Type III Land Division and Environmental Review
Staff Report and Recommendation

Project Name: PLATEAU MANOR SUBDIVISION

Case Number(s): PLD2018-00046; SEP2018-00065; EVR2018-00090; WET2018-00093

Request: The applicant is requesting approval to divide 14.89 acres into 93 single-family detached lots using density transfer and narrow lot standards, to be developed in two phases. The project is located in the R1-5 zoning district.

Address: NE 132nd Ave, approximately 1,000 feet south of NE 114th Street

Parcel number(s): 200369-000

Applicant & Owner: Plateau Manor Subdivision
Rian Tuttle
PO Box 61426
Vancouver, WA 98666
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Contact Person: Olsen Engineering, Inc.
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Staff contact: Jan Bazala
564.397.4499
Jan.bazala@clark.wa.gov

Recommendation
Approve subject to Conditions

Land Use Review Manager’s Initials: [Signature] Date Issued: 5/8/19

Revised 5/8/2019

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
Public Hearing Date: May 23, 2019

County Review Staff

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Comp Plan Designation: UL

Parcel Number(s): 200369-000

Applicable Laws
Clark County Code Section: Title 15 (Fire Prevention), Section 40.220.010 (Single-Family Residential District), Section 40.320 (Landscaping), Section 40.350 (Transportation), Section 40.350.020 (Transportation Concurrency), Chapter 40.370 (Sewer and Water), Chapter 40.386 (Storm Water Drainage and Erosion Control), Section 40.450 (Wetland Protection Ordinance), Section 40.460 (Shoreline Overlay District), Sections 40.500 and 40.510 (Procedures), Section 40.540 (Land Division Ordinance), Section 40.550.010 (Road Modifications), Section 40.570 (SEPA), Section 40.570 (SEPA Archaeological), Section 40.610 (Impact Fees), Title 24 (Public Health), RCW 58.17, and the Clark County Comprehensive Plan.

Neighborhood Association and Contact

Greater Brush Prairie Neighborhood Association
Rick DeNise, president
530.219.8419
Email: greaterbrushprairie@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 standards.

A pre-application conference on this matter was held on July 26, 2018. The pre-application was determined not contingently vested.

The fully complete application was submitted on February 7, 2019, and determined to be fully complete on February 22, 2019. Given these facts, the application is vested on February 7, 2019. 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 22, 2019. The applicant’s sign posting and the County’s public notice was delayed, which extended the deadline by 14 days. Therefore, the code requirement for issuing a decision within 92 days lapses on June 8, 2019. The state requirement for issuing a decision within 120 calendar days, lapses on July 5, 2019.

Public Notice
Notice of application and public hearing was mailed to the applicant, Brush Prairie Neighborhood Association and property owners within 300 feet of the site on April 17, 2019. One sign was posted on the subject property on April 13, 2019 with a May 9, 2019 hearing date. This sign was updated with the May 23, 2019 hearing date on April 20, 2019.

Public Comments
Department of Ecology, letter dated May 2, 2019 (Exhibit 25). Ecology’s comments note that that all grading and filling of land must utilize only clean fill, that erosion control measures must be in place, and that the project may be subject to a state Construction Stormwater General Permit.

Staff Response: Conditions A-7, B-2 and B-3 requires compliance with erosion control measures. Condition A-8 requires compliance with the grading code, which requires construction inspections for fill. Condition G-2 notifies the applicant of the potential for a state stormwater permit.

Southwest Clean Air Agency, letter dated May 1, 2019 (Exhibit 22). The letter notes that construction activities have the potential to create dust, and are subject to SWCAA regulations.

Staff Response: Control of dust is a standard requirement of complying with the County’s erosion control/stormwater permit. Construction inspectors have the authority to enforce
**dust control measures, and to contact SWCAA in the event violations occur. See condition A-7.**

**Project Overview**
The 15 acre site is located at the terminus of NE 132nd Avenue, a partial-width road constructed with the Parker’s Abby subdivision which lies immediately north of the site. That subdivision contains a wetland tract of over 5 acres along its south property line, and the boundary of the wetland overlaps onto the north portion of Plateau Manor site.

The site is vacant, primarily flat and is covered in grass.

The site is within the following districts/areas:

- Battle Ground School district
- Clark Regional Wastewater Sewer district
- Clark Public Utilities water district
- Park District 5
- Orchards Traffic Impact Fee area

The subdivision application requires SEPA review, a road modification and wetland permits.

**Comprehensive Plan, Zoning and Current Land Use**

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<th>Compass</th>
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<th>Zoning</th>
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<td>R1-5</td>
<td>Single family residence on large lot</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 – Lot Standards**

Table 40.220.010-2 contains the lot standards for the R1-5 zone. Normally, lots must average between 5,000 and 7,000 square feet, and have an average minimum lot width of 45 feet and an average minimum lot depth of 65 feet.

However, due to the presence of wetlands and buffers on the site, the project qualifies to use the density transfer provision of 40.220.010.C.5 which allows somewhat smaller lots.

Per Section 40.220.010.C.5.b.4, for parent parcels larger than two and one-half (2.5) acres:

(a) The resulting lots which abut R1-5, R1-6, R1-7.5, R1-10 or R1-20 zoned lots or parcels shall:

(i) Be at least ninety percent (90%) of the minimum lot area standard for the subject parcel;

(ii) Have a lot depth of not less than eighty percent (80%) of the minimum lot depth of the subject parcel;

(iii) Have a minimum lot width not less than ten (10) feet from the minimum lot width of the subject parcel.

(b) The resulting lots which are interior (not a part of the parent parcel abutting an adjacent property line) to the site shall conform to the lot requirements set out in Table 40.220.010-4.

Lots 1-12 abut other R1-5 parcels to the east and therefore need to meet the above requirements in subsection (a) above. Lots 1-12 are all over 4,500 square feet (meeting the 90% minimum of the 5,000 “regular” standard), and exceed even the standard minimum width and depth requirements of 45 feet and 65 feet, respectively.

The remaining lots are subject to Table 40.220.010-4, which requires that the minimum useable area for all lots must be at least 2,250 square feet in the R1-5 zones. The setbacks below in accordance with Table 40.220.020-3 determine usable lot area.

- Front – 10 feet for living space and 18 feet for garage front
Table 40.220.010-4 allows a minimum lot width of 35 feet. Staff finds that all lots have sufficient useable area. Lots on the final plat shall meet the applicable minimum size as discussed above. See condition D-1.

Finding 2 – Density
The maximum density for R1-5 zoned developments using density transfer is 6.9 units per acre according to Table 40.220.010-4. At 14.89 acres, up to 102 units could be allowed.

The minimum density is 6.2 units per acre which is calculated after the wetland and right of way and tracts are deducted. Staff estimates that the minimum number of lots required for this project is approximately 60. Therefore, the 93 proposed units meet both the minimum and maximum allowed density.

Finding 3 – Narrow Lot Standards
Forty-three of the 93 lots are less than 40 feet in width, and are subject to Section 40.260.155. The applicable standards of this section are as follows:

Street trees
Section 40.2560.155C.4.a requires that a minimum of one tree shall be provided along the street frontage of each narrow lot, provided that sight distance triangles are not obstructed. Trees that are appropriate to the size of the space may be provided either within the street frontage right-of-way or on the lot. Street trees located in the right-of-way shall comply with the Standard Details Manual requirements. In the event that no feasible location exists along a lot’s frontage due to required utilities or other features, the responsible official may approve grouping of trees or other landscaping options that provide variety to the streetscape.

