Type III Land Division and Environmental Review
Staff Report and Recommendation

Project Name: Schlichting Estates Cluster Subdivision

Case Number(s): PLD2019-00009; SEP2019-00013; FOR2019-00014

Request: The applicant proposes to divide a 36.37 acre parcel in the R-5 zone into 7 cluster lots and a developable remainder lot within the R-5 zoning district, utilizing the rural zoning district cluster provisions.

Address: 14709 NE 202nd Ave, Brush Prairie, WA 98606; located within Section 20, Township 3 North, Range 3 East W.M.

Parcel number: 205168000

Applicant/Contact: Travis Johnson
PLS Engineering
604 W Evergreen Blvd
Vancouver, WA 98660
travis@plsengineering.com
360.944.6519

Owner: Linda Varney
Schlichting, LLC
14803 NE 202nd Ave
Brush Prairie, WA 98606

Staff contact: Scott Wiedemer
564.397-5273
scott.wiedemer@clark.wa.gov

Recommendation
Approval, subject to Conditions

Land Use Review Manager’s Initials: SW (for Susan Ellinger)
Date Issued: April 25, 2019
Public Hearing date: May 9, 2019

Revised 4/25/2019

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

For an alternate format, contact the Clark County ADA Compliance Office.
Phone: 564.397.2322
Relay: 711 or 800.833.6384
E-mail: ADA@clark.wa.gov
County Review Staff

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<th>Department/Program</th>
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<td>Community Development</td>
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Comp Plan Designation:   R-5
Zoning Designation:       R-5

Applicable Laws
Clark County Code Section: Clark County Code: 40.200 (General Provisions), 40.210.020 (Rural Districts), 40.260.080 (Forest Practices), 40.350 (Transportation), 40.350.020 (Transportation Concurrency), 40.370 (Sewer & Water), 40.386 (Storm Water & Erosion Control), 40.500 and 40.510 (Procedures), CCC 40.510.030 (Type III Process – Quasi-Judicial Decisions), CCC 40.520.010 Legal Lot Review, CCC 40.540.040 (Subdivision), CCC 40.550.010 (Road Modifications), 40.570 (SEPA), 40.570.080 (SEPA Archaeological), 40.610 (Impact Fees), Title 15 (Fire Prevention), Title 24 (Public Health), RCW 58.17, and the Clark County Comprehensive Plan.

Neighborhood Association and Contact
Greater Brush Prairie Neighborhood Association
Rick DeNise, President
greaterbrushprairie@gmail.com

Vesting
An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report. Contingent vesting does not apply to stormwater or concurrency standards.
A pre-application conference on this matter was held on May 24, 2018. The pre-application was determined contingently vested as of May 3, 2018, when the fully completed pre-application was submitted, however, this vesting date expired on November 20, 2018.

The fully complete application was then submitted on February 5, 2019, and determined to be fully complete on February 19, 2019. Given these facts, the application is vested for land use and transportation concurrency on February 5, 2019. Vesting does not apply to stormwater standards. There are no known disputes regarding vesting.

**Time Limits**
The application was determined to be fully complete on February 19, 2019. Therefore, the code requirement for issuing a decision within 92 days lapses on May 22, 2019. The state requirement for issuing a decision within 120 calendar days lapses on June 19, 2019.

**Public Notice**
Notice of application, public hearing, and likely SEPA determination [Exhibit 4] was mailed to the applicant, Greater Brush Prairie Neighborhood Association, and property owners within 500 feet of the site on April 8, 2019. One sign was posted on the subject property on March 6, 2019. [Exhibit 9]

**Public/Agency Comments**
1) SEPA Comment Submitted by:  
Southwest Clean Air Agency  
11815 NE 99th St, Suite 1294  
Vancouver, WA 98682

SWCAA identifies that construction dust is an air pollutant, and therefore, dust control is required for this project. [See Exhibit 17]

**Staff Response:**
Implementation or erosion and sediment control BMPs is required for this project, including dust control. *(See Conditions A-4, B-2, and D-3.d)*

2) SEPA Comment Submitted by:  
State of Washington Department of Ecology  
PO Box 47775  
Olympia, WA 98504

The Department of Ecology comments identify that erosion and sediment control measures are required to prevent stormwater from carrying sand/silt/clay to waters of the state. Only clean fill material can be used during project activities. Additionally, construction activities that require coverage under the Department of Ecology Construction Stormwater General Permit are identified. [See Exhibit 21]

**Staff Response:**
The applicant has been provided with a copy of Ecology’s letter and is separately responsible for compliance with all state and federal regulations. Ecology’s comments are included as part of the conditions of approval. *(See Conditions A-4, B-2, B-3 and G-2)*
Project Overview
The applicant proposes to divide a 36.37 acre parcel into 8 lots, including seven cluster lots of 1.59-3.17 acres each, along with a 24.33 acre developable remainder lot using the cluster subdivision standards of the R-5 zoning district. A private road is proposed to provide access to six of the cluster lots from NE 202nd Ave.

