Type II Staff Report and Decision
Notice to Parties of Record

Project Name: Peters Property Short Plat


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

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

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

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

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

See the Appeals handout for more information and fees.

Mailed on: May 23, 2019
Type II Staff Report and Decision

Project Name: Peters Property Short Plat


Request: The applicant requests approval to short plat a 26.1 acre parcel zoned R-5 into 4 lots for single family residential construction. The existing home will be retained on proposed lot 4.

Address: 2909 NE 261st Avenue
Camas, WA 98607

Parcel number(s): 173623-000

Applicant/Owner: Gregory & Sandra Peters
2909 NE 261st Avenue
Camas, WA 98607
360.210.4986
greg.peters777@icloud.com

Contact Person: SGA Engineering
Samuel Moss, contact
2005 Broadway
Vancouver, WA 98663
360.993.0911
smoss@sgaengineering.com

Staff contact: Amy Wooten, project planner
564.397.5683
amy.wooten@clark.wa.gov

Decision
Approved Subject to Conditions

Land Use Review Manager’s Initials: Date issued: May 23, 2019

Revised 5/23/2019

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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<td>Public Works</td>
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Comp Plan Designation: R-5

Applicable Laws
Clark County Code: Title 15 (Fire Prevention), Chapter 40.200 (General Provisions), Section 40.210.020 (Rural Residential Zoning District), Chapter 40.320 (Landscaping), Chapter 40.350 (Transportation & Circulation), Section 40.350.020 (Transportation Concurrency), Chapter 40.370 (Sewer & Water), Chapter 40.386 (Storm Water & Erosion Control), Chapter 40.440 (Habitat Conservation), Chapter 40.450 (Wetland Protection), Chapters 40.500 and 40.510 (Procedures), Chapter 40.540 (Boundary Line Adjustments & Land Divisions), Section 40.550.010 (Road Modifications), Chapter 40.570 (SEPA), Section 40.570.080 (SEPA Archaeological), Chapter 40.610 (Impact Fees), Title 24 (Public Health), RCW 58.17, and the Clark County Comprehensive Plan.

Neighborhood Association and Contact
Neighborhood Associations Council of Clark County (NACCC)
Christie BrownSilva, Chair
360.326.4353
naccc.chair@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 on this matter was held on Thursday, July 26, 2018. The pre-application was determined contingently vested as of June 27, 2018, if a fully complete application for a substantially similar project were received prior to January 29, 2019.

The fully complete application was submitted on February 11, 2019, and determined to be fully complete on February 25, 2019. Given these facts, the application is vested on February 11, 2019 for land use and concurrency standards. This vesting does not apply to stormwater standards.

There are no disputes regarding vesting.

Time Limits
The application was determined to be fully complete on February 25, 2019. The applicant was asked to submit additional information which extended the deadline by 9 days. Therefore, the code requirement for issuing a decision within 78 days lapses on May 23, 2019.

Public Notice
Notice of application and likely SEPA Determination of Non-Significance (DNS) was mailed to the applicant, the Neighborhood Associations Council of Clark County and property owners within 500 feet of the site on March 19, 2019.

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

Public Comments
Two public comments letters were received regarding this application. On April 2, 2019 a letter was received from the resident at 26829 NE 34th Street. The owner was primarily concerned with any grading/fill along the northern edge of the subject parcel and the effect that will have on the southwest corner of their property during the rainy season.

The applicant provided a response to those concerns and states that the proposed development will infiltrate any runoff from the proposed homes and driveways on-site and, in conformance with Clark County code, stormwater will not be concentrated onto adjacent parcels.

Comments were also received from the Washington Department of Fish and Wildlife (DFW) on April 12, 2019 regarding identified Oregon White Oak trees found on-site. The DFW provided state guidelines regarding the treatment of trees during the development process.

Staff has conditioned that building envelopes avoid the drip line of the trees and have required a plat note requiring the same. The applicant has stated that it is the goal of the applicant to avoid the oaks and have any construction stay outside of the drip lines.
Project Overview
The applicant requests approval to divide parcel number 173623000, an existing 26.10 acre parcel zoned R-5, into four (4) lots for single family residential development. The existing residence will be retained on proposed lot 4.

The subject site is located to the east of the corner at NE 29th Street and 261st Avenue in near Camas, Washington. The County’s GIS\(^1\) system indicates steep slopes and a “Moderate-High to High” probability for archaeological resources. The GIS system also does not indicate any wetland or habitat areas on site, but the applicant provided a Critical Areas Assessment which indicated that t Category IV Sloped wetland does exist on site.

The development will be served by the East County Fire District, and the Camas School District. All homes will be served privately by on-site septic and well systems.

The immediate area is zoned R-5. Properties bordering the subject site are largely built-out; however, to the south and adjacent to the subject site is “Pinnacle Cluster Subdivision” which is currently under construction.

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>
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<td>Underdeveloped lot, SFR</td>
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<tr>
<td>North</td>
<td>R-5</td>
<td>R-5</td>
<td>Established SFR’s</td>
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<tr>
<td>East</td>
<td>R-5</td>
<td>R-5</td>
<td>Underdeveloped lot, SFR</td>
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<tr>
<td>South</td>
<td>R-5</td>
<td>R-5</td>
<td>Cluster Subdivision, under construction</td>
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<tr>
<td>West</td>
<td>R-5 &amp; AG</td>
<td>R-5 &amp; AG-20</td>
<td>SFR’s &amp; AG land</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 will be mitigated by the requirements of the code.

\(^{1}\) Geographical Information System
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

Tables 40.210.020-2 & 40.210.020-3 establish lot requirements and minimum dimensional standards for the R-5 zone. Pursuant to Table 40.210.020-2, a minimum lot area of five (5) acres and a minimum lot width of 140² feet shall be provided for all new lots. There is no prescribed standard for minimum lot depth.

The plans portray four (4) lots meeting these minimum standards.