The landscape plan does not show street trees along the interior streets. A revised landscape plan shall be required meeting the street tree requirements of this section. See condition A-11.a.

Narrow lot street trees may be installed prior to issuance of a certificate of occupancy rather than prior to acceptance of street improvements due to the potential for injury to the trees during home construction. See conditions D-5.m and F-1.

Solid waste
Section 40.260.155.C.5.a that where collection is not feasible on each lot, such as when lots are accessed by a shared driveway with no turnaround, a designated common collection point, located no further than one hundred fifty (150) feet from any lot it serves, shall be provided.

Subsection C.5.b of this section requires that designated collection points shall be located adjacent to alleys or streets, but shall not obstruct sidewalks, bike lanes, or vision clearance triangles.

Lots 10 -13 and 30-32 are accessed via shared driveway tracts with no turnaround.
The site plan shows additional solid waste container collection sites on the attached sidewalk in front of Lots 9 and 14, presumably for the use of Lots 10-13, however the collection sites cannot be located on a sidewalk.

The collection site for lots 30-32 are shown within the driveway of Lot 29 which would not be practicable.

A solid waste collection area meeting the requirements of Section 40.260.155.C.5.a and b shall be shown on the final site plan for the lots noted above. See condition A-10.a.

Lots 40-45 get access via Tract A which has not yet been deemed adequate for collection vehicles to use as a turnaround. If it cannot be demonstrated that collection vehicles can easily turn around in Tract A, the solid waste collection point (shown in Tract B, approximately 90 feet west of the curve of NE 110th Street) will need to be moved closer to the right of way of NE 110th Street such that collection vehicles can access the sites from NE 110th Street. It appears that the collection point can be within the 150 foot maximum distance from Lot 43. See condition A-10.b.

Parking
Section 40.260.155.C.3 requires 2.5 parking spaces per each narrow lot. According to the provided floor plans (Exhibit 16), two spaces are provided in the garages. Per the site plan, all driveways can provide one parking space; therefore, a total of at least 3 parking spaces per lot can be provided, and all but a few of the lots can accommodate two cars (side by side) in the driveways. See condition D-5.i.

Finding 4: Driveways
It’s not clear if the driveway for Lot 9 is a minimum of 12 feet wide. The driveway configuration for Lot 9 shall be clarified on the construction plans, and shall have lot frontage or an easement at least 20 feet in width. The driveway plan shall not interfere with the solid waste collection detail required by condition A-10.a. See condition A-10.e.

Tract C which provides a shared driveway to Lots 30-32 shall also be at least 20 feet wide the entire length to the right of way of NE 111th Street. See conditions A-1.f and A-10.d.

Finding 5 – Landscaping in the right of way
Street trees will need to be provided along NE 109th Street (a collector) and NE 132nd Avenue (an arterial), according to Section 40.320.020. The landscape plan shows the required trees consistent with Section 40.320.020; however, a revised landscape plan shall be submitted that shows the street trees out of the sight distance triangles. See condition A-11.b.

Finding 6 – Phasing
The preliminary plan shows two phases. The applicant is responsible for providing all necessary improvements required for each individual phase. The phasing plan appears feasible in regard to the street layout. In any event, staff will review the final construction plans to ensure all provisions of Section 40.540.040.D.4 will be met with each phase. See conditions A-1.i and A-6.f.
Finding 7 – State Platting Standards (RCW 58.17)
With conditions of approval, staff finds that 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.

The Battle Ground School district provided a letter stating that all students will be bused.

Impact fees will also be required to contribute a proportionate share toward the costs of school, parks, and transportation.

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

**Archaeology**
The development site is located within a high-moderate 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.

The applicant has submitted an archaeological pre-determination to the Washington State Department of Archaeology and Historic Preservation (DAHP) prior to submittal of the application.

The DAHP concurs with the recommendation of the pre-determination that no additional studies are necessary; however, a note on the final construction plans and final plat will require that if resources are discovered during ground disturbance, work shall stop and DAHP and the county will be contacted. See conditions A-9 and D-5.k.

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

**Wetlands:**

**Finding 1** - Wetlands Overview
The site contains mapped hydric soils and National Wetland Inventory wetlands. The Applicant submitted a wetland assessment completed by Ecological Land Services, Inc. (ELS) dated November 20, 2017. ELS concluded one wetland, associated with Parker’s Abbey, (adjacent subdivision to the north) occurs along the northern border and partially extends onto the site. The northern wetland was previously permitted on the Parker’s Abbey road extension project (WET2016-00066) as a Category IV emergent, slope wetland with a fifty (50) foot buffer high intensity land use buffer. County wetland and habitat review Staff conducted a site visit December 06, 2017 to verify the assessment, Staff concur with the assessment.

**Finding 2** - The Applicant submitted a wetland assessment completed by Ecological Land Services, Inc. (ELS) dated November 20, 2018 and revised May 2019. ELS
concluded a wetland, associated with Parker’s Abbey, (adjacent subdivision to the north) occurs along the northern border and partially (.43 acres) extends onto the site. The northern wetland was previously permitted on the Parker’s Abbey road extension project (WET2016-00066) as a Category IV emergent, slope wetland with a fifty (50) foot buffer high intensity land use buffer.

Finding 3 - The report indicates one offsite wetland, Wetland B, was observed to the southeast of the site. ELS was not able to access the wetland to gather test plot data; however, a wetland rating form provided by County Staff indicates Wetland B was previously rated in 2015 (WET2016-00067) as a Category III slope wetland with a habitat score of seven (7). As a Category III wetland with a habitat score of seven (7) a one hundred fifty (150) foot buffer is applicable for high intensity land use. The outer portion of the buffers of Wetland B extends approximately one hundred (100) feet into the southern portion of the site.

Finding 4 - The report also indicates a small (787 square feet) onsite wetland (Wetland C) was given a preliminary rating (Category IV) and found to be exempt from regulation per the Wetland Protection ordinance.

Finding 5 - County wetland and habitat review Staff conducted a site visit December 06, 2017 and a follow up visit April 30th 2019 to verify the assessment and revisions, County wetland and habitat review Staff concur with most of the assessments with exception of the Wetland C exemption. Exempt Category IV wetlands are less than four thousand three hundred fifty (4,350) square feet and isolated. Although Wetland C meets the square foot requirements, it is not isolated. County Code defines isolated wetlands as, “wetlands which are outside of and not contiguous to any one hundred (100) year floodplain of a lake, river, (other than the Columbia River), or stream, and are separated from other wetlands by a distance greater than the largest wetland buffers required under Section 40.450.030.E for all adjacent wetlands. Both criteria must be met. Although the wetland is outside of any one hundred (100) year floodplain it is not separated form Wetland B by a distance greater than the largest buffer required (150 ft.). Wetland C is within one hundred (100) feet of Wetland B. County wetland and habitat review Staff has determined mitigation is required from impacts to Wetland C.

Finding 6 - Per the Wetland Protection Ordinance, a subdivision of this size is considered a High Intensity Use, (Table 40.450.030-2). For High Intensity Uses a Category IV wetland is afforded a fifty (50) foot buffer and a Category III wetland is afforded a one hundred fifty (150) foot buffer. Any development within the wetland or wetland buffer requires a wetland permit with applicable mitigation.