The project site is located approximately 5 miles southeast of Battle Ground, WA, on the east side of NE 202nd Ave, immediately north of the intersection with NE 144th St. The site slopes gently (less than 5% slopes) upwards toward the northeast, and elevations range from approximately 485 feet above sea level in the southwest corner of the site to an approximate elevation of 520 feet in the northeast corner. The property has historically been used for farming and timber production, and there are many remaining agricultural/forestry buildings.

There are no mapped wetlands or streams on the subject parcel, and no critical areas permits are required for the project.

The site is located in the following districts:
- Hockinson Schools;
- Fire District #3;
- Rural Transportation Impact area;
- Clark Public Utilities for water (sewer is not currently available)

The application consists of a rural cluster subdivision, SEPA review, and a Forestry Permit.

Comprehensive Plan, Zoning and Current Land Use

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<th>Compass</th>
<th>Comp Plan</th>
<th>Zoning</th>
<th>Current Land Use</th>
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<tr>
<td>Site</td>
<td>R-5</td>
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Staff Analysis
Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

1. Earth
2. Air
3. Water
4. Plants
5. Animals
6. Energy and Natural Resources
7. Environmental Health
8. Land and Shoreline Use
9. Housing
10. Aesthetics
11. Light and Glare
12. Recreation
13. Historic and Cultural Preservation
14. Transportation
15. Public Services
16. Utilities
Staff then reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts could be mitigated by the requirements of the code.

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

**Major Issues**

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

**Land Use**

Finding 1 – Legal Lot Determination

The subject parcel was previously recognized as a legal lot under Clark County review of BLA 2015-00010. Another boundary line adjustment was completed in 2019, which made the lot smaller, but remaining compliant with zoning regulations. Therefore, the subject 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 which maintains rural character, maintains and conserves larger remainder parcels, protects and/or enhances sensitive environmental and wildlife habitat areas, and minimizes impacts to necessary public services. To the maximum extent possible, all critical areas and any associated buffers existing on the property proposed for cluster development shall be located within the remainder parcel.

Rural Cluster Development is permitted in the R-5 zoning district. The applicant proposes an eight lot subdivision, including seven cluster lots and a 24.33 acre developable remainder lot, which will include forest and agricultural land.

Staff finds that the proposed remainder lot meets 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. Additionally, to help ensure transparency in recording the project as a cluster short plat, the title of the plat shall include “Cluster Short Plat”. *(See Conditions D-4-i and D-9)*

Finding 3 – Cluster Development Density

Cluster developments are allowed a maximum density equivalent to that which would be permitted by applying the otherwise applicable minimum lot size requirements of this section, but based on one hundred ten percent (110%) of the gross area of the site. Multiplying 36.37 acres by 110% equals 40.01 acres, which equates to 8 developable lots based on 5 acre zoning. Therefore, by utilizing the cluster development bonus, the request to create 8 lots out of 36.37 total acres meets the density requirement.

Finding 4 – Setbacks & Development Standards

Although details of home construction on the proposed lots are not required and have not been provided, the following setbacks apply to the proposed lots. Building setbacks are defined as
the minimum horizontal distance between the property line and the foundation wall, exclusive of other building elements.

The following minimum setbacks apply to the proposed cluster and remainder lots (see additional detail per tables CCC 40.210.020-4&5):

- 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 WUI designation of the site, and associated fire risk increases setbacks to 30 feet (discussed below).

The following development standards apply to the proposed lots:

- 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

A large portion of this site is identified within the Wildland Urban Interface (WUI) fire designation, the 20 foot side setbacks to property lines are superseded by the need for 30 foot side setbacks to accommodate fire marshal requirements. The building envelopes proposed by the applicant for cluster lots as well as the remainder lot will need to be revised to meet this minimum 30 foot standard and must be clearly shown with distances to property lines on the final plat. (See Condition D-14)

To ensure that all proposed lots comply with the applicable rural cluster setback and development standards as identified in tables CCC 40.210.020-4&5 and section CCC 40.210.020(D)(3), developable building envelopes shall be identified on all lots during final platting. (See Conditions D-4.j, D-4.n and D-7)

Land Use Finding 5 - Cluster Lot Location

Per Section 40.210.020.D.3, cluster lots shall be sited to minimize conflicts between housing and adjacent agricultural or forest zoned property.

