Type II Staff Report and Decision
Notice to Parties of Record

Project Name: Pollack Short Plat

Case Number: PLD2018-00004; SEP2018-00012; EVR2018-00010; WET2018-00007

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

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

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

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

See the Appeals handout for more information and fees.

Mailed on: May 31, 2019
## Type II Staff Report and Decision

<table>
<thead>
<tr>
<th><strong>Project Name:</strong></th>
<th>Pollock Short Plat</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Case Numbers:</strong></td>
<td>PLD2018-00004; SEP2018-00012; EVR2018-00010; WET2018-00007</td>
</tr>
<tr>
<td><strong>Request:</strong></td>
<td>The applicant requests approval to subdivide a 4.35 acre parcel zoned RC-1 into 4 separate lots for single family residential development.</td>
</tr>
<tr>
<td><strong>Address:</strong></td>
<td>21103 NE 67th Ave</td>
</tr>
<tr>
<td><strong>Parcel number:</strong></td>
<td>193067-000</td>
</tr>
</tbody>
</table>
| **Applicant:** | Robert and Debra Pollock  
21000 NE 67th Avenue  
Battle Ground, WA 98604  
360.887.7348  
bob.pollock@western.com |
| **Contact Person:** | Hayward Uskoski & Associates  
Valerie Uskoski, contact  
1101 Broadway, Suite 130  
Vancouver, WA 98660  
360.635.5223  
valerie@huaconsulting.com |
| **Staff contact:** | Amy Wooten, Planner II  
564.397.5683  
amy.wooten@clark.wa.gov |

### Decision

**Approved Subject to Conditions**

Land Use Review Manager's Initials: [Signature]  
Date issued: May 31, 2019

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

For an alternate format, contact the Clark County ADA Compliance Office.  
Phone: 564.397.2322  
Relay: 711 or 800.833-6384  
E-mail: ADA@clark.wa.gov
County Review Staff

<table>
<thead>
<tr>
<th>Department/Program</th>
<th>Name</th>
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<tbody>
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</tr>
</tbody>
</table>

Comp Plan Designation: RCR (Rural Center Residential)

Parcel Number: Lot 37 (193067) located in the northeast quarter of Section 6; Township 3 North; Range 2 East of the Willamette Meridian

Applicable Laws
Clark County Code: Title 15 (Fire Prevention), Chapter 40.200 (General Provisions), Section 40.210.030 (RC Residential District), Chapter 40.320 (Landscaping), Chapter 40.350 (Transportation & Circulation), Section 40.350.020 (Transportation Concurrency), Chapter 40.370 (Sewer & Water), Chapter 40.386 (Storm Water & Erosion Control), Chapter 40.440 (Habitat Conservation), Chapter 40.450 (Wetland Protection), Chapters 40.500 and 40.510 (Procedures), Section 40.520.010 (Legal Lot Determination), Chapter 40.540 (Boundary Line Adjustments & Land Divisions), Section 40.550.010 (Road Modifications), Chapter 40.570 (SEPA), Section 40.570.080 (SEPA Archaeological), Chapter 40.610 (Impact Fees), Title 24 (Public Health), RCW 58.17, and the Clark County Comprehensive Plan.

Neighborhood Association and Contact
Fairgrounds Neighborhood Association
Bridget Schwarz, president
bridget@bridge-i-t.com

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

A pre-application conference on this matter was held on July 20, 2017. The pre-application was determined not contingently vested. The fully complete application was submitted on June 29, 2018, and determined to be fully complete on July 13, 2018. Given these facts, the application is vested on June 29, 2018. This vesting does not apply to stormwater standards. There are no disputes regarding vesting.

**Time Limits**
The application was determined to be fully complete on July 13, 2018. The applicant was asked to submit additional information which extended the deadline by 246 days. Therefore, the code requirement for issuing a decision within 78 days lapses on June 2, 2019.

**Public Notice**
Notice of application and likely SEPA Determination of Non-Significance (DNS) was mailed to the applicant, Fairgrounds Neighborhood Association and property owners within 500 feet of the site on August 22, 2018.

**Public Comments**
In response to public notice, a letter was received on September 6, 2018 from Kevin and Shirley Howard [Exhibit 8]. In their correspondence, Mr. and Mrs. Howard voiced concerns over drought, population growth, widening of highways, over use of wetland mitigation, impact to drainage, fill in lowlands, runoff from the widening of SR 502 and NE 72nd Avenue, water table for the region, Coho salmon in Southwest Washington, and habitats for bald eagles, heron, owls, finch, robins, kestrels, and many other species.

**Applicant Response:** “While we understand concerns identified by the Howards, their concerns are largely focused on a regional perspective which have been addressed with the adoption of the current Comprehensive Plan. It is important to note that any impacts from regional or local road improvement projects are required to manage their stormwater and mitigate any impacts to sensitive areas and species per the applicable stormwater code. The site is not proposing to fill or impact wetlands or any critical areas. The site has not been mapped for any endangered species. The proposed use does conform with land use regulations and will comply with all applicable development regulations. The site does not meet the threshold to require a Determination of Significance for an Environmental Impact Statement.”

**Staff Response:** During review of an application, staff only has authority to evaluate the proposal for compliance with applicable approval criteria and, if necessary, impose conditions to ensure compliance with said standards. In regards to Mr. and Mrs. Howard's concerns, staff has reviewed this application for a proposed short plat to determine if it meets county regulations for zoning (See Land Use Findings), critical areas (See Habitat and Wetland Findings), on-site drainage (See Stormwater Findings), roadways (See Transportation and Transportation Concurrency Findings), wells and on-site septic systems (See Water and Sewer Service Findings).
**Project Overview**

The subject 4.35 acre parcel is located on the east side of NE 67th Avenue, approximately 300 feet north of its intersection with NE 209th Street. The site currently contains an existing residence and outbuilding; both of these structures will remain and be located on resulting Lot 1.

The site is generally flat with a slight slope to the west. Existing vegetation is primarily pastureland with a few douglas fir and deciduous trees.

The applicant is proposing to divide approximately 4.35 acres into four (4) single-family residential lots. The proposed plan [Exhibit 14, Sheet 1] calls for Lots 2 -4 to obtain access from NE 67th Avenue via a 20-foot shared driveway access easement while Lot 1 will access NE 67th Avenue directly.

The site is located within the Battle Ground School District and Clark County Fire District.