Finding 7 - The project proposes .02 acres of direct wetland impact to the entirety of Wetland C due to its location and small size. Approximately .23 acres of indirect impacts to offsite Wetland B will arise from insufficient wetland buffer where it extends onsite and intersects with the proposed development. The Applicant proposed to mitigate all direct and indirect impacts with bank credit purchase from the Terrace Mitigation Bank. Buffer impacts to Wetland A will be modified through reduction and buffer averaging.

Finding 8 - The Applicant proposes to purchase .017 mitigation bank credits for .02 direct wetland impacts to Wetland C at a mitigation ratio of .85:1 for Category IV wetlands per the Mitigation Banking Instrument (MBI) for the Terrace
Mitigation Bank. The Applicant also proposes to purchase .115 mitigation bank credits for .23 indirect wetland impacts To Wetland B at a migration ratio of 1:1 for Category III wetlands per the Mitigation Banking Instrument for the Terrace Mitigation Bank and the rationale that indirect impacts can be adequately compensated for by using fifty percent (50%) of the Banks required ratio. The Applicant proposes to purchase a total of .132 mitigation bank credits. County wetland and habitat review Staff does not approve this proposal with the .50 "Indirect Impact Multiplier". Per the Wetland Protection Ordinance (40.450.040.D.5), wetland mitigation shall be required in accordance with the wetland mitigation standards in this subsection for the indirect wetland impacts. The mitigation credit allowed will be determined by the County, based on the wetland category, condition and mitigation ratios as specified in Section 40.450.040.D.4. Total credits required for wetland mitigation banking are .25 credits. The Applicant shall purchase .25 mitigation credits from the Terrace mitigation bank. (See condition A-13.c)

Finding 9 -

Per the Wetland Conservation Ordinance (40.450.040.C.1) the Applicant proposes to reduce the fifty (50) foot high intensity buffer to that of a moderate land use intensity buffer of forty (40) feet, provided eligible design measures are utilized to the greatest extent practicable. County wetland and habitat review Staff concludes the proposed reduction is feasible provided the following mitigation measures are applied to the greatest extent practicable.

1) Buffer Enhancement. Improve the function of the buffer such that buffer areas with reduced function can function properly. This could include the removal and management of noxious weeds and/or invasive vegetation or specific measures to improve hydrologic of habitat function.

The current wetland buffer consists of homogenous mowed and maintained herbaceous vegetation, providing for low interspersion of habitat, screening, refuge, or forage opportunities. The applicant proposes to install approximately two hundred seventy-five (275) native shrubs and eighty-five (85) native trees within a portion of the buffer nearest the development to improve water quality, hydrologic, and habitat functions.

2) Shielding of high Intensity Uses.
   a) Lights. Direct all lights away from wetlands.
   b) Noise. Locate activity that generates noise away from wetlands.
   c) Pets and Human Disturbance. Use privacy fencing; plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the eco-region; place wetland and its buffer in a separate tract.

The Applicant proposes to direct landscape lighting, street lighting, and other outdoor lighting away from wetland and wetland buffer areas. Locate any potentially noise intensive features in portions of the proposed development furthest from the wetland. Additionally, cars will access garages from the street, which will minimize noise at the rear of the homes in the northern portion of the development where the wetlands and buffer area area located. Lots adjoining the wetlands will have a physical demarcation along the boundary of the wetland buffer. Signs will be posted at a rate of one (1) per lot or every one hundred (100)
feet along the buffer, reading: “Wetland Buffer Area. Please Leave in a Natural State.” Signs will be installed following plant installation. A portion of the buffer closest to the development will be planted with Nootka rose and other deterring native trees and shrubs, providing a dense vegetation barrier that delineates the edge of the buffer and inhibits human intrusion into the wetland.

3) Surface Water Management.
   a) Existing runoff. Retrofit stormwater detention and treatment for roads and existing development to the extent determined proportional by the responsible official, and disperse direct discharge of channelized flows from lawns and landscaping;
   b) Change in Water Regime. Infiltrate and/or disperse stormwater runoff from impervious surfaces and drainage from lawns and landscaping treated in accordance with Chapter 40.386 into the buffer at multiple locations.

The Applicant proposes to treat runoff from pollution generating impervious surfaces prior to discharge into the detention pond at the downstream end of the wetlands. Roof downspouts, yard areas and other non-pollution-generating impervious surface will discharge directly into the wetland buffer in a dispersed manner for concentrated runoff sources. Drainage from lawns and landscaping will receive treatment as it moves in a distributed manner across the wetland buffer. Hydrologic modeling based on the pre-developed condition shows there will be in increase in runoff to the wetland, which was done to ensure enough water was available to maintain existing surface hydrology for offsite wetlands to the west.

Finding 10 - Per the Wetland Protection Ordinance (40.450.040.C.3) the Applicant proposes buffer averaging for impacts to Wetland A’s buffer. A total of .19 acres of wetland buffer are proposed for averaging-out and a total of .19 acres of wetland buffer is proposed for averaging-in to existing wetland buffer. Per the Wetland Conservation Ordinance a maximum of twenty-five percent (25%) of the required buffer area on site (after all reductions are applied) may be averaged. The total buffer area to be averaged is .19 acres, approximately sixteen percent (16%) of the total onsite buffer area of 1.21 acres. The total area contained in the buffer, after averaging, shall be at least functionally equivalent and equal in size to the area contained within the buffer prior to averaging.

Finding 11 - The Applicant also proposes buffer enhancement in the form of onsite planting of native trees and shrubs in a twenty (20) foot wide swath along the length of the development limits as well as within the stormwater detention pond and its perimeter. Planting within the buffer will increase the water quality, hydrologic, and habitat function of the existing buffer by improving soil stabilization and filtration, and by increasing soil nutrition from the decomposition of organic material from deciduous species.

Finding 12 - The Applicant shall execute the Bank Use Plan and Buffer Modification Plan prepared by Ecological Land Services, originally drafted November 2018 and revised May 2019.
Conclusion (Wetlands)
Based upon the development site characteristics and the proposed development plan, staff concludes that the proposed Development application with the requirements of Chapters 40.440 and 40.450 subject to conditions. Therefore, the requirements of the preliminary plan review criteria satisfied.

Transportation

Finding 1 – Pedestrian/Bicycle Circulation
Pedestrian circulation facilities in compliance with the Americans with Disabilities Act (ADA) are required for this development. Bike lanes are also required along NE 132nd Avenue.

The proposed plan indicates that 5-foot sidewalks will be constructed along all roads fronting and within the development. Additionally, the construction of a half paved width along NE 132nd Avenue will facilitate a dedicated 6-foot bike lane when subsequent sections of the roadway have been completed. The applicant will be required to construct curb ramps at all street intersections corners; dual curb ramps are required on corners along NE 132nd Avenue and NE 109th Street. All proposed pedestrian facilities shall be constructed to comply with ADA standards. See condition A-1.a.

Finding 2 – Circulation Plan
The proposed development is bordered by the Parkers Abby Subdivision to the north and undeveloped R1-5 zoned parcels to the east, west and south. The applicant’s plan shows the extension of NE 132nd Avenue along their west property line and the extension of NE 109th along their south property line. The extensions of these roads facilitate the goals of cross-circulation to the east, west and south and the county’s Arterial Atlas. The development proposes to construct NE 109th Street, a proposed collector road, along the sites southern boundary. The applicant has submitted a minor deviation road modification to document the development’s inability to meet cross-circulation standards to the north. See Finding 7 – Minor Deviation Road Modification EVR2018-00090.

