Type II Staff Report and Decision
Notice to Parties of Record

Project Name: Muhonen Short Plat

Case Number: PLD2019-00002; SEP2019-00004; WET2019-00003; EVR2019-00010

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

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

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

Any appeal of the final land use decisions shall be in writing and contain the following:

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

See the Appeals handout for more information and fees.

Mailed on: April 25, 2019
Type II Staff Report and Decision

Project Name: Muhonen Short Plat
Request: The requests approval to divide an existing 9.91 acre parcel into 2 separate parcels pursuant to R-5 district standards.
Address: 5303 NW 304th Street
          Ridgefield, WA 98642
Parcel number(s): 210764-000
Applicant: Cascade West Development
            Brett Kalliainen, contact
            5687 South 6th Way
            Ridgefield, WA 98642
            3690.907.5143
            brent@cascadewest.com
Owner: Barbara D. Muhonen
       5303 NW 304th Street
       Ridgefield, WA 98642
Contact Person: AKS Engineering & Forestry, LLC
                Bart Catching, contact
                9600 Ne 126th Avenue, Suite 2520
                Vancouver, WA 98682
                360.882.0419
                catching@aks-eng.com
Staff contact: Amy Wooten, Planner II
              564.397.5683
              amy.wooten@clark.wa.gov

Decision
Approved Subject to Conditions

Land Use Review Manager’s Initials: __________________________ Date issued: April 25, 2019

Revised 4/24/2019

Community Development
1300 Franklin Street, Vancouver, Washington
Phone: 564.397.2375 Fax: 564.397.2011
www.clark.wa.gov/development

For an alternate format, contact the Clark County ADA Compliance Office.
Phone: 564.397.2322
Relay: 711 or 800.833-6384
E-mail: ADA@clark.wa.gov
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>
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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 40.450 (Wetland Protection), Chapters 40.500 and 40.510 (Procedures), 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
Enterprise/Paradise Point NA (Inactive)
Marilee McCall, NA 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 October 4, 2018. The pre-application was determined contingently vested as of September 12, 2018, the date the fully complete pre-application was submitted if a fully complete application for substantially the same proposal were filed by April 9, 2019.

The fully complete application was submitted on February 5, 2019, and determined to be fully complete on February 6, 2019. Given these facts, the application is vested on September 12, 018, for land use standards only. This vesting does not apply to stormwater or concurrency standards.

There are no disputes regarding vesting.

**Time Limits**
The application was determined to be fully complete on February 6, 2019. Therefore, the code requirement for issuing a decision within 78 days lapses on April 25, 2019.

**Public Notice**
Notice of application and likely SEPA Determination of Non-Significance (DNS) was mailed to the applicant, the Neighborhood Outreach Coordinator at Clark County, and property owners within 500 feet of the site on February 22, 2019.

(Note: This site is located within the boundaries of a recognized neighborhood association that is currently inactive (Enterprise/Paradise Point).

**Public Comments**
Staff received comments regarding this proposal from the Washington Department of Fish and Wildlife (DFW) (See Exhibit 9). The DFW inquired about some Oregon white oak trees that appear to have been removed from the site and asked about planned mitigation for such.

According to the County’s project biologist, the project site is not located within an urban or urbanizing area. And, for a rural area, the tree canopy is not dense enough to be classified as oak woodland; therefore, staff has determined that the few oaks proposed for removal will not require mitigation. According to the application, all of the oak trees that are located outside of the building envelopes will remain on site.

**Project Overview**
The applicant is proposing to subdivide one parcel that is zoned R-5 and is approximately 9.91 acres in overall size, into 2 separate lots. The subject site is numbered 210764-000 and is located near Ridgefield, Washington. Access to the new lots will be provided via an existing private driveway which is accessed from NW 304th Street.

There is an existing home that is proposed to be retained on Lot 1, at 5 acres. Parcels surrounding the subject site are zoned R-5, and are largely built-out with single family residences.
The site is identified as having wetlands and priority habitat. The applicant has prepared a SEPA checklist and applied for a wetland and habitat determinations.

