Type III Land Division and Environmental Review
Staff Report and Recommendation

Project Name: Orchards Townhomes Subdivision
Case Numbers: PLD2018-00047; SEP2018-00066; EVR2018-00091
Location: 12708 NE 114th Street, Parcel 200082 located in the Northeast Quarter of Section 34, Township 3 North, Range 2 East of the Willamette Meridian
Request: Subdivide roughly 2.3 acres into 35 residential lots for single-family attached units (townhomes) in the R-30 zoning district using the narrow lot standards
Applicant: Harb Engineering, Inc.
Attn: Gus Harb
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Vancouver, WA 98660
Phone - (360) 695-6520
Email - guss@harbengineering.com
Owners: Promenade Investments, LLC
701 Columbia Street ~ Suite 111
Vancouver, WA 98660

Recommendation
Approval, with Conditions
Land Use Review Manager’s Initials: Date issued: May 8, 2019
Public Hearing Date: May 23, 2019

County Review Staff
Department/Program Name Ext. Email Address

Community Development
Land Use Review Manager Susan Ellinger 5122 susan.ellinger@clark.wa.gov
Land Use Review Planner Richard Daviau 4895 richard.daviau@clark.wa.gov
Fire Marshal’s Office Donna Goddard 3323 donna.goddard@clark.wa.gov

Revised 5/4/19
Applicable Laws
Clark County Code: Title 15 (Fire Prevention), 40.200 (General), 40.220.020 (Residential), 40.260.155 (Narrow Lots), 40.320 (Landscaping), 40.350 (Transportation), 40.350.020 (Transportation Concurrency), 40.370 (Sewer & Water), 40.386 (Storm Water & Erosion Control), 40.500 and 40.510 (Procedures), 40.540.040 (Subdivision), 40.550 (Road Modifications), 40.570 (SEPA), 40.570.080 (SEPA Archaeological), 40.610 (Impact Fees), Title 24 (Public Health), RCW 58.17, and the Clark County Comprehensive Plan.

Neighborhood Association and Contact
Greater Brush Prairie, Contact - Larry Knight, E-mail - LDKPI02@gmail.com

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

A pre-application conference (PAC) on this matter was held on September 6, 2018. The PAC was determined contingently vested and a complete application was submitted within the required 180 days from issuance of the PAC report. Therefore, the application is vested on the PAC application submittal date of August 16, 2018. The application is vested on February 12, 2019 for transportation concurrency vesting. Vesting does not apply to stormwater standards.

Time Limits
The proposed application was submitted on December 17, 2018 and determined to be fully complete on February 26, 2019. Therefore, the code requirement for issuing a decision within 92 days lapses on May 29, 2019. The state requirement for issuing a decision within 120 calendar days, lapses on June 26, 2019.

Public Notice
Notice of application, public hearing, and likely SEPA determination was mailed to the applicant and property owners within 300 feet of the site on March 20, 2019. The applicant posted a Land Use development sign on the subject property on April 16, 2019.

Public Comments
The county has not received neighbor comments on the proposed land division.

Project Overview
The subject site is located on the north side of NE 114th Street and the west side of NE 128th Avenue. The site is roughly 2.3 eight acres in size and zoned R-30 residential.
The site contains a single-family residence and accessory structures which will be removed. The proposed development will be served by Fire District #3, Battle Ground School District, Clark Regional Wastewater for public sewer, and Clark Public Utilities for public water.

The applicant proposes to divide the site into 35 residential lots for single-family attached homes using the narrow lot standards in one phase. The following is a land use table of the site and surrounding properties:

<table>
<thead>
<tr>
<th>Compass</th>
<th>Comp Plan</th>
<th>Zoning</th>
<th>Current Land Use</th>
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<tbody>
<tr>
<td>Site</td>
<td>UH</td>
<td>R-30</td>
<td>Single-family Residential</td>
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<tr>
<td>North</td>
<td>UH</td>
<td>R-30</td>
<td>Single-family Residential</td>
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<td>South</td>
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<td>West</td>
<td>UH</td>
<td>R-30</td>
<td>Single-family Residential</td>
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**Staff Analysis**

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

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

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

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

**Major Issues**

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

**Land Use**

Finding 1 - Uses
Under Table 40.220.020-1, single-family attached dwellings are permitted in the R-30 zone subject to this review and the narrow lot standards of CCC 40.260.155.