Finding 3 – Frontage Roads/Improvements

NE 132nd Avenue:
The applicant proposes to construct half-width frontage improvements along NE 132nd Avenue. This roadway is classified as an Urban Minor Arterial (M-2cb) and, per Clark County Standard Drawing 4, it requires a half-width right-of-way of 36 feet, 24 feet of half-width paved road surface, 0.5-foot curb, gutter, a 5-foot detached sidewalk, and 6.5 feet of clear space. The applicant’s preliminary plat and site plan shows a 36-foot right-of-way dedication; however, the dimensions of the other improvements within the right-of-way do not exactly comply with the standards. The applicant shall construct NE 132nd Avenue to meet the partial-width road standards of Clark County Standard Drawing 4. See condition A-1.b.

NE 109th Street:
The applicant proposes to construct partial-width frontage improvements along NE 109th Street. This roadway is classified as an Urban Collector (C-2) and, per Clark County Standard Drawing 6, it requires a minimum partial-width right-of-way of 31 feet, 20 feet of paved road surface, 0.5-foot curb, gutter, a 5-foot detached sidewalk, and 5.5 feet of clear space. The
applicant’s preliminary plat and site plan shows a 32-foot right-of-way dedication; however, the dimensions of the other improvements within the right-of-way do not exactly comply with the standards. The applicant shall construct NE 109th Street to meet the partial-width road standards of Clark County Standard Drawing 6. See condition A-1.c.

Internal Public Roads:
The applicant proposes to construct full-width road improvements for all public internal roadways within the development. The roadways are proposed as Urban Local Residential Access Roads and per Clark County Standard Drawing 13, they require a full-width right-of-way of 46 feet, 28 feet of paved road surface, a 0.5-foot curb, 5-foot sidewalk, and 4.5 feet of clear space on both sides of the roadway. The applicant’s preliminary plat and site plan shows a 48-foot right-of-way dedication; however, the dimensions of the other improvements within the right-of-way do not exactly comply with the standards for all of the roads. The applicant shall construct these roads to meet the full-width standards of Clark County Standard Drawing 13. See condition A-1.d.

Tract A:
The applicant proposes to construct an Urban Private Road within Tract A to serve Lots 40-45. The section provided on the preliminary plat and site plan indicates that the road will be constructed to meet Clark County Standard Drawing 16, however, the easement dimension on the preliminary plat and site plan is 26 feet which is consistent with Clark County Standard Drawing 15 to accommodate two, 10-foot travel lanes with no parking and 0.5-foot curb on both sides; and a 5-foot sidewalk on one side of the road. The applicant shall construct the private road in Tract A to meet the full-width standards of Clark County Standard Drawing 15. A developer’s covenant that establishes maintenance responsibility for the private road will also be required. See conditions A-1.e & D-4.a.

Finding 4 – Access Management

Tracts C & E:
The 20-foot wide joint driveway tracts will serve Lots 30-32 (Tract C) and Lots 10-13 (Tract E). Driveways within these tracts are required to have a minimum width of 12 feet of clear unobstructed all-weather driving surface. A developer’s covenant that establishes maintenance responsibility for the joint driveways will also be required. See conditions A-1.f & D-4.b.

Corner Lot Driveways:
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 R1-5 zone, where this may be impractical, 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.

Lot 1 takes access from NE 137th Avenue (side street) and is on the corner of NE 109th Street (collector). Per CCC 40.350.030(B)(4)(c)(2)(f), to provide adequate corner clearance, the
tangent curb length between the nearest edge of a driveway on an intersecting side street and a collector roadway shall be fifty 50 feet.

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-1.g.

**Finding 5 – Sight Distance**
The approval criteria for sight distances are found in CCC 40.350.030(B)(8). This section establishes minimum sight distances at intersections and driveways. Sight distance was not analyzed at this time as the site access will be an extension of NE 132nd Avenue. Landscaping, trees, utility poles, and miscellaneous structures will not be allowed to impede required sight distance requirements at all proposed driveway approaches and intersections. Additional building setbacks may be required for corner lots in order to maintain adequate sight distance. The final engineering plans and final plat shall show sight distance triangles at all intersections. See conditions A-1.h, D-2, and D-5.e.

**Finding 6 – Intersection Design**
On collectors and arterials, the dedication of right-of-way on corners shall include the chord of the radius. This additional right-of-way (or easement) dedication shall be shown at all street corners along NE 109th Street and NE 132nd Avenue. See condition D-3.

**Finding 7 – Minor Deviation Road Modification (EVR2018-00090)**
The applicant has submitted a minor deviation road modification that addresses the inability for the development to meet cross-circulation requirements to the north.

**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:**
In a traffic circulation narrative prepared by Olson Engineering, Inc. dated December 12, 2018 and submitted with the preliminary land-use application, the applicant’s engineer asserts that the development’s inability to meet cross-circulation requirements to the north is due to the presence of a Category IV wetland that is located along the north boundary of the proposed project. The presence of this delineated and permitted wetland directly impedes the ability to ensure the north-south connectivity between the Plateau Manor and Parkers Abby Subdivisions via NE 135th and NE 137th Avenues.

Approval criteria CCC 40.550.010(C)(2), topography, right-of-way, existing construction or physical conditions, or other geographic conditions make compliance with standards clearly impractical for the circumstances was cited.

**Staff’s Evaluation:**
The road network layout of the Parkers Abby Subdivision (PLD2015-00011) was approved without the extension of either NE 135th or NE 137th Avenues to the subdivision’s south boundary. The Parkers Abby Subdivision evaluated these internal roadway extensions, but due to the presence of wetlands, no opportunities to facilitate these street extensions to the Plateau Manor parcel were deemed feasible at the time.

Staff agrees with the applicant’s assertion that existing construction (Parkers Abby Subdivision) and physical conditions (permitted wetlands) makes compliance with the cross-circulation standards clearly impractical for the circumstances. Approval criterion CCC 40.550.010(C)(2) has been demonstrated.

**Staff’s Recommendation:**
Staff recommended Approval of the minor deviation road modification request. The Development Engineering Supervisor concurs with this recommendation.

**Finding 8 – Transportation Phasing**
The applicant indicates that the subdivision will be completed in two separate phases. The applicant is responsible for providing all necessary transportation improvements required for each individual phase. The required transportation improvements for each proposed phase will be reviewed during final engineering review. See condition A-1.i.

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

**Transportation Concurrency**

**Finding 1 - Trip Generation**
County concurrency staff has reviewed the proposed Plateau Manor Subdivision. The traffic study submitted indicates that the proposed development will divide 14.89 acres into 93 single family residential lots. The applicant’s traffic study has estimated the a.m. peak hour trip generation at 71, the p.m. peak-hour trip generation at 95 trips and an average daily trip generation (ADT) of 904 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 on parcel number 200369-000 in Vancouver.

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

**Finding 2 - Site Access**

Traffic conditions are usually expressed using a scale that quantifies the ability of a facility to meet the needs and expectations of the driver. This scale is graded from A to F and is referred to as level-of-service (LOS). A driver who experiences an LOS A condition would expect little delay. A driver who experiences an LOS 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 traffic study indicates that the proposed subdivision will construct a partial width public street extension of NE 132nd Avenue, an urban minor arterial (M-2cb), south of NE 112th Street. The proposed extension of NE 132nd Avenue will be extended to NE 109th Street, a proposed partial width urban 2-lane collector (C-2) road. NE 109th Street will provide access to the proposed interior public street network.