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

<table>
<thead>
<tr>
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<th>Minimum Setbacks (feet)</th>
<th>Maximum Lot Coverage</th>
<th>Maximum Building Height</th>
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<tr>
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<td>Front</td>
<td>Street</td>
<td>Interior</td>
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<tr>
<td></td>
<td>50³</td>
<td>25</td>
<td>20, 50⁴</td>
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The 50-foot front yard setback shall be applied to the driveway easement on lots 1 and 2. And, based on the access point for lot 2, the west boundary shall be considered the front lot line; therefore, the following setbacks shall be applied: west, 50 feet; north, 20 feet; east, 20 feet; and, south 20 feet. Building envelopes provided for lots 3 and 4 meet setback standards depicted in the table above. All building envelopes shall be portrayed on the face of the final plat. [See Conditions D-1.a & D-1.b] The structures on Lot 4 meet setback standards as proposed.

According to the County’s GIS mapping system, the subject site is located within the Wildland Urban Interface area; therefore, additional setbacks may apply. [See Finding 45]

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² "Lot width" means the horizontal distance measured at the building setback line between the two (2) opposite side lot lines.
³ From public road right-of-way, private road easement or tract, or private driveway easement that provides access to the lot.
⁴ 50-foot setback is required for agricultural buildings only.
⁵ Residential buildings only.
**Finding 3 - Pedestrian Facilities**
The development is located within the boundary for the Camas 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.

**Finding 4 - 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 contained herein, meets land use requirements of the Clark County Code.

**Archaeology**

**Finding 5 - Applicability**
The entire development site is located within a low-moderate to moderate-high probability area for the discovery of archaeological resources, as designated on the Archaeological Predictive Model Map of Clark County. Therefore an Archaeological Predetermination is required.

**Finding 6 - 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 determined that an Archaeological Excavation Permit is required. A permit was issued, Numbered 2019-18 and requires the following:

a. Field work shall end July 1, 2020;
b. A final report shall be completed and submitted to the DAHP by September 1, 2020; and,
c. The applicant shall:
   1) Follow protocols stated in permit application of March 2019;
   2) Notify Tribes and DAHP of start date and time;
   3) Allow for on-site visits from DAHP and Tribal representatives;
   4) Provide a pdf copy of draft and final reports & updated site form to consulted parties, Tribes, & DAHP;
   5) Report must meet DAHP’s Survey & Inventory Standards; including catalog and DAHP permit number;
   6) If human remains are encountered, stop work, secure the area, notify the county medical examiner, police, DAHP, & affected Tribes per RCW 27.44.055.

Additionally, 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 Conditions D-9.a & G-5]
Conclusion (Archaeology)
Staff finds that the proposed preliminary plan, subject to conditions contained herein, meets archaeology requirements of the Clark County Code.

Habitat
Finding 7 - Mapping
County GIS and the Washington Department of Natural Resources do not have any mapped streams on the subject parcel. The Washington Department of Fish and Wildlife has the parcel mapped with an overlay for caves/cave-rich area; there are mapped Oregon white oak woodland to the southwest of the parcel. In reviewing historic aerial imagery there are Oregon white oak signatures on the northern and eastern portions of the parcel as well as the potential for an unmapped stream on the eastern side of the parcel in a steeper ravine area.

Finding 8 - Critical Areas Report
The applicant has provided a Critical Areas Report prepared by Cascadia Ecological Services, Inc. which is dated August 9, 2018. This report indicates the presence of a Category IV slope wetland on the western end of the parcel as well as multiple Oregon white oak trees. County Wetland/Habitat Review staff conducted a site visit on March 29, 2019 and confirmed the presence and locations for multiple Oregon white oak trees on the subject parcel, as well as a pair of priority snags and a Type Np stream which is fed by multiple springs (as shown on the attached map); no caves or cave-like structures were noted on the subject parcel.

Finding 9 - Habitat Conservation Zone
Per the Habitat Protection Ordinance, streams are considered priority riparian habitat and are afforded a riparian conservation zone (HCZ) to protect ecological habitat and water quality values for the stream resource. The riparian HCZ for a Type Np stream extends outward from the OHWM to the edge of the one hundred (100) year floodplain or to a distance of one hundred (100) feet, whichever is greater. In this instance the 100 foot mark is further, as shown on the attached map in light blue. Neither a stream nor a riparian habitat conservation zone were indicated in the Critical Areas report or on the provided preliminary plat.

Finding 10 - Non-Riparian Habitat
Per the Habitat Protection Ordinance, Oregon White Oak Woodlands are categorized as priority non-riparian habitat by The Washington Department of Fish and Wildlife (WDFW). Per the Habitat Conservation Ordinance, oak woodlands are considered priority non-riparian habitat and are afforded protection to the edge of the dripline of the oaks. Priority Oregon white oak woodlands are stands of pure oak or oak/conifer associations where canopy coverage of the oak component of the stand is 25%; or where total canopy coverage of the stand is <25%, but oak accounts for at least 50% of the canopy coverage present. (The latter is often referred to as an oak savanna). In non-urbanized areas west of the Cascades, priority oak habitat is stands 0.4 ha (1 ac) in size. In urban or urbanizing areas, single oaks, or stands of oaks <0.4 ha (1 ac), may also be considered priority habitat when found to be particularly valuable to fish and wildlife (i.e., they contain many cavities, have a large diameter at breast height [dbh], are used by priority species, or have a large canopy). Due to the size of the oaks/stands, County Wetland/Habitat Review staff find that the oaks onsite warrant protection as an oak woodland. The proposed plat indicates multiple oaks on the subject parcel.
Finding 11 - Snags
Per the Habitat Conservation Ordinance, priority snags are also considered priority habitat. The Washington Department of Fish and Wildlife define Snags and logs as follows: “Trees are considered snags if they are dead or dying and exhibit sufficient decay characteristics to enable cavity excavation/use by wildlife. Priority snags have a diameter at breast height (dbh) of >51 cm (20 inches) in western Washington. Priority snag habitat includes individual snags or groups of snags of exceptional value to wildlife due to their scarcity or location in a particular landscape. Areas with abundant, well-distributed snags are also considered priority snag habitat. Examples include large sturdy snags adjacent to open water, remnant snags in developed or urbanized settings, and areas with a relatively high density of snags.” There were multiple trees present which met the criteria for priority non-riparian snag habitat (identified in the provided map) and therefore would have protection under the Habitat Conservation Ordinance. The snags were not indicated on the preliminary plat or in the Critical Areas Report.