Staff finds that no forestry or agricultural zoned properties are located in the vicinity of the property.

Land Use Finding 6 – Remainder Lot Requirements

Per 40.210.020.D.3.c, the remainder parcel shall 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 parcel shall provide a buffer for the cluster lots from adjacent lands in a resource zoning district. Remainder parcels shall also be 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 existing on property proposed for cluster development shall be located within the remainder parcel. In order to retain rural character, the remainder parcel should contain to the maximum extent possible forested areas, prominent hillsides, meadows and ridges. Per Table 40.210.020-4 the
remainder lot must be at least 65% of the parent parcel. Per 40.210.020.D.3.c(2)(b), a building envelope that avoids all critical areas must be clearly identified on the plat.

While there are no identified critical areas on site, staff finds that the remainder lot contains most of the forest land and all of the agricultural buildings on site. No other remainder parcels border the site. The proposed remainder lot (Lot 8) is 24.33 acres or 66.9% of the site's gross area of 36.37 acres, and thus meets the minimum size threshold. As a condition of approval, the remainder lot must contain a minimum of 23.64 acres. (See Conditions D-7 and D-8)

Per Section 40.210.020.D.2, further subdivision of the remainder lot will be prohibited until the area is brought in to an urban growth boundary. To ensure this occurs, a plat note and a requirement to keep the word "cluster" in the name of the subdivision are required. (See Conditions D-4.i, D-4.n and D-9)

Finding 7 - Design Requirements & Landscaping
Cluster developments shall be landscaped within the developed portion of cluster lots, so as to reduce views of the development from the public right(s)-of-way so that a filtered view is provided of the cluster and the cluster does not dominate the landscape. Lots 1, 2 & 7 will require a minimum buffer of vegetation (existing and/or proposed) six feet in height and fifty percent opaque, and shall be installed prior to final plat per CCC 40.210.020(D)(6). New landscaping materials shall consist of native vegetation as identified by the Clark Conservation District, and must 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 applicant has indicated that due to forested conditions on site, that existing vegetation is sufficient to meet the landscaping buffer requirements. Staff does not dispute this assertion; yet an approved landscape plan is required prior to final construction. If existing vegetation will remain to satisfy this requirement, the applicant will need to identify it on the final landscape plan (See Conditions A-8, D-4.o)

Prior to final platting, the applicant shall provide verification that all required landscaping is installed (or already existing) in accordance with the approved landscape plan. (See Condition D-10)

Per CCC 40.320.010(G)(6), Maintenance of landscaped areas is the ongoing responsibility of the property owner. Required landscaping must be continuously maintained in a healthy manner. (See Condition H-2)

Additionally, no entryway treatments, monument or other permanent development signs are permitted. Sight-obscurring fences (at least 50% opaque) 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. These requirements must be noted on the final plat. (See Condition D-4.k and D-4.l)

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 Conditions D-11)
Finding 8 – State Platting Standards (RCW 58.17)
The subject development is located within 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 1.0 miles way. Nonetheless, the applicant has submitted a letter from the Hockinson School District [Exhibit 1-22] that children from the proposed subdivision will be picked up and dropped off at a group bus stop on NE 202nd Ave. Therefore, the RCW 58.17.050, ‘safe walking’ criterion does not apply.

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

Finding 9 – Project Phasing
The applicant has proposed to implement this project in 2 phases [See Exhibit 20]. Phase 1 will plat cluster lots 2, 3, 4, as well as remainder lot 8 (totaling 30.72 acres – and encompassing phase 2 of the project), as well as construction of the proposed private road and driveway to serve lots 2 through 7. Phase 2 of the project is to create lots 1, 5, 6 and 7, which will reduce the acreage of remainder lot 8 to 24.33 acres. It is important to clarify that if the project expires prior to platting Phase 2, the remainder lot could not be further subdivided, except as permitted per CCC 40.210.020(C)(2).