Finding 2 - Density
The site is zoned R-30 and is 2.3 acres in size. Maximum density is calculated on the gross area of the site, minus public and private roads. For minimum density in the R-30 zone, other areas in addition to roads can be subtracted such as required landscaping.
After subtracting the proposed roads and required landscaping, the net site area is 1.52 acres. Based on 1.52 acres, a minimum density of 28 units and a maximum density of 45 units are required. The proposed 35 unit subdivision complies with density requirements.

**Finding 3 - Narrow Lot Standards**
CCC Table 40.260.155 contains narrow lot standards for single-family attached lots. The applicant proposes attached narrow lots in the R-30 zone. Staff finds the proposal can comply with the narrow lot standards and has the following comments:

a. **Lot sizes** - CCC Table 40.220.020-4 requires a minimum lot area of 1,200 square feet. The applicant does not propose any of the narrow lots less than 1,906 square feet with an average lot area of 2,150 square feet. Staff finds the submitted plan complies with the lot size requirement.

b. **Parking** - CCC 40.260.155 C3 requires 2.5 parking spaces for every narrow lot. The applicant proposes all lots to have at least a 22 foot lot width and a two-car garage. Lots with two car garages will have four parking spaces each because two spaces will be located in the garage and an additional two spaces will be located in front of the garage within the driveway area. Staff finds the proposed narrow lots comply with the parking requirements.

c. **Street Trees** - CCC 40.260.155 C4 requires one tree shall be provided along the street frontage of each narrow lot or on the lot. The applicant has indicated in the project narrative that street trees will be provided, but the submitted landscape plan does not show them. The landscape plan does show the required L2 and L1 buffers around the perimeter of the site, but not the street trees. If the applicant agrees, staff finds a condition of approval would be appropriate and the proposal can comply with the street tree requirement. If the applicant does not agree, staff will recommend denial. (See Condition A-6)

d. **Solid Waste/Recycling** - CCC 40.260.155 C5 requires a designated common collection point where collection is not feasible on each lot. The internal roadway complies with the road standards and no lots are served by joint driveways; therefore, staff finds that all lots can have solid waste & recycling pick up on each lot complying with this requirement.

Staff finds the proposed narrow lot development can comply with the required standards subject to conditions of approval. A site plan meeting these conditions and consistent with CCC 40.260.155 C1 shall be provided with the final plat. (See Condition D-3)

**Finding 4 - Setbacks**
The applicant lists the correct setbacks for the proposed lots in a table at the top of Plan Sheet PRM-03. They include a ten foot front setback (18 foot to garage) and a five foot side and rear setback. The side or rear setback would be zero for attached units. Staff finds these setbacks should be placed on the final plat.

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

The site is located within the Battle Ground School District; the applicant has provided a letter from the School District indicating that students will be bussed to all three schools from this development (see Tab 22 of application packet). Staff finds this satisfies safe walking conditions for students who only walk to school.

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

**Archaeology**
Finding 6 - Archaeology
The proposal is located within a high probability area for containing cultural resources. The applicant has submitted a predetermination report to the Washington State Department of Archaeology and Historic Preservation (DAHP) prior to submittal of the application which indicates that no archaeological resources were identified and no further archaeological work is necessary at this time (see Tab 22 of application packet). DAHP received public notice and a copy of the SEPA checklist and has not provided comment.

A note on the final construction plans will be required that in the event that archaeological or historic materials are discovered during project activities, work in the immediate vicinity must stop and the area secured. The concerned tribes cultural staff, cultural committee, and DAHP shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines. (See Conditions A-7 and D-6a)

**Transportation**
Finding 7 - Pedestrian/Bicycle Circulation Plan
Pedestrian circulation facilities in compliance with the Americans with Disabilities Act (ADA) are required for this development. Bike lanes are not required along the streets of the development.