Clark County Fire, the Ridgefield School District, and the Clark Public Utilities Water 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>
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<tbody>
<tr>
<td>Site</td>
<td>R-5</td>
<td>R-5</td>
<td>Underdeveloped, SFR</td>
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<tr>
<td>North</td>
<td>R-5</td>
<td>R-5</td>
<td>SFR on platted land</td>
</tr>
<tr>
<td>East</td>
<td>R-5</td>
<td>R-5</td>
<td>Vacant, undeveloped land</td>
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<tr>
<td>South</td>
<td>R-5</td>
<td>R-5</td>
<td>SFR</td>
</tr>
<tr>
<td>West</td>
<td>R-5</td>
<td>R-5</td>
<td>Platted land, &amp; SFR on underdeveloped lot</td>
</tr>
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**Staff Analysis**

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

1. Earth
2. Air
3. Water
4. 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 will be mitigated by the requirements of the code.

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

**Major Issues**

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

**Land Use**

**Finding 1 - Uses**

According to Table 40.210.020-1, single-family dwellings and accessory buildings are permitted outright in the R-5 zone.
Finding 2 - Lot Requirements

Pursuant to Table 40.210.020-2, a minimum lot area of five (5) acres and a minimum lot width of 140 feet shall be provided for all new lots. There is no prescribed standard for minimum lot depth. The plans portray one 5-acre lot and one 4.91-acre lot, with proposed lot widths for both lots meeting prescribed minimum standards. According to Section 40.200.040(C)(2), one lot within a proposed subdivision, short plat or exempt division shall be considered in compliance with minimum lot area requirements if it is within 10% of the required lot area for the zone. In this case, one lot in the proposed plat is in compliance with lot minimum standards of 5 acres if it is more than 4.5 acres in size. Therefore, Lot 2 at 4.91 acres is considered in compliance with minimum lot size standards, and no conditions are warranted.

Lot setbacks, lot coverage and building height are put forth in Table 40.210.020-3, which establishes the following criteria:

<table>
<thead>
<tr>
<th>Front</th>
<th>Street</th>
<th>50</th>
<th>25</th>
<th>20</th>
<th>n/a</th>
<th>35 feet</th>
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<td></td>
<td>Interior</td>
<td>20</td>
<td>54</td>
<td></td>
<td></td>
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<tr>
<td>Side</td>
<td></td>
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Based on the proposed access point for this development, the following setbacks shall be applied to both lots: north, 50 feet; west, 20 feet; east, 25 feet; and, south 20 feet. The proposed building envelope on lot 2 meets these requirements, for residential structures. Therefore, the building envelope as proposed shall be portrayed on the face of the final plat. A note shall be provided that additional setback is required for agricultural buildings. [See Conditions D-1 & D-10.1] The structure on Lot 1 meets setback standards as proposed. Any future construction on Lot 1 shall be sited respective of delineated on the face of the plat. [See D-10.m]

All future construction shall meet setback standards for the R-5 zone. [See Condition E-1]

Finding 3 - Pedestrian Facilities
According to state plating 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 development is located within the boundary for the Ridgefield School District however, the subject site is not located within one (1) mile of a public school; therefore, RCW 58.17.110, ‘safe walking’ criterion does not apply.

1 “Lot width” means the horizontal distance measured at the building setback line between the two (2) opposite side lot lines.
2 From public road right-of-way, private road easement or tract, or private driveway easement that provides access to the lot.
3 Unless fire regulations require a greater setback.
4 50-foot setback is required for agricultural buildings only.
5 Residential buildings only.
Finding 4 – Notice of Agricultural Activities
All plats, building permits or development approvals under this title issued for residential development activities on, or within a radius of five hundred (500) feet for in current use for agriculture or forest purposes, pursuant to Chapter 84.34 RCW, shall contain or be accompanied by a notice provided by the responsible official. Such notice shall include the following disclosure:

"The subject property is within or near designated agricultural land, forest land or mineral resource land (as applicable) on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration. Potential discomforts or inconveniences may include, but are not limited to: noise, odors, fumes, dust, smoke, insects, operation of machinery (including aircraft) during any twenty-four (24) hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides."
[See Condition D-7.e]

Finding 5 – County/State Platting Standards
With conditions of approval, staff finds the proposed short plat will make appropriate provisions for the public health, safety and general welfare of the community. Connection to private water and septic facilities, as well as treatment of any future stormwater runoff will be provided to protect groundwater supply and integrity. Impact fees will also be required to ensure that the development will contribute a proportionate share toward the costs of school, park and transportation facilities, maintenance and services.

