minimum requirements 1 – 9.

**Finding 2 - Stormwater Proposal**
The applicant has submitted a technical information report dated January 9, 2019. The applicant proposes to meet the LID Performance Standard. The applicant has proposed the use of private bioretention facilities with underdrains and detention for the proposed private roads. The bioretention facilities shall be designed according to all of the design criteria of BMP T5.14B in Chapter 2 of Book 2 of the 2015 Clark County Stormwater Manual. [See Conditions A-6.a & A-6.b]

Offsite analysis is required as a result of the detention proposals. [See Condition A-6.c]

The applicant has indicated that it is anticipated that dispersion will be utilized on the individual lots. Future lot owners are responsible for obtaining approval of a stormwater plan with the building permit and constructing the individual onsite stormwater systems. [See Conditions D-7.h & E-1]
**Conclusion (Stormwater)**
Staff concludes that the proposed preliminary stormwater plan, subject to conditions contained herein, 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-6]

**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. A class "A" or better rated roof and noncombustible siding shall be required. [See Conditions D-7.i, D-7.j, E-2.a, & E-2.b]

Homes exceeding 3600 square feet including attached garages will require additional fire protection features up to and including a residential fire sprinkler system when adequate public water and a hydrant are not within required distances. [See Conditions E-2.c & H-1.a]

**Finding 3 - Fire Apparatus Access**
The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standard. Provide an unobstructed vertical clearance of not less than 13.5 feet, with an all-weather driving surface capable of supporting the imposed loads of fire apparatus. [See Conditions F-1.a & H-1.b]

**Finding 4 - Fire Apparatus Turnarounds**
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 F-1.b]

**Finding 5 - Wildland – Urban Interface Zone**
This application is sited in the designated high fire hazard Wildland - Urban Interface zone. Additional setback, building construction, access, fire flow and addressing requirements will be applied at the time of building permit application. [See Condition E-1.d]

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

**Water and Sewer Service**
**Finding 1 - Service Availability**
The site will be served on-site by individual well systems, and private on-site septic systems. A Development Review Evaluation letter (SR31284) from the Clark County Public Health District
has been submitted that confirms that Public Health staff conducted an evaluation of the site. The letter also confirms that the proposed well and septic systems are feasible.

Finding 2 - Water Supply
Public Health staff has determined that individual wells are an appropriate water supply for the proposed development, subject to the following conditions:

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). A well site evaluation from Clark County public Health is required for all new wells prior to drilling. [See Condition D-4]

b. The 100-foot radius of any new well must be entirely contained within the current property lines of the proposed parcel. The actual locations of all wells must be indicated on the final plat along with a 100-foot radius zone of protection. Each individual well must be located on the lot it serves. [See Condition D-4]

Additionally, Public Health staff requires the following notes on the face of the final plat:

a. “This land division was approved without water rights and is therefore required to meet ground water permit exemption requirements within RCW 90.44.050. Unless water rights are obtained, the total combined water use by the lots in this land division is limited to five thousand (5,000) gallons per day. The watering of lawns or of noncommercial gardens is limited to a total not to exceed one-half (1/2) acre.” [See Condition D-7.k]

Finding 3 - Sewage Treatment and Disposal
The existing residence is served by an on-site sewage system, which was inspected on July 31, 2017. A current inspection report is required for the existing system at the time of final plat approval. [See Condition D-4]

Soil & Site Evaluations were performed and approved on December 12, 2018 for proposed lots 2 through 7. Current Soil & Site Evaluations and/or On-Site Sewage System Designs are required for each lot at the time of final plat approval. [See Condition D-4]

Each on-site sewage system shall be on the same lot it serves. The test hole locations corresponding to the designated on-site sewage system sites shall be surveyed and indicated on the final plat. [See Condition D-4]

There shall be no public or private easements or rights-of-way through the approved initial, reserve, or existing on-site sewage system sites. [See Condition D-4]

Additionally, Public Health staff requires the following note on the face of the final plat:

a. “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.” [See Condition D-7.b]

Finding 4 - Final Plat
Where use of wells or septic systems are proposed, Public Health staff must sign the final plat prior to submittal to the county for final plat review and recording. [See Condition D-3]

Conclusion (Water & Sewer Service)
Staff finds that the proposed preliminary plan, subject to conditions contained herein, meets water and sewer service requirements of the Clark County Code.