The proposed plan indicates that 5-foot sidewalks will be constructed along NE 128th Avenue, NE 114th Street and NE 127th Court. To provide more continuous pedestrian circulation, the applicant shall install the sidewalk at the hammerhead portion of NE 127th Court on the south side of the road instead of the north. Additionally, all proposed pedestrian facilities shall be constructed to comply with ADA standards. (See Conditions A-1a and A-1b)

Finding 8 - Circulation Plan
The proposed development is bordered by NE 128th Avenue to the east, NE 114th Street to the south, the Avalon Grand Subdivision to the north, and developable R-30 residential zone properties to the west. The applicant is proposing NE 127th Court as a private road through their development that terminates in a dead end hammerhead. The east-west block length between NE 124th & NE 128th Avenues exceeds the 800 feet maximum allowed. Additionally, the block perimeter created by NE 124th & 128th Avenues and NE 114th & NE 116th Streets exceeds the 3,200 feet allowed. With that, staff finds that cross-circulation has not been fully addressed with this proposal. The applicant has submitted a technical road modification to address this issue. (See Finding 12 - Technical Road Modification)
Finding 9 - Frontage Roads/Improvements
NE 114th Street is classified as an Urban Neighborhood Circulator and is currently improved with a 12-foot half-width pavement width within a 30-foot partial-width right-of-way. Code requires a half-width right-of-way of 27 feet, 36 feet of paved surface, a curb and gutter, and a 5-foot sidewalk per Clark County Standard Drawing 12. The applicant is proposing half-width street improvements that meet the minimum standards.

NE 128th Avenue is classified as an Urban Local Residential Access and is partially improved with a 20-foot partial-width pavement width within a 30-foot total-width right-of-way and curb and sidewalk on the east side of the road. Code requires a full-width right-of-way of 46 feet, 28 feet of full-width paved surface, a curb and gutter, and a 5-foot sidewalk per Clark County Standard Drawing 13. The applicant is proposing to complete the street improvements that meet the minimum standards. The right-of-way dedication must be conveyed to the county with the final plat. (See Condition D-1)

The applicant is proposing NE 127th Court as an Urban Private Road. The roadway meets the minimum standards of Clark County Standard Drawing 15. In addition to the minimum standards, the applicant is proposing to construct sidewalks on both sides of NE 127th Court and increase the pavement width to 22 feet. “No parking” signs shall be placed along NE 127th Court on both sides of the roadway and within the turnaround. (See Conditions A-1c and D-5a)

Finding 10 - Access Management
For all corner lots at the intersection of two urban local access or private roads, per CCC 40.350.030 (B)(4)(b)(1)(b), the driveways shall be a minimum of 40 feet from the projected curb line or edge of pavement, as measured to the nearest edge of the driveway, as long as the parked cars in the driveway are outside of the sight distance triangle. In the cases of high density residential developments, such as this one, the driveway may be limited to 20 feet in width and located 5 feet from the property line away from the intersection or as a 25 foot wide shared driveway at this property line, and the applicant’s professional engineer may propose traffic control devices, including stop signs, to preserve or manage sight distance.

The applicant shall show the driveways for all corner lots on the final engineering plans to comply with the applicable corner lot driveway standards. (See Condition A-1d)

Finding 11 - 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 at all proposed driveway approaches and intersections. Per Table 40.350.030-8, the applicant is required to have 400 feet of sight distance at the intersections of NE 128th Avenue/ NE 114th Street and NE 127th Court/NE 114th Street per the 40 MPH posted speed limit along NE 114th Street.

The applicant’s engineer, Kelly Engineering, analyzed the sight distance at these intersections in their Transportation Impact Study dated October 2018. The traffic engineer has acknowledged that the required sight distance is achieved. The applicant will be required to show the sight distance triangles on the final construction plans and final plat. (See Conditions A-1e, D-2, and D-6f)
Finding 12 - Technical Road Modification (EVR2018-00091)
The applicant has submitted a technical road modification narrative that addresses the development’s inability to meet cross-circulation requirements.

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:
The applicant has submitted a technical road modification narrative prepared by Harb Engineering, Inc. dated December 14, 2018 providing justification for the request.

Staff’s Evaluation:
The block length between NE 124th Avenue and NE 128th Avenue along NE 114th Street is approximately 1,000 feet. The block perimeter length along 124th Avenue, 119th Street 128th Avenue, and 114th Street is approximately 4,600 feet.

A public east west roadway (NE 116th Way) has been partially completed between 124th Avenue and 128th Avenue. It is located midway between 114th Street and 119th Street. There is a 60-foot private road easement serving the Short Plat (1-663) that is located mid-way between 124th Avenue and 128th Avenue and connects 114th Street to the future extension of 116th Way.