Finding 12 - Building Envelopes
Per the Habitat Conservation Ordinance (CCC 40.440.010.C.1.b), oak woodlands and snags are considered priority non-riparian habitat and the Type Np stream is considered priority riparian habitat; all are afforded protection. The Habitat Conservation Ordinance follows a hierarchy of impacts with the first being avoidance of all impacts within a priority habitat area, if possible. The applicant may avoid a habitat permit by mapping the locations of these priority habitat types and establishing building envelopes that show the habitats are not impacted or disturbed; the building envelopes must be labeled on the plat and a note must be included on the face of the plat indicating that no construction will occur outside of development envelope areas. The preliminary plat provided indicates building envelopes for the lots, the location of the Oregon white oaks and a note about development activity occurring outside of the oak driplines, however it does not indicate the location of the snags or the riparian habitat conservation zone. It appears that there should be room to amend the building envelopes on Lots 1 and 3 which avoid the riparian habitat conservation zone and snags, therefore avoiding the need for a habitat permit.

Finding 13 - Impacts
In the event that habitat impacts cannot be avoided, then the applicant shall demonstrate that the impacts have been minimized to the greatest extent possible in order to meet the Reasonable Use criteria in the Habitat Protection Ordinance. Any impacts to a priority habitat area requires justification for the impact as well as a habitat permit with applicable mitigation; impacts, minimization measures, and mitigation involving WDFW non-riparian habitats shall be coordinated with WDFW staff. Storm water designs and outflows also need to avoid adverse impacts to priority habitat areas. None of the proposed stormwater designs or outflows shown in the preliminary plat appears to adversely affect the priority riparian and non-riparian habitat.

Finding 14 - Mapping
The applicant is responsible for the identification of priority habitat on the parcel in future plans and reviews to help ascertain impacts. The priority habitat areas shall be mapped on any future forestry, building, and engineering plans as well as the final plat. Building envelopes and a plat/plan note shall be included on the final plat and any future building plans. As the plat is currently drawn the applicant will not impact the existing riparian, oaks, or snag habitat,
and as such no habitat permit would be required. If any clearing or development occur within the indicated priority habitat areas then additional habitat review would be required, including possible permitting and mitigation requirements.

**Finding 15 - Habitat Permit**
Any proposed development or clearing which requires the removal of an oak, or occurs within the critical root zone of the oaks, will require a Habitat Permit with applicable mitigation and/or an oak protection plan prepared using recommendations from a certified arborist which will not adversely affect the oak tree(s). The arborist’s report should state if the tree(s) will be adversely affected and provides minimization measures to protect the tree and tree roots. The driplines for the oaks shall be shown and labeled on any future building, construction or engineering plans and the final plat; a note shall be included on the face of the plan/plat indicating that no construction will occur within the dripline of the oaks.

**Finding 16 - Snag Removal**
Removal of priority snags would require a habitat permit with applicable mitigation, including but not limited to retaining the snags as large woody debris within a priority habitat area as well as creation of new snags.

**Finding 17 - Impact Prevention**
Prior to ground disturbance near the priority oak, snag or riparian habitat, the applicant shall clearly mark the edge of the habitat feature in the field to prevent impacts to the resource.

**Finding 18 - Best Management Practices**
The applicant shall utilize best management practices to control erosion and prevent sediment from entering adjacent priority habitat areas.

**Finding 19 - Temporary Impacts**
Temporary impacts are not currently proposed within the dripline of the oaks or snags or the riparian habitat. In the unforeseen event that temporary impacts do occur, the temporary impacts shall be addressed as follows:

a. If the temporary impact is to the oaks, the applicant shall submit for a habitat permit and supply an oak protection report prepared by a certified arborist which includes the impacts which have occurred or are proposed, minimization measures to protect the oak, and a current assessment of the trees including if they are showing signs of stress from the impact.

b. If the temporary impact is to a snag, then consultation with County Wetland/Habitat review staff and Washington Department of Fish and Wildlife staff is required. A permit may be required if there are adverse impacts to the snag.

c. After construction, the temporarily impacted areas shall be returned to a pre-disturbance grade

d. After construction, the temporarily impacted areas shall be reseeded with a native grass seed mixture appropriate for the hydrology of the site.
e. The applicant shall maintain the performance standard of 100% herbaceous cover in the temporarily disturbed areas.

f. The applicant shall maintain and monitor the temporarily disturbed area for 1 year to ensure the performance standard is met for native herbaceous cover. Any areas not meeting this standard shall be replanted, with maintenance and monitoring continuing until the standard has been met.

g. The applicant shall monitor the oak trees for a period of three years to ensure they have not been adversely impacted. A report from a certified arborist shall be required which indicates the condition of the tree.

Finding 20 - Clearing
Excluding non-native vegetation removal, clearing of native vegetation shall be limited to what is minimally necessary to construct this project. No additional native trees or shrubs shall be removed outside of the areas indicated. Invasive species may be removed provided that ground disturbing heavy machinery (scraping, ripping, etc.) is not used. Cutting, mowing, and ground disturbance with hand tools is allowed; efforts shall be made to prevent injury to neighboring native vegetation.

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

Wetlands
Finding 21 - Mapping
County GIS does not have any mapped or modeled wetlands on the subject parcel. In reviewing historic aerial imagery there are wetland signatures on the parcel on the eastern side of the parcel in and near a steeper ravine area.

Finding 22 - Delineation
Per the Wetland Protection Ordinance (CCC 40.450.030.D) wetland delineation is required for any wetlands and/or wetland buffers which may be impacted by the proposed project. A partial delineation may be appropriate in this case which identifies the extent of the wetland onsite and provides a wetland rating which will determine the quality of the wetland which will affect the buffers required to adequately protect wetland habitat and water quality functions per the Wetland Protection Ordinance (40.450.030.E).