The comprehensive plan designation, zoning, and uses of both the subject and surrounding properties are noted in the following table:

<table>
<thead>
<tr>
<th>Compass</th>
<th>Comp Plan</th>
<th>Zoning</th>
<th>Current Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site</td>
<td>Rural Center Residential</td>
<td>RC-1</td>
<td>Acreage homesite</td>
</tr>
<tr>
<td>North</td>
<td>Rural Center Residential</td>
<td>RC-1</td>
<td>Acreage homesite</td>
</tr>
<tr>
<td>East</td>
<td>Rural Commercial</td>
<td>CR-2</td>
<td>Acreage homesites and leather store</td>
</tr>
<tr>
<td>South</td>
<td>Rural Center Residential</td>
<td>RC-1</td>
<td>Acreage homesites</td>
</tr>
<tr>
<td>West</td>
<td>Rural 10</td>
<td>R-10</td>
<td>Acreage homesites</td>
</tr>
</tbody>
</table>

**Staff Analysis**

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

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

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

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.
Major Issues
Only the major issues, errors in the development proposal, or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements and, therefore, are not discussed below.

Land Use

Finding 1 – Permitted Uses
The proposed short plat is located within an RC-1 zoning district. According to Table 40.210.030-1, single family dwellings and accessory buildings are permitted uses within this designation.

Finding 2 – Lot Standards
The RC-1 zone requires a minimum lot area of 1.0 acre. The zone also specifies that each lot shall have a minimum width of 100 feet and a depth of 140 feet.

Based on a review of the revised preliminary plan [Exhibit 14, Sheet 1], all proposed lots are at least 1.0 acre in size. This plan, however, does not include all the necessary dimensions to determine compliance with width and depth standards of the zone. Based on scale, it appears that all resulting lots are greater than 100 feet wide, and that Lots 1, 2 and 3 exceed the 140 foot depth requirement. The plan, however, notes that the northern boundary of Lot 4 is only 136 feet in length which is not sufficient.

Lot dimensions shall be shown on the final plat, and any dimensional deficiencies shall be corrected (See Condition D-1-a). Any adjustments made to meet width and depth requirements may affect the resulting lot sizes. Therefore, a condition will be imposed to ensure that all lots contain a minimum of 1.0 acre (See Condition D-1-b).

Finding 3 – Development Standards
In accordance with Table 40.210.030-3, setbacks prescribed for the RC-1 zoning district are as follows:

<table>
<thead>
<tr>
<th>Type</th>
<th>Setback</th>
</tr>
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<tbody>
<tr>
<td>Front</td>
<td>25 feet</td>
</tr>
<tr>
<td>Street Side</td>
<td>25 feet</td>
</tr>
<tr>
<td>Interior Side</td>
<td>10 feet</td>
</tr>
<tr>
<td>Rear</td>
<td>10 feet</td>
</tr>
<tr>
<td>Agricultural Structures</td>
<td>50 feet from side and rear lot lines</td>
</tr>
</tbody>
</table>

The proposed parcels are of sufficient size to accommodate these required setbacks. However, setbacks due to environmental restraints and fire protection requirements supersede those noted above.

Development envelopes are being proposed on the plat for Lots 1 and 4 to avoid impacts to wetland and wetland buffers (See Wetland Finding 7). The proposed plan also shows a building envelope for Lot 3 so a habitat permit will not be required (See Habitat Finding 5). In addition, side and rear setbacks must be increased to 30 feet if fire flow is not provided in the

1 Unless a greater width is required by the Clark County fire code.
full amount by a public water system (See Fire Protection Finding 2). Future construction on
the newly created lots shall reflect whichever setback requirement (zoning, wetland, habitat or
fire protection) is greater (See Condition E-1).

An existing outbuilding situated on Lot 1 is situated only 2.47 feet from the north property line
which does not meet the interior side setback of 10 feet noted above. This, however, is an
existing situation that will not change and is unaffected by the proposed short plat.

Finding 4 – Landscape Buffers
CCC 40.320.010 requires perimeter landscaping and screening between adjoining properties
and uses. The degree and height of the required screening is based upon zoning of both the
proposed development and neighboring properties. In accordance with Table 40.320.010-1, a
10-foot L3 buffer is required along the eastern boundary of Lot 4 because it abuts commercially
zoned property.

The L3 standard provides physical and visual separation between uses or development
 principally using screening. This standard requires enough high shrubs to form a screen six (6)
feet high and ninety-five percent (95%) opaque year-round. In addition, one (1) tree is required
per thirty (30) lineal feet of landscaped area or as appropriate to provide a tree canopy over the
landscaped area. Groundcover plants must fully cover the remainder of the landscaped area
with the exception of energy dissipation points at the locations of stormwater inlets. LID
bioretention facility plantings may be used in combination with perimeter shrubs, provided a
continuous screen six (6) feet high and ninety-five percent (95%) opaque year-round can be
achieved within two (2) years of planting. A six (6) foot high wall or fence that complies with
the F2 standard (100% sight-obscuring) with or without a berm may be substituted for shrubs,
but the trees and groundcover plants are still required.

The submitted narrative [Exhibit 1, Tab 4] indicates “landscaping will comprise of shrubs and
trees to meet the L3 standards. No berms or fences will be constructed due to the drainage that
passes the area.” The proposed preliminary plan [Exhibit 14, Sheet 1] shows the required 10-
foot perimeter buffer with a note saying “6’ high opaque shrub, one tree planted 30’ on center”.
The plan, however, does not identify the species of materials to be planted. This oversight shall
be corrected on the final landscape plan (See Condition A-2-a).

Per CCC 40.540.070(B)(8)(c), the applicant shall submit verification that all required
landscaping and any irrigation has been installed according to the approved landscape plan
prior to recording the final plat (See Condition D-2).

Maintenance of landscaped areas is the ongoing responsibility of the property owner. Required
landscaping must be continuously maintained in a healthy manner. Plants that die must be
replaced with in-kind materials unless otherwise authorized by the responsible official (See
Condition H-1).

Finding 5 – Notice of Agricultural Activities
In accordance with CCC 40.510.020(D)(5), all plats for residential development on, or within a
radius of five hundred (500) feet of lands zoned for agricultural use, or in current use pursuant
to Chapter 84.34 RCW, shall provide notice to buyers of resulting lots within said development.
Such notice shall include the following disclosure:
“The subject property is within or near designated agricultural land, forest land or mineral resource land (as applicable) on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration. Potential discomforts or inconveniences may include, but are not limited to: noise, odors, fumes, dust, smoke, insects, operation of machinery (including aircraft) during any twenty-four (24) hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides.”

In the case of short plats, such notice shall be provided in the Developer Covenants to Clark County (See Condition D-8-a).

Finding 6 – State Platting Standards (RCW 58.17)
RCW 58.17.110 requires, among other things for subdivision approval, a finding that safe walking conditions exist for students who only walk to school. A letter from the Battle Ground School District was provided by the applicant [Exhibit 1, Tab 13]. It confirms “all students will be bused”. Therefore, no ‘safe-walking’ conditions are warranted.