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

Archaeology
Finding 6 - Applicability
The development site is located within a moderate to 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 7 - 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 plat will require that if resources are discovered during construction, work shall stop and DAHP and the county will be contacted. [See Condition D-10.a]

Conclusion (Archaeology)
Staff finds that the proposed preliminary plan, subject to the condition identified above, meets archaeology requirements of the Clark County Code.
Wetlands & Habitat
Finding 8 - Determination
AKS Engineering & Forestry, LLC issued a wetland determination and critical areas assessment dated January 2019. County wetland and habitat review Staff concurs with the findings related to the wetlands, wetland buffers and riparian habitat.

Finding 9 - Plat Requirements
The proposed building envelopes are sufficient to qualify for the waiver of wetland delineation, permanent demarcation, and conservation covenant requirements allowed under CCC 40.440.030.G provided they are shown on the face of the plat and a plat note is included that describes limitations of development outside the building envelopes. [See Condition D-9]

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

Geologic Hazard Area
Finding 10 - 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 preliminary geotechnical letter that is dated January 8, 2019. The proposed project shall implement the recommendations identified in the preliminary and supplemental geotechnical report unless further studies present new or different facts. A 100-foot slope setback has been identified on the preliminary plan from a proposed building envelope for proposed Lot #2. [See Conditions D-4 & E-3.a]

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. [Condition E-3.b]

Conclusion (Geologic Hazard Area)
Based upon the requirements of the County’s geologic hazard area ordinance and findings above, staff concludes that the proposed preliminary geotechnical engineering plan is feasible subject to the conditions. Therefore, the requirements of the preliminary plan review criteria are satisfied.

Transportation
Finding 11 - Roads
Proposed Muhonen Short Plat consists of 2 lots that will access public NW 304th Street. NW 304th Street and NW 51st Avenue front the short plat, and are “Rural Minor Collectors”; therefore, additional right-of-way for the total half-width right-of-way standard of 30 feet is required. An existing asphalt driveway provides accesses for an existing house on proposed Lot #1. The driveway is about 265 feet long and is at least 12 feet wide while having a turnaround near the terminus. It is proposed that the driveway will be extended to provide access for proposed Lot #2. A 30-foot easement has been proposed for the driveway such that it becomes a joint driveway serving both lots. The turnaround, however, falls beside and outside of the proposed 30-foot easement. [See Condition D-2]
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 and #29). [See Conditions D-3 & E-4.a]  

Finding 12 - 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. Landscaping, trees, utility poles, and miscellaneous structures will not be allowed to impede required sight distance requirements at all proposed driveway approaches and intersections. Per Table 40.350.030-8, the applicant is required to have 500 feet of sight distance at the private road approach, the existing driveway serving Lot 8, and the new driveway serving Lot 1 per the 50 MPH unposted statutory speed limit along NW 304th Street.

The applicant submitted a sight distance analysis, dated January 8th, 2019, referencing the previously approved EVR2015-00019 which allowed for reduced sight distance at the location of the subject driveway approach. Reduced sight distance was approved as being 350 feet looking west and 285 feet looking to the east along NW 304th Street. Per the applicant, existing sight distances at least meet what was originally approved per the road modification. Furthermore, the applicant has requested approval of a minor deviation for deficient sight distance for allowance of one additional residence to utilize this driveway. [See Finding 13]  

Finding 13 - Minor Road Modification (EVR2019-00010)  
The applicant submitted a minor road modification, dated April 17, 2019, that requests allowance for reduced sight distance at the subject driveway approach to NW 304th Street. Per the applicant, existing sight distances at least meets what was originally approved as part of a technical road modification (EVR2015-00019) for the existing house within this development. The applicant concludes: “This memorandum demonstrates that the current request to add one additional single-family dwelling to the existing approved driveway at 5303 NW 304th Street should be approved as a minor deviation road modification based on the standards contained in 40.550.010 (B)(l)(a) and 40.550.010(C). Safety and the public interest are not negatively impacted by the planned use and failure to approve this request would result in undue and disproportionate hardship to the applicant. The standards are met.”