The applicant’s plan shows the construction of an interior public road network to serve as individual lot access for the proposed subdivision.

The applicant’s study evaluated the level of service and found that the site access intersections analyzed will have an estimated LOS C or better, 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 3 - Clark County Concurrency**

The proposed development is required to meet the standards established in CCC 40.350.020(G) for corridors and intersections of regional significance within 2 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, with the exception of NE 117th Avenue (SR 503)/NE 107th Street intersections in the 2021 buildout horizon.

Based on county staff’s evaluation of the applicant’s traffic study against CCC 40.350.020, in compliance with RCW 36.70A.070, staff found the following:

- The proposed Plateau Manor Subdivision development will not send at least five (5) trips to the failing eastbound approach of the NE 107th Street/NE 117th Avenue (SR 503) intersection in the AM peak hour; and,
- The proposed Plateau Manor Subdivision development will NOT add trips to the worst lane movement on the failing eastbound approach of NE 107th Street/NE 117th Avenue (SR 503).

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 against those represented in the County Code showed that the corridors were operating at acceptable levels with the exception of road segments along the NE 119th Street corridor.

The applicant’s traffic study also indicated that in the 2021 buildout horizon the NE 119th Street roadway segment between NE 117th Avenue and NE 124th Avenue has a calculated v/c of 1.03 in the eastbound direction and 0.71 in the westbound direction. Staff’s evaluation of the roadway segment between NE 117th Avenue and NE 124th Avenue and the current lane geometry, as represented in previously approved construction plans and as built, indicates that the existing lane width is 12 feet with paved shoulders. Because of this, the directional lane capacity should have been evaluated using 800 vehicles per hour instead of 700. The resulting calculated v/c is 0.90 in the eastbound direction and 0.62 in the westbound direction.

Because the reported volume/capacity (v/c) ratio in the eastbound direction was above the ratio allowed by code, staff reviewed the operations of the NE 119th Street corridor and found that there were no observations or reports of long vehicle delays, queuing, or stopped traffic because of roadway deficiencies. Further, since the intersections of NE 119th Street/NE 117th Avenue (SR 503) and NE 119th Street/NE 124th Avenue are anticipated to operate at a LOS C or better in the buildout horizon, staff believes that the reported eastbound v/c ratio over the NE 119th Street corridor does not represent roadway deficiencies, rather corridor mobility facilitated with good intersection LOS. Therefore, staff concludes that no further analysis is required.

It should be noted that the reported v/c in the applicant’s traffic study should be used as an indicator that this roadway segment should be subjected to site-specific study with a more detailed operational analysis before any major design, reconstruction, or investment decisions are made.

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

SAFETY:

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

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

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

The applicant’s 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 5 - Historical Accident Situation
The applicant’s traffic study analyzed the crash history as obtained from Clark County for the period January 1, 2013 through December 31, 2017.

The intersection crash rates, for the study intersections do not exceed thresholds that would warrant additional analysis. Staff concurs with the applicant’s finding.

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

Further, as adopted by Clark County Code (CCC) 40.350.030(C)(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-4.

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

The applicant will need to submit construction plans that show the design of the intersection geometry will accommodate all applicable design vehicles for review and approval. The plans will also need to show that all applicable design vehicles have the ability to enter and exit the development while minimizing the impact on adjacent and/or opposing travel lanes. This may result in no on-street parking areas on local residential access roads, at/near the proposed intersection between lots 45 and 46, NE 109th Street/Un-named north/south road, and the proposed intersection of NE 109th Street/NE 137th Avenue. See condition A-5.

Finding 8 - Traffic Control
The applicant’s traffic study evaluated the intersection of NE 132nd Avenue/NE 114th Street. The applicant’s engineer reported that at the time of the study, dated November 5, 2018, the intersection was uncontrolled with the major street movement pattern between the south and west intersection approaches with the south approach operating as the minor street.

NE 132nd Avenue is classified as an Urban Minor Arterial (M-2cb) and is currently constructed as a partial width roadway. NE 114th Street is a neighborhood circulator and facilitates east/west connectivity between NE 124th Avenue and NE 132nd Avenue for development that has recently been constructed in the area.

The applicant’s engineer recommends an interim stop control be placed on the northbound approach of NE 132nd Avenue/NE 114th Street, recognizing the current vehicle movement patterns. The applicant’s engineer suggests that the interim stop sign should remain in place until NE 132nd Avenue is widened to its ultimate cross section. At that time the permanent stop control should be placed on the NE 114th Street eastbound approach to NE 132nd Avenue.

Finding 9 - Sight Distance
Sight distance issues are addressed by other Development Engineering Staff; therefore, this issue will not be addressed here.
Conclusion (Transportation Concurrency)
In summary, Concurrency Staff recommends approval of the development application subject to conditions.

Stormwater

Finding 1 - Stormwater Applicability
The provisions of Clark County Code Chapter 40.386 shall apply to all new development, redevelopment, land disturbing activities, and drainage projects consistent with the Stormwater Management Manual for Western Washington (SMMWW) and the Clark County Stormwater Manual (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-6.a.

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-6.b.

Finding 2 – Stormwater Proposal
The 14.88-acre parcel is currently unoccupied. The site is mostly flat with a slight slope from the east to the west. Most of the site slopes to the wetland at the northwest corner of the site; a small portion of the site at the southeast corner drains into an existing ditch network that eventually runs north across the neighboring property and east to China Ditch. There is no off-site runoff that enters the site aside from a small amount of runoff that enters the wetland from the north. On-site soils are classified as McBe Silt Loam, Dollar Loam, Sifton Gravely Loam, and Hillsboro Silt Loam (MIA, DoB, SvA, and HLA). Site specific testing of the onsite soils indicates that most of the site functions as Clark County WWHM Soil Group 4, not Soil Group 1-3 as indicated based on the soil types.

The applicant provided a Preliminary Stormwater Technical Information Report (TIR) prepared by Olson Engineering, Inc, dated December 2018 and revised April 2019. Proposed site improvements include the construction of public and private roadways, driveways and 93 residential structures for a total of approximately 9.96 acres of new hard surface.

There are two Threshold Discharge Areas (TDAs) for this project. TDA 1 is the primary drainage route for the subdivision to the wetland and contains 9.81 acres of effective impervious area. TDA 2 comprises the drainage which runs south and east, and contains 0.16 acres of effective impervious area.

On-site Stormwater Management (MR#5) was evaluated using LID Feasibility Check List #2. All infiltration BMPs have been shown to be infeasible due to low infiltration rates and high groundwater. Downspout Dispersion (BMP T5.10C) will be used on the lots adjacent to the wetland land (Lots 16-31). Use of Dispersion BMPs in other areas was found to be infeasible to insufficient flow lengths available. Post-Construction Soil Quality and Depth (BMP T5.13) will be utilized on all other disturbed areas.

Basic Runoff Treatment (MR#6) is met with utilizing eleven Contech® Filterra Units. The Filterra System has the Department of Ecology’s General Use Level Designation for basic treatment. The applicant will be required to submit documentation from the stormwater
treatment system manufacturer indicating that the any stormwater treatment devices were sited and sized appropriately. See condition A-6.c.