Impact Fees

Finding 1 - Applicability & Assessment
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.

Finding 2 - Estimate & Assessment
The following fees and fee districts apply to the proposed single family detached lots.

- Rural sub-area with a TIF of $2,298.13 per dwelling
- Washougal School District, with a SIF of $5,600.00 per dwelling
- Park District #n/a, with a PIF of $0.00 per dwelling

The amounts listed above are an estimate using the current impact fee rates and are subject to change. As found in CCC40.610.040, impact fees are calculated using the rates in effect at the time of building permit issuance. [See Conditions D-5.e, D-7.l & E-3]

Conclusion (Impact Fees)
Staff finds that the proposed preliminary plan, subject to conditions contained herein, meets impact fee requirements 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 April 18, 2019 is hereby final.

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

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

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

A substantive SEPA appeal is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing Clark County Code or other law.

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

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

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

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

Refer to the Appeals handout for more information and fees.

The decision of the Hearing Examiner is final unless:
• A motion for reconsideration is filed within fourteen (14) days of written notice of the decision, as provided under Clark County Code, Section 2.51.160; or,
• An appeal is filed with Clark County Superior Court.
Recommendation
Based upon the proposed plan known as Exhibit 10, 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  Land Use - If the garage/shop building is to be retained, it shall be legally permitted and altered so that it meets the required minimum 20 foot side yard setback. [See Land Use Finding 2]

A-2  Fence Encroachment - The fence encroachment issue on the east site boundary must be resolved in one of the following ways:

a. The applicant shall give the property to the neighboring property owner(s);

b. Record a document signed by the neighboring property owner(s) stating that they realize there is an encroachment and that the fence was never erected as a boundary, and relocate the fence; or,

c. Include the land in question within the plat boundary and show that the lots will continue to meet lot minimum requirements even if the area in question is adversely possessed. [See Land Use Finding 3]

A-3  Final Construction Plan - The applicant shall submit and obtain county approval of a final construction plan with the following:

a. Archaeology: A note shall be placed on the face of the final construction plans as follows:

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

b. Habitat Plan:
1) All Priority Habitat areas shall be delineated on the engineering plans and face of the Final Plat.

2) The Final Construction plan and/or future stormwater review plans shall show location of the outer extent of the priority habitat areas for marking in the field. Markings shall be installed prior to construction and maintained throughout the duration of construction.

A-4 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. SE Sunset View Road is a “Rural Minor Collector” road and requires 30 feet of half-width right-of-way dedication. [See Transportation Finding 1]

   b. Driveways in rural areas connecting with paved public roads shall be paved from the edge of the public road to the right-of-way or to 25 feet from the edge, whichever is greater. These approaches shall adhere to Standard Detail F20. [See Transportation Finding 1]

   c. A “Rural Private Road” shall adhere to Standard Detail #22 with associated minimum 30-foot easement and 20-foot all-weather surfacing width. The cul-de-sac bulbs shall adhere to Standard Detail #25. [See Transportation Finding 1]

   d. Per Table 40.350.030-3, the required minimum centerline radius for each private road is 60 feet except for where the curve is between eighty (80) to one hundred ten (110) degrees in which a minimum thirty-five (35) foot radius may be used. [See Transportation Finding 1]

   e. 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 Detail Drawings #27 or #27A; and #29). [See Transportation Finding 1]

   f. The driveway approach for the existing house on Lot #1 shall be closed and relocated such that it takes access from the proposed private road and not SE Sunset View Drive. [See Transportation Finding 2]

   g. It shall be noted on the plans that there is a need to perform sight distance mitigation consisting of cutting back a bank and vegetation removal to meet the 500-foot requirement. [See Transportation Finding 3]

A-5 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 Public Works prior to final plat or final site plan approval.