With conditions of approval, staff finds the proposed short plat will make appropriate provisions for the public health, safety, and general welfare of the community. Connections to private wells and on-site sewage disposals systems, as well as treatment of any future increase in stormwater runoff will be provided to protect groundwater supply and integrity. Impact fees will also be required to contribute a proportionate share toward the costs of school, park and transportation provisions, maintenance and services.

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

Archaeology

Finding 1 – Applicability
The entire site is located within a high probability area for discovery of archaeological resources, as designated on the Archaeological Predictive Model Map of Clark County. The proposal is a high impact development. Therefore, an archaeological pre-determination was required as part of the application submittal packet.

Finding 2 – Historic and Cultural Preservation
An archaeological pre-determination was performed by Archaeological Services, LLC on October 9, 2017. This study concluded that no further investigation is necessary or warranted. The applicant submitted this document to the Washington State Department of Archaeology and Historic Preservation (DAHP) prior to submittal of the preliminary short plat application [Exhibit 1, Tab 11]. DAHP was mailed public notice along with a copy of the SEPA checklist, and has not provided comment. A note will be required on the final engineering plans that if resources are discovered during ground disturbance, work shall stop and both DAHP and the county shall be notified (See Condition A-1). In addition, a similar note shall be placed on the final plat (See Condition D-9-a).
Conclusion (Archaeology): Staff finds that the proposed preliminary plan, subject to conditions identified above, meets archaeology requirements of the Clark County Code.

Habitat

Finding 1 – Mapping
County GIS and the Washington Department of Fish and Wildlife Priority Habitat and Species website does not indicate any mapped priority habitat on the subject parcel, however there is a mapped fish-bearing stream to the northwest. In reviewing historic aerial imagery it appears there may be potential snag habitat on the southern end of the parcel as well as a small oak at the parcel boundary.

Finding 2 – Site Visit
County Wetland/Habitat Review staff conducted a site visit on September 17, 2018. County Wetland/Habitat Review staff was not able to locate snags on the parcel, however snags were noted to the north of the parcel. A small oak was identified just offsite which has a small portion of the canopy which overhangs onto the subject parcel on the proposed Lot 3 as shown in the attached map.

Finding 3—Oregon White Oak
Oregon White Oak Woodlands are categorized as priority non-riparian habitat by The Washington Department of Fish and Wildlife (WDFW). Per the Habitat Conservation Ordinance, oak woodlands are considered priority non-riparian habitat and are afforded protection. Priority Oregon white oak woodlands are stands of pure oak or oak/conifer associations where canopy coverage of the oak component of the stand is 25%; or where total canopy coverage of the stand is <25%, but oak accounts for at least 50% of the canopy coverage present. (The latter is often referred to as an oak savanna). In non-urbanized areas west of the Cascades, priority oak habitat is stands 0.4 ha (1 ac) in size. In urban or urbanizing areas, single oaks, or stands of oaks <0.4 ha (1 ac), may also be considered priority habitat when found to be particularly valuable to fish and wildlife (i.e., they contain many cavities, have a large diameter at breast height [dbh], are used by priority species, or have a large canopy). This parcel is considered to occur in an urbanizing area. Due to the size of the oaks/stands, County Wetland/Habitat Review staff find that the oaks onsite warrant protection as an oak woodland.

Per the Habitat Protection Ordinance (CCC 40.440.010.C.1.b), oak woodlands are considered priority riparian habitat. The area protected extends to the edge of the dripline as shown in the attached map.

Finding 4 – Development Impacts
The Habitat Conservation Ordinance follows a hierarchy of impacts with the first being avoidance of all impacts within a priority habitat area, if possible. The applicant may avoid a habitat permit by mapping the locations of the priority habitat types and establishing building envelopes that show the habitats are not impacted or disturbed; the building envelopes must be labeled on the plat and a note must be included on the face of the plat indicating that no development or construction shall occur outside of building envelope areas. Any proposed clearing or development within a priority habitat area will require a Habitat Permit with applicable mitigation. Storm water designs and outflows also need to avoid adverse impacts to riparian and non-riparian habitat.
Finding 5 – Building Envelopes
The preliminary plat provided indicates building envelopes for Lot 3; in overlaying the proposed plat with the mapped oak it appears the building envelope for Lot 3 will avoid impacts to the dripline of the oak, which would avoid the need for a habitat permit. The preliminary plat also includes a plat note which states that no development shall occur outside of the indicated building envelopes. The applicant shall be required to show the location of the dripline of the oak on the final plat and a building envelope for Lot 3 on the final plat which clearly avoids impacts to the priority habitat areas (as shown in the attached map). The applicant shall also include a plat note which states that no clearing or development shall occur outside of the indicated building envelopes within a priority habitat area.

Finding 6 – Habitat Permit
Any proposed development or clearing which requires the removal of an oak, or occurs within the critical root zone of the oaks, will require a Habitat Permit with applicable mitigation and/or an oak protection plan prepared using recommendations from a certified arborist which will not adversely affect the oak tree(s). The arborist’s report should state if the tree(s) will be adversely affected and provides minimization measures to protect the tree and tree roots. The driplines for the oaks shall be shown and labeled on the construction plan and final plat; a note shall be included on the face of the plan/plat indicating that no construction will occur within the dripline of the oaks.

Finding 7 – Best Management Practices
The applicant shall utilize best management practices to control erosion and prevent sediment from entering adjacent priority habitat areas.

Finding 8 – Temporary Impacts
Temporary impacts are not currently proposed within the dripline of the oaks. In the unforeseen event that temporary impacts do occur, the temporary impacts shall be addressed as follows:

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

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

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

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

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

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

Finding 0 – Vegetation Removal
Excluding non-native vegetation removal, clearing of native vegetation shall be limited to what is minimally necessary to construct this project. No additional native trees or shrubs shall be removed outside of the areas indicated. Invasive species may be removed provided that ground disturbing heavy machinery (scraping, ripping, etc.) is not used. Cutting, mowing, and ground disturbance with hand tools is allowed; efforts shall be made to prevent injury to neighboring native vegetation.

Conclusion (Habitat): Based upon development site characteristics and the proposed development plan, staff concludes that the proposed plan complies with the requirements of Chapters 40.440 (Habitat Conservation) addressed herein, PROVIDED that certain conditions (See Conditions AA-1 through AA-5, A-3, A-5, and D-3) are met. Therefore, requirements of the preliminary plan review criteria are satisfied.

Wetland

Finding 1 – Wetland Indicators
There are multiple wetland indicators on the subject parcel. Count GIS indicates the presence of modeled depressional and riverine wetlands in the northeastern and southeastern portions of the parcel; these modeled wetlands continue offsite to the north, east, and south. There are also hydric soils mapped in the northeastern corner of the parcel near the modeled riverine/depressional wetlands which continue offsite to the north and east. Reviewing historic aerial imagery suggests a potential wetland swale in the northeastern corner of the property.