Flow control (MR#7) is met utilizing a detention pond (BMP D6.10). The proposed detention system will be created by the placement of fill across the existing wetlands for the construction of NE 137th Avenue and the installation of a control structure. An area will be excavated adjacent to the wetlands (immediately north of Lots 38, 42, and 43) to provide additional storage volume. This will provide detention volume within the excavated pond area and within the Category 4 Wetland. The base of the pond after excavation is approximately 10,300 square feet, and the area at the limit of detention shown on the stormwater plan is approximately 64,000 square feet. The resulting detention facility calculations were performed using the WWHM model. Based on the results of the model, a detention volume of approximately 68,000 CF is required to detain post developed discharges to historic discharge.

In a Buffer Modification Plan dated November 2018 prepared by Ecological Land Services (ELS), ELS acknowledges that a stormwater detention pond will be constructed in the western portion of the onsite wetland buffer, with the wetland serving as a detention area for periodic overflow storage. The wetland primarily receives hydrology from a seasonally high groundwater table and surface runoff from the surrounding uplands. The proposed location of the stormwater facility serves as the lowest topographical area onsite, and will minimize the amount of excavation needed and allow the facility to receive water as it would naturally flow through the property.

The applicant shall adhere to any recommendations in ELS’s Plan that pertains to the proposed stormwater detention pond. The stormwater pond shall also be construction to meet the design criteria outline in Chapter 6 (BMP T6.10), Book 2 of the CCSM 2015. See conditions A-6.d and A-6.e.

The Filterra units in the public right-of-way will be publicly owned and maintained by Clark County. The dispersion trenches on Lot 16-31 and the detention pond will be privately owned and maintained. A Homeowners Association will be responsible for all shared private facilities. A developer's covenant and plat note will be required to establish ownership and maintenance responsibility of the shared stormwater facilities. See conditions D.5-f, D.5-g, D.5-h, E-2 and E-3.

Finding 3 - Stormwater Phasing
The applicant indicates that the subdivision will be completed in two phases. Each individual proposed phase shall be designed with sufficient stormwater management facilities in compliance with CCC 40.386. The required stormwater improvements for each proposed phase will be reviewed during final engineering review. See condition A-6.f.

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

Finding 1 - Building Construction
Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. See condition G-3.

Finding 2 - Fire Flow
Fire flow in the amount of 1000 gallons per minute supplied at 20 psi for 60 minutes duration is required for this application. A utility review letter was provided by Clark Public Utilities on 1/3/19 indicating the fire flow is expected to exceed 1000 gpm at 20 psi for this development. 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 conditions A-12.a, A-12.b, and D-6.a

Finding 3 - Fire Hydrants
Fire hydrants are required for this application. Either the indicated number or the spacing of the fire hydrants is inadequate. Provide fire hydrants such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads. See condition A-12.c. Unless waived by the fire district chief fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. See condition D-6.b.

The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact Fire District 5 via Vancouver Fire Department at (360) 487-7260 to arrange for location approval. See condition A-12.d.

Provide and maintain a three-foot clear space around the entirety of each fire hydrant. See conditions A-12.e and H-1.a.

Finding 4 - Fire Sprinklers
Homes exceeding 3,600 square feet including attached garages will require additional fire protection features up to and including a residential fire sprinkler system when adequate public water and a hydrant is not within required distances. See condition E-5.

Finding 5 - Fire Apparatus Access
Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application adequately provide required fire apparatus access. Provide fire apparatus access roads with an unobstructed width of not less than 20 feet, an unobstructed vertical clearance of not less than 13.5 feet, with an all-weather driving surface and capable of supporting the imposed loads of fire apparatus. See Conditions A-12.f and H-1.b.

Finding 6 - Fire Apparatus Turnarounds
Approved fire apparatus turnarounds are required for this project. The indicated provisions for turning around fire apparatus are adequate.
Finding 7 – Sprinklers
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 is not available and a hydrant is not within required distances. (See condition E-5)

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

Water and Sewer Service

Finding 1 - Service Availability
The site will be served by the Clark Regional Wastewater sewer and the Clark Public Utilities water district. Utility service letters from these districts confirm that services are available to the site.

Finding 2 - Sewer Service
The Clark Regional Wastewater Utility Review notes that two possible connection points are located approximately 1,100 feet to the east, and 1,100 feet to the south. A letter of intent to provide an easement across taxlots 200332-000 and 986031-653 to the eastern connection point was provided. See Exhibit 9. Potential impacts to wetlands and habitat from the anticipated sewer line across these parcels was considered by the applicant in a memo from Ecological Land Services (Exhibit 6). The memo states that neither wetlands or habitat will be affected in the route of the proposed sewer line. At the time of the staff report issuance, wetland/habitat staff had not confirmed the findings in the ELS memo. Unless wetland/habitat staff can confirm the findings prior to the preliminary decision, a final wetland/habitat permit will be required prior to final construction plan approval. See condition A-13.d.

All lots shall be connected to public sewer prior to final plat. See condition D-8.a.

Finding 3 – Water Service
The Clark Public Utility water review letter notes the connection point will be the end of NE 132nd Avenue. All lots shall be connected to public water prior to final plat. See condition D-8.a.

Finding 4 – Abandonment of Existing On-site Sewer and Wells
According to the Public Health Evaluation Letter, any septic systems and wells discovered during construction must be properly abandoned, with written verification provided to Public Health prior to final plat. Abandoned well locations shall be shown on the final plat. See conditions D-8.b and D-8.c.

Conclusion (Water and Sewer)
Staff finds that the proposed preliminary plan, subject to conditions identified above, meets water and sewer service requirements of the Clark County Code.
Impact Fees

Finding 1 – Impact Fees
The additional residential lots created by this plat will produce impacts on schools, parks, and traffic, and are subject to School (SIF), Park (PIF), and Traffic Impact Fees (TIF) in accordance with CCC 40.610.

☐ Orchards sub-area with a TIF of $2,879.61 per dwelling
☐ Battle Ground School District, with a SIF of $6,397 per dwelling
☐ Park District #5, with a PIF of $4,353 per dwelling

The amounts listed above are an estimate using the current impact fee rates and are subject to change. As found in CCC 40.610.040, impact fees are calculated using the rates in effect at the time of building permit issuance. See conditions D-4.f, D-5.j, and E-4.

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

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

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

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

The likely SEPA determination of Non-Significance (DNS) in the Notice of Development Review Application issued on April 17, 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:** Jan Bazala, 564.397.4499

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

**Recommendation**

Based upon the proposed plan known as Exhibit 10, and the findings and conclusions stated above, staff recommends the Hearing Examiner APPROVES this request, subject to the understanding that the application is required to adhere to all applicable codes and laws, and is subject to the following conditions of approval.

**Conditions of Approval**

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<th>General Conditions</th>
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<td>Review and Approval Authority: Wetland Staff</td>
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These are conditions that are not specifically tied to subsequent review and approval processes that may need to be met at a time specified in each condition or apply generally as described.
AA-1 The wetlands and wetland buffers 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 wetlands, and wetland buffers. The applicant shall only impact areas indicated in the conditions provided below during construction of this project. Any changes to the development layout causing greater impacts to the wetland, wetland buffer or wetland buffer mitigation areas than what is approved herein shall be subject to additional wetland review by County Wetland/Habitat Review staff and may include additional permits and/or mitigation requirements.