Finding 23 - Critical Areas Report
The applicant has provided a Critical Areas Report prepared by Cascadia Ecological Services, Inc. which is dated August 9, 2018. This report indicates the presence of a Category IV slope wetland on the western end of the parcel. County Wetland/Habitat Review staff conducted a site visit on March 29, 2019 and confirmed the presence of a Category IV slope wetland with emergent and scrub/shrub vegetation; the location of the wetland extended slightly to the north off of one of the seeps (as shown on the attached map). Upon review of the wetland rating form, County Wetland/Habitat Review staff would change a couple of the answers/points as follows:
finding 24 - wetland values
the wetland buffers are defined by the quality of the wetland and habitat value of the wetland using the 2014 western washington wetland rating forms developed by the washington department of ecology and intensity of land use proposed on the development site.

finding 25 - buffers
per the wetland protection ordinance a category iv wetland is afforded a buffer in order to protect water quality and habitat functions based on the land use intensities indicated in table 40.450.030-2. the proposed residential development of four (4) lots averaging in size from 5 acres to 9.61 acres qualifies as a low intensity use. the future construction of residential driveways would be considered a moderate intensity use.

finding 26 - minimum buffers
per the wetland protection ordinance (ccc 40.450.040.c.2), the minimum buffer width at its narrowest point shall not be less than the low intensity land use water quality buffer widths contained in table 40.450.030-2; for a category iv wetland the water quality buffer is 25 feet.

finding 27 - low intensity use buffer
per table 40.450.030-2 in the wetland protection ordinance, a low intensity use buffer for a category iv wetland with a habitat score of 7 is 25 feet (red line on the provided map), a moderate intensity use buffer is 40 feet (orange line on the provided map), and a high intensity use buffer is 50 feet (yellow line on the provided map).

finding 28 - buffer impacts
the wetland protection ordinance follows a hierarchy of impacts with the first being avoidance of all impacts within a wetland or wetland buffer, if possible. in the event that avoidance is not possible, county staff shall determine if the proposed development meets the reasonable use exception (ccc 40.450.010.b.4). the applicant shall provide documentation that the any impacts have been minimized. any unavoidable adverse wetland or wetland buffer impacts shall require a wetland permit with applicable mitigation. impacts within the water quality buffer or those buffer impacts which cannot be mitigated onsite may be considered indirect wetland impacts (ccc 40.450.040.d.5) and would be mitigated at the appropriate wetland mitigation ratios (table 40.450.040-3). the responsible official may waive the requirements of sections 40.450.030 (d) and (f) in certain cases where it is determined that all development is clearly separated from the wetlands and wetland buffers.
a. Development envelopes shall be required for a fully complete preliminary application:

b. Development envelopes shall be shown on the final site plan; and

c. A note referencing the development envelopes shall be placed on the final site plan.

Finding 29 - Low Intensity Use Buffers
The applicant has shown the wetland and the Low Intensity Use wetland buffer within Lot 1, however there is not a development envelope or plat note about avoiding wetland/wetland buffer impacts shown. As such, no further wetland review is required for the cluster subdivision improvements. It appears that there should be room to amend the building envelope on Lot 1 which avoids the wetland and wetland buffer, therefore avoiding the need for a wetland permit as well as add a plat note about avoiding impacts within the wetland/wetland buffer. If any clearing or development occur within the indicated priority habitat areas then additional habitat review would be required, including possible permitting and mitigation requirements.

Finding 30 - Stormwater Facilities
Stormwater facilities are discussed under section C.4 of the Wetland Protection Ordinance (CCC 40.450.040.C.4). Stormwater dispersion facilities that comply with the standards of Chapter 40.385 shall be allowed in all wetland buffers per the Wetland Protection Ordinance provided the outfalls comply with the standards of subsection C.4.b of the wetland protection ordinance. Enhancement of wetland buffer vegetation to meet dispersion requirements may also be considered as buffer enhancement for the purpose of meeting the buffer averaging or buffer reduction standards. Other stormwater facilities are only allowed in buffers of wetlands with low habitat function (less than 5 points on the habitat section of the rating form), provided that the facilities shall be built on the outer edge of the buffer and not degrade the existing buffer function and are designed to blend with the natural landscape. Any proposed stormwater impacts to wetlands and wetland buffers should be accounted for and indicated on the plans. Per the preliminary plat and plans provided there are no stormwater impacts proposed within the wetland or wetland buffers.

Finding 31 - Impact Prevention
Prior to ground disturbance near the wetland buffer, the applicant shall clearly mark the edge of the wetland buffer in the field to prevent impacts to the resource.

Finding 32 - Best Management Practices
The applicant shall utilize best management practices to control erosion and prevent sediment from entering adjacent priority habitat areas.

Finding 33 - Temporary Impacts
Temporary impacts are not currently proposed within the wetland or wetland buffer. In the unforeseen event that temporary impacts do occur, the temporary impacts shall be addressed as follows:
a. After construction, the temporarily impacted areas shall be returned to a pre-disturbance grade

b. The temporarily impacted areas shall be reseeded with a native grass seed mixture appropriate for the hydrology of the site.

c. The applicant shall maintain the performance standard of 100% herbaceous cover in the temporarily disturbed areas.

d. The applicant shall maintain and monitor the temporarily disturbed area for 1 year to ensure the performance standard is met for native herbaceous cover. Any areas not meeting this standard shall be replanted, with maintenance and monitoring continuing until the standard has been met.

Exhibit 34 - Clearing
Excluding non-native vegetation removal, clearing of native vegetation shall be limited to what is minimally necessary to construct this project. No additional native trees or shrubs shall be removed outside of the areas indicated. Invasive species may be removed provided that ground disturbing heavy machinery (scraping, ripping, etc.) is not used. Cutting, mowing, and ground disturbance with hand tools is allowed; efforts shall be made to prevent injury to neighboring native vegetation.

