Notice to Parties of Record

Project Name: Schlichting Estates Cluster Subdivision

Case Number: PLD2019-00009; SEP2019-00013; FOR2019-00014

The attached decision of the Land Use Hearing Examiner is final unless a motion for reconsideration is filed or an appeal is filed with Superior Court.

See the Appeals handout for more information and fees.

Motion for Reconsideration:
Any party of record to the proceeding before the hearings 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 the rights of the moving party:

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

Mailed on: May 23, 2019
BEFORE THE LAND USE HEARINGS EXAMINER
FOR CLARK COUNTY, WASHINGTON

In the matter of a Type III application for preliminary plat approval to divide 36.37 acres zoned R-5 into 8 residential cluster subdivision lots in Clark County, Washington.

FINAL ORDER
Schlichting Estates
Cluster Subdivision

I. Summary:

This Order is the decision of the Clark County Land Use Hearings Examiner approving with conditions this application to subdivide a 36.37-acre parcel into 7 new single-family residential cluster lots and a 24.33-acre remainder lot and related approvals (PLD2019-00009, SEP2019-00013 & FOR2019-00014) under Clark County R-5 zoning.

II. Introduction to the Property and Application:

Owner .................. Linda Varney
Schlichting LLC
14803 NE 202nd Avenue
Brush Prairie, WA 98606

Applicant ............... PLS Engineering
Attn: Travis Johnson
604 W Evergreen Blvd.
Vancouver, WA 98660

Property .................. Legal Description: Parcel No. 205168-000 in Section 20, Township 3 North, Range 3 East of the Willamette Meridian, Street Address: 14709 NE 202nd Avenue, Brush Prairie.

Applicable Laws ........ Clark County Code (CCC) Ch. 40.200 (General Provisions), Ch. 40.350 (Transportation), §40.350.020 (Transportation Concurrency), Ch. 40.386 (Stormwater Drainage and Erosion Control), Ch. 15.12 (Fire Code), Ch. 40.570 (SEPA), Ch. 40.430 (Geologic Hazard Areas), §40.210.020 (Rural Districts), §40.350.030 (Street and Road Standards), §40.370.010 (Sewerage Regulations), §40.370.020 (Water Supply), §40.500.010 (Procedures), §40.520.010 (Legal Lot Determination), §40.510.030 (Type III Process), §40.540.040 (Subdivisions), §40.570.080 (Archaeological), Chs. 40.610 & 40.620 (Impact Fees), RCW 58.17, and the Clark County Comprehensive Plan.

This application seeks to subdivide a single 36.37-acre parcel (Parcel No. 205168-000) into the following 7 new single-family residential cluster lots under the County’s R-5 zoning:

- Lot 1 - 1.60 ac (69,593 sf)
Lot 2 – 3.17 ac (138,274 sf)
Lot 3 – 1.60 ac (69,700 sf)
Lot 4 – 1.59 ac (69,188 sf)
Lot 5 – 1.60 ac (69,694 sf)
Lot 6 – 1.60 ac (69,696 sf)
Lot 7 – 1.60 ac (69,695 sf)

Plus a 24.33-acre remainder lot (Lot 8), where the parcel's current/existing home will remain, along with several agricultural and forestry outbuildings. The County's R-5 zoning requires a 5-acre minimum lot size, but also allows cluster developments where the clustered lots are at least 1-acre each and the remainder lot cannot be subdivided further and is at least 65% of the total site.

This property is located in unincorporated rural Clark County, outside of any Urban Growth Area, and near Brush Prairie, ~5 miles southeast of Battle Ground on the east side of NE 202nd Avenue, immediately north of the intersection with NE 144th Street. The site slopes gently (<5%) up to the northeast, and elevations range from ~485 feet above msl in the site's southwest corner to ~520 feet above msl in the northeast corner. The site contains numerous agricultural/forestry buildings, and it does not contain any mapped or identified streams, wetlands or critical areas. The site is within the territory of the Greater Brush Prairie Neighborhood Association, the Hockinson School District, the Rural Traffic Impact sub-area, and Fire District 3. Water service will be provided to the new lots by Clark Public Utilities, and each lot will have an on-site septic system.

The application consists of a binder (Ex. 1) that includes a set of full-sized plans (tab 10), application forms (tab 1), a report from the May 24, 2018 Pre-Application Conference (tab 4), a Developer's GIS Packet (tab 5), Project Narrative (tab 6), Legal Lot Determination (tab 7), preliminary boundary survey (tab 9), geotech soil analysis report (tab 10), a soil analysis report (tab 11), stormwater preliminary technical information report and development plan (tabs 12 & 13), the engineer's statement of completeness and feasibility (tab 14), a traffic profile and sight distance certification (tab 15), SEPA checklist (tab 16), an archaeological predetermination with DAHP (tab 17), a sewer utility letter (tab 18), a water utility letter (tab 19), a Health Department Project Review Evaluation Letter (tab 20), a letter from the Hockinson School District regarding safe routes (tab 22), a forest practices application (tab 23) and a road modification request (Ex. 13). The applicant subsequently revised the road modification (Ex. 16) and submitted an updated phasing plan and project narrative (Ex. 20).

III. Summary of the Local Proceeding and the Record:

A preapplication conference was requested May 3, 2018 and held May 24, 2018 (Ex. 1, tab 4); however, a fully complete application was not submitted until February 5, 2019 (Ex. 1) and was deemed fully complete on February 19, 2019 (Ex. 2). From this sequence, the application is deemed vested as of February 5, 2019. Notice of the Type III application, a preliminary SEPA determination of nonsignificance (DNS), and a May 9, 2019 public hearing was mailed to property owners within 500 feet on March 6, 2019 (Exs. 4 & 5) and to the Greater Brush Prairie Neighborhood Association. The County received two comments in response to the April 8, 2019 preliminary SEPA checklist and determination of non-significance from the Southwest Clean Air Agency (Ex. 17) and the Washington Department of Ecology (Ex. 21). In response to the original public notice of application and hearing, the County received no substantive land use comments.
County Staff issued a comprehensive report on the project dated April 25, 2019 (Ex. 22) that incorporated all of the substantive comments from the various County departments (Exs. 14, 18 & 19) recommending conditional approval. At the commencement of the May 9th hearing, the Examiner explained the procedure and disclaimed any ex parte contacts, bias, and conflicts of interest. Present at the hearing were Scott Wiedemer, County Planning staff, and Jennifer Reynolds, representing County Engineering, who collectively provided verbal summaries of the proposal and explained the legal and factual basis for staff's recommendation. The applicant was represented by Travis Johnson of PLS Engineering, who expressed the applicant's acceptance of staff's proposed findings and conditions and responded to questions about the project. A single witness (Jeff Pietrzynowski) provided neutral testimony that corroborated the applicant's arguments in support for the requested road modification (Ex. 16). No one objected to the process or challenged the Examiner's ability to impartially decide the case. At the conclusion of the May 9th hearing, the Examiner closed the record and took the matter under consideration.

IV. Findings:

Only issues and criteria raised in the course of the application, during the hearing and before the close of the record are discussed in this section. All approval criteria not raised by staff, the applicant or a party to the proceeding have been waived as contested issues, and no argument regarding these issues can be raised in any subsequent appeal. The Examiner finds those criteria to be met, even though they are not specifically addressed in these findings. The Examiner adopts the following findings in response to the approval criteria addressed in the staff report (Ex. 22) and the application (Exs. 1, 16 & 22).

Land Use

Finding 1 – Legal Lot Determination. The subject parcel was previously recognized as a legal lot as part of BLA 2015-00010. Another boundary line adjustment was completed in 2019, which made the lot smaller but remained compliant with County zoning requirements; as such, this parcel remains a legal lot of record.