Finding 2 – Site Visit
County Wetland/Habitat Review staff conducted a site visit on September 17, 2018. County Wetland/Habitat Review staff were able to confirm a Category III slope wetland with emergent vegetation in a swale in the northeastern portion of the parcel as shown in the attached map; the wetland continues offsite to the north and east.

Finding 3 – Residential Development
Per the Wetland Protection Ordinance (Table 40.450.030-5) residential development with a density between 1 unit per acre and higher than 1 unit per five acres are considered a Moderate Intensity Use; a residential driveway is also considered a Moderate Intensity Use.

Finding 4 – Wetland Buffer
Per the Wetland Protection Ordinance (Table 40.450.030-2), a Category III wetland with a Habitat Score of 6 is afforded the protection of a Low Intensity Use wetland buffer of 65 feet in order to protect water quality and habitat functions (red line on the provided map). The Moderate Intensity Use buffer is 100 feet and is shown in orange on the provided map. The
minimum buffer width at its narrowest point shall not be less than the low intensity use water quality buffer width contained in Table 40.450.030-2; 40 feet for a Category III wetland (pink line on the provided map).

Finding 5 – Impacts to Buffer
The Wetland Protection Ordinance follows a hierarchy of impacts with the first being avoidance of all impacts within a wetland or wetland buffer, if possible. In the event that avoidance is not possible, County staff shall determine if the proposed development meets the reasonable use Exception (CCC 40.450.010.B.4). The applicant shall provide documentation that the any impacts have been minimized. Impacts to the wetland buffer are preferred to direct wetland impacts; impacts to the outer portion of the buffer are preferred to impacts in the inner portion of the buffer. Any unavoidable adverse wetland or wetland buffer impacts shall require a wetland permit/fees with applicable mitigation. Impacts within the water quality buffer or those wetland buffer impacts which cannot be mitigated on site may be considered indirect wetland impacts (CCC 40.450.040.D.5) and would be mitigated at the appropriate wetland mitigation ratios (Table 40.450.040-3). The responsible official may waive the requirements of Sections 40.450.030 (D) and (F) in certain cases where it is determined that all development is clearly separated from the wetlands and wetland buffers.

a. Development envelopes shall be required for a fully complete preliminary application;

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

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

Finding 6 – Stormwater Facilities
Stormwater facilities are discussed under section C.4 of the Wetland Protection Ordinance (CCC 40.450.040.C.4). Stormwater dispersion facilities that comply with the standards of Chapter 40.385 shall be allowed in all wetland buffers per the Wetland Protection Ordinance provided the outfalls comply with the standards of subsection C.4.b of the wetland protection ordinance. Enhancement of wetland buffer vegetation to meet dispersion requirements may also be considered as buffer enhancement for the purpose of meeting the buffer averaging or buffer reduction standards. Other stormwater facilities are only allowed in buffers of wetlands with low habitat function (less than 5 points on the habitat section of the rating form), provided that the facilities shall be built on the outer edge of the buffer and not degrade the existing buffer function and are designed to blend with the natural landscape. Any proposed stormwater impacts to wetlands and wetland buffers should be accounted for and indicated on the plans. There are no stormwater impacts proposed within the wetland or wetland buffers on the provided plan, however if this changes then additional wetland review shall be required.

Finding 7 – Building Envelopes
The applicant has provided a preliminary plat dated April 10 2018 [Exhibit 14, Sheet 1] which indicates a wetland and wetland buffer, however the location of the wetland and buffer appears to be off based on conditions observed in the field when the plans are overlaid with the mapping from the wetland determination (WET2018-00007). The proposed rural turnaround appears to avoid the Moderate Intensity Use buffer. If the turnaround will encroach into the Moderate Intensity Use buffer then additional wetland review shall be required, including potential permitting and mitigation. The preliminary plan indicates building envelopes for
Lots 1-4, however the building envelopes for Lots 1 and 4 will need to be amended to avoid wetland buffer impacts within the Moderate Intensity Use buffer.

**Finding 8 – Temporary Impacts**
Temporary impacts may occur within the wetland buffer related to construction of the proposed rural turnaround given the proximity of the turnaround to the Moderate Intensity Use buffer. Temporary impacts 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 1 year to ensure the performance standard for herbaceous cover is met. Any areas not meeting this standard shall be replanted, with maintenance and monitoring continuing until the standard has been met.

**Finding 9 – Maintenance of Buffer**
The wetland and wetland buffer shall be maintained in a natural state. The applicant shall retain all native vegetation on site that is outside of the indicated development area within the wetland and wetland buffer. Any changes to the development layout causing greater impacts to the wetland or wetland buffer than what is approved herein shall be subject to additional habitat and/or wetland review by County Wetland/Habitat Review staff and may include additional permits and/or mitigation requirements.

**Finding 10 – Best Management Practices**
The applicant shall utilize best management practices to control erosion and prevent sediment from entering adjacent wetlands and wetland buffers.

**Finding 11 – Unforeseen Disturbance**
Any unforeseen disturbance to the indicated wetland, or wetland buffer not mentioned as a part of this permit shall be replanted with native vegetation of like kind.

**Finding 12 – Vegetation Removal**
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 which occur within a wetland or wetland buffer. 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.
Finding 13 – Development Envelopes
The applicant shall delineate the wetlands and wetland buffers per the wetland determination (WET2018-00007) on future construction plans and the final plat as indicated on the attached map. The applicant shall indicate development envelopes on Lots 1 and 4 which clearly avoid the wetland and wetland buffer. A note should be included on future construction plans and the final plat which indicates that no clearing or development shall occur outside of the development envelope. Any changes to the development layout causing greater impacts to the wetland or wetland buffer than what is approved with this review shall be subject to additional wetland review by County Wetland/Habitat Review staff and may include additional permits and/or mitigation requirements.

Conclusion (Wetland): Based upon development site characteristics and the proposed development plan, staff concludes that the proposed plan complies with the requirements of Chapter 40.450 (Wetland Protection) addressed herein, PROVIDED that certain conditions (See Conditions AA-1 through AA-5, A-4, A-5, C-1, D-4 and D-9-b) are met. Therefore, requirements of the preliminary plan review criteria are satisfied.

Transportation

Finding 1 – Frontage Road/Improvements
The development is bordered by NE 67th Avenue to the west, Rural Center Residential (RC-1) zoned parcels to the north and south, and Rural Center Commercial (CR-2) zoned parcels to the east.