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

Transportation
Finding 35 - Roads
Proposed Peters Property Short Plat consists of 4 lots that will access a bend in the public road where NE 29th Street and NE 261st Avenue meet. Both roads are “Rural Local Access” roadways and require 25 feet of half-width right-of-way dedication along the frontage. [See Condition D-4]

Per the applicant, an existing asphalt driveway provides access for an existing house on proposed Lot #4. The driveway is about 1000 feet long and is at least 12 feet wide. It is proposed that a new joint driveway will be created to provide access for proposed Lot #1, Lot #2, and Lot #3. 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, # 27A, and #29). [See Conditions A-2.a & D-9.g]

A joint driveway can serve a maximum of 4 lots. The joint driveway shall be located inside of a 20-foot wide easement. [Conditions A-2.b & D-.h]

Finding 36 - Technical Road Modification (EVR2019-00006)
The applicant submitted a technical road modification, dated January 15, 2019, that requests relief from the sight distance standards. Sight distance analysis is dated January 14, 2019.
Approval Criteria
Modifications to the standards contained in Chapter 40.350 may be granted when the applicant demonstrates at least one (1) of the following:

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

Applicant’s Discussion
Per the applicant:

“We are submitting a technical road modification: To request reduced sight distance to the west due to existing roadway geometry and topography.”

“This road modification meets Criteria A, B, and E. NE 261st Avenue and NE 29th Street are rural access roadways with a speed limit of 50 MPH.”

“The existing driveway is at the intersection of NE 261st Avenue and NE 29th Street. This point of access provides the best sight distance along NE 29th Street and NE 261st Avenue. Sight distance of 500 feet is available to the north along NE 261st Avenue. NE 29th Street turns south into NE 259th Avenue which reduces the sight distance along NE 29th to approximately 430 feet where NE 29th Street turns into NE 259th Avenue. While this is below the required 500 feet for roadways that are 50 MPH, this existing location is the best location to achieve the most sight distance along NE 29th Street. If the existing driveway was moved to the north it would greatly reduce visibility along NE 29th Street.”

“Additionally, there are caution signs posted along NE 251st Avenue and NE 259th Avenue warning that the turns onto NE 29th Street are 15 MPH turns. This reduces the speed of drivers and increases the reaction time and stopping sight distance of drivers approaching this existing driveway location.”

“Due to the rural nature of the surrounding area and existing roadways, their existing alignments are not expected to change over time.”

“There are no known safety issues with utilizing this shared driveway for the existing and proposed lots. This proposed road modification is expected to create minimal public interest.”

“In consideration of these comments, and the topographical constraints of NE 29th Street,
the location of the existing driveway is the safest and most desirable location for this 4-lot short plat. The 430 foot sight distance along NE 29th Street provides adequate sight distance although it does not meet the 500 foot requirement.”

Staff’s Evaluation
Staff is supportive of the applicant’s request to allow a reduced sight distance to the west along NE 29th Street and maintain the existing driveway location. Based on the sight distance evaluation, required sight distance can be achieved to the north along NE 261st Avenue and maximized to the west along NE 20th Street to a distance of 430 feet. It appears that the existing driveway location will minimize turning movement conflicts and maximize available sight distance to the north and to the west. Staff believes the request meets approval criterion CCC 40.550(C)(2)(a).

Staff recommended Approval of the road modification, subject to a condition. Development Engineering Division Manager concurs with staff’s recommendation. [See Condition A-2.c]

Finding 37 - 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. Per the applicant’s sight distance analysis, dated December 1, 2018, 500 feet of sight distance has been achieved to the north and 430 feet looking to the west. [See Finding 36]

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

Transportation Concurrency
Finding 38 - Trip Accounting
Concurrency has reviewed the Land Use Review application for the Peters Property Short Plat development. The traffic information submitted indicates that this application seeks to divide 26.1 acres into 4 single family residential lots. The applicant’s traffic information suggests an AM peak hour trip generation at 3, PM peak hour trips at 3 and ADT at 38.

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

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

Stormwater
Finding 39 - Stormwater Applicability
The provisions of Clark County Code Chapter 40.386 shall apply to all new development, redevelopment, and drainage projects consistent with the Stormwater Management Manual for Western Washington (SMMWW) as modified by CCC 40.386 and the county’s 2015 stormwater manual. This project is subject to minimum requirements 1 – 9.
Finding 40 - Stormwater Proposal
The applicant has submitted a technical information report dated January 21, 2019. The applicant has proposed bioretention and CAVFS systems while meeting the LID Performance Standard. The conceptual plan for the individual lots is that individual infiltration systems will be utilized. The tested infiltration rate was 8.6 inches per hour and groundwater was not encountered 4 feet below the ground surface on June 2nd of 2018. The bioretention facilities shall be designed according to all of the design criteria of BMP T5.14B and the CAVFS systems shall be designed according to the design criteria of BMP T7.40 in Book 2 of the 2015 Clark County Stormwater Manual. [See Conditions A-4.a & A-4.b]

The future owner of each lot is responsible for obtaining approval of a stormwater plan with the building permit and constructing the individual onsite stormwater systems. [See Conditions D-9.j & E-1]

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

Fire Protection
Finding 41 - 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-7]

Finding 42 - Fire Flow
Fire flow in the amount of 500 gallons per minute supplied for 30 minutes duration is required for this application. The applicant submitted proof from the water purveyor that required fire flow is not available in the area. Where fire flow is not provided in the full amount by a public water system, the side and rear setbacks for all buildings shall be increased to thirty (30) feet. A class "A" or better rated roof and noncombustible siding shall be required. [See Conditions D-9.l, D-9.m, E-3.a, & E-3.b]

Homes exceeding 3600 square feet including attached garages will require additional fire protection features up to and including a residential fire sprinkler system when adequate public water and a hydrants are not within required distances. [See Conditions E-3.c & H-1.a]

Finding 43 - 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]

Gates that obstruct fire apparatus access roads require permits and approval by the Fire Marshal prior to their installation. [See Conditions F-1.b & H-1.c]
Finding 44 - 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.c]

Finding 45 - Wildland Urban Interface Zone  
This application is sited in the designated high fire hazard Wildland - Urban Interface zone. Additional setback, building construction, access, fire flow and addressing requirements will be applied at the time of building permit application. [See Condition E-3.d]

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

Water and Sewer Service  
Finding 46 - Service Availability  
The new lots will be served by private on-site wells and private on-site septic systems. A Development Review Evaluation letter (SR31113) from the Clark County Public Health District has been submitted. The letter confirms that Public Health staff conducted an evaluation of the site and that the proposed well and septic systems are feasible.