Per the applicant, the proposal meets approval criteria (a) and (c) described below.

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.

Staff’s Evaluation
A lot has been added to the existing house that was approved per EVR2015-00019. Sight distance has been demonstrated to be at least equivalent to what was approved per the originally approved road modification. The road modification can be approved per criterion (a).

Staff’s recommendation is Approval of the road modification request.

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

Transportation Concurrency
Finding 14 - Trip Accounting
The applicant has submitted traffic information under the provisions of Clark County Code section 40.350.020. The traffic information submitted indicates that this application seeks to divide 9.91 acres into 2 single family residential lots. The applicant’s traffic information suggests an AM peak hour trip generation at 1, PM peak hour trips at 1 and ADT at 10. Staff concurs with the applicant’s trip generation finding.

Conclusion (Concurrency)
Transportation Concurrency staff concludes that the proposed preliminary plan meets transportation concurrency requirements of the Clark County Code.

Stormwater
Finding 15 - 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 for proposed Lot #2.

Finding 16 - Stormwater Proposal
The applicant has submitted a technical information report dated January 8, 2019. The applicant has proposed full dispersion as part of the proposal for Lot #2.

For proposed Lot #2, a single-family residential stormwater review will be necessary with the building permit application. The future owner of the lot is responsible for obtaining approval of a stormwater plan with the building permit and constructing the individual onsite stormwater systems. [See Conditions D-10.g & E-4.b]
Conclusion (Stormwater)
Staff concludes that the proposed preliminary stormwater plan, subject to conditions, is feasible. Therefore, the requirements of the preliminary plan review criteria are satisfied.

Fire Protection
Finding 17 - 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-5]

Finding 18 - 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. In addition, class "A" or better rated roof and noncombustible siding shall be required. [See Conditions D-10.h, D-10.i, E-5.a, & E-5.b]

Homes exceeding 3600 square feet including attached garages will require the installation of a residential sprinkler system. [See Conditions E-5.c & H-1.a]

Finding 19 - 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 20 - 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]

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

Water and Sewer Service
Finding 21 - Service Availability
The site will be served on-site by individual or 2-party well systems, and private on-site septic systems. A Development Review Evaluation letter (SR31109) 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 22 - Water Supply
Public Health staff has determined that a 2-party well or 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. Group B approval and a recorded easement agreement are required for a two-party shared well. [See Condition D-6]

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 well 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-6]

c. According to the Health Department Development Review Evaluation,

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-10.j]

Finding 23 - Sewage Treatment and Disposal

The existing residence is served by an on-site sewage system, which was inspected on February 9, 2018. A current inspection report is required at the time of final plat approval. [See Condition D-6]

The proposed southern lot has a Soil & Site Evaluation that was approved in January of 2015; site evaluations are valid for 5 years. A current site evaluation permit will be required for the existing system at the time of final plat approval. [See Condition D-6]

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-6]

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-6]

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-10.b]
Finding 2.4 - 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-5]

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 2.5 - Impact Fees
The new residential lot created by this plat will produce impacts on schools, parks, and traffic, and is subject to School (SIF), and Traffic Impact Fees (TIF) in accordance with CCC 40.610.

- Ridgefield School District (SIF): $6,530.00
- Park District (PIF): N/A
- Rural (TIF): $2,424.08

The amount listed above is an 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 for the new residential structure only. [See Conditions D-7.d, D-10.k, & E-2]

Conclusion (Impact Fees)
Staff finds that the proposed preliminary plan, subject to conditions identified above, 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 February 22, 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.