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

a. The stormwater plan shall be prepared in compliance with the LID Performance Standards. [See Stormwater Finding 2]

b. The bioretention facilities shall be designed according to all of the design criteria of BMP T5.14B in Chapter 2 of Book 2 of the 2015 Clark County Stormwater Manual. [See Stormwater Finding 2]

c. Offsite analysis is required as a result of the detention proposals. [See Stormwater Finding 2]

A-7 **Erosion Control Plan** - The applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.386.

A-8 **Excavation and Grading** - Excavation/grading shall be performed in compliance with CCC14.07.

A-9 **Geologic Hazard Area** - The applicant shall submit and obtain County approval of a final geotechnical engineering plan designed in accordance with the following conditions of approval:

a. Geologic Hazard setback lines shall be delineated on the final construction plans and final plat. [See Geo-Hazard Finding 1]

b. The proposed project shall implement the recommendations identified in the preliminary geotechnical report unless further studies present new or different facts. [See Geo-Hazard Finding 1]

c. A building permit is required for retaining walls greater than 4 feet tall or when the wall is intended to support unbalanced fill or a surcharge. All retaining walls shall be shown in sufficient detail on the engineering plans for staff to assess their impact on adjacent roads, structures, and public and private utilities. [See Geo-Hazard Finding 1]

### B Prior to Construction of Development

**Review and Approval Authority: Development Inspection**

Prior to construction, the following conditions shall be met:

**B-1** **Pre-Construction Conference** - Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the county; and,
a. Prior to construction, demarcation of existing septic and water well systems, and underground tanks shall be established.

b. Prior to site construction, structures slated for demolition shall be demolished in accordance with the procedures of the Southwest Clean Air Agency and the Clark County demolition permit. [See Land Use Finding 2]

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

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

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

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

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

C-1 None

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

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

D-1 Transportation - 30 feet of half-width right-of-way shall be dedicated with the final plat. (See Transportation Finding 1)

D-2 Habitat -

a. All Priority Habitat areas shall be delineated on the face of the Final Plat. [See Habitat Finding 6]

b. The final plat shall indicate building envelopes which clearly avoid priority riparian and non-riparian habitat. [See Habitat Finding 6]

c. The applicant shall provide proof that the logging road has been removed and reseeded or a Final Habitat Permit shall be required with applicable mitigation. [See Habitat Finding 7]
D-3 **Public Health Signature Requirement** - Public Health is required to sign the final plat, as the use of wells and septic systems are proposed. [See Water & Sewer Service Finding 4]

D-4 **On-Site Water Wells and Sewage System Requirements** - For on-site water wells and sewage system, the following requirements shall be completed:

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. A well site evaluation from Clark County public Health is required for all new wells prior to drilling;

c. 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;

d. The location of all existing wells (in use, not in use, or abandoned) shall be indicated on the final plat map;

e. Each on-site sewage system shall be on the same lot it serves;

f. Test hole locations corresponding to the designated treatment sites shall be surveyed and indicated on the final plat map;

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

h. Provisions shall be made to prevent flow or accumulation of surface water over the area where an on-site sewage system is located;

i. A copy of the county approved final drainage plan shall be submitted for review; and,

j. All proposed lots shall have a current approved septic system site evaluation or septic system permit. Should either be allowed to expire, subsequent approval of an on-site sewage treatment system cannot be assured and, therefore, Public Health will not sign the final plat.

D-5 **Developer Covenant** - A “Developer Covenant to Clark County” shall be submitted for recording to include the following:

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

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

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

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

e. **Impact Fees**: "In accordance with CCC 40.610, impact fees for each new dwelling in this subdivision shall be assessed for impacts on schools, parks and transportation facilities based for the following districts: Washougal School District (SIF), Park District n/a (PIF) 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."

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.

D-7 **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. **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."

c. **Habitat Building Envelope**: "No clearing or development shall occur outside of the indicated building envelopes. Any clearing or development within a priority habitat area shall require additional Wetland/Habitat review, as well as potential permitting requirements."

d. **Private Roads**: “Clark County has no responsibility to improve or maintain the private roads.”
e. Driveways: "Direct driveway access onto SE Sunset View Road will not be allowed."

f. Driveways: "Driveways longer than 300 feet shall be constructed with an approved turnaround at the terminus and approved turnouts at maximum 500-foot intervals."