Finding 47 - Water Supply  
Public Health staff has determined that the individual wells are an appropriate water supply for the proposed development, subject to the following conditions:

a. Prior to final plat approval, each lot must have legal and physical access to a drilled well with a current satisfactory Water Adequacy Verification Evaluation (WAVE). A well site evaluation from Clark County public Health is required for all new wells prior to drilling. [See Condition D-6]

b. The 100-foot radius of any new well must be entirely contained within the current property lines of the proposed parcel, unless a restrictive covenant is provided. 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]

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-9.n]
Finding 48 - Sewage Treatment and Disposal
The existing residence is served by an on-site sewage system, which was last inspected on February, 2016. A current inspection report is required 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 notes on the face of the final plat:

b. “The approved initial, reserve, and/or existing sewage system sites shall be protected from damage due to development.” [See Condition D-9.0]

Finding 49 - 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 50 - Applicability
The additional residential lots created by this plat will produce impacts on schools, parks, and traffic, and are subject to School (SIF), Park (PIF), and Traffic Impact Fees (TIF) in accordance with CCC 40.610.

Finding 51 - TIF Estimate
The following fees have been estimated for this development based on current applicable fee districts.

✓ Rural sub-area with a TIF of $2,424.08 per dwelling
✓ Camas School District, with a SIF of $5,371.00 per dwelling
✓ Park District –This site is not within an established PIF district

Finding 52 - Assessment
The amounts listed above are estimated 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-7.e, D-9.k, E-2]

Finding 53 - Existing Residence
While the development proposes four (4) new residential lots, impact fees will be assessed only for new dwellings. Therefore, a note shall be added to the plat stating that impact fees shall be waived for Lot 4 and the existing dwelling located thereon. [See Conditions D-9.k & E-2]
Conclusion (Impact Fees)
Staff finds that the proposed preliminary plan, subject to conditions contained herein, meets impact fee requirements of the Clark County Code.

SEPA Determination

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

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

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

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

The likely SEPA determination of **Non-Significance (DNS)** in the Notice of Development Review Application issued on March 19, 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 22, and the findings and conclusions stated above and within the attached reports and decisions, the Community Development Director hereby APPROVES this request, subject to the following conditions of approval.

Conditions of Approval

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

A Final Construction Review for Land Division
Review and Approval Authority: Development Engineering

Prior to construction, a Final Construction Plan shall be submitted for review and approval, consistent with the approved preliminary plan and the following conditions of approval:

A-1 Final Construction Plan - The applicant shall submit and obtain county approval of a final construction plan with the following:

a. Construction Plan: The following notes shall be included on the face of the final construction plans:

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

2) Building/Development Envelopes: "No clearing or development shall occur outside of the building/development envelopes indicated on the face of the
plans. Any changes to the development layout causing greater impacts to the priority habitat area, wetland, or wetland buffer than what is approved with this review shall be subject to additional habitat review by County Wetland/Habitat Review staff and may include additional permits and/or mitigation requirements."

3) **Oregon White Oak:** "All development activity shall occur outside the oak driplines. Any proposed development or clearing which requires the removal of an oak, or occurs within the critical root zone of the oaks, will require a Habitat Permit with applicable mitigation and/or an oak protection plan prepared using recommendations from a certified arborist which will not adversely affect the oak tree(s).

4) **Snag Habitat:** "All development activity shall occur outside the priority habitat snags shown in the plans. Any proposed development or clearing which requires the removal of a snag will require a Habitat Permit with applicable mitigation."

**b. Wetland Plan:**

1) All wetland and wetland buffers shall be delineated on any future engineering, grading, or stormwater plans as shown in the attached map for HAB2019-00005.

2) The applicant shall indicate development envelopes which clearly avoid wetland and wetland buffer impacts.

3) The Final Construction plan shall show location of the outer extent of the wetland buffer for marking in the field. Markings shall be installed prior to construction and maintained throughout the duration of construction.

**c. Habitat Plan:**

1) All Priority Habitat areas shall be delineated on any future engineering, grading, or stormwater plans as shown in the attached map for HAB2019-00005.

2) The applicant shall indicate building envelopes which clearly avoid impacts to the priority oak, snag, and riparian habitat areas.

3) The Final Construction plan shall show location of the outer extent of the priority riparian and non-riparian habitat for marking in the field. Markings shall be installed prior to construction and maintained throughout the duration of construction.

**A-2 Final Transportation Plan/On-Site** - The applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350 and the following conditions of approval:
a. 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, #27A, and #29). [See Finding 35]

b. The joint driveway shall be located inside of a 20-foot wide easement. [See Finding 35]

c. A rural driveway approach to the public road shall meet Standard Detail F20. [See Finding 36]

A-3 Transportation (Signing and Striping Plan): The applicant shall submit a signing and striping plan and a reimbursable work order, authorizing County Road Operations to perform any signing and pavement striping required within the county right-of-way. This plan and work order shall be approved by the Department of Public Works prior to final plat or final site plan approval.

A-4 Final Stormwater Plan - The applicant shall submit and obtain County approval of a final stormwater plan designed in conformance to CCC 40.386 and the following conditions of approval:

   a. The stormwater plan shall be prepared in compliance with the LID Performance Standards. [See Finding 40]

   b. The bioretention facilities shall be designed according to all of the design criteria of BMP T5.14B and the CAVFS systems shall be designed according to the design criteria of BMP T7.40 in Book 2 of the 2015 Clark County Stormwater Manual. [See Finding 40]

A-5 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-6 Excavation and Grading - Excavation/grading shall be performed in compliance with CCC14.07.

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

Prior to construction, the following conditions shall be met:

B-1 Pre-Construction Conference - Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the county; and,

   a. Prior to construction, demarcation of wetland and/or buffer boundaries shall be established (for example, sediment fence).

   b. Prior to construction, demarcation of existing septic and water well systems, and underground tanks shall be established.
B-2  **Traffic Control Plan** - Prior to issuance of any building or grading permits for the development site, the applicant shall obtain written approval from Clark County Department of Public Works of the applicant's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system.