The phase 1 final plat must clearly delineate future lots 1, 5, 6 and 7. Additionally, a plat note must be provided specifying that Phase 2 must be implemented prior to the preliminary subdivision approval expiration, whereupon Phase 2 could no longer be completed. (See Conditions D-4.p and D-15)

Finding 10 – Notice of Agricultural, Forest, or Mineral Resource Activities
Agricultural and/or forestry activities on or near the subject parcel may be intermittently incompatible with residential development due to noise, odors, application of insecticides/herbicides, etc. In accordance with CCC 40.510.030(D)(7), notice that such activities occur nearby is required via a developer covenant being recorded. (See Condition D-3.9)

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 11 – 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 submittal of the subdivision application.
DAHP staff reviewed the archaeological predetermination without comment, and provided no SEPA comment. 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-6.a and D-4.g)

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

**Forest Practices**
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 attached to this report. (See Attached, and General Condition 1)

**Finding 12: Storm Water & Erosion Control**
The harvest operator is responsible for providing all Stormwater and erosion control requirements in accordance with Chapter 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 13: Road Maintenance**
Damage to the public roads or right 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.

**Finding 14: 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 see the IFPL website, https://fortress.wa.gov/dnr/protection/ifpl/).

**Finding 15: 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 days in which school bus activity is anticipated.
- Log hauling must abide by all posted speed limits and rules of the road, the use of unmuffled "jake brakes" will not be permitted adjacent to private residences.
- Tracking on to county roads is prohibited under CCC 40.386 and 13.26A.

**Finding 16: 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 17: Leave Trees
Leave Trees are not required under a Class IV-G Forest Practice on the converted home site areas.

Finding 18: Reforestation
Reforestation is not required under a Class IV general forest practices permit as the property subject to the permit is being converted to a non-forestry use.

Finding 19: Critical Areas
No critical areas are identified on site.

Finding 20: 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).

Conclusion (Forestry)
Staff finds that the proposed preliminary plan, subject to conditions in the attached FOR2019-00014, meets the requirements of the Clark County Code.

Transportation Concurrency
Finding 21
Concurrency has reviewed the Land Use Review application for the Schlichting Estates Cluster Subdivision development.

The applicant has submitted traffic information under the provisions of Clark County Code section 40.350.020. The applicant’s traffic information suggests an AM peak hour trip generation at 6, PM peak hour trips at 7 and ADT at 76. Staff concurs with the applicant’s findings and has deemed the traffic information complete.

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

Transportation
Finding 22 – 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 classified as a Rural Local Access. The existing roadway has a 20-foot paved width within a 60-foot right-of-way. Code requires a 50-foot right-of-way width and a 24-foot paved width. Subsequently, right-of-way requirements are met and per CCC 40.350.030(B)(5)(b)(2)(a), frontage improvements are not required for rural development not
located within rural centers; therefore, no additional frontage improvements are required for this roadway.

The applicant is proposing a gravel Rural Private Road within the development to provide access to Lots 2 – 7. Code requires a 20-foot surfacing width within a 30-foot easement. The roadway meets the minimum standards. A portion of this roadway where it connects to NE 202nd Avenue is located on adjacent Parcel No. 205251-000. This parcel is owned by Linda Varney, who is also this development’s applicant and representative of the Schlichting, LLC. The applicant shall record an easement for the portion of roadway that is located on the adjacent parcel with the final plat. (See Condition D-1)

Finding 23 – Access Management
Lots 1 & 8 will take access from NE 202nd Avenue directly. 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. Prior to plat approval for this development, construction of the joint driveway shall be completed. A developer’s covenant that establishes maintenance responsibility for the joint driveway, as well as the private road, will also be required. (See Conditions A-1.a, D-3.a & D-3.b, and Plat Note D-4.b)

The joint driveway will be over 340 feet in length. Per CCC 40.350.030(B)(4)(b)(3)(b), all new driveways longer than 300 feet shall be provided with an approved turnaround at the terminus. The applicant shall comply with this standard. (See Condition A-1.b)

Finding 24 – Paving of Intersection Area
Per CCC 40.350.030(B)(7)(C), where connecting to a paved street, whether public or private, the connecting roadway shall be paved 25 feet back from the nearest edge of the traveled lane. The gravel private road will be required to be paved back at its intersection with NE 202nd Avenue. (See Conditions A-1.c)

Additionally 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 will be required to be paved back at their intersections with NE 202nd Avenue. (See Condition A-1.d)

Finding 25 – 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. The applicant’s engineer has acknowledged, in an email dated April 12, 2019, 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. A technical road modification to address the substandard pavement width is forthcoming.