NE 67th Avenue is classified as a Rural Local Access and is located within a Rural Center. The existing roadway has a 16 to 20-foot paved width within a 40-foot right-of-way. Code requires a 50-foot right-of-way width, a 24-foot paved width and 5-foot wide detached at-grade paved (concrete or asphalt) walkways. Right-of-way requirements are not met; therefore, the applicant will be required to dedicate 5 feet of right-of-way to achieve a half-width of 25 feet along NE 67th Avenue (See Condition D-5).

Additionally, there are deficiencies in pavement width and sidewalk improvements. The applicant is not proposing to make any frontage improvements to NE 67th Avenue and has submitted a road modification to address this issue. [See Transportation Finding 6 – Technical Road Modifications (EVR2018-00010)]

Finding 2 – Access Management
The parcel is currently served by a horseshoe driveway. The driveways, where they connect to NE 67th Avenue, are separated by 100 feet. It appears that Lot 1 will have the ability to access both driveways, while Lot 2-4 only have the ability to access the southern driveway via a 12-foot wide joint gravel driveway extension off the existing driveway approach. Prior to plat approval of this development, construction of the joint driveway including the proposed turnaround shall be completed. A developer’s covenant that establishes maintenance responsibility for the joint driveway will also be required (See Conditions A-6-a and D-8-b).

Finding 3 – Paving of Intersection Area
Driveways in rural areas connecting with paved public roads shall be paved from the edge of the public road to the right-of-way or 20 feet from the edge of nearest travel lane, whichever is
greater. The existing driveways appear to be mostly paved, but may not meet the exact
dimension as depicted in Clark County Standard Drawing F20 (See Condition A-6-b).

Finding 4 – Off-Site Road Improvements
Per CCC 40.350.030(B)(6)(b), all rural public roads providing access to parcels being
developed shall at a minimum have an unobstructed and paved roadway width of 20 feet, or 18
feet of pavement with 1 foot wide shoulders. Any pre-existing roadway narrower than 18 feet
with 1 foot shoulders shall be widened to the full 20 foot standard. Off-site portion of both NE
67th Avenue and NE 209th Street do not meet the existing 18-foot paved width standard.

Additionally, per 40.350.030(B)(6)(a), 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.

The applicant has submitted a road modification to address this issue (See Transportation
Finding 6).

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. Landscaping, trees,
utility poles, and miscellaneous structures will not be allowed to impede required sight
distance requirements at all proposed driveway approaches and intersections. Per Table
40.350.030-8, the applicant is required to have 250 feet of sight distance at both driveway
approaches per the 25 MPH posted speed limit along NE 67th Avenue.

The applicant’s engineer, Hayward Uskoski & Associates, has submitted a Sight Distance
Certification letter verifying that sight distance exceeds 250 feet for north and south bound
traffic on NE 67th Avenue and that the proposed and existing driveways will meet intersection
sight distance requirements. The applicant shall show the sight distance triangle on the final
construction plans (See Condition A-6-c).

Finding 6 – Technical Road Modifications (EVR2018-00010)
The applicant is requesting a two-part technical road modification.

Road Modification Requests:
1. Relief from Off-site Road Improvements to NE 67th Avenue and 209th Street.
2. Relief from Frontage Road Improvements on NE 67th Avenue.

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 two technical road modification narratives prepared by H. Lee & Associates, PLLC dated January 9, 2019, for Road Modification # 1 and Hayward Uskoski & Associates dated January 29, 2019 for Road Modification # 2, the engineers provide justification for the request.

**Staff’s Evaluation:**

**Road Modification # 1 - Off-site Road Improvements**
Per CCC 40.50.0350(B)(6)(b), all rural public roads providing access to parcels being developed shall at a minimum have an unobstructed and paved roadway width of 20 feet, or 18 feet of pavement with 1 foot wide shoulders. Any pre-existing roadway narrower than 18 feet with 1 foot shoulders shall be widened to the full 20-foot standard.

As the engineer states, “Significant portions of the roadway width along NE 67th Avenue and NE 209th Street are less than 18 feet.” Thus, the development is required to widen these portions to meet the 20-foot standard.

**Road Modification # 2 - Frontage Road Improvements**
Partial width frontage improvements are required along NE 67th Avenue. NE 67th Avenue is classified as a Rural Local Access, is within a Rural Center, and the pavement life left on the road is less than 5 years; therefore, the applicant is required to reconstruct the roadway to centerline and construct curb, gutter, and detached 5-foot sidewalk per CCC 40.350.030(B)(5)(a)(6) and Table 40.350.030-2, footnote 8.

It should be noted that staff did not evaluate the portion of the road modification request that asks for approval of substandard access spacing, since the applicant’s proposal meets the standards of CCC 40.350.

**Evaluation**
Staff concurs with the applicant’s discussion and analysis and believes that the engineers have demonstrated that the complete application of the frontage and off-site improvement standards would be grossly disproportional to the impacts created by a 4-lot short plat. However, total relief from any improvements cannot be supported. The applicant will be required to construct the following improvements that are believed to be proportional to the development to provide minimally safe access and functionality:
1. Full-width pavement overlay along NE 67th Avenue frontage.
2. 5-foot asphalt sidewalk along NE 67th Avenue frontage.
3. Turnouts every 1,320 feet along NE 67th Avenue & NE 209th Street.

Staff communicated these conditions to the applicant and requested a volunteer letter from the applicant for item number 3 because they are off-site improvements subject to CCC 40.350.030(B)(6)(a). The applicant's engineer, Hayward Uskoski & Associates, submitted a follow-up memo, dated April 24th 2019, detailing that existing turnouts currently exist to satisfy the proposed condition, subsequently a condition nor volunteer letter is warranted. Staff agrees.

Staff recommends partial approval of both road modification requests per approval criterion CCC 40.550.010(C)(2)(d) in that the complete application of the standards of Chapter 40.350 to the development would be grossly disproportional to the impacts created. Additional road improvements are warranted as conditioned (See Conditions A-6-d and A-6-e).

**Staff’s Recommendation:**
Staff recommended an Approval of the technical road modification request, subject to conditions. The Development Engineering Division Manager has approved the technical road modification [Exhibit 24].

**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**
Concurrency has reviewed the Land Use Review application for the Pollock Short Plat development. The traffic information submitted indicates that this application seeks to divide 4.35 acres into 4 lots. The applicant’s traffic information suggests a trip generation at 3 AM peak hour trips and 3 PM peak hour trips with an average daily trip generation of 30. The proposed development site is located at 21103 NE 67th Avenue.

The applicant has submitted traffic information under the provisions of CCC 40.350.020. Staff concurs with the applicant’s findings.

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

**Stormwater**

**Finding 1 – Stormwater Applicability**
The provisions of Clark County Code Chapter 40.386 shall apply to all new development, redevelopment, 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-7-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-7-b).