Staff believes that given the existing public road and private road easement layout, the most appropriate location for a public road connection that would allow current and future developments to meet block length and block perimeter requirements would be the construction of a public road within the 60-foot private road easement as those parcels develop.

Staff can support the request to construct NE 127th Court as a dead end private road in lieu of extending it as a public road to the applicant’s north or west boundary line to meet cross-circulation requirements within the development.
This is based on the existing Avalon Grand Subdivision’s stormwater facility located along the applicant’s entire north property line and the road circulation network that is possible with future development between NE 124th and NE 128th Avenues as shown on the applicant’s circulation plan and discussed in more detail above. Staff recommends approval of the road modification request per approval criteria CCC 40.550.010(C)(2)(a) & (c) citing existing construction make compliance with the cross-circulation standards clearly impractical for the circumstances and the applicant has provided a circulation plan that is functionally equivalent to the standards.

**Recommendation:**
Staff recommends an Approval of the technical road modification request. The Development Engineering Division Manager concurs with staff. (See Exhibit 11)

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

**Transportation Concurrency**
**Finding 13 - Trip Generation**
Concurrency staff has reviewed the proposed Orchards Townhome Subdivision traffic study dated October 2018 prepared by Kelly Engineering. The traffic study submitted indicates that the proposed development will divide 2.3 acres into 35 townhouse lots. The applicant’s traffic study has estimated the a.m. peak hour trip generation at 15, the p.m. peak-hour trip generation at 20 trips and an average daily trip generation (ADT) of 247 trips. The trip generation was estimated using the nationally accepted data published by the Institute of Transportation Engineers Tenth Edition. The proposed development site is located at 12708 NE 114th Street in Vancouver.

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

**Finding 14 - Site Access**
Traffic conditions are usually expressed using a scale that quantifies the ability of a facility to meet the needs and expectations of the driver. This scale is graded from A to F and is referred to as level-of-service (LOS). A driver who experiences an LOS A condition would expect little delay. A driver who experiences an LOS E condition would expect significant delay, but the traffic facility would be just within its capacity to serve the needs of the driver. A driver who experiences an LOS F condition would expect significant delay with traffic demand exceeding the capacity of the facility with the result being growing queues of traffic.

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

The applicant’s plan shows the construction of an interior private road to serve as access for several lots within the proposed subdivision. The proposed lots that front NE 128th Avenue, a local residential access road on the east will have direct access onto the public road. The plans also show frontage improvements along NE 128th Avenue and NE 114th Street.
The applicant's study evaluated the level of service and found that the site access intersections analyzed will have an estimated LOS C, in the 2021 build-out horizon. The study also shows that the LOS was evaluated during the a.m. and p.m. peak hour traffic conditions in existing and build-out scenarios. County Staff concurs with the traffic study findings.

Finding 15 - Clark County Concurrency
The proposed development is required to meet the standards established in CCC 40.350.020(G) for corridors and intersections of regional significance within 1 mile of the proposed development.

Signalized Intersections
The County's model evaluated the operating levels, travel speeds and delay times for the regionally significant signalized intersections. This analysis showed that individual movements during peak hour traffic conditions had approach delays that did not exceed the maximum 240 seconds, or 2 cycles, of delay in the build-out year.

Therefore, County Staff has determined that this development will comply with adopted Concurrency standards for signalized intersections.

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

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

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

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

SAFETY:

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

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

Finding 16 - Turn Lane Warrants
Turn lane warrants are evaluated at unsignalized intersections to determine if a separate left or right turn lane is needed on the uncontrolled roadway.

The applicant’s engineer evaluated the need for turn lanes based on the Washington State Design Manual and concluded that turn lanes would not be warranted. Staff concurs with the applicant’s findings.

Finding 17 - Historical Accident Situation
The applicant’s traffic study analyzed the crash history as obtained from Washington State Department of Transportation (WSDOT) for the period January 2013 through April 2018.

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

Finding 18 - Roadside Safety (Clear Zone) Evaluation
The Institute of Transportation Engineers (ITE) Traffic Engineering Handbook 6th Edition, states that “The clear roadside concept...is applied to improve safety by providing an un-encumbered roadside recovery area that is as wide as practical...”. Further, this concept “allows for errant vehicles leaving the roadway for whatever reason and supports a roadside designed to minimize the serious consequences of roadway departures.”