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

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

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

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

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

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

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

**Staff Contact Person:** Amy Wooten, 564.397.5683

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

**Decision**
Based upon the proposed plan known as Exhibit 16, and the findings and conclusions stated above and within the attached reports and decisions, the Community Development Director hereby **APPROVES** this request, subject to the following conditions of approval.
Conditions of Approval

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  None

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

Prior to construction, the following conditions shall be met:

B-1  None

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 plans 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  Land Use - The building envelope as depicted on the preliminary plan shall be portrayed on the face of the final plat. [See Finding 2]

D-2  Rights-of-way - NW 304th Street and NW 51st Avenue require 30 feet of half-width right-of-way dedication. [See Finding 11]

D-3  Joint Driveway Easement – A joint driveway access easement is required on Lot #1. [See Finding 11]

D-4  Geologic Hazard - The Geologic Hazard setback line and building envelope shall be delineated on the final plat. [See Finding 10]

D-5  Public Health Signature Requirement - Public Health is required to sign the final plat, as the development proposes the use of well and septic systems.

D-6  On-Site Water Wells and Sewage System Requirements - For on-site water wells and sewage system, the following requirements shall be completed:
a. Small public water systems shall be drilled and approved by Public Health prior to final plat approval;
b. A 100-foot radius of protection for any wells shall be shown on the final plat map and be located within the boundaries of the land division;
c. A restrictive covenant is required for any existing well with a 100’ radius located outside the current property lines of the parcel;
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-7  Developer Covenant - A Developer Covenant to Clark County shall be submitted for recording to include the following:

a. Joint Driveway Maintenance Covenant: A private joint driveway 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.

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

c. 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.

d. Impact Fees: "In accordance with CCC 40.610, impact fees for each new dwelling in this short plat shall be assessed for impacts on schools, parks and
transportation facilities based for the following districts: Ridgefield 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. **Agriculture/Forestry Activity:** "The subject property is within or near designated agricultural land, forest land or mineral resource land (as applicable) on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration. Potential discomforts or inconveniences may include, but are not limited to: noise, odors, fumes, dust, smoke, insects, operation of machinery (including aircraft) during any twenty-four (24) hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides."

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

**D-9 Wetlands & Habitat** - All wetland, wetland buffer, and Priority Habitat and Species areas shall be shown on the face of the Final Plat with building envelopes that clearly avoid critical areas. [See Finding 9]

**D-10 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. **Wetland Development Envelopes:** "No clearing or development activities shall occur outside the development envelopes shown on the face of this plat unless the activities are exempt from, or approved under, the provisions of the Clark County Wetland Protection Ordinance (CCC 40.450). Other building setbacks may apply within the development envelopes."

d. **Joint Driveway:** "Clark County has no responsibility to improve or maintain the joint driveway. A driveway longer than 300 feet shall be constructed with an approved turnaround at the terminus and approved turnouts at maximum 500-foot intervals."
e. 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.

f. Driveway Access: “Direct driveway access onto NW 51st Avenue, other than the approved driveway approach to NW 304th St., will not be allowed.”

g. On-site Drainage System: “The owner of Lot #2 is responsible for obtaining approval of a stormwater plan with the building permit and constructing the individual onsite stormwater system. This drainage system will be owned and maintained by the property owner of Lot #2.”

h. 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.”

i. 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.”

j. 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.”

k. Impact Fees: "In accordance with CCC 40.610, impact fees for each new dwelling in this short plat shall be assessed for impacts on schools, parks and transportation facilities based for the following districts: Ridgefield School District (SIF), Park District n/a (PIF) and Orchards Sub-area (TIF). As found in CCC40.610.040, impact fees are calculated using the rates in effect at the time of building permit issuance.”

l. Setbacks: A setback of 50 feet is required for buildings used for agricultural purposes.

m. Building Envelopes: Any future construction on Lot 1 shall be sited respective of delineated wetland boundaries.