Finding 2 – Stormwater Proposal
The 4.35-acre parcel currently contains an existing house and an outbuilding, both of which will remain on Lot 1. The site is mostly flat and mildly slopes (0-5%) from the center of the property to the northeast and the west. The existing vegetation is primarily pasture grass with some trees and stormwater currently sheet flows across the site in to the roadside ditch along NE 67th Avenue. On-site soils are classified as Lauren Loam (LeB) within the buildable area, which has a hydrologic soil group classification of “B” and a Clark County soil group classification of “SG 1” based on the most current GIS data.

The applicant provided a revised Preliminary Technical Information Report prepared by Hayward Uskoski & Associates, dated March 5, 2019. Proposed site improvements include the construction of a joint driveway and 3 residential structures and individual driveways for a total of approximately 0.48 acres of new hard surface.

Basic Runoff Treatment (MR#6) is met utilizing basic filter strips (BMP T9.40) along the joint and individual lot driveways. The runoff is then collected in the roadside ditch and conveyed to a detention pond. An MGSFlood hydrologic analysis of the developed site conditions was completed in order to calculate the length of the filter strip needed to achieve a minimum 9 minute residence time.

On-site Stormwater Management (MR#5) and Flow Control (MR#7) for all hard surfaces are met utilizing a 30 ft x 100 ft x 2 ft detention pond (BMP D6.10) with control structure. It appears that the water will be discharge to the road side ditch in NE 67th Avenue, which continues north to Mill Creek approximately 500 feet north of the development. An MGSFlood hydrologic analysis of the historic (forested) and developed site conditions were completed showing that the proposed facilities can meet the LID Performance and Flow Control Standards. The stormwater pond shall be constructed to meet the design criteria outlined in Chapter 6 (BMP D6.10), Book 2 of the CCSM 2015. Additionally, to address any downstream impacts on water quality and surface water conditions related to the development, the applicant will be required to perform an off-site analysis in conformance with Chapter 5, Book 1 of the CCSM 2015 because the project changes the rate, volume, duration, and location of discharges from the project site (See Conditions A-7-c and A-7-d).

It should be noted that the engineer used a soil group classification of SG 4 when determining the predeveloped and mitigated land-use cover flow durations. This was based on soil mapping available in 2017. Since then, NCRS has updated their mapping and the on-site soil is now classified as SG 1. Absent any in-situ site specific soil information to prove otherwise, the engineer shall use Clark County WWHM soil group classification of SG 1 when sizing the stormwater facilities. Staff believes that the site has enough area to accommodate any changes in the filter strips and detention pond footprints (Condition A-7-e).
The stormwater facilities associated with this project site will be privately owned and maintained. A developer's covenant and plat note will be required to establish ownership and maintenance responsibility of these shared stormwater facilities (See Conditions D-8-e, D-9-f D-9-g and E-3).

**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-a).

**Finding 2 – Fire Flow**
Fire flow in the amount of 500 gallons per minute supplied for 30 minutes duration is required for this application. Prior to final plat approval, the applicant shall submit documentation indicating the required fire flow is available at the site (See Condition D-11). Public water is located approximately 1,500 feet away therefore no hydrant will be required. Where fire flow is not provided in the full amount by a public water system, the side and rear setbacks for all buildings shall be increased to thirty (30) feet (See Condition D-9-h). A class "A" or better rated roof and noncombustible siding shall be required (See Condition D-9-i).

Homes exceeding 3600 square feet including attached garages will require additional fire protection features up to and including a residential fire sprinkler system when adequate public water and a hydrant is not within required distances (See Condition G-3-b).

**Finding 3 – Fire Apparatus Access**
Fire apparatus access is required for this application. The proposed roadways and maneuvering areas shall meet requirements of the Clark County Road Standards. Access roads shall be provided and maintained with an unobstructed vertical clearance of not less than 13.5 feet, an all-weather driving surface and be capable of supporting the imposed loads of fire apparatus (See Conditions A-10-a and H-2).

**Finding 4 – Private Driveways**
New private driveways in excess of three hundred (300) feet in length shall be provided with an approved turnaround at the terminus. A cul-de-sac turnaround per Clark County Road Standards is shown on the plat. Plans showing a driveway that is consistent with the preliminary land division plan shall be submitted for review and approval (See Condition A-10-b).

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

Finding 1 – Service Availability
The site will be served on-site by individual or 2-party well systems, and private on-site septic systems. A Development Review Evaluation letter (SR28535) from the Clark County Public Health Department has been submitted that confirms that Public Health staff conducted an evaluation of the site. The letter also confirms that the proposed well and septic systems are feasible [Exhibit 7].

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

a. Prior to final plat approval, each lot must have legal and physical access to a drilled well with a current satisfactory Water Adequacy Verification Evaluation (WAVE). A well site evaluation from Clark County public Health is required for all new wells prior to drilling. Group B approval and a recorded easement agreement are required for a two-party shared well (See Condition D-7).

b. The 100-foot radius of any new well must be entirely contained within the current property lines of the proposed parcel. The actual locations of all wells must be indicated on the final plat along with a 100-foot radius zone of protection. Each individual well must be located on the lot it serves (See Condition D-7).

c. Comply with the Health Department Development Review Evaluation.

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

“This land division was approved without water rights and is therefore required to meet ground water permit exemption requirements within RCW 90.44.050. Unless water rights are obtained, the total combined water use by the lots in this land division is limited to five thousand (5,000) gallons per day. The watering of lawns or of noncommercial gardens is limited to a total not to exceed one-half (1/2) acre” (See Condition D-9-j).

Finding 3 – Sewage Treatment and Disposal
The existing residence is served by an on-site sewage system. No as-built records have been found for this system and a “locate” of this system by a certified professional showing the system is a minimum of 5 feet off the new property line is required prior to final plat approval (See Condition D-7).

The other three (3) proposed lots have satisfactory soil evaluations approved on November 6, 2017; site evaluations are valid for 5 years. A current site evaluation permit will be required for the existing system at the time of final plat approval (See Condition D-7).

Each on-site sewage system shall be on the same lot it serves. The test hole locations corresponding to the designated on-site sewage system sites shall be surveyed and indicated on the final plat (See Condition D-7).
There shall be no public or private easements or rights-of-way through the approved initial, reserve, or existing on-site sewage system sites (See Condition D-7).

Public Health also requires the following note on the face of the final plat:

“The approved initial, reserve, and/or existing sewage system sites shall be protected from damage due to development. All sites shall be maintained so they are free from encroachment by buildings and not be subject to vehicular traffic or other activity which would adversely affect the site or system function” (See Condition D-9-k).

**Finding 4 – Final Plat**
Where use of wells or septic systems are proposed, Public Health staff must sign the final plat prior to submittal to the county for final plat review and recording (See Condition D-6).