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. Drainage Systems: "The owner of each lot is responsible for obtaining approval of a stormwater plan with the building permit and constructing the individual on-site stormwater system. Each drainage system will be owned and maintained by the property owner."

i. Fire Protection: "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."

j. Fire Protection: "Where fire flow is not provided in the full amount by a public water system, a class "A" or better rated roof and noncombustible siding shall be required."

k. Wells: "This land division was approved without water rights and is therefore required to meet ground water permit exemption requirements within RCW 90.44.050. Unless water rights are obtained, the total combined water use by the lots in this land division is limited to five thousand (5,000) gallons per day. The watering of lawns or of noncommercial gardens is limited to a total not to exceed one-half (1/2) acre."

l. Impact Fees: "In accordance with CCC 40.610, impact fees for each dwelling in this subdivision shall be assessed for impacts on schools, parks and transportation facilities based for the following districts: Washougal School District (SIF), Park District n/a (PIF) 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."

E Building Permits
Review and Approval Authority: Permit Services

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

E-1 Engineering Requirements (Drainage Systems): The owner of each lot is responsible for obtaining approval of a stormwater plan with the building permit and
constructing the individual on-site stormwater system. Each drainage system will be owned and maintained by the property owner. [See Stormwater Finding 2]

E-2 Fire Protection -

a. 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. [See Fire Protection Finding 2]

b. Where fire flow is not provided in the full amount by a public water system, a class “A” or better rated roof and noncombustible siding shall be required. [See Fire Protection Finding 2]

c. Homes exceeding 3600 square feet including attached garages will require the installation of a residential sprinkler system. [See Fire Protection Finding 2]

d. This application is sited in the designated high fire hazard Wildland - Urban Interface zone. Additional setback, building construction, access, fire flow and addressing requirements will be applied at the time of building permit application. [See Fire Protection Finding 5]

E-3 Impact Fees - Impact fees shall be assessed for impacts on schools, parks and transportation facilities based for the following districts: Washougal School District (SIF), Park District n/a (PIF) 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.” [See Impact Fees Finding 2]

E-4 Land Use - Any future construction on the newly created lots shall meet all setback and other standards prescribed for the R1-5 zone. [See Land Use Finding 2]

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. The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standard. Provide an unobstructed vertical clearance of not less than 13.5 feet with an all-weather driving surface capable of supporting the imposed loads of fire apparatus. [See Fire Protection Finding 3]

b. 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 Fire Protection Finding 4]
G-1 Land Division - Within seven (7) years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.

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

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

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

G-3 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 Habitat -

a. The priority riparian and non-riparian habitat areas shall be maintained in a natural state. The applicant shall retain all native vegetation on site that is outside of the indicated building envelopes within the priority habitat areas. The applicant shall only impact areas indicated on the provided plans during construction of this project. Any changes to the development layout causing greater impacts to the priority habitat area than what is approved herein on the provided site plan and narrative shall be subject to additional habitat review by County Wetland/Habitat Review staff and may include additional permits and/or mitigation requirements.

b. The applicant shall utilize best management practices to control erosion and prevent sediment from entering adjacent priority habitat areas.

c. Any unforeseen disturbance to the indicated priority habitat not mentioned as a part of this permit shall be replanted with native vegetation of like kind. These areas shall be replanted with native vegetation to maintain and enhance water quality and
habitat ecological function. County Wetland/Habitat Review staff shall be notified of any additional impacts and the replanted area shall be maintained and monitored accordingly.

d. Excluding non-native vegetation removal, clearing of native vegetation shall be limited to what is minimally necessary to construct this project. No additional native trees or shrubs shall be removed outside of the building envelopes indicated. Invasive species may be removed within priority habitat areas provided that ground disturbing heavy machinery (scraping, ripping, etc.) is not used. Cutting, mowing, and ground disturbance with hand tools is allowed; efforts shall be made to prevent injury to neighboring native vegetation (CCC 40.440.010; Table 40.440.010-1).

G-6 Fire Protection - 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 1]

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

H-1 Fire Protection -

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

b. Access roads shall maintain 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 3]

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 Preliminary Plan
- Wetland Map