Further, as adopted by Clark County Code (CCC) 40.350.030(C)(1)(b), the Washington State Department of Transportation (WSDOT) Design Manual, Chapter 1600 states that “A clear roadside border area is a primary consideration when analyzing potential roadside and median features. The intent is to provide as much clear, traversable area for a vehicle to recover as practicable given the function of the roadway and the potential tradeoffs. The Design Clear Zone is used to evaluate the adequacy of the existing clear area and proposed modifications of the roadside. When considering the placement of new objects along the roadside or median, evaluate the potential for impacts and try to select locations with the least likelihood of an impact by an errant vehicle.”

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

The applicant shall consider the WSDOT Design Manual - Roadside Safety Mitigation Guidance (Section 1600.04) in the final engineering design of all proposed roadways and frontage improvements. (See Condition A-2b)
Finding 19 - Vehicle Turning Movements
It shall be noted that, the curb return radii listed above are minimum criteria and are intended for normal conditions, per CCC 40.350.030 (C)(3). CCC 40.350.030 (C)(3) also states, “The responsible official may require higher standards for unusual site conditions.”

The applicant will need to submit construction plans that show the design of the intersection geometry will accommodate all applicable design vehicles for review and approval. The plans will also need to show that all applicable design vehicles have the ability to enter and exit the development minimizing the impact to opposing travel lanes. This may result in no on-street parking areas on the proposed private road at/near the proposed intersection of NE 114th Street/Private Road. (See Condition A-2c)

Conclusion (Concurrence)
In summary, Concurrency Staff recommends approval of the development application with the following conditions.

Stormwater
Finding 20 - Stormwater Applicability
The provisions of Clark County Code Chapter 40.386 shall apply to all new development, redevelopment, land disturbing activities, and drainage projects consistent with the Stormwater Management Manual for Western Washington (SMMWW) and the Clark County Stormwater Manual (CCSM) 2015. The project adds more than 5,000 square feet of new hard surface; therefore, the applicant shall comply with Minimum Requirements (MR) #1 through #9 per Section 1.4, Book 1 of the CCSM 2015. (See Condition A-3a)

No new development shall be allowed to materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots (see Condition A-3.b)

Finding 21 - Stormwater Proposal
The 2.3-acre parcel currently contains an existing house and several outbuildings that will all be removed. The site is vegetated mostly with grasses and some trees on the northeast portion and mid-west portions of the site. The site’s topography is generally flat with no slopes greater than 4% and generally slopes to the southwest towards NE 114th Street. Stormwater runoff from the site appears to infiltrate into the soil and vegetation. There is no evidence of conveyance channels or ponding anywhere on the site. Off-site properties do not contribute flow to this site due to the flat slope condition and soil adsorption capacity. On-site soils are classified as Lauren Gravelly Loam (LgB), which has a hydrologic soil group classification of “B” and a Clark County WWHM soil group classification of “SG 1”.

The applicant provided a Preliminary Technical Information Report (TIR) prepared by Harb Engineering, Inc. dated November 7, 2018 and revised April 26, 2019. Proposed site improvements include the construction of public frontage improvements, a private road, 9 residential townhome structures and 35 individual lot driveways for a total of approximately 2.2 acres of new/replaced hard surface. The project proposes to meet on-site stormwater management (MR #5) and flow control (MR #7) requirements utilizing two, 3-foot wide x 4.5-foot deep infiltration trenches (BMP R5.11), approximately 42 feet and 23 feet in length, to manage the public frontage improvements, private road and individual lot driveways. A 10-foot
long x 2-foot wide x 2-foot deep individual lot infiltration trench (BMP T5.10B) will be needed to manage the roof runoff from a single lot. A MGS Flood hydrologic analysis of the historic and developed site conditions was completed showing that the proposed facilities can infiltrate 100% of the 100-year total runoff volume.