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

**Impact Fees**

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

- Battle Ground School District (SIF): $6,397.00
- Rural (TIF): $2,424.08

The amount listed above is an estimate using the current impact fee rate and is subject to change. As found in CCC 40.610.040, impact fees are calculated using the rates in effect at the time of building permit issuance for the new residential structure only (See Conditions D-8-f, D-9-l, and E-4).

**Conclusion (Impact Fees):** Staff finds that the proposed preliminary plan, subject to conditions identified above, meets impact fee requirements of the Clark County Code.

**SEPA Determination**

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

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

- **MDNS = Mitigated Determination of Non-Significance** - The impacts can be addressed through conditions of approval; or,
• DNS = Determination of Non-Significance - The impacts can be addressed by applying the Clark County Code.

The likely SEPA determination of Non-Significance (DNS) in the Notice of Development Review Application issued on August 22, 1918 is hereby final.

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

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

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

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

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

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

- The appeal fee

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

The decision of the Hearing Examiner is final unless:

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

Staff Contact Person:  Amy Wooten, 564.397.5683

Responsible Official:  Mitch Nickolds, Community Development Director
Decision

Based upon the proposed plan [Exhibit 14, Sheet 1] and the findings and conclusions discussed above the Community Development Director hereby APPROVES this request, subject to the following conditions of approval.

Conditions of Approval

| AA | General – Wetland and Habitat Review and Approval Authority: Wetland/Habitat Review |

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

AA-2 The applicant shall utilize best management practices to control erosion and prevent sediment from entering adjacent priority habitat areas, wetlands, and wetland buffers.

AA-3 Any unforeseen disturbance to the indicated priority habitat, wetland, or wetland buffer not mentioned as a part of this permit shall be replanted with native vegetation of like kind. These areas shall be replanted with native vegetation to maintain and enhance water quality and habitat ecological function. County Wetland/Habitat Review staff shall be notified of any additional impacts and the replanted area shall be included with the permitted restoration areas and maintained and monitored accordingly (if required).

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 building/development envelopes indicated. Invasive species may be removed within priority habitat areas provided that ground disturbing heavy machinery (scraping, ripping, etc.) is not used. Cutting, mowing, and ground disturbance with hand tools is allowed; efforts shall be made to prevent injury to neighboring native vegetation (CCC 40.440.010; Table ro.440.010-1).

AA-5 Temporary impacts may occur within the wetland buffer related to construction of the proposed rural turnaround given the proximity of the turnaround to the Moderate Intensity Use buffer. Temporary impacts 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 1 year to ensure the performance standard for herbaceous cover is met. Any areas not meeting this standard shall be replanted, with maintenance and monitoring continuing until the standard has been met.

A | **Final Construction Review for Land Division**

**Review and Approval Authority: Development Engineering**

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

A-1 **Archaeology** - A note shall be placed on the face of the final construction plans as follows:

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

A-2 **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:

a. **Plant Materials:** The location, number, species, size at planting, and spacing of proposed plant material within the 10-foot L3 buffer shall be identified on the final plan and meet the requirements of 40.320. *(See Land Use Finding 4)*

A-3 **Habitat Plan (if required):**

a. All Priority Habitat areas shall be delineated on the face of any future engineering, grading, or stormwater plans as shown in WET2018-00007.

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

A-4 **Wetland Plan:**

a. The applicant shall delineate the wetland and wetland buffers on the face of any future engineering, grading, or stormwater plans as shown in WET2018-00007.
b. The Final Construction plan shall show location of the outer extent of the wetland buffer for marking in the field. Markings shall be installed prior to construction and maintained throughout the duration of construction.

c. The applicant shall establish development envelopes on Lots 1 and 4 which clearly avoid the wetland and wetland buffers.

A-5 **Wetland/Habitat** - A note shall be placed on the face of the final construction plans as follows:

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

A-6 **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 the construction of the entire length of the joint driveway and turnaround. *(See Transportation Finding 2)*

b. The applicant shall show on the final construction plans that the driveway approaches are paved back 20 feet from the nearest pavement edge of NE 67th Avenue to comply with Clark County Standard Drawing F20. *(See Transportation Finding 3)*

c. The applicant shall show on the final construction plans the sight distance triangles at both driveway approaches onto NE 67th Avenue. *(See Transportation Finding 5)*

d. The applicant shall show on the final construction plans the overlay of the full pavement width of NE 67th Avenue along their frontage. A minimum 20-foot paved roadway width must be achieved. *(See Transportation Finding 6)*

e. The applicant shall show on the final construction plans the construction of a 5-foot asphalt path along their frontage of NE 67th Avenue. *(See Transportation Finding 6)*

A-7 **Final Stormwater Plan** - The applicant shall submit and obtain County approval of a final stormwater plan designed in conformance to CCC 40.386 and the following conditions of approval:

a. The applicant shall submit final construction plans and a final Technical Information Report that addresses Minimum Requirements #1 though #9. *(See 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 demonstrate that the proposed stormwater detention pond complies with the design criteria outline in Chapter 6 (BMP D6.10), Book 2 of the CCSM 2015. *(See Stormwater Finding 2)*

d. The applicant shall submit an offsite analysis prepared in accordance with Book 1, Chapter 5 of the CCSM 2015 with the final TIR. *(See Stormwater Finding 2)*

e. The applicant shall use the Clark County Soil Group classification of “SG-1” when sizing the stormwater facilities with an approved continuous flow model. *(See Stormwater Finding 2)*

**A-8 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-9 Excavation and Grading:** Excavation/grading shall be performed in compliance with CCC 14.07.

**A-10 Fire Marshal:**

a. **Fire Apparatus Access:** Plans showing roadways and maneuvering areas that are consistent with the preliminary land division plan shall be submitted for review and approval. *(See Fire Protection Finding 3)*

b. **Private Driveway:** Plans showing a driveway that is consistent with the preliminary land division plan shall be submitted for review and approval. *(See Fire Protection Finding 4)*

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

Prior to construction, the following conditions shall be met:

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

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

**B-3 Erosion Control:** Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.
B-4 **Erosion Control:** Erosion control facilities shall not be removed without county approval.

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

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

C-1 **Wetland** - 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*

D **Final Plat Review & Recording**  
**Review and Approval Authority: Land Use Review**

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

D-1 **Lot Standards:**

a. **Lot Dimensions:** Lot dimensions shall be shown on the final plat. Each resulting parcel shall have a minimum width of 100 feet and a minimum depth of 140 feet. *(See Land Use Finding 2)*

b. **Lot Size:** All resulting lots shall contain a minimum of 1.0 acre. *(See Land Use Finding 2)*

D-2 **Verification of Landscape Installation:** 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 4)*

D-3 **Habitat:**

a. All Priority Habitat areas shall be delineated on the face of the Final Plat.

b. The final plat shall indicate a building envelope for Lot 3 which clearly avoids priority habitat.