Transportation standards states “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.” Considering that this development generates 70 new average daily trips, the applicant would have to obtain a road modification addressing at least one of the approval criteria or volunteer to address the required off-site road improvements. The applicant has submitted a road modification prepared by PLS Engineering dated April 15, 2019. (See Road Modification Finding 25)

Finding 26 - Technical Road Modification (EVR-2019-00009)

Approval Criteria
The applicant submitted a technical road modification prepared by PLS Engineering and dated April 15, 2019 that requests relief from offsite road widening along NE 202nd Avenue.

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

Applicant’s Discussion
The applicant narrative submitted with the road modification applications states:

“This Technical Road Modification will use Criteria (2)(d).

Schlichting Estates Cluster Subdivision is a project that proposes to subdivide an existing 36.37-acre parcel into eight lots while leaving the majority of the parcel undeveloped. The project is located at 14709 NE 202nd Avenue, Brush Prairie, WA 98606. The associated parcel number is 205168-000. This subdivision proposes to replace an existing asphalt driveway currently accessing NE 202nd Avenue with a rural private road to gain access to six of the eight lots. An existing gravel driveway currently serves another lot and the final lot proposes to create a new driveway. In total, final development will have one private road and two driveways with sufficient spacing accessing NE 202nd Avenue, which serves as an offsite access road for the site. Currently, there are three driveways accessing NE 202nd Avenue.

Per CCC 40.350.030 (B)(6)(b)(2), any pre-existing offsite access roads narrower than eighteen (18) feet with one (1) foot shoulders shall be widened to the full twenty (20) foot standard. Currently, there are three directions from which the site can be accessed. The site can be accesses from the north and south by NE 202nd Avenue and can be accessed from the west by NE 144th Street. The roadways accessing the site from the west along NE 144th Street and from the south along NE 202nd Avenue have paved widths greater than 18 feet with 1 foot shoulders. The portion of NE 202nd Avenue extending from 164th Street to 159th Street has a paved width greater than 20 feet. The majority of NE 202nd Avenue extending from NE 159th Street to NE 139th Street has a paved width of 18’ with 1’ shoulders. However,
the portion of NE 202nd Avenue extending from NE 159th Street to NE 154th Street has a paved width that varies between 18’ and 17’ with gravel shoulders.

Code requires that the portions of NE 202nd Avenue extending from NE 159th Street to NE 154th Street that have a paved width of less than 18’ with 1’ shoulders shall be widened to the full 20 foot standard. However, it would not be cost effective to widen NE 202nd Avenue to meet the standard and the existing conditions do not currently pose any hindrance to public safety or access. 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. There are only small sections of NE 202nd Avenue extending from NE 159th Street to NE 154th Street which would need to be widened. There are several existing driveways that will provide turnouts for this section of roadway to allow passing of emergency vehicles. There is a 200 foot spacing between NE 159th Street and the driveway serving parcel 205269000. There is a 150 foot spacing between this driveway and the next driveway serving parcel 205267004. There is a 200 foot spacing to the next driveway serving parcel 205224000. There is a 230 foot spacing to the next driveway serving parcel 205152000. There is a 130 spacing to the next driveway serving parcel 205226000. There is a 140 foot spacing to the next driveway serving parcel 205267014. Finally, there is a 260 foot spacing between this driveway and NE 154th Street.

This project will only be developing 7 lots. The remainder lot 8 will remain as existing conditions and the existing structure on Parcel 205251000 will also remain undisturbed. Ultimately, requiring the widening of NE 202nd Avenue extending from NE 159th Street to NE 154th Street to meet the standard would be disproportional to the impacts created by the development of these 7 lots.”

Staff’s Evaluation
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, “The portion of NE 202nd Avenue extending from NE 159th Street to NE 154th Street has a paved width that varies between 18 feet and 17 feet with gravel shoulders.”

The applicant also summarizes the existing driveway locations along NE 202nd Avenue, where the road pavement width is substandard, that can serve as turnouts that would then achieve a turnout location along the roadway, at a maximum of 500 feet intervals.

Staff concurs with the applicant’s discussion and analysis and believes that the engineer has demonstrated that the application of the off-site improvement standards would be grossly disproportional to the impacts created by an 8-lot cluster subdivision. Staff recommends approval of the road modification request per approval criterion CCC 40.550.010(C)(2)(d).

Staff agrees that the road modification request can be approved per criterion (b). Development Engineering Division Manager concurs with staff’s recommendation.

Finding 27 – 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 500 feet of sight distance at the private road approach, the existing driveway serving Lot 8, and the new driveway serving Lot 1 per the 50 MPH unposted statutory speed limit along NE 202nd Avenue.