AA-2 Any unforeseen disturbance to the wetland, or wetland buffer not mentioned as a part of this permit shall be replanted with native vegetation of like kind.

AA-3 Any temporary impacts that may occur to the wetland buffer during construction shall be addressed as follows:

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

b. After construction, 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 one (1) year to ensure the performance standard is met. Any areas not meeting this standard shall be replanted, with maintenance and monitoring continuing until the standard has been met.

AA-4 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.

<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 show on the final construction plans that all proposed pedestrian facilities will be constructed to comply with ADA standards; this includes all required curb ramps. (See Transportation Finding 1)
b. The applicant shall show on the final construction plans that NE 132nd Avenue will be constructed as an Urban Minor Arterial (M-2cb) consistent with Clark County Standard Drawing 4 along the eastern portion of the roadway. (See Transportation Finding 3)

c. The applicant shall show on the final construction plans that NE 109th Street will be constructed as an Urban Collector (C-2) consistent with Clark County Standard Drawing 6 along the northern portion of the roadway with a 20 minimum pavement width. (See Transportation Finding 3)

d. The applicant shall show on the final construction plans that all internal public roadways will be constructed as Urban Local Residential Access roadways consistent with Clark County Standard Drawing 13 for the full width of all roadways. (See Transportation Finding 3)

e. The applicant shall show on the final construction plans that the roadway in Tract A will be constructed as Urban Private Road consistent with Clark County Standard Drawing 15 along the full width of all roadways. (See Transportation Finding 3)

f. The applicant shall show on the final construction plans that the joint driveways in Tract C & E will comply with CCC 40.350.030 (B)(4)(b)(2). (See Transportation Finding 4)

g. The applicant shall show on the final engineering plans the driveways for all corner lots that comply with CCC 40.350.030(B)(4)(c)(2)(f) for Lot 1 or CCC 40.350.030 (B)(4)(b)(1)(b) for all other lots. (See Transportation Finding 4)

h. The applicant shall show sight distance triangles for all intersections on the final construction plans and the final plat. (See Transportation Finding 5)

i. The applicant is responsible for providing all necessary transportation improvements required for each individual phase. (See Transportation Finding 8)

A-2 Transportation:

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

b. 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.

A-3 Final Transportation Plan/Off Site (Concurrence) – 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 to also include interim and permanent traffic control, if necessary. The applicant shall obtain a work order with Clark County to reimburse the County for required signing and striping.

A-4 **Final Transportation Plan/Off Site (Concurrence)** – The applicant shall consider the WSDOT Design Manual – Roadside Safety Mitigation Guidance (Section 1600.04) in the final engineering design of all proposed roadways and frontage improvements. (See Concurrency Finding 6)

A-5 **Final Transportation Plan/Off Site (Concurrence)** – The applicant shall submit construction plans that show the design of the intersection geometry will accommodate all applicable design vehicles for review and approval, unless modified by the County Engineer. The plans will also need to show that all applicable design vehicles have the ability to enter and exit the development while minimizing the impact on adjacent and/or opposing travel lanes. This may result in no on-street parking areas on local residential access roads, at/near the proposed intersection between lots 45 and 46, NE 100th Street/Un-named north/south road, and the proposed intersection of NE 109th Street/NE 137th Avenue. (See Concurrency Finding 7).

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

a. The applicant shall submit final construction plans and a final Technical Information Report that addresses Minimum Requirements #1 through #9. (See Stormwater Finding 1)

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 Stormwater Finding 1)

c. The applicant shall submit documentation from the stormwater treatment system manufacturer indicating that the treatment devices were sited and sized appropriately. (See Stormwater Finding 2)

d. The applicant shall adhere to the recommendations set forth by the Buffer Modification Plan prepared by Ecological Land Services (ELS) dated November 2018, as they pertain to the proposed stormwater detention pond. (See Stormwater Finding Stormwater 2)

e. The applicant shall demonstrate that the proposed stormwater detention pond complies with the design criteria outlined in Chapter 6 (BMP T6.10), Book 2 of the CCSM 2015. (See Stormwater Finding 2)

f. Each individual proposed phase shall be designed with sufficient stormwater management facilities in compliance with CCC 40.386. (See Stormwater Finding 3)
A-7 **Erosion Control Plan** - The applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.386.

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

A-9 A note shall be placed on the face of the final construction plans as follows:
"If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Department of Archaeology and Historic Preservation in Olympia shall be notified. Failure to comply with these state requirements may constitute a Class C Felony, subject to imprisonment and/or fines."

A-10 A site plan shall be included in the final construction plans in conformance with Section 40.260.155 and the following conditions of approval:

a. Solid waste collection areas for those lots obtaining access via driveway tracts shall not be located on sidewalks or driveways. (See Land Use Finding 3, Solid Waste)

b. If it cannot be demonstrated that collection vehicles can easily turn around in Tract A, the solid waste collection point shall be accessible from NE 110th Street. (See Land Use Finding 3, Solid Waste)

c. Shared driveways shall be in a tract or easement at least 20 feet wide. (See Land Use Finding 4)

d. Each lot shall be provided a minimum of 20 feet of access via lot frontage, or an easement, or some combination thereof. (See Land Use Finding 4)

e. The driveway for Lot 9 shall be identified on the plan, and shall have a minimum of 20 feet of access. (See Land Use Finding 4)

A-11 **Final Landscape Plan** - The applicant shall submit and obtain county approval of final landscape plan consistent with the approved preliminary landscape plan and conditions listed below. The landscape plan shall include landscaping within the public right-of-ways and on-site:

a. Street trees shall be shown on the landscape plan consistent with Section 40.2560.155C.4.a. (See Land Use Finding 3)

b. Sight distance triangles shall be shown along NE 109th Street and NE 132nd Avenue. Trees shall be shown to be outside the required sight distance triangles. (See Land Use Finding 5)

A-12 **Fire Marshal Requirements**

a. The applicant shall submit plans showing location of water lines for review and approval. (See Fire Protection Finding 2)
b. The applicant shall submit a current utility review letter from the water purveyor indicating the required fire flow of 1000 gallons per minute supplied at 20 psi for 60 minutes duration is available at the site. (See Fire Protection Finding 2)

c. Plans shall be submitted for review and approval showing fire hydrants such that maximum spacing between hydrants does not exceed 700 feet and such that no portion of the building exterior is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads. (See Fire Protection Finding 3)

d. The fire district chief shall sign the engineering construction mylar indicating fire hydrant location has been reviewed and approved. (See Fire Protection Finding 3)

e. Plans showing a three foot clear space around the entirety of all fire hydrants shall be submitted for review and approval. (See Fire Protection Finding 3)

f. Plans showing roadways and maneuvering areas that are consistent with the preliminary plan and provide fire apparatus access roads with an unobstructed width of not less than 20 feet, and an unobstructed vertical clearance of not less than 13.5 feet shall be submitted for review and approval. (See Fire Protection Finding 5)

A-13 Wetland Plan:

a. 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.

b. The Applicant shall install the required mitigation plantings and requirements indicated in the Bank Use Plan and Buffer Modification Plan, prepared by Ecological Land Services original draft dated November 2018 and revised May 2019. If the mitigation plan is not installed prior to construction, a performance financial assurance for the require mitigation shall be required.

c. The Applicant shall submit evidence of a wetland mitigation bank credit transfer from the Terrace Wetland Mitigation Bank for the total amount of credits (.25) identified in Wetland Finding 8.

d. A final wetland/habitat permit will be required for the construction of the off-site sewer. (See Water and Sewer Finding 2)

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<th>Prior to Construction of Development</th>
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<td><strong>Review and Approval Authority: Development Inspection</strong></td>
<td>Prior to construction, the following conditions shall be met:</td>
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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.