Basic runoff treatment (MR#6) for all of the pollution generating surfaces is met with either Oldcastle PerkFilter® or Contech StormFilter® media filter cartridges located in catch basins. The applicant will be required to submit documentation from the stormwater treatment system manufacturer indicating that the stormwater treatment devices were sited and sized appropriately. (See Condition A-3c)

The applicant’s engineer indicates the public collection, conveyance, treatment, and infiltration facilities located within the public right of way will be owned and maintained by the County. Private collection and infiltration systems located within the private road and on individual lots will be owned and maintained by the homeowners. (See Conditions D-5d, E-2, D-6g, and D-6e)

Finding 22 - Infiltration and Groundwater
Columbia West Engineering, Inc. performed single ring, falling-head infiltration tests on September 6th, 2018 in one test pit. The tested rate of infiltration was recorded as 2 to 75 inches per hour at a depth of 2.5 to 7.5 feet below grade. The engineer has applied a factor of safety of 2 for a design infiltration rate of 35 inches per hour when sizing the proposed infiltration trenches. Staff takes issue with the design infiltration rate used citing the recommendations found in Columbia West’s Infiltration Testing Result memo dated September 27, 2018; specifically, a soil correction factor of 2 was not applied as recommend. Therefore, the applicant will need to submit documentation from a geotechnical engineer that specifies the exact correction factor to be used to size the infiltration facilities with the final TIR. The applicant will be also required to demonstrate that the tested infiltration rate determined at the time of construction of the infiltration trench is at least 95 percent of the uncorrected tested infiltration rate used to determine the design rate. (See Conditions A-3d and C-1)

Groundwater was not encountered in the September 2018 test pit, which was excavated to the maximum depth of 14.5 feet below the existing ground surface. Columbia West conducted another test pit exploration in April 2019 to a depth of 14.5 feet and did not observe groundwater. Columbia West also notes that Clark County Maps Online indicates that the northeast to southwest areas of the subject site ranges from 270 to 265 feet above mean sea level (amsl). These elevations correspond to an approximate depth to groundwater of 13 to 14 feet below ground surface. They state that, “Based upon site research, local experience, and test pit explorations, it is Columbia West’s opinion that the 2018 - 2019 seasonal high groundwater level is no higher than approximately 14.5 feet below existing ground surface.” The engineer also provided a boring log from the Avalon Grand Subdivision located near the northeast corner of the proposed development that shows a groundwater elevation of 20 feet below ground in February 2007. Considering the location and depth of the proposed infiltration trenches, the design appears to achieve the 5-foot separation from the seasonal high groundwater level as required. The applicant will be required to demonstrate that the 5-foot separation has been achieved during construction. (See Condition C-2)

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

Finding 23 - Review Process
This application was reviewed by Donna Goddard in the Fire Marshal's Office. Dan can be reached at 564.397.3323, or e-mail at donna.goddard@clark.wa.gov. Where there are difficulties in meeting these conditions or if additional information is required, contact Dan in the Fire Marshal's office immediately.

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

Finding 24 - Fire Flow/Hydrants
Fire flow in the amount of 1,000 gallons per minute supplied at 20 psi for 60 minutes duration is required for this application. Prior to final approval submit proof from the water purveyor indicating that the required fire flow is available at the site. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval.

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

Unless waived by the fire district chief fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact Fire District #3 at 360.892.2331 to arrange for location approval. Provide and maintain a six-foot clear space completely around every fire hydrant. (See Conditions A-8a, A-8b and A-8c)

Finding 25 - Fire Apparatus Access
The roadways and maneuvering areas as indicated in the application adequately provide the required fire apparatus access. Provide fire apparatus access roads with an unobstructed width of not less than 20 feet, an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus.

Approved fire apparatus turnaround is required for this project and the indicated provisions for turning around fire apparatus are adequate. (See Conditions A-8d)

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

Water and Sewer Service
Finding 26 - Water and Sewer Service
The site will be served by the Clark Public Utilities for public water and Clark Regional Wastewater for public sewer. Letters from both Clark Public Utilities and Clark Regional Wastewater confirm that potable water and public sewer services are available to the site with certain conditions. Therefore, prior to final plat approval, documentation shall be provided from the water and sewer purveyor that all water and sewer connections have been installed and approved. (See Condition D-4)
Impact Fees
Finding 27 - Impact Fees
All residential lots created by this plat will produce impacts on schools, parks, and traffic, and are subject to School (SIF), and Traffic Impact Fees (TIF) in accordance with CCC 40.610. The proposed units/ lots will pay the following impact fees (the applicant will receive an impact fee reduction for the existing residence and must select the lot that fees will not apply during the final plat review):

- Orchards sub-area with a TIF of $1,748.23 per dwelling
- Battleground School District, with a SIF of $6,397.00 per dwelling
- Park District 6, with a SIF of $4,300.00 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-5e & E-3)

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

- **DS = Determination of Significance** - The impacts cannot be mitigated through conditions of approval and, therefore, require the preparation of an Environmental Impact Statement (EIS);
- **MDNS = Mitigated Determination of Non-Significance** - The impacts can be addressed through conditions of approval; or,
- **DNS = Determination of Non-Significance** - The impacts can be addressed by applying the Clark County Code.