Finding 2 – Rural Cluster Development. The purpose of cluster development is to provide for small lot residential development in the rural zoning districts while maintaining the area's rural character, maintaining and conserving larger remainder parcels, protecting and/or enhancing sensitive environmental and wildlife habitat areas, and minimizing impacts to necessary public services. To the maximum extent possible, all critical areas and any associated buffers on the parent property shall be located within the remainder parcel. Rural cluster residential development is a use permitted in the R-5 zone. The applicant proposes an 8-lot subdivision, consisting of 7 new cluster lots and a 24.33-acre developable remainder lot, which will include forest and agricultural land. Staff concluded that the proposed remainder lot met the criteria and intent of cluster development by aggregating forest and agricultural land on the remainder lot, while maintaining the rural residential nature of the surrounding community. The Examiner agrees that the proposed cluster is allowed on this R-5 zoned parcel, and the proposal complies with the cluster development provisions of the R-5 zone. A condition is warranted requiring the title of the plat to include "Cluster Short Plat." See Conditions D-4i & D-9.

Page 3 – HEARINGS EXAMINER’S FINAL ORDER

Schlichting Estates Cluster Subdivision

(PLD2019-00009, FOR2019-00014)
Finding 3 – Cluster Development Density. Cluster developments are allowed to have an equivalent maximum density to what is allowed in the zone without clustering, but based on 110% of the site’s gross area: 36.37 acres x 110% = 40.01 acres, which equates to 8 developable lots on this R-5 zoned parcel. The request for an 8-lot cluster development on 36.37 total acres is allowed in the R-5 zone.

Finding 4 – Setbacks & Development Standards. Although details of home construction on the proposed lots are not required at this stage of the process, the following setbacks are required by tables CCC 40.210.020-4&5 and apply to all lots created in this subdivision.
- 20-foot* front setback when abutting a cluster lot
- 50-foot front setback in all other situations (Lots 1, 2 & 8)
- 20-foot* side setback
- 50-foot rear setback
- 50-foot setback for agriculture buildings - all lot boundaries
  * The site's WUI designation and associated fire risk requires an increased setback of 30 feet.

The following development and dimensional standards apply and shall be met by all lots in this subdivision:
- Maximum building height is 35 feet
- Cluster lots must be at least 1 acre
- Minimum cluster lot depth is 140 feet
- Minimum cluster lot width is 100 feet

Building setbacks are defined as the horizontal distance between the property line and the foundation wall, exclusive of other building elements. A large portion of this site is designated Wildland Urban Interface (WUI) due to the fire risk, which increases the 20-foot setbacks to 30 feet to accommodate fire marshal requirements. The building envelopes proposed by the applicant for the cluster and remainder lots shall be revised to meet this minimum 30-foot WUI standard and shall be shown with distances to property lines on the final plat. See Condition D-14. To ensure compliance with the applicable rural cluster setback and development standards in CCC tables 40.210.020-4&5 and CCC 40.210.020(D)(3), building envelopes shall be shown for all lots on the final plat. See Conditions D-4j, D-4n & D-7.

Finding 5 - Cluster Lot Location. CCC 40.210.020.D.3 requires cluster lots to be sited so as to minimize conflicts between housing and adjacent agricultural or forest zoned property. The Examiner finds that no forestry or agricultural zoned properties are located in the vicinity of the property.

Finding 6 – Remainder Lot Requirements. CCC 40.210.020.D.3.c requires the remainder parcel to be contiguous. Fragmentation of the parcel by public or private road easements and/or building sites shall not occur unless no other reasonable alternative exists. The remainder lot shall provide a buffer for the cluster lots from adjacent lands in a resource zoning district and located adjacent to other bordering remainder parcels or public parks and open space. To the maximum extent possible, all critical areas and any associated buffers on the parent parcel shall be located in the remainder lot. To retain rural character, the remainder lot should contain to the maximum extent possible forested areas, prominent hillsides, meadows and ridges. CCC Table 40.210.020-4 requires the remainder lot to be at least 65% of the parent parcel. CCC 40.210.020.D.3.c(2)(b) requires a building
envelope for the remainder lot to be shown on the final plat that avoids all critical areas. See Condition D-7. There are no identified critical areas on site, and it appears that the remainder lot contains most of the forest land and all of the agricultural buildings on site. No other remainder lots border this site. The proposed remainder lot (Lot 8) is 24.33 acres or 66.9% of the site's 36.37 gross acres, which meets the minimum size threshold. A condition is warranted requiring the remainder lot to contain a minimum of 23.64 acres. See Conditions D-7 & D-8. CCC 40.210.020.D.2 prohibits further subdivision of the remainder lot until the area is brought in to an urban growth boundary. A plat note is warranted to keep the word "cluster" in the subdivision's name. See Conditions D-4i, D-4n & D-9

Finding 7 – Design Requirements & Landscaping. This cluster development shall be landscaped within the developed portion of cluster lots so as to reduce views of the development from the public rights-of-way, to provide a filtered view of the cluster, and to prevent the cluster from dominating the landscape. Lots 1, 2 & 7 require a minimum vegetated buffer (existing and/or proposed) of 6 feet tall and 50% opaque. CCC 40.210.020(D)(6) requires the vegetated buffer to be designed and installed prior to final plat per. New landscaping materials shall consist of native vegetation as identified by the Clark Conservation District, and include a combination of trees and shrubs. The application includes a landscape plan for Lot 1 and a small portion of Lot 2, but it does not account for landscaping along the developable area of Lots 2 and 7. The application indicated that, due to forested conditions on site, existing vegetation is sufficient to meet the landscaping buffer requirements, and staff appears to agree. Nonetheless, the applicant shall obtain approval of the landscape plan prior to final construction. If existing vegetation will remain to satisfy this requirement, the applicant shall identify that vegetation on the final landscape plan. See Conditions A-8 & D-4o. Prior to final plat, the applicant shall provide verification that all required landscaping is installed or existing and compliant with the approved landscape plan. See Condition D-10. CCC 40.320.010(G)(6) requires maintenance of landscaped areas, which is the ongoing responsibility of the property owner. Required landscaping shall be maintained continuously in a healthy manner. See Condition H-2. Additionally, no entryway treatments, monuments or other permanent development signs are allowed. Sight-obscuring fences (at least 50% opaque) of any height are not allowed within 50 feet of the public right-of-way, nor along cluster lot lines adjacent to the remainder lot. These requirements shall be noted on the final plat. See Conditions D-4k & D-4l. To the maximum practicable extent, existing historic rural features shall be preserved as part of the cluster development. These features include but are not limited to rock walls, fences, functional and structurally safe farm buildings, monuments and landscape features. See Condition D-11.

Finding 8 – State Platting Standards (RCW 58.17). This development is located in the Hockinson School District, and students from this development will attend Hockinson Heights Elementary and Hockinson Middle and High Schools. According to available GIS information, the nearest public school Hockinson Heights Elementary is 1 mile way. The applicant submitted a letter from the Hockinson School District (Ex. 1, tab 22) stating that children from this subdivision will be picked up and dropped off at a bus stop on NE 202nd Ave. On this basis, the Examiner concludes that the RCW 58.17.050, 'safe walking' requirement does not apply. With conditions of approval, the Examiner finds the proposed subdivision will make appropriate provisions for public health, safety, and general welfare of the community. Proof of adequate water and sewer service, as well as treatment of any
increase of stormwater runoff, will be provided, to protect groundwater supply and integrity. Impact Fees will also be required to contribute a proportionate share toward the costs of school and transportation facilities.

Finding 9 – Project Phasing. The applicant proposes this project in 2 phases (Ex. 20). Phase 1 consists of Lots 2, 3, 4, and remainder lot 8 (totaling 30.72 acres, which includes the land proposed for Phase 2), as well as construction of the proposed private road and driveway to serve Lots 2-7. Phase 2 consists of Lots 1, 5, 6 & 7, which will reduce the remainder Lot 8 to 24.33 acres. If the project expires prior to platting Phase 2, the remainder lot cannot be further subdivided, except as allowed by CCC 40.210.020(C)(2). The Phase 1 final plat must clearly delineate future Lots 1, 5, 6 & 7. Additionally, a plat note is required specifying that Phase 2 must be implemented prior to the preliminary subdivision approval expiration, if at all. Otherwise, Phase 2 cannot be completed. See Conditions D-4p & D-15.