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

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

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

C-1  **None**

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

D-1  **Land Use** –

   a. A 50-foot front yard setback shall be applied to the driveway easement on lots 1 and 2. [See Finding 2]

   b. All building envelopes shall be portrayed on the face of the final plat. [See Finding 2]

D-2  **Habitat** -

   a. All Priority Habitat areas shall be delineated on the final plat as shown in the attached map for HAB2019-00005.

   b. The applicant shall indicate building envelopes which clearly avoid impacts to the priority oak, snag, and riparian habitat areas.

   c. The Final Construction plan shall show location of the outer extent of the priority riparian and non-riparian habitat for marking in the field. Markings shall be installed prior to construction and maintained throughout the duration of construction.
D-3 Wetlands -

a. All wetland and wetland buffers shall be delineated on any future engineering, grading, or stormwater plans as shown in the attached map for HAB2019-00005.

b. The applicant shall indicate development envelopes which clearly avoid wetland and wetland buffer impacts.

c. The Final Construction plan shall show location of the outer extent of the wetland buffer for marking in the field. Markings shall be installed prior to construction and maintained throughout the duration of construction.

D-4 Right-of-Way Dedication - The required half-width of right-of-way dedication is 30 feet along the frontage of NE 29th Street and NE 261st Avenue. [See Finding 35]

D-5 Public Health Signature Requirement - Public Health is required to sign the final plat, as well and septic systems are proposed. [See Finding 49]

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

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

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

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

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

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

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

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. **Land Near Agricultural, Forest or Mineral Resources:** Land owners and residents are hereby notified that this plat is located within 500 feet of lands zoned agriculture-wildlife (AG-WL), agriculture (AG-20), forest (FR-40, FR-80), or surface mining (S), or in current use under Revised Code of Washington (RCW) Chapter 84.34. Therefore, 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.

e. **Impact Fees:** "In accordance with CCC 40.610, excepting Lot 4 and the existing dwelling thereon, impact fees for each dwelling in this short plat shall be assessed for impacts on schools, parks and transportation facilities based for the following districts: Camas School District (SIF), Park District n/a (PIF) and Rural Sub-area (TIF). As found in CCC 40.610.040, impact fees are calculated using the rates in effect at the time of building permit issuance."

D-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 **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. **Building Envelope Note:** If any development activity or ground disturbance occurs outside of the building envelopes represented on the final plat, an
additional archaeological predetermination survey will be required for the area impacted.

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

d. **Building/Development Envelopes:** "No clearing or development shall occur outside of the building/development envelopes indicated on the face of the plans. Any changes to the development layout causing greater impacts to the priority habitat area, wetland, or wetland buffer than what is approved with this review shall be subject to additional habitat review by County Wetland/Habitat Review staff and may include additional permits and/or mitigation requirements."

e. **Oregon White Oak:** "All development activity shall occur outside the oak driplines. Any proposed development or clearing which requires the removal of an oak, or occurs within the critical root zone of the oaks, will require a Habitat Permit with applicable mitigation and/or an oak protection plan prepared using recommendations from a certified arborist which will not adversely affect the oak tree(s)."

f. **Snag Habitat:** "All development activity shall occur outside the priority habitat snags shown in the plans. Any proposed development or clearing which requires the removal of a snag will require a Habitat Permit with applicable mitigation."

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

h. **Joint Driveway:** "Clark County has no responsibility to improve or maintain the joint driveway."

i. **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."

j. **Drainage Systems:** "The owner of each lot is responsible for obtaining approval of a stormwater plan with the building permit and constructing the individual on-site stormwater system. Each drainage system will be owned and maintained by the property owner."
k. **Impact Fees:** "In accordance with CCC 40.610, excepting Lot 4 and the existing dwelling thereon, impact fees for each dwelling in this short plat shall be assessed for impacts on schools, parks and transportation facilities based for the following districts: Camas School District (SIF), 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."

l. **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."

m. **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."

n. **Public Health:** "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."

o. **Public Health:** "The approved initial, reserve, and/or existing sewage system sites shall be protected from damage due to development."

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

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

**E-1 Engineering Requirements (Drainage Systems)** - The owner of each lot is responsible for obtaining approval of a stormwater plan with the building permit and constructing the individual on-site stormwater system. Each drainage system will be owned and maintained by the property owner. [See Finding 40]

**E-2 Impact Fees** - Impact fees excepting Lot 4 and the existing dwelling thereon, shall be assessed for impacts on schools, parks and transportation facilities based for the following districts: Camas 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 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 42]
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 42]

c. Homes exceeding 3600 square feet including attached garages will require the installation of a residential sprinkler system. [See Finding 42]

d. This application is sited in the designated high fire hazard Wildland - Urban Interface zone. Additional setback, building construction, access, fire flow and addressing requirements will be applied at the time of building permit application. [See Finding 45]

<table>
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<tr>
<th>F</th>
<th>Occupancy Permits Review and Approval Authority: Building</th>
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<tr>
<td></td>
<td>Prior to issuance of an occupancy permit, the following conditions shall be met:</td>
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<tr>
<td>F-1 Fire Protection -</td>
<td></td>
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<tr>
<td>a.</td>
<td>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 Finding 43]</td>
</tr>
<tr>
<td>b.</td>
<td>Gates that obstruct fire apparatus access roads require permits and approval by the Fire Marshal prior to their installation. [See Finding 43]</td>
</tr>
<tr>
<td>c.</td>
<td>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 44]</td>
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<th>G</th>
<th>Development Review Timelines &amp; Advisory Information Review and Approval Authority: None - Advisory to Applicant</th>
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<tr>
<td>G-1 Land Division -</td>
<td>Within seven (7) years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.</td>
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<tr>
<th>G-2 Department of Ecology Permit for Construction Stormwater -</th>
<th>A permit from the Department of Ecology (DOE) is required if:</th>
</tr>
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<tbody>
<tr>
<td>- The construction project disturbs one or more acres of land through clearing, grading, excavating, or stockpiling of fill material; AND</td>
<td></td>
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<tr>
<td>- 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.</td>
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</tbody>
</table>
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 **Archaeology** - The applicant shall:

a. End all field work by July 1, 2020;
b. Complete and submit a final report to the DAHP by September 1, 2020; and,
c. The applicant shall:
   1) Follow protocols stated in permit application of March 2019;
   2) Notify Tribes and DAHP of start date and time;
   3) Allow for on-site visits from DAHP and Tribal representatives;
   4) Provide a pdf copy of draft and final reports & updated site form to consulted parties, Tribes, & DAHP;
   5) Report must meet DAHP’s Survey & Inventory Standards; including catalog and DAHP permit number;
   6) If human remains are encountered, stop work, secure the area, notify the county medical examiner, police, DAHP, & affected Tribes per RCW 27.44.055.
   [See Finding 6]