The likely SEPA determination of Non-Significance (DNS) in the Notice of Development Review Application issued on March 20, 2019 is hereby final.

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

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

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

Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.
A procedural or substantive appeal must be filed within fourteen (14) calendar days of this determination, together with the appeal fee. Such appeals will be considered at a scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

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

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

Refer to the Appeals handout for more information and fees.

The decision of the Hearing Examiner is final unless:

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

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

Responsible Official: Mitch Nickolds, Community Development Director

Recommendation

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

Conditions of Approval

<table>
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<th>A</th>
<th>Final Construction Review for Land Division</th>
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<td>Review and Approval Authority: Development Engineering</td>
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Prior to construction, a Final Construction Plan shall be submitted for review and approval, consistent with the approved preliminary plan and the following conditions of approval:

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

a. The applicant shall install a 5-foot sidewalk at the hammerhead portion of NE 127th Court along the south side (see Finding 7).

b. The applicant shall show on the final construction plans that all proposed pedestrian facilities will be constructed to comply with ADA standards (see Finding 7).
c. The applicant shall show on the final construction plans the installation of "No Parking" signs along NE 127th Court and within the turnaround (see Finding 9).

d. The applicant shall show on the final engineering plans the driveways for all corner lots that comply with CCC 40.350.030 (B)(4)(b)(1)(b) (see Finding 10).

e. The applicant shall show the sight distance triangles for all intersections on the final construction plans (see Finding 11).

A-2 Transportation:

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

b. WSDOT Design Manual: The applicant shall consider the WSDOT Design Manual – Roadside Safety Mitigation Guidance (Section 1600.04) in the final engineering design of all proposed roadways and frontage improvements. (See Finding 18)

c. Construction Plan: The applicant shall submit construction plans that show all applicable design vehicles have the ability to enter and exit the development minimizing impact to opposing travel lanes. This may result in no on-street parking areas on the proposed private road at/near the proposed intersection of NE 114th Street/Private Road. (See Finding 19)

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

a. The applicant shall submit final construction plans and a final Technical Information Report that addresses Minimum Requirements #1 though #9 (see Finding 20).

b. The applicant shall demonstrate that the development will not materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots (see Finding 20).

c. The applicant shall submit documentation from the stormwater treatment system manufacturer indicating that the any stormwater treatment devices were sited and sized appropriately (see Finding 21).

d. The applicant shall submit documentation from the geotechnical engineer that specifies the exact infiltration rate correction factor to be used to size the infiltration facilities (see Finding 22).

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

**A-6** **Landscape Plan** - The applicant shall provide a minimum of one tree along the street frontage of each narrow lot or on the lot (see Findings 3c).

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

**A-8** **Fire Protection Requirements**

a. Fire flow in the amount of 1,000 gallons per minute supplied at 20 psi for 60 minutes duration is required for this application. Prior to final approval submit proof from the water purveyor indicating that the required fire flow is available at the site. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval. (See Finding 24)

b. Fire hydrants are required for this application. Provide fire hydrants such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads. (See Finding 24)

c. Unless waived by the fire district chief fire hydrants shall be provided with appropriate ‘storz’ adapters for the pumper connection. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact Fire District #3 at 360.892.2331 to arrange for location approval. Provide and maintain a six-foot clear space completely around every fire hydrant. (See Finding 24)

d. Provide fire apparatus access roads with an unobstructed width of not less than 20 feet, an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus. Approved fire apparatus turnaround is required for this project and the indicated provisions for turning around fire apparatus are adequate. (See Finding 25)

**A-9** All structures on the site shall be removed prior to construction plan approval complying with Clark County Building Division, state/federal requirements.
### B Prior to Construction of Development

**Review and Approval Authority: Development Inspection**

Prior to construction, the following conditions shall be met:

**B-1 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-2 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,

**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 Stormwater** - In accordance with Section 5.1.2, Book 2 of the Clark County Stormwater Manual 2015, if the tested coefficient of permeability determined at the time of construction is at least 95 percent of the uncorrected coefficient of permeability used to determine the design rate, construction may proceed. If the tested rate does not meet this requirement, the applicant shall submit a plan to Clark County that follows the requirements in Section 1.8.5., Book 1. This plan shall address steps to correct the problem, including additional testing and/or resizing of the facility to ensure that the system will meet the minimum requirements of this manual. (See Finding 22)

**C-2 Stormwater** - During installation of the infiltration trench, the applicant shall demonstrate that the groundwater table is at 5 feet below the designed elevation of the bottom of the proposed infiltration trench. The system shall be redesigned if the required separation is not achieved. (See Finding 22)

### 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 Right-of-way Dedication** - The required right-of-way along NE 128th Avenue must be conveyed to the county with the final plat (see Finding 9).
D-2 **Sight Distance** - Sight distance triangles shall be delineated on the final plat (see Finding 11).

D-3 **Site Plan** - A site plan meeting the narrow lot standards and consistent with CCC 40.260.155 C1 including lot size and parking requirements shall be provided (see Finding 3).

D-4 **Water and sewer** - The applicant shall provide documentation from the water and sewer purveyor that all water and sewer connections have been installed and approved.

D-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. **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 Safety and put in place prior to construction."

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

e. **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: Battle Ground School District (SIF), Park District 6 (PIF) and Orchards Sub-area (TIP). The applicant will receive an impact
fee reduction for the existing residence and must select the lot that fees will not apply during the final plat review. As found in CCC 40.610.040, impact fees are calculated using the rates in effect at the time of building permit issuance.

D-6 Plat Notes - The following notes shall be placed on the final plat:

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

b. Sidewalks: "Prior to issuance of occupancy permits, sidewalks shall be constructed along all the respective lot frontages."

c. Utilities: "An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."

d. Driveways: "All residential driveway approaches entering public roads are required to comply with CCC 40.350."

e. Privately Owned Stormwater Facilities: "The following party(s) is responsible for long-term maintenance of the privately owned stormwater facilities: _______."

f. Sight Distance: "All sight distance triangles shall be maintained."

g. Roof and Crawl Space Drains: "Roof and crawl space drains for all lots of the development shall be installed in accordance with the approved As-Built plans, unless a revised plan is approved by the county. These stormwater systems will be owned and maintained by the property owner(s) on whose lot the stormwater system is located."

h. 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."

E Building Permits
Review and Approval Authority: Permit Services

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

E-1 Excavation and Grading - Excavation/grading shall be performed in compliance with CCC 14.07.
E-2 **Roof and Crawl Space Drains** - "Roof and crawl space drains for all lots of the development shall be installed in accordance with the approved As-Built plans, unless a revised plan is approved by the county. These stormwater systems will be owned and maintained by the property owner(s) on whose lot the stormwater system is located.

E-3 **Impact Fees**: Impact fees shall be assessed for impacts on schools, parks and transportation facilities based for the following districts: Battle Ground School District (SIF), Park District 6 (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."

E-4 **Fire** - Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection prior to combustible building construction.

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**F Occupancy Permits**

**Review and Approval Authority: Building**

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

None

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**G Development Review Timelines & Advisory Information**

**Review and Approval Authority: 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.
Hearing Examiner Decision and Appeal Process

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

The examiner may adopt, modify or reject this recommendation. The examiner will render a decision within 14 calendar days of closing the public hearing. Clark County will mail a copy of the decision to the applicant and neighborhood association within 7 days of receipt from the Hearing Examiner. All parties of record will receive a notice of the final decision within 7 days of receipt from the Hearing Examiner.

Motion for Reconsideration

Any party of record to the proceeding before the Hearing Examiner may file with the responsible official a motion for reconsideration of an examiner’s decision within fourteen (14) calendar days of written notice of the decision. A party of record includes the applicant and those individuals who signed the sign-in sheet or presented oral testimony at the public hearing, and/or submitted written testimony prior to or at the Public Hearing on this matter.

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

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

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

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

Appeal Rights

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

See the Appeals handout for more information and fees.

Attachments

- Copy of Proposed Preliminary Plan