Finding 10 – Notice of Agricultural, Forest, or Mineral Resource Activities. Agricultural and/or forestry activities on or near the parent parcel may be intermittently incompatible with residential development due to noise, odors, application of insecticides/herbicides and other accepted farm practices. CCC 40.510.030(D)(7) requires notice that these accepted farm practices will occur nearby through a recorded developer covenant. See Condition D-3f.

Archaeology
Finding 1 – Historic and Cultural Preservation. The entire site is located within moderate-high and high probability areas for discovery of archaeological resources, as designated on the Archaeological Predictive Model Map of Clark County. The applicant submitted an archaeological pre-determination to the Washington State Department of Archaeology and Historic Preservation (DAHP) prior to this application (Ex. 1, tab 17). DAHP staff reviewed the archaeological predetermination without comment, and provided no SEPA comments. Therefore, 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 immediately. See Conditions A-6a & D-4g.

Forest Practices
Finding 1. Forest Practices permit required. The application includes a Class IV-G forest practice permit to allow logging of 14 acres of timber and to convert the harvested areas located on cluster lots to non-forestry use. The findings and conditions of FOR2019-000014 are incorporated herein by this reference and made binding conditions of this decision. See F-series Conditions.

Finding 2: Storm Water & Erosion Control. The harvest operator is responsible for providing all Stormwater and erosion control requirements in accordance with CCC Ch. 40.386 (Storm Water and Erosion Control) for Class IVG Forest Practices for the entire project site. Subsequent to harvest, any site prep, such as stump pulling and grading, may be subject to a Clark County grading permit and state permits for construction stormwater.

Finding 3: Road Maintenance. Damage to the public roads or right-of-way shall be the sole responsibility of the applicant and underlying property owner. Any damage shall be corrected to the satisfaction of Clark County Public Works within 24 hours.
Finding 4: Slash Disposal. This operation is located within Clark County Fire District 3, which can provide burning conditions and permitting requirements. Slash shall be disposed of within 6 months of harvest. State Industrial Fire Precautions Level (IFPL) restrictions apply to all County Forest Practice permits. More information can be obtained at the IFPL website: https://fortress.wa.gov/dnr/protection/ifpl/

Finding 5: Public Safety. Log hauling from this site shall avoid the hours of 0700 to 0800 hours in the morning and 1500 to 1630 hours in the afternoon on school days. Log hauling shall comply with all posted speed limits and rules of the road, the use of unmuffled "jake brakes" are prohibited adjacent to private residences. Tracking on to county roads is prohibited by CCC Chs. 40.386 & 13.26A.

Finding 6: Archaeological Resources. The applicant successfully completed an Archaeological predetermination report submitted to the Department of Archeological Historic Preservation (DAHP). DAHP reviewed the predetermination report and found it sufficient for the proposed project, and it is therefore unlikely that archaeological resources will be impacted as proposed in the SEPA checklist.

Finding 7: Leave Trees. Leave Trees are not required under a Class IV-G Forest Practice on the converted home site areas.

Finding 8: Reforestation. Reforestation is not required under a Class IV general forest practices permit, since the property subject to the permit is being converted to a non-forestry use.

Finding 9: Critical Areas. No critical areas are identified on site.

Finding 10: Current Use. The property has an active status enrolled in Designated Forest Land (DFL) with the Assessors Department (File Number 1977-0797, Recording Number 7701070154, has been enrolled since 1978).

Transportation Concurrency
Finding 1 - Concurrency reviewed the Schlichting Estates Cluster Subdivision application. The applicant submitted traffic information in compliance with CCC 40.350.020. The applicant's traffic information reports AM and PM peak hour trip generation at 6 and 7 trips, respectively, and 76 ADTs. Staff concurred with the applicant's findings and has deemed the traffic information complete. The Examiner agrees and concludes that the proposed preliminary plan meets the County's transportation concurrency requirements.

Transportation
Finding 1 - Frontage Road/ On-site Roads. The development is bordered by NE 202nd Avenue to the west and R-5 zoned properties to the north, south and east. NE 202nd Avenue is a Rural Local Access road, for which the County requires a 50-foot right-of-way and a 24-foot paved width. NE 202nd Avenue has a mostly 20-foot paved width in a 60-foot right-of-way. Despite minor deficiencies in pavement width for part of NE 202nd Avenue, CCC 40.350.030(B)(5)(b)(2)(a) exempts rural developments from right-of-way requirements when not located within rural centers. Therefore, no additional frontage improvements are required for this roadway. The applicant proposes a gravel Rural Private Road within the development to provide
access to Lots 2-7, for which a 20-foot surface width within a 30-foot easement is required. This roadway meets these minimum standards. A portion of this roadway, where it connects to NE 202nd Avenue, is located on the adjacent property (Parcel No. 205251-000), is owned by Linda Varney, who is also an applicant on this proposal and represents Schlichting, LLC. The applicant shall record an easement with the final plat for the portion of roadway located on the adjacent parcel. See Condition D-1.

Finding 2 – Access Management. Lots 1 & 8 will take direct access from NE 202nd Avenue. Lots 2 & 7 will take access from the private road. Lots 3-6 will access the private road via a 20-foot wide joint gravel driveway within a 30-foot access easement. The developer shall complete construction of the joint driveway prior to plat approval. A developer shall execute a covenant that establishes maintenance responsibility for the joint driveway and the private road. See Conditions A-1a, D-3a & Plat Note D-4b. The joint driveway exceeds 340 feet, and CCC 40.350.030(B)(4)(b)(3)(b) requires all new driveways longer than 300 feet to be provided with an approved turnaround at the terminus. This development shall meet this standard. See Condition A-1b.

Finding 3 – Paving of Intersection Area. Where connecting to a paved street, whether public or private, CCC 40.350.030(B)(7)(C) requires the connecting roadway to be paved 25 feet back from the nearest edge of the traveled lane. To meet this requirement, the gravel private road shall be paved back at its intersection with NE 202nd Avenue. See Condition A-1c. Also, 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, whichever is greater. The existing gravel driveway from Lot 8 and proposed driveway from Lot 1 shall be paved back at their intersections with NE 202nd Avenue. See Condition A-1d.

Finding 4 – Off-Site Road Improvements. CCC 40.350.030(B)(6)(b) requires all rural public roads providing access to development parcels to have a minimum unobstructed and paved roadway width of 20 feet, or 18 feet of pavement with 1-foot wide shoulders. Any preexisting roadway narrower than 18 feet with 1-foot shoulders shall be widened to the full 20-foot standard. The applicant’s engineer acknowledged in an April 12, 2019 email that the existing roadway along NE 202nd Avenue extending from NE 164th Street to NE 139th Street varies and there are sections with a paved width of 17 feet. The applicant submitted a technical road modification to address the substandard pavement width (Ex. 16). The County Code provides that “[n]othing 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.” Because this development generates 70 new ADTs, the applicant must obtain a road modification or volunteer to address the required off-site road improvements. The applicant has elected to seek a road modification, which is addressed in Transportation Finding 5.

Finding 5 - Technical Road Modification (EVR-2019-00009). The applicant submitted an April 15, 2019 technical road modification (Ex. 16) that seeks relief from the requirement to widen offsite NE 202nd Avenue to the required 20 feet from its
existing 17-foot width for ~1,500 to 1,600 feet. Modifications to the road design standards in CCC Ch. 40.350 may be granted pursuant to CCC 40.550.010(C)(2) when the applicant demonstrates that at least one of the following circumstances exists:

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.