G-6 **Wetlands & Habitat** -

a. The priority riparian and non-riparian habitat areas, wetland, and wetland buffer shall be maintained in a natural state. The applicant shall retain all native vegetation on site that is outside of the indicated development area within the priority habitat areas, wetland, and wetland buffer. The applicant shall only impact areas indicated on the provided plans during construction of this project. Any changes to the development layout causing greater impacts to the priority habitat area, wetland, or wetland buffer than what is approved herein on the provided preliminary plans, shall be subject to additional habitat and/or wetland review by County Wetland/Habitat Review staff and may include additional permits and/or mitigation requirements.
b. The applicant shall utilize best management practices to control erosion and prevent sediment from entering adjacent priority habitat, wetland, and wetland buffers.

c. Any unforeseen disturbance to the indicated priority habitat, wetland, or wetland buffer not mentioned as a part of this permit shall be replanted with native vegetation.

d. Temporary impacts are not currently proposed within the dripline of the oaks or snags, the riparian habitat, or wetland buffer. In the unforeseen event that temporary impacts do occur, the temporary impacts shall be addressed as follows:

1) If the temporary impact is to the oaks, the applicant shall submit for a habitat permit and supply an oak protection report prepared by a certified arborist which includes the impacts which have occurred or are proposed, minimization measures to protect the oak, and a current assessment of the trees including if they are showing signs of stress from the impact.

2) If the temporary impact is to a snag, then consultation with County Wetland/Habitat review staff and Washington Department of Fish and Wildlife staff is required. A permit may be required if there are adverse impacts to the snag.

3) After construction, the temporarily impacted areas shall be returned to a pre-disturbance grade

4) After construction, the temporarily impacted areas shall be reseeded with a native grass seed mixture appropriate for the hydrology of the site.

5) The applicant shall maintain the performance standard of 100% herbaceous cover in the temporarily disturbed areas.

6) The applicant shall maintain and monitor the temporarily disturbed area for 1 year to ensure the performance standard is met for native herbaceous cover. Any areas not meeting this standard shall be replanted, with maintenance and monitoring continuing until the standard has been met.

7) The applicant shall monitor the oak trees for a period of three years to ensure they have not been adversely impacted. A report from a certified arborist shall be required which indicates the condition of the tree.

e. Any unforeseen disturbance to the indicated priority habitat, wetland, or wetland buffer not mentioned as a part of this permit shall be replanted with native vegetation of like kind. These areas shall be replanted with native vegetation to maintain and enhance water quality and habitat ecological function. Impacts to oaks or snags shall be coordinated with County Wetland/Habitat Review staff as well as Washington Department of Fish and Wildlife staff. County Wetland/Habitat Review staff shall be notified of any additional impacts and the replanted area shall be included with the permitted restoration areas and maintained and monitored accordingly (if required).

f. Excluding non-native vegetation removal, clearing of native vegetation shall be limited to what is minimally necessary to construct this project. No additional native trees or shrubs shall be removed outside of the areas indicated in the development plan. Invasive species may be removed provided that ground disturbing heavy machinery (scraping, ripping, etc.) is not used. Cutting, mowing,
and ground disturbance with hand tools is allowed; efforts shall be made to prevent injury to neighboring native vegetation; this exemption applies to wetland and habitat areas outside of Shoreline jurisdiction.

g. The location of the snags, oaks, riparian habitat, wetland, and wetland buffer shall be included on any future forestry permits/operations in order to preserve these resources.

G-7 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 41]

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

H-1 Fire Protection -

a. Homes exceeding 3600 square feet will require additional fire protection features up to and including a residential fire sprinkler system when adequate public water and hydrants are not within required distances. [See Finding 42]

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 43]

c. Gates that obstruct fire apparatus access roads require permits and approval by the Fire Marshal prior to their installation. [See Finding 43]

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 May 23, 2019. Therefore any appeal must be received in this office by the close of business on June 6, 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 Proposed Preliminary Plan
- Wetland and Habitat Review Plan
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<th>Role</th>
<th>Company Name</th>
<th>Name</th>
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<th>Address 2</th>
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<th>State</th>
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<tr>
<td>Planner</td>
<td>Clark County</td>
<td>Amy Wooten</td>
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<td></td>
<td><a href="mailto:greg.peters777@icloud.com">greg.peters777@icloud.com</a></td>
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<tr>
<td>Applicant/Owner</td>
<td>Gregory &amp; Sandra Peters</td>
<td>Christie BrownSilva</td>
<td>2909 NE 261st Ave</td>
<td>Camas</td>
<td>WA</td>
<td>98607</td>
<td></td>
<td><a href="mailto:naccc.chair@gmail.com">naccc.chair@gmail.com</a></td>
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<td><a href="mailto:smoss@sgaengineering.com">smoss@sgaengineering.com</a></td>
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<tr>
<td>Contact Person</td>
<td>SGA Engineering</td>
<td>Samuel Moss</td>
<td>2005 Broadway</td>
<td>Vancouver</td>
<td>WA</td>
<td>98663</td>
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<tr>
<td>Utility Contact</td>
<td>Clark County</td>
<td>Desiree DeMonye</td>
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<td>Kristin Lehto</td>
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<td>Jeff Roberts</td>
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<td><a href="mailto:jeff@crandallgroup.com">jeff@crandallgroup.com</a></td>
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# EXHIBIT LIST

**Project Name:** PETERS PROPERTY SHORT PLAT  
**Case Number:** PLD2019-00004; SEP2019-00005; HAB2019-00005; FOR2019-00021; EVR2019-00006

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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