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

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

E-1 Land Use - All future construction shall meet setback standards for the R-5 zone. [See Finding 2]
E-2 **Impact Fees** - Impact fees shall be assessed for impacts on schools, parks and transportation facilities based for the following districts: Ridgefield 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-3 **Geologic Hazard Areas** -

a. The proposed project shall implement the recommendations identified in the geotechnical engineering letter dated January 8, 2019, unless further studies present new or different facts. A 100-foot slope setback and building envelope has been identified on the preliminary plan for proposed Lot #2. [See Finding 10]

b. **Retaining Walls** - A building permit is required for retaining walls greater than 4 feet tall or when a wall is surcharged. [See Finding 10]

E-4 **Engineering Requirements** -

a. **Transportation (Joint Driveway):** Driveways shall have a minimum width of 12 feet of clear, unobstructed driving surface. Driveways longer than 300 feet shall be provided with an approved turnaround at the terminus. There shall also be approved turnouts constructed such that the maximum distance from turnout to turnout or from turnout to turnarounds does not exceed 500 feet. [See Finding 11]

b. **Stormwater (Onsite Drainage System):** The owner of the Lot #2 is responsible for obtaining approval of a stormwater plan with the building permit and constructing the individual on-site stormwater system. This drainage system will be owned and maintained by the property owner of Lot #2. [See Finding 16]

E-5 **Fire Marshal Requirements** -

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 Finding 18]

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 Finding 18]

c. Homes exceeding 3600 square feet including attached garages will require the installation of a residential sprinkler system. [See Finding 18]
Occupancy Permits
Review and Approval Authority: Building

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

F-1 Fire Protection -

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 to within 150 feet of all portions of building exteriors. [See Finding 19]

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 Finding 20]

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 if:

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

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

G-3 Building and Fire Safety - Building 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 **Fire Protection** - Building construction occurring subsequent to this application shall be in accordance with provisions of the county's building and fire codes. [See Finding 17]

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<thead>
<tr>
<th>H</th>
<th>Post Development Requirements</th>
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<td>Review and Approval Authority: As specified below</td>
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</table>

**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 Finding 18]

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 Finding 19]

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

**Appeal Process**

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

The appeal shall be filed with the Department of Community Development within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record. This decision was mailed on April 25, 2019. Therefore any appeal must be received in this office by the close of business on May 9, 2019.

Any appeal of the final land use decisions shall be in writing and contain the following:

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

An appeal of any aspect of the Hearing Examiner's decision, except the SEPA determination (i.e., procedural issues), may be appealed to the Superior Court or reconsidered by the Hearing Examiner only by a party of record.

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

**Attachments**
- Copy of Preliminary Plan
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<th>Role</th>
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<tr>
<td>Planner</td>
<td>Clark County</td>
<td>Amy Wooten</td>
<td>837 N 11th Pl</td>
<td></td>
<td>Ridgefield</td>
<td>WA</td>
<td>98642</td>
<td><a href="mailto:darla@cascadewest.com">darla@cascadewest.com</a></td>
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<td>98642</td>
<td><a href="mailto:marilee.mccall@clark.wa.gov">marilee.mccall@clark.wa.gov</a></td>
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<tr>
<td>Owner</td>
<td>Barbara Muhonen</td>
<td></td>
<td>5303 NW 304th St</td>
<td></td>
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<tr>
<td>Contact Person</td>
<td>AKS Engineering &amp; Forestry, LLC</td>
<td>Bart Catching</td>
<td>9600 NE 126th Ave</td>
<td>Ste 2520</td>
<td>Vancouver</td>
<td>WA</td>
<td>98682</td>
<td><a href="mailto:catchingb@aks-eng.com">catchingb@aks-eng.com</a></td>
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<tr>
<td>Utility Contact</td>
<td>City of Vancouver</td>
<td>Kristin Lehto</td>
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<td>Jennifer Halleck</td>
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<td>Julie Grobelny</td>
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<td><a href="mailto:julie.grobelny@dfw.wa.gov">julie.grobelny@dfw.wa.gov</a></td>
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## EXHIBIT LIST

**Project Name:** MUHONEN SHORT PLAT  
**Case Number:** PLD2019-00002

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Copies of these exhibits can be viewed at:  
Department of Community Development  
Development Services Division  
1300 Franklin Street  
Vancouver, WA 98666-9810