The applicant’s road modification narrative relies on the fourth criterion (gross disproportionality). The applicant asserts (Ex. 16) and County engineering staff agree (Ex. 18), that it would not be cost effective to widen NE 202nd Avenue to meet the standard and that existing conditions do not present any public safety or access problems. The roadways accessing the site from the south and west do not require widening, and the majority of the roadway accessing the site from the north similarly does not need to be widened. Several existing driveways along the section to the north can provide turnouts to allow passing of emergency vehicles. There are 200 feet between NE 159th Street and the driveway serving Parcel No. 205269-000, and 150 feet between this driveway and the next driveway serving Parcel No. 205267-004. There are 200 feet to the next driveway serving Parcel No. 205224-000, and 230 feet to the next driveway serving Parcel No. 205152-000. There are 130 feet to the next driveway serving Parcel No. 205226-000, and 140 feet to the next driveway serving Parcel No. 205267-014. Finally, there are 260 feet between this driveway and NE 154th Street. This project proposes only 7 new lots. The remainder Lot 8 will remain as an existing condition, and the existing structure on Parcel No. 205251-000 will also remain undisturbed. Staff concurred with the applicant’s assertion that the cost of widening this 1,500 to 1,600 foot segment of NE 202nd Avenue would be disproportionate to the impact posed by the development (Ex. 18). Based on staff’s favorable recommendation, the Examiner agrees that the modification meets the second criterion, and it is approved as proposed. See Condition A-2.

Finding 6 – Sight Distance. CCC 40.350.030(B)(8) provides the required minimum sight distances for intersections and driveways. Landscaping, trees, utility poles, and miscellaneous structures shall not be allowed to impede required sight distance requirements at all proposed driveway approaches and intersections. This development is required to have 500 feet of sight distance at the private road approach, the existing driveway serving Lot 8, and the new driveway serving Lot 1 according to the 50 MPH unposted statutory speed limit along NE 202nd Avenue. The applicant’s engineer, PLS Engineering, has submitted a Sight Distance Certification letter (Ex. 1, tab 1) that acknowledges that the required sight distance is met at both driveway approaches. Sight distance at the private road is obstructed by bushes, but can be achieved by trimming this vegetation. The applicant shall
remove any vegetation obstructing the sight distance, and the final construction plans shall show the sight distance triangles. Sight distance shall be verified after its removal. See Conditions A-1e & D-2.

Finding 7 – Transportation Phasing. The applicant proposes two phases (Ex. 20). The applicant shall provide all necessary transportation improvements needed for each individual phase. The required transportation improvements for each phase will be reviewed during final engineering review. See Condition A-1f.

Stormwater
Finding 1 - Stormwater Applicability. The County’s Stormwater Ordinance (CCC Ch. 40.386) applies to all new development, redevelopment, land disturbing activities, and drainage projects consistent with the Stormwater Management Manual for Western Washington (SMMWW) as modified by CCC Ch. 40.386 and the county’s 2015 stormwater manual. This project adds more than 5,000 sf of new impervious surface; therefore, it is subject to and shall comply with Minimum Requirements 1 through 9 per Section 1.4, Book 1 of the CCSM 2015. See Condition A-3a. This development shall not materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots. See Condition A-3b.

Finding 2 – Stormwater Proposal. The 37.09-acre parcel currently contains an existing house, garage, 2 barns, 5 sheds, and a storage trailer all of which will remain. The site is mostly flat and slopes gently from a high point in the northeast corner to the south with slopes of less than 5%. The site has been previously logged but then reforested. The site’s soils are Hesson Clay Loam (HcB), which has a hydrologic soil group classification of C and a Clark County WWIM soil group classification of SG 3. The applicant provided a January 2019 Preliminary Technical Information Report prepared by PLS Engineering. Proposed site improvements include the construction of a private road, joint driveway and 7 residential structures and individual driveways for a total of approximately 1.78 acres of new hard surface. The engineer indicates that the criteria for Full Dispersion (BMP T5.30A) will be met for this site; the project will protect and preserve at least 65% of the site in a forested condition, and the existing and new impervious surface will not exceed 10% of the site area. Additionally, 100-foot native vegetative flow paths (dispersion areas) will be achieved for all dispersion BMPs used. The private road and driveways will utilize Sheet Flow Dispersion (BMP5.12) or dispersion trenches and the houses will utilize Downspout Dispersion (BMP T5.10C). Post-Construction Soil Quality and Depth (BMP T5.13) will be utilized on all other disturbed areas. Clark County accepts the use of Full Dispersion (BMP T5.30A) as meeting on-site stormwater management, runoff treatment, and flow control requirements. See Condition E-2 & Plat Note D-4e. County Procedure Statement 2015-0005 (April 12, 2016) requires dispersion areas used to meet the requirements of “BMP T5.30A full dispersion into native vegetation” on projects triggering MR 1-9 to be delineated on the stormwater plan. A covenant referencing the stormwater plan as an exhibit showing each dispersion area must be recorded. The 65% preservation area in native vegetation is required, and the extent must be documented in the TIR and shown on the stormwater plan, but no covenant is required. See Condition A-3c. The applicant indicates that all stormwater facilities will be privately owned and maintained and will be required to record the covenant for the dispersion areas associated with the private road and joint driveway prior to final plat approval. See Condition D-3d & Plat Note D-4f.
Finding 3 – Stormwater Phasing. The applicant proposes this subdivision in two phases. Each individual proposed phase shall be designed with sufficient stormwater management facilities to comply with CCC Ch. 40.386. The required stormwater improvements for each proposed phase will be reviewed during final engineering review. *See Condition A-3d.*

Fire Protection

Finding 1 – Building Construction. Building construction occurring pursuant to this land division shall comply with the county's building and fire codes. Additional specific requirements may be imposed 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 500 gallons per minute supplied for 30 minutes duration is required for this development. Plans showing the location of water lines shall be submitted for review and approval at the time of final construction plan review. *See Condition A-7a.* Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval. *See Condition D-13a.* 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 30 feet. A Class A or better rated roof and noncombustible siding shall be required. Homes exceeding 3,600 sf require additional fire protection features up to and including a fire sprinkler systems when adequate public water and a hydrant are not within required distances. *See Condition E-4.*

Finding 3 – Fire Hydrants. Fire hydrants are required for this application. Hydrants shall be located within 500 feet of all lots as measured along fire apparatus roads, and maximum spacing between hydrants shall not exceed 700 feet. Plans showing fire hydrant locations shall be submitted for review and approval at the time of final construction plan review. *See Condition A-7b.* Unless waived by the fire district chief fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. *See Condition D-13b.* The local fire district chief shall review and approve the exact locations of fire hydrants. The developer should contact Fire District 3 to arrange for location approval. *See Condition A-7d.* The applicant shall provide and maintain a 6-foot clear space completely around every fire hydrant. *See Conditions A-7c & H-1b.*

Finding 4 – Fire Apparatus Access. All roadways and maneuvering areas shall comply with the Clark County Road Standard, and fire apparatus access roads shall have 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 capable of supporting the imposed loads of fire apparatus. *See Conditions A-7e & H-1a.*

Finding 5 – Driveways and Turnarounds. Approved fire apparatus turnarounds are required for this project, and the plans indicate that fire apparatus turn-arounds are adequate. *See Condition A-7f.*

Water and Sewer Service

Finding 1 – Water. The site will receive water service from Clark Public Utilities water district, who confirms that water is available to the site (Ex. 1, tab 19). The Public Health Evaluation Letter (Ex. 1, tab 20) requires that Lots 1-7 be connected to public water. *See Condition D-6a.* A well currently exists on the remainder Lot 8.
(WP11978). If this well is retained for continued use, a Water Adequacy Verification Evaluation (WAVE) shall be submitted for final plat approval. See Condition D-6b. Any wells discovered during the course of development shall be decommissioned by a Washington Licensed Well Driller with reports submitted to Clark County Public Health. See Condition D-6d. The actual locations of all wells shall be shown on the final plat along with a 100 foot radius zone of protection. See Condition D-6c.