B-2 **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-3 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/site plan and the following conditions of approval:

**C-1 Sight Distance** - The applicant shall provide a sight distance certification letter for all the proposed intersection after road construction has been completed. (See Transportation Finding 5)

**C-2 Verification of the Installation of Required Landscape** - The applicant shall provide verification in accordance with CCC 40.320.030(B) that the required landscaping in NE 132nd Avenue and NE 109th Street has been installed in accordance with the approved landscape plan. (See Land Use Finding 5)

**C-3** Permanent physical demarcation along the upland boundary of the wetland buffer area shall be installed and thereafter maintained. Such demarcation may consist of logs, a tree or hedge row, fencing, or other prominent physical marking approved by the responsible official. In addition, small signs shall be posted at an interval approved by the Resource Permitting and Enhancement Manager, and perpetually maintained at locations along the outer perimeter of the wetland buffer approved by the responsible official worded substantially as follows:

- Wetland and Buffer –
- Please retain in a natural state
- Human and pet entry is prohibited

**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** Lots shall meet the minimum requirements for lots using the applicable density transfer provisions for R1-5 zoned lots. (See Land Use Finding 1)

**D-2** Sight distance triangles shall be delineated on the final plat. (See Transportation Finding 5)

**D-3** The required rights-of-way (or easement) for the chords of the radius on the corners along NE 132nd Avenue and NE 109th Street must be conveyed to the county with the final plat. (See Transportation Finding 6)
D-4 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. 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, as required under 40.350.030(C)(4)(g).

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

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

e. Responsibility for Stormwater Facilities 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. 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.”

f. 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 5 (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."

D-5 Plat Notes - The following notes shall be placed on the final plat:
a. **Sidewalks:** "Prior to issuance of occupancy permits, sidewalks shall be constructed along all the respective lot frontages."

b. **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."

c. **Driveways:** "No direct access is allowed onto NE 132nd Avenue or NE 109th Street."

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

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

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

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

h. **On-site Drainage System:** "Stormwater dispersion facilities for Lots 16-31 of the development shall be installed in accordance with the approved final engineering 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."

i. "All residences on lots of less than 40 feet wide shall be provided with two-car garages."

j. **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 5 (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."

k. **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."
I. Wetland Covenants: "Clark County Wetland Protection Ordinance (Clark County Code Chapter 40.450) requires wetlands and wetland buffers to be maintained in a natural state. Refer to the Conservation Covenant recorded in conjunction with this plat for limitations on the maintenance and use of the wetland and wetland buffer areas identified on the face of this plat."

m. "A minimum of one tree shall be provided along the street frontage of each lot that has an average lot width of less than 40 feet wide, provided that sight distance triangles are not obstructed. Trees that are appropriate to the size of the space may be provided either within the street frontage right-of-way or on the lot. Street trees located in the right-of-way shall comply with the Standard Details Manual requirements. (See Land Use Finding 3)

D-6 Fire Marshal Requirements
   a. The applicant shall demonstrate that water mains supplying fire flow have been installed, approved and operational prior to the commencement of combustible building construction. (See Fire Protection Finding 2)

   b. Fire Hydrants shall be provided with appropriate ‘storz’ adapters for the pumper connection. (See Fire Protection Finding 3)

D-7 Abandonment of On-Site Water Wells and Sewage Systems - The location of any decommissioned wells shall be shown on the face of the final plat.

D-8 Water and Sewer
   a. A copy of the final acceptance letter from the purveyor (sewer & water) or the equivalent must be submitted to Clark County Community Development.

   b. Any wells discovered must be properly decommissioned by a licensed well driller per WAC 173-160-381 and reported to Clark County Public Health.

   c. The location of each decommissioned well must be shown on the final plat.

D-9 Wetlands
   a. The wetland and buffer boundaries shall be delineated on the face of the Final Plat.

   b. A conservation covenant shall be recorded in a form approved by the Prosecuting Attorney as adequate to incorporate the other restrictions of Chapter 40.450 and to give notice of the requirement to obtain a wetland permit prior to engaging in regulated activities within a wetland or its buffer.

E Building Permits
Review and Approval Authority: Permit Services
Prior to issuance of building permit, the following condition shall be met:

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

E-3 **Stormwater** - Stormwater dispersion facilities for Lots 16-31 of the development shall be installed in accordance with the approved final engineering 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. (See Stormwater Finding 2)

E-4 **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 5 (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-5 Homes exceeding 3,600 square feet including attached garages will require additional fire protection features up to and including a residential fire sprinkler system when adequate public water and a hydrant is not within required distances. (See Fire Protection Finding 4)

F **Occupancy Permits**  
Review and Approval Authority: Building

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

F-1 Where street trees are required on individual residential lots of less than 40 feet wide (Lots 15-38, 47-55, and 57-68 on the preliminary plat), the applicant shall provide verification in accordance with CCC 40.320.030(B) that the required landscaping has been installed in accordance with the approved landscape plan. (See Land Use Finding 3)

G **Development Review Timelines & Advisory Information**  
Review and Approval Authority: None - Advisory to Applicant

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

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

- The construction project disturbs one or more acres of land through clearing, grading, excavating, or stockpiling of fill material; **AND**
- There is a possibility that stormwater could run off the development site during construction and into surface waters or conveyance systems leading to surface waters of the state.
The cumulative acreage of the entire project whether in a single or in a multiphase project will count toward the one acre threshold. This applies even if the applicant is responsible for only a small portion (less than one acre) of the larger project planned over time. The applicant shall contact ECY for further information.

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

G-4 Building Elevation Approvals – Approval of building elevations submitted for preliminary plan review does not ensure compliance with other requirements (such as building setbacks) under other construction codes. Compliance with other construction codes is the responsibility of the applicant at the time of building permit issuance.

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

H-1 Fire Marshal Requirements

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

b. Access roads shall maintain an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13.5 feet with an all-weather driving surface capable of supporting the imposed loads of fire apparatus to within 150 feet of all portions of the building exterior. (See Fire Protection Finding 5)

Note: Any additional information submitted by the applicant within fourteen (14) calendar days prior to or after issuance of this report, may not be considered due to time constraints. In order for such additional information to be considered, the applicant may be required to request a “hearing extension” or “open record” and shall pay the associated fee.

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

The examiner may adopt, modify or reject this recommendation. The examiner will render a decision within 14 calendar days of closing the public hearing. Clark County will mail a copy of the decision to the applicant and neighborhood association within 7 days of receipt from the Hearing Examiner. All parties of record will receive a notice of the final decision within 7 days of receipt from the Hearing Examiner.
Motion for Reconsideration
Any party of record to the proceeding before the Hearing Examiner may file with the responsible official a motion for reconsideration of an examiner's decision within fourteen (14) calendar days of written notice of the decision. A party of record includes the applicant and those individuals who signed the sign-in sheet or presented oral testimony at the public hearing, and/or submitted written testimony prior to or at the Public Hearing on this matter.

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

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

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

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

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

See the Appeals handout for more information and fees.

Attachments
- Copy of Proposed Preliminary Plan