D-4 **Wetlands:**

a. The wetland and buffer boundaries shall be delineated on the face of the Final Plat as shown in WET2018-00007.
b. The applicant shall establish development envelops on Lots 1 and 4 which clearly avoid the wetland and wetland buffers.

D-5 **Right-of-Way** - The required 5-foot right-of-way dedication on NE 67th Avenue must be conveyed to the county with the final plat. *(See Transportation Finding 1)*

D-6 **Public Health Signature Requirement:** Public Health is required to sign the final plat, as the development proposes the use of well and septic systems. *(See Water and Sewer Service Finding 4)*

D-7 **On-Site Water Wells and Sewage System Requirements** - For on-site water wells and sewage system, the following requirements shall be completed:

a. Small public water systems shall be drilled and approved by Public Health prior to final plat approval;

b. A 100-foot radius of protection for any wells shall be shown on the final plat map and be located within the boundaries of the land division;

c. A restrictive covenant is required for any existing well with a 100’ radius located outside the current property lines of the parcel;

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

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

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

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

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

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

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

k. A “locate” of on-site sewage disposal system for the existing residence on Lot 1 by a certified professional showing the system is a minimum of 5 feet off the new property line is required prior to final plat approval.
D-8 **Developer Covenant** - A Developer Covenant to Clark County shall be submitted for recording to include the following:

a. **Land Near Agricultural, Forest or Mineral Resources**: Land owners and residents are hereby notified that this plat is located within 500 feet of lands zoned agriculture-wildlife (AG-WL), agriculture (AG-20), forest (FR-40, FR-80), or surface mining (S), or in current use under Revised Code of Washington (RCW) Chapter 84.34. Therefore, the subject property is within or near designated agricultural land, forest land or mineral resource land, as applicable, on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration. Potential discomforts or inconveniences may include, but are not limited to: noise, odors, fumes, dust, smoke, insects, operation of machinery including aircraft during any twenty-four (24) hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides.

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 Safety 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 additional dwelling in this short plat shall be assessed for impacts on schools, and transportation facilities based for the following districts: Battle Ground School District (SIF), and Rural Sub-area (TIF). As found in CCC40.610.040, impact fees are calculated using the rates in effect at the time of building permit issuance."

D-9 Plat Notes - The following notes shall be placed on the final plat:

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

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

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

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

e. Sight Distance: “All sight distance triangles shall be maintained.”

f. On-site Drainage System: "Stormwater facilities for all lots of the development shall be installed in accordance with the approved final engineering As-Built plans, if applicable, or the owner of each lot is responsible for obtaining approval of a stormwater plan with the building permit and constructing the individual onsite stormwater system. These stormwater systems will be owned and maintained by the property owner(s) on whose lot the stormwater system is located."

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

h. Fire Flow: Where fire flow is not provided in the full amount by a public water system, side and rear setbacks for all buildings shall be a minimum of thirty (30) feet.
i. Fire Flow: Where fire flow is not provided in the full amount by a public water system, noncombustible siding and a class “A” or better rated roof shall be required.

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

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

l. Impact Fees: "In accordance with CCC 40.610, impact fees for each additional dwelling in this short plat shall be assessed for impacts on schools, and transportation facilities based for the following districts: Battle Ground School District (SIF), and Rural Sub-area (TIF). As found in CCC40.610.040, impact fees are calculated using the rates in effect at the time of building permit issuance.”

D-10 Addressing: At the time of final plat, existing residence(s) that will remain may be subject to an address change. Addressing will be determined based on point of access.

D-11 Fire Marshal: Prior to final plat approval, the applicant shall submit documentation indicating the required fire flow is available at the site. (See Fire Protection Finding 2)

E Building Permits
Review and Approval Authority: Permit Services

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

E-1 Setbacks: Future construction on the newly created lots shall reflect whichever setback requirement (zoning, wetland, habitat or fire protection) is greater (See Land Use Finding 3)

E-2 Excavation and Grading: Excavation/grading shall be performed in compliance with CCC 14.07.

E-3 Stormwater: If the applicant does not obtain approval with final engineering plans of typical lot drainage plans for each of the lot, then the applicable stormwater minimum requirements must be determined in accordance with CCC 40.386 at time of building permit application. The owner of each lot is responsible for obtaining approval of stormwater plan with the building permit and constructing the individual onsite stormwater system. (See Stormwater Finding 2)
E-4  **Impact Fees:** In accordance with CCC 40.610, impact fees for each additional dwelling in this short plat shall be assessed for impacts on schools, and transportation facilities based for the following districts: Battle Ground School District (SIF), and Rural Sub-area (TIF). As found in CCC40.610.040, impact fees are calculated using the rates in effect at the time of building permit issuance. *(See Impact Fees Finding 1)*

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**F  Occupancy Permits**

**Review and Approval Authority:** Building

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

- **F-1** None

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

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

- **G-3** **Fire Marshal:**
  - **a.** 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 Fire Protection Finding 1)*

  - **b.** Homes exceeding 3600 square feet including attached garages will require additional fire protection features up to and including a residential fire sprinkler system when adequate public water and a hydrant is not within required distances. *(See Fire Protection Finding 2)*
Post Development Requirements
Review and Approval Authority: As specified below

H-1 Landscaping: Maintenance of landscaped areas is the ongoing responsibility of the property owner. Required landscaping must be continuously maintained in a healthy manner. Plants that die must be replaced with in-kind materials unless otherwise authorized by the responsible official. (See Land Use Finding 4)

H-2 Fire Apparatus Access: Access roads shall be maintained with an unobstructed vertical clearance of not less than 13.5 feet, an all-weather driving surface and be capable of supporting the imposed loads of fire apparatus. (See Fire Protection Finding 3)

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

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

The appeal shall be filed with the Department of Community Development within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record. This decision was mailed on May 31, 2019. Therefore any appeal must be received in this office by the close of business on June 14, 2019.

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

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

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

- Proposed Preliminary Plan [Exhibit 14, Sheet 1]
- Wetland/Habitat Map [WET2018-00007]
## EXHIBIT LIST

**Project Name:** POLLOCK SHORT PLAT  
**Case Number:** PLD2018-00004

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

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<td>21000 NE 67th Ave</td>
<td>Battle Ground</td>
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<td><a href="mailto:bobpollock@cwestern.com">bobpollock@cwestern.com</a></td>
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<td>Contact Person</td>
<td>Hayward Uskoski &amp; Associates</td>
<td>Valerie Uskoski</td>
<td>400 E Evergreen Blvd Ste 112</td>
<td>Vancouver</td>
<td>WA</td>
<td>98660</td>
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