Finding 2 – On-site Sewer. This development proposes on-site septic systems. The Public Health Evaluation Letter notes the requirements for provisions of on-site sewage systems. See Condition D-5. The following note shall be on the final plat: “The approved initial, reserve, and/or existing sewage system sites shall be protected from damage due to development.” See Condition D-4m.

Impact Fees
Finding 1 – Impact Fees. All new residential lots created by this plat will produce impacts on schools, parks, and traffic and related systems and facilities. Accordingly, each new home shall pay the then-current School Impact Fee (SIF), Park Impact Fee (PIF), and Traffic Impact Fee (TIF) at the time of building permit issuance pursuant to CCC chapter 40.610. The current impact fees for each dwelling are as follows:

- $2,147.51 TIF per dwelling in the Rural Transportation Sub-area;
- $6,080 SIF per dwelling in the Hockinson School District;
- Currently no PIF applies.

These are the current impact fee amounts and are subject to change. CCC 40.610.040. Impact fees are calculated using the rates in effect at the time of building permit issuance. See Conditions D-3e, D-4h & E-3.

SEPA DETERMINATION

Staff determined there were no probable significant adverse environmental impacts associated with this proposal that could not be avoided or mitigated through the conditions of approval and issued a preliminary Determination of Non-Significance (DNS) on April 8, 2019 (Exs. 4 & 5). Only two comments responsive to the preliminary SEPA determination were received during the comment period (ending March 22, 2019). Those comments, from Washington Department of Ecology (Ex. 21) and the Southwest Clean Air Agency (Ex. 17) do not warrant separate responses. The Examiner concludes that the SEPA checklist is compliant with the applicable state and County requirements. No appeal of the County’s DNS was filed, and it is therefore final.

V. Decision and Conditions:

Based on the foregoing findings and except as conditioned below, this application is approved in general conformance with the preliminary plat and supporting application materials (Exs. 1 & 20). This development application is approved as proposed, subject to the requirements that the developer, owner or subsequent developer (the “developer”) shall comply with all applicable code provisions, laws and standards and the following conditions of approval. The following conditions shall be interpreted and implemented consistently with the foregoing findings:

A Final Construction Review for Land Division
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 with CCC Ch. 40.350 and the following additional requirements:

a. The applicant shall show on the final construction plans the construction of the entire length of the joint driveway. See Transportation Finding 2.


c. The applicant shall show on the final construction plans that the private road is paved back 25 feet from the nearest edge of NE 202nd Avenue. See Transportation Finding 3.

d. The applicant shall show on the final construction plans that the existing driveway approach serving Lot 8 and the proposed approach serving Lot 1 are paved back 20 feet from the nearest edge of NE 202nd Avenue. See Transportation Finding 3.

e. The applicant shall show the sight distance triangles at the private road approach onto NE 202nd Avenue on the final construction plans. The applicant shall show the removal of any vegetation needed to achieve required sight distance. See Transportation Finding 6.

f. Each phase shall contain all necessary transportation improvements required for each individual phase. See Transportation Finding 7.

A-2 Transportation - 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 Stormwater Plan - The applicant shall submit and obtain County approval of a final stormwater plan designed in conformance with CCC Ch. 40.386 and the following additional requirements:


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 delineate on the final stormwater plans all dispersion areas and native vegetation preservation areas associated with BMP T5.30A for the private road and joint driveway. See Stormwater Finding 2.

d. Each individual proposed phase shall be designed with sufficient stormwater management facilities as required by CCC Ch. 40.386. See Stormwater Finding 3.

A-4 Erosion Control Plan - The applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC Ch. 40.386.

A-5 Excavation and Grading – All excavation and grading shall be performed in compliance with CCC Ch. 14.07.

A-6 Cultural Resources – The following note shall be placed on the face of the final construction plans:

"Archaeology: If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, all work shall immediately cease and the operator shall contact immediately Clark County, the Department of Archaeology and Historic Preservation in Olympia, and the affected Tribe(s). Failure to comply with these state requirements may constitute a Class C Felony, subject to imprisonment and/or fines. If any human remains are observed, all work shall immediately cease and the site secured. The operator shall notify immediately local law enforcement, the county medical examiner (360-397-8405), the State Physical Anthropologist, Department of Archaeology and Historic Preservation (360-586-3534), the County planning office, and the Confederated Tribes of the Grand Ronde (503.879.1675). Compliance with all applicable laws pertaining to archaeological resources (RCW Chs. 27.53, 27.44 & WAC Ch. 25-48) and human remains (RCW 68.50) is required. Failure to comply with these requirements could constitute a Class C Felony" See Archaeology Finding 1.

A-7 Fire Marshal Requirements. The developer shall implement or otherwise comply with all conditions recommended by the Fire Marshal’s Office, including the following:

a. Fire flow in the amount of 500 gallons per minute supplied for 30 minutes duration is required for this application. Plans showing location of water lines shall be submitted for review and approval at the time of final construction plan review. See Fire Protection Finding 2.

b. Fire hydrants shall be located within 500 feet of all lots as measured along fire apparatus access roads. Plans showing fire hydrant locations shall be submitted for review and approval at the time of final construction plan review. See Fire Protection Finding 3.

c. The developer shall provide and maintain a 6-foot clear space completely around every fire hydrant. See Fire Protection Finding 3.
d. The local fire district chief shall review and approve the exact locations of fire hydrants. The developer should contact Fire District 3 to arrange for location approval. See Fire Protection Finding 3.

e. The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standards. The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet, an unobstructed width of not less than 20 feet, and with an all-weather driving surface capable of supporting the imposed loads of fire apparatus. See Fire Protection Finding 4.

f. Turnouts shall be provide at intervals 500 feet or less, such that no portion of proposed driveways are in excess of 300 feet from an approved turnaround or turnout. See Fire Protection Finding 5.

A-8 Landscaping - The applicant shall submit a landscape plan designed in accordance with CCC 40.410.020(D)(6)(a) and all requirements of this approval. If existing landscaping will remain to satisfy this requirement, the applicant shall show it on the final landscape plan. See Land Use Finding 7.

<table>
<thead>
<tr>
<th>Prior to Construction of Development</th>
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<tr>
<td>Review and Approval Authority: Development Inspection</td>
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<tr>
<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, the developer shall schedule and attend a pre-construction conference with the County.

B-2 Erosion Control - Prior to construction, all erosion and 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.

<table>
<thead>
<tr>
<th>D Final Plat Review &amp; Recording</th>
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<tr>
<td>Review and Approval Authority: Development Engineering</td>
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<tr>
<td>Prior to final plat approval and recording, the following conditions shall be met:</td>
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D-1 Access Easement - The applicant shall record, prior to or with the final plat, an access easement on Parcel No. 205251-000 for the portion of the private road that extends onto that parcel. See Transportation Finding 1.

D-2 Sight Distance - The applicant shall provide a sight distance certification letter after removing all obstructing vegetation from the private road approach onto NE 202nd Avenue. See Transportation Finding 6.

D-3 Developer Covenant - A "Developer Covenant to Clark County" shall be submitted for recording that includes the following:
a. **Private Road and Joint Driveway Maintenance** - 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 40.350.03(C)(4)(g). See Transportation Finding 2.

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

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

d. **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 CCC 32.04.060."

e. **Impact Fees** – "In accordance with CCC Ch. 40.610 and except for Remainder Lot 8, impact fees for all new homes constructed in this subdivision plat shall be assessed for impacts on schools and transportation facilities based for the following districts: Hockinson School District (SIF) and Rural Transportation Subarea (TIF). Consistent with CCC 40.610.040, impact fees shall be calculated and assessed at the time of building permit issuance using the then-applicable rates."

f. **Notice of Agricultural, Forest or Mineral Resource Activities** – "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 24-hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides."
D-4  Plat Notes - The following notes shall be placed on the final plat:

a. Utilities: "An easement is hereby reserved under and upon the exterior 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 6 feet along the front boundary lines of all lots adjacent to public streets."

b. Private Roads: "Clark County has no responsibility to improve or maintain the private roads contained within or private roads providing access to the property described in this development. Any private access street shall remain a private street unless it is upgraded to public street standards at the expense of the developer or abutting lot owners to include hard surface paving and is accepted by the county for public ownership and maintenance."

c. Driveways: "All residential driveway approaches entering public roads are required to comply with CCC Ch. 40.350. Driveways shall have a minimum width of 12 feet of clear, unobstructed driving surface. Driveways longer than 300 feet shall be constructed with an approved turnaround at the terminus. There shall also be approved turnouts constructed such that the maximum distance from turnout to turnout or from turnout to turnarounds does not exceed 500 feet. Driveways connecting to paved roadways shall be paved pack 20 feet from the nearest edge of the paved roadway."

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

e. 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."

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

g. Archaeology: "If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, all work shall immediately cease and the operator shall contact immediately Clark County, the Department of Archaeology and Historic Preservation in Olympia, and the affected Tribe(s). Failure to comply with these state requirements may constitute a Class C Felony, subject to imprisonment and/or fines. If any human remains are observed, all work shall immediately cease and the site secured. The operator shall notify immediately local law enforcement, the county medical examiner (360-397-8405), the State Physical Anthropologist, Department of Archaeology and Historic Preservation (360-586-3534), the County planning office, and the Confederated Tribes of the Grand Ronde (503.879.1675). Compliance with all applicable laws pertaining to archaeological resources (RCW Chs. 27.53, 27.44 & WAC Ch. 25-48) and human remains (RCW 68.50) is required. Failure to
comply with these requirements could constitute a Class C Felony.” See Archaeology Finding 1.

h. **Impact Fees:** “In accordance with CCC Ch. 40.610 and except for Lot 6, impact fees for any new home constructed in this subdivision plat shall be assessed for impacts on schools and transportation facilities based for the following districts: Hockinson School District (SIF) and Rural Transportation Sub-area (TIF). Consistent with CCC 40.610.040, impact fees shall be calculated and assessed at the time of building permit issuance using the then-applicable rates.”

i. **Rural Cluster Development:** “The remainder lot in this rural cluster subdivision shall not be further subdivided until the property is rezoned and brought into an urban growth area (UGA).” See Land Use Findings 2 & 6.

j. “Agricultural buildings shall be setback 50 feet from all property lines.” See Land Use Finding 4.

k. “No entryway treatments, monument or other permanent development signs are permitted. This shall not be construed to prohibit landscaping.” See Land Use Finding 7.

l. “Sight-obscuring fences of any height are not permitted within 50 feet of the public right-of-way, nor along cluster lot lines adjacent to the remainder lot. Sight-obscuring fences are at least 50% opaque.” See Land Use Finding 7.

m. “The approved initial, reserve, and/or existing sewage system sites shall be protected from damage due to development.”

n. “No development shall occur outside of the building/development envelopes indicated on the face of the final plat, except for on-site septic system drainfields. See Land Use Findings 4 & 6.

o. “Vegetative landscape buffers must be maintained to provide a buffer of vegetation 6 feet in height and 50% opaque year round.”

p. “The proposed phase 2 of this subdivision must be completed, if at all, prior to expiration of this preliminary plat approval, after which for Phase 2 shall automatically expire.”

**D-5 On-Site Sewage System Requirements** - For on-site sewage systems, the following requirements shall be completed:

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

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

c. No public or private easements or rights-of-way shall be extended through the approved reserve or existing on-site sewage system sites.
d. Provisions shall be made to prevent flow or accumulation of surface water over the area where an on-site sewage system is located. Clark County Public Health shall review a copy of the final drainage plan, which has been signed off by the Engineering staff, prior to final plat approval.

e. All proposed lots shall have a current approved septic system site evaluation or installation permit. The existing on-site septic system on Lot 8 shall have a current satisfactory O&M inspection at the time of final plat approval. See Water and Sewer Service Finding 2.

D-6 Health Department Conditions.

a. Water: Proposed cluster Lots 1-7 shall be served by public water. The applicant shall provide documentation from the water and sewer purveyor that all water connections have been installed and approved. See Water and Sewer Service Finding 1.

b. Existing wells: If the existing well on Lot 8 (WP11978) is retained for continued use, a Water Adequacy Verification Evaluation (WAVE) is required prior to final plat approval. See Water and Sewer Service Finding 1.

c. Well Locations: The actual locations of all wells shall be shown on the final plat along with a 100-foot radius zone of protection. See Water and Sewer Service Finding 1.

d. Well Discovery: Any existing wells discovered during the course of development shall be decommissioned by a Washington State Licensed Well Driller, with reports submitted to Clark County Public Health, and the location of the well shall be indicated on the final plat map. See Water and Sewer Service Finding 1.

D-7 Setback Compliance. Side setbacks for the remainder and cluster lots shall be 30 feet, rear setbacks for the shall be 50 feet. Front setbacks shall be a minimum of 20 feet when abutting a cluster lot, and 50 feet in all other situations. Building envelopes for all cluster lots and the remainder lot shall be shown on the final plat. See Land Use Findings 4 and 6.

D-8 Remainder Lot. The remainder Lot 8 shall be 65% the acreage of the parent parcel, and contain a minimum of 23.65 acres. See Land Use Finding 6.

D-9 Subdivision Name. The name of the subdivision must include the word “cluster.” See Land Use Findings 2 & 6.

D-10 Landscaping. The required cluster development landscaping buffer shall be installed prior to final platting, and confirmed by a landscaping certificate signed by a Washington licensed landscape architect, and shown on the final plat. See Land Use Finding 7.

D-11 Historic Features. To the maximum practicable extent, existing historic rural features shall be preserved as part of the cluster development. These features include but are not limited to rock walls, fences, functional and structurally safe farm buildings, monuments and landscape features. See Land Use Finding 7.
D-12 Addressing - At the time of final platting, the existing residence that will remain may be subject to an address change. Addressing will be determined based on point of access.

D-13 Fire Marshal. The developer shall implement or otherwise comply with all conditions recommended by the Fire Marshal's Office, including the following:

a. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval. See Fire Protection Finding 2.

b. Unless waived by the fire district chief fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. See Fire Protection Finding 3.

D-14 Building Envelope Setbacks - The building envelopes for each lot shall be shown on the final plat and meet the minimum 30-foot side setback mandated by the Wildland Urban Interface fire code area. See Land Use Finding 4.

D-15 Plat Phasing. Lots 1, 5, 6 & 7 are proposed as part of Phase 2 of this subdivision, and shall be identified clearly and labeled on the Phase 1 final plat as part of the remainder Lot 8. See Land Use Finding 9.

E Building Permits

Review and Approval Authority: Permit Services

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

E-1 Excavation and Grading – All excavation and grading shall be performed in compliance with CCC Ch. 14.07.

E-2 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 Ch. 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-3 Impact Fees – Except for the remainder lot (Lot 8), the 7 new residential lots created by this plat shall pay the following impact fees:
- Rural sub-area with a TIF of $2,147.51 per dwelling;
- Hockinson School District, with a SIF of $6,080 per dwelling
Consistent with CCC 40.610.040, impact fees are calculated at the time of building permit issuance using the then-applicable rates. See Impact Fee Finding 1.

E-4 Residential Fire Sprinklers - Homes exceeding 3,600 sf, including attached garages, shall include additional fire protection features up to and including a residential fire sprinkler system when adequate public water and hydrants are not within required distances. See Fire Protection Finding 2.
E-5  Wildland Urban Interface (WUI) - This subdivision is located in a Wildland Urban Interface (WUI) fire hazard zone. Additional setback, building construction access, fire flow, and addressing requirements may be applied at the time of building permit application.

<table>
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<tr>
<th>Forest Permit Conditions (FOR2019-00014)</th>
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<tr>
<td>Review and Approval Authority: County Forester</td>
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<tr>
<td>Site development shall comply with the following conditions of approval of Class IV-G Forest Practices Permit FOR2019-00014 (Ex. 14). See Forest Practices Findings.</td>
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</table>

F-1  Current Use. Land that is to be converted to non-forest uses shall be withdrawn from current use designation under the provisions of RCW Chs. 84.33 and 84.34 or CCC Ch. 3.08 prior to issuance of county land use approvals for non-forestry uses.

F-2  Expiration. Forest Practice Permit approval shall be valid for 2 years from the date of this Final Order, or the completion of any subsequent appeal proceedings.

F-3  Pre-Harvest Conference. Prior tocommencing harvesting operations, the developer shall schedule and attend an on-site meeting with the County Forester, by calling (360) 624-7533 and provide the application number and legal description for the operation.

F-4  Emergency Response Plan. The developer shall provide an Emergency Response Plan (ERP) to the County Forester containing but not limited to valid contact numbers and procedures for medical emergencies, fire, hazardous spills, forest practices violations and any unauthorized or unlawful activity on or in the vicinity of the sale area. The developer shall notify the County Forester and County Code Enforcement Officer promptly whenever an incident occurs requiring an emergency.

F-5  Property Damage. The applicant is responsible for any and all damage occurring to neighboring properties that result from this tree removal.

F-6  Building Envelopes & Subsequent Development.

a. Any proposed building envelopes shall be located a minimum distance of one site potential tree height from any tree to be left on-site. If this cannot be accomplished, a Certified Arborist must be onsite to evaluate edge trees during and immediately following logging operations to mitigate potential risks for the future homes.

b. The construction activity is consistent with CCC Ch. 40.450 (Wetland Protection), 40.440 (Habitat Conservation), 40.430 (Geologic Hazard Areas), and 40.460 (Shoreline Overlay District) including the shoreline management master program.

c. Implied subsequent development should be done in accordance with the Department of Ecology established best practices and all applicable rules and regulations to protect the integrity of groundwater resources in the area.
F-7 Construction Stormwater General Permit. Operators of all construction activities shall seek coverage under this general permit, including the following: Clearing, grading and/or excavation that results in the disturbance of one or more acres (including off-site disturbance acreage authorized in S1.C.2) and discharges stormwater to surface waters of the state, and clearing, grading and/or excavation on sites smaller than 1-acre that are part of a larger common plan of development or sale, if the common plan of development or sale will ultimately disturb 1 acre or more and discharge stormwater to surface waters of the state. This includes forest practices (including, but not limited to Class IV conversions) that are part of a construction activity that will result in the disturbance of one or more acres, and discharge to surface waters of the state, i.e., forest practices that prepare a site for construction activities.

F-8 Stormwater Site Plan, Erosion Control and Grading. The harvest operator is responsible for providing all stormwater and erosion control requirements in accordance with CCC Ch. 40.386 (Stormwater and Erosion Control) for Class IVG Forrest Practices for the entire project site. Subsequent to harvest, any site prep, such as stump pulling and grading, may be subject to a County grading permit.

F-9 Road Construction.

a. Forest practice roads are approved on a temporary basis pursuant to WAC 222-24-026. Therefore these roads do not necessarily meet Clark County requirements for single-family residences or future developments. The developer shall contact Clark County Development Engineering for further information.

b. All driveways and roads intended for use after the forest practice of this permit is complete shall be subject to and comply with CCC Ch. 40.386 (Stormwater and Erosion Control).

F-10 Road Maintenance.

a. Damage to public roads or rights-of-way shall be the sole responsibility of the applicant and underlying property owner. Any such damage shall be corrected to the satisfaction of Clark County Public Works within 24 hours.

b. Tracking on to county roads is prohibited under CCC 40.386 and 13.26A.

F-11 Operations. All operations under this Forest Practices Permit are subject to the following requirements:

a. The timber harvest shall be executed in substantial conformance of the information presented in the application with any modifications set forth in findings and conditions pursuant to this permit.

b. During the "closed season" when the humidity is 30% or lower on the harvest area, all operations shall cease unless authority to continue is granted by the County in writing.
c. The applicant shall provide a fully functional pump truck or trailer equipped to meet the requirements of WAC 332-24-005 and 332-24-405 during the “closed season” or as extended by the State and shall provide trained personnel to operate this equipment on the sale area during all operational periods.

d. The applicant shall provide during the “closed season” a water supply with a minimum capacity of 300 gallons for rapid filling of pumper trucks or trailers at the location designated by the County Forester.

e. Trees shall be felled into the sale area unless otherwise approved by the County Forester.

f. Motorized equipment operating hours shall be limited to 6 a.m. to 10 p.m. Monday to Saturday, no Sunday operations.

g. Log hauling from this site shall avoid the hours of 7 a.m. to 8 a.m. and 3 p.m. to 4:30 p.m. on days on school days.

h. Log hauling shall comply with all posted speed limits and traffic laws. Use of unmuffled “jake brakes” is prohibited adjacent to residences.

F-12 Archaeology. If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, all work shall immediately cease and the operator shall contact immediately Clark County, the Department of Archaeology and Historic Preservation in Olympia, and the affected Tribe(s). Failure to comply with these state requirements may constitute a Class C Felony, subject to imprisonment and/or fines. If any human remains are observed, all work shall immediately cease and the site secured. The operator shall notify immediately local law enforcement, the county medical examiner (360-397-8405), the State Physical Anthropologist, Department of Archaeology and Historic Preservation (360-586-3534), the County planning office and the affected Tribe(s). Compliance with all applicable laws pertaining to archaeological resources (RCW Chs. 27.53, 27.44 & WAC25-48) and human remains (RCW 68.50) is required. Failure to comply with these requirements could constitute a Class C Felony.

F-13 Logging Debris and Slash Disposal. This operation is located within Clark County Fire District 3, which can provide burning conditions and permitting requirements. Slash shall be disposed of within 6 months of harvest. State Industrial Fire Precautions Level (IFPL) restrictions apply to all County Forest Practice Permits. For more information see the IFPL website: https://fortress.wa.gov/dnr/protection/ifpl/.

F-14 Reforestation. WAC 222-34-050 applies to exempt certain urban and other lands from the reforestation requirements.


a. Hazardous Materials and Waste – Regulatory Compliance. The applicant is responsible for understanding and complying with all applicable local, state and federal hazardous materials and waste laws and regulations for operations.
conducted under this permit. Such regulations pertain to but are not limited to, hazardous material storage, handling and transport, personnel protection, release notification and emergency response, cleanup and waste disposal. The applicant shall be responsible for restoring the site in the event of a spill.

b. **Hazardous Materials Spill Prevention.** All operations shall be conducted in a manner that avoids the release of hazardous materials, including petroleum products, into the environment (water, air or land).

c. **Hazardous Materials Spill Containment, Control and Clean-up.** If safe to do so, the applicant shall take immediate action to contain and control all hazardous material spills. The applicant shall ensure that enough quick response spill kits capable of absorbing 4 to 6 gallons of oil, coolant, solvent or contaminated water are available on site to quickly address potential spills from any equipment at all times throughout active operations. If large quantities of bulk fuel or other hazardous material are stored on site, the applicant shall be able to control effectively a container leak and contain and recover a hazmat spill equal to the largest single on-site storage container volume.

d. **Hazardous Material Release Reporting.** Releases of oil or hazardous materials to the environment shall be reported according to Department of Ecology (ECY). It is the responsibility of the applicant to have all emergency contact information readily available and a means of remote communication for purposes of quick notification. In the event of a spill, the applicant is responsible for notifying the following:
   - Department of Ecology, Southwest Region at 1-360-407-6300
   - Clark County Forester at 1-360-624-7533

### Development Review Timelines & Advisory Information

**G-1** **Land Division:** Within 7 years after the effective date of this decision, the developer shall submit to the Planning Director a fully complete final plat consistent with CCC 40.540.070 and the requirements of this preliminary plat approval. Otherwise, this preliminary plat approval shall automatically expire and become null and void.

**G-2** **Department of Ecology (ECY) Permits and Compliance:** **Stormwater Permit:** A stormwater permit from the Department of Ecology (ECY) is required if both of the following conditions occur:
1. Clearing, grading and/or excavation that results in the disturbance of one or more acres and discharges stormwater to surface waters of the State; and
2. There is any 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 construction occurring pursuant to this subdivision approval shall comply with the provisions of the county’s building and fire codes. Additional specific requirements may be imposed at the time of building construction as a result of the permit review and approval process. See Fire Protection Finding 1.

G-4 Fire Marshal: Homes exceeding 3,600 sf will require additional fire protection features up to and including a residential fire sprinkler system when adequate public water and a hydrants are not within required distances. See Fire Protection Finding 6.

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

**H-1 Fire Marshal.** The developer and all subsequent lot/home owners shall comply with the following requirements:

a. Maintain an unobstructed vertical clearance of not less than 13.5 feet, an unobstructed width of not less than 20 feet, and with an all-weather driving surface capable of supporting the imposed loads of fire apparatus to all lots. See Fire Protection Finding 4.

b. Maintain a 6-foot clear space completely around every fire hydrant. See Fire Protection Finding 3.

**H-2 Landscaping –** Pursuant to CCC 40.320.010(G)(6) all required landscaping shall be maintained continually in accordance with the approved plan. See Land Use Finding 7.

**Date of Decision:** May 23, 2019.

By: [Signature]
Daniel Kearns,
Land Use Hearings Examiner

**NOTE:** Only the Decision and Conditions of approval, if any, are binding on the applicant, owner or subsequent developer of the subject property as a result of this Order. Other parts of the final order are explanatory, illustrative or descriptive. There may be requirements of local, state or federal law or requirements which reflect the intent of the applicant, county staff, or the Hearings Examiner, but they are not binding on the applicant as a result of this final order unless included as a condition of approval.

**Motion for Reconsideration**

Any party of record to the proceeding before the hearings examiner may file with the responsible County official a motion for reconsideration of the Examiner’s decision within 14 calendar days of written notice of this decision. A party of record includes the applicant and those individuals who signed the sign-in sheet, presented oral testimony at the public hearing, or submitted written testimony prior to or at the Public Hearing on this matter. Any motion for reconsideration must be accompanied by the applicable fee and...
identify the specific authority in the 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 the rights of the moving party:

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

Any party of record may file a written response to a Motion for Reconsideration if filed within 14 calendar days of the motion for reconsideration. In response to a timely Motion for Reconsideration, the Examiner will issue a decision on reconsideration within 28 calendar days of the date the motion was filed.

Notice of Appeal Rights

This is the County’s final decision on this application. Anyone with standing may appeal any aspect of the Hearings Examiner’s decision, except the SEPA determination, to Clark County Superior Court pursuant to the Washington Land Use Petition Act, RCW chapter 36.70C.
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<tr>
<th>Role</th>
<th>Company Name</th>
<th>Name</th>
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<th>Address 2</th>
<th>City</th>
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<td>Scott Wiedemer</td>
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<tr>
<td>Applicant/Owner</td>
<td>Schlichting, LLC</td>
<td>Linda Varney</td>
<td>14803 NE 202nd Ave</td>
<td></td>
<td>Brush Prairie</td>
<td>WA</td>
<td>98606</td>
<td><a href="mailto:lindav98@yahoo.com">lindav98@yahoo.com</a></td>
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<tr>
<td>Contact Person</td>
<td>PLS Engineering</td>
<td>Travis Johnson</td>
<td>604 W Evergreen Blvd</td>
<td></td>
<td>Vancouver</td>
<td>WA</td>
<td>98660</td>
<td><a href="mailto:travis@plsengineering.com">travis@plsengineering.com</a></td>
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<td>Utility Contact</td>
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<tr>
<td>City of Vancouver</td>
<td>Kristin Lehto</td>
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<td>Jennifer Halleck</td>
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<td>Agency</td>
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<td>PO Box 47775</td>
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<td><a href="mailto:swrosepacordinator@ECY.WA.GOV">swrosepacordinator@ECY.WA.GOV</a></td>
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<td></td>
<td>SW Clean Air Agency</td>
<td>Duane Van Johnson</td>
<td>11815 NE 99th St</td>
<td>Suite 1294</td>
<td>Vancouver</td>
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<td><a href="mailto:duane@swcleanair.org">duane@swcleanair.org</a></td>
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<tr>
<td></td>
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<td>Christine Homes</td>
<td>1420 NW 28th Ave</td>
<td>B312</td>
<td>Camas</td>
<td>WA</td>
<td>98607</td>
<td><a href="mailto:christinevarney@yahoo.com">christinevarney@yahoo.com</a></td>
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<td></td>
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<td>Jeff &amp; Bobbi Peterson</td>
<td>3815 NE 246th St</td>
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<td>Ridgefield</td>
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<td>Jeff Pietrzykowski</td>
<td>10304 NE 197th St</td>
<td></td>
<td>Battle Ground</td>
<td>WA</td>
<td>98604</td>
<td>jeffp <a href="mailto:47@yahoo.com">47@yahoo.com</a></td>
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Schlichting Estates Cluster Subdivision
Located in the SE 1/4 Of Section 20, Township 3N, Range 3E, W.M.,
Clark County, Washington

Sheets
1. Existing Conditions & Proposed Development Plan
2. Landscape Plan

VIGNETTE MAP
NOT TO SCALE

GENERAL NOTES

PROPERTY OWNER:
Schlichting, LLC
14693 NE 202nd Avenue
Brush Prairie, WA 98060

SITE ADDRESS:
14693 NE 202nd Avenue
Brush Prairie, WA 98060

PRESENT USE:
Approximately 13% of the site is used for residential living. Existing buildings include a single family house, fire sheds, a garage, a well house, and a storage area. The remaining 87% is in a forested condition.

SITE ACCESS:
The site has one existing access point from NE 202nd Avenue for the existing houses and necessary buildings. The site proposes to construct two new vehicular driveways and replace the existing gravel driveway with an asphalt paved road with a central minial road between NE 202nd Avenue.

There are no on-site waste water or septic facilities on or within 1 mile of the site.

EXISTING ZONING:
R-1 (Single Residential District)
Min. Lot Area = 1 Acre
Max. Lot Size = 1 Acre
Max. Building Area = 1,440 sq ft

EXISTING CONDITIONS:
The soil under the proposed development is suitable for building with no significant wetlands or floodplains. The area is not in a designated flood area, nor is it in an area designated by the Federal Government as a floodplain. The site is not in a designated special flood hazard area.

STORMWATER:
All stormwater will be fully dispersed through existing vegetation.

SANITARY SEWER SERVICE:
South County
WATER SERVICE:
Clark PUD

ELECTRICAL SERVICE:
Clark PUD

COMPLIANCE LOT SIZE:
1,500 sq ft (60 sq ft)
MAXIMUM DENSITY:
3.0 ACP + TSR/ 2 ACP + 1 Lot

RETICULATION:
Abutting a Cluster Lot & Vehicle Entry/Door Openings:
Front + 20', Side + 20', Rear + 20'
All Other Illustration:
Front = 30', Side = 30', Rear = 20'

MIDDLE OR SEPTIC:
Existing well & septic system in place. Proposed septic systems as shown. Soil type is medium clay loam (M). Soil is suitable for septic systems.
## EXHIBIT LIST

**Project Name:** SCHLICHTING ESTATES CLUSTER SUBDIVISION  
**Case Number:** PLD2019-00009

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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
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Development Services Division
1300 Franklin Street
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Page 2 of 2