The applicant’s engineer, PLS Engineering, has submitted a Sight Distance Certification letter that acknowledges that the required sight distance is met at both driveway approaches. However, sight distance at the private road is obstructed by bushes. Sight distance is achievable by trimming this vegetation. The applicant will be required to show the sight distance triangles on the final construction plans and remove any vegetation obstructing the sight distance. Sight distance shall be verified after its removal. (See Conditions A-1.e and D-2)

Finding 28 – Transportation Phasing
The applicant indicates that the subdivision will be completed in two separate phases. The applicant is responsible for providing all necessary transportation improvements required for each individual phase. The required transportation improvements for each proposed phase will be reviewed during final engineering review. (See Condition A-1.f)

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

Stormwater:
Finding 29 - 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-3.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-3.b)

Finding 30 – Stormwater Proposal
The 37.09-acre parcel currently contains an existing house, garage, two barns, five sheds, and a storage trailer; all of which will remain. The site is mostly flat and mildly slopes from a high point in the northeast corner to the south with slopes of less than 5%. The site has been previously logged but was recently reforested. On-site soils are classified as Hesson Clay Loam (HcB), which has a hydrologic soil group classification of “C” and a Clark County WWHM soil group classification of “SG 3”.

The applicant provided a Preliminary Technical Information Report prepared by PLS Engineering, dated January 2019. 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 a 65% of the site in a forested condition and the existing and new impervious surface will not exceed 10% of the site area. Additionally, native vegetative flow paths (dispersion areas) of 100 feet in length will be achieved for all dispersion BMP 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 and Plat Note D-4.e)

Per Clark County Procedure Statement #2015-0005, dated April 12, 2016, the county 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. As for the 65% of native vegetation preservation area also required, the extent of the preserved native vegetation must be documented in the TIR and shown on the stormwater plan, but no covenant will be required. (See Condition A-3.c)

The applicant indicates that all stormwater facilities will be privately owned and maintained. The applicant 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-3.e and Plat Note D-4.f)

Finding 31 – Stormwater Phasing
The applicant indicates that the subdivision will be completed in two phases. Each individual proposed phase shall be designed with sufficient stormwater management facilities in compliance with CCC 40.386. The required stormwater improvements for each proposed phase will be reviewed during final engineering review. (See Condition A-3.d)

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

Finding 33 – Fire Flow
Fire flow in the amount of 500 gallons per minute supplied for 30 minutes duration is required for this application. 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-7.a)
Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval. (*See Condition D-13.a*)

Where fire flow is not provided in the full amount by a public water system, the side and rear setbacks for all buildings shall be increased to 30 feet. A class “A” or better rated roof and noncombustible siding shall be required. Homes exceeding 3600 square feet will 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 34 – 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 provided that maximum spacing between hydrants does 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-7.b*)

Unless waived by the fire district chief fire hydrants shall be provided with appropriate ‘storz’ adapters for the pumper connection. (*See Condition D-13.b*)

The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact Fire District #3 at (360) 892-2331 to arrange for location approval. (*See Condition A-7.d*)

The applicant shall provide and maintain a six-foot clear space completely around every fire hydrant. (*See Conditions A-7.c and H-1.b*)

**Finding 35 – Fire Apparatus Access**
The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standard. Provide fire apparatus access roads with an unobstructed width of not less than 20 feet, an unobstructed vertical clearance of not less than 13.5 feet, with an all-weather driving surface capable of supporting the imposed loads of fire apparatus. (*See Conditions A-7.e and H-1.a*)

**Finding 36 – Driveways and Turnarounds**
Approved fire apparatus turnarounds are required for this project. The indicated provisions for turning around fire apparatus are adequate. (*See Condition A-7.f*)

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

**Water and Sewer Service**
**Finding 37 – Water**
The site will be served by the Clark Public Utilities water district. A letter from the district confirms that water is available to the site. The submitted *Public Health Evaluation Letter* notes that public water must be connected to lots 1-7 of the proposed development. (*See Condition D-6.a*)
A well currently exists on proposed remainder lot 8 (WP11978). If this well is retained for continued use, a Water Adequacy Verification Evaluation (WAVE) is required for final approval of the plat. *(See Condition D-6.b)*

If any well is discovered during the course of development, it must be decommissioned by a Washington State Licensed Well Driller with reports submitted to Clark County Public Health. *(See Condition D-6.d)*

The actual locations of all wells must be indicated on the final plat along with a 100 foot radius zone of protection. *(See Condition D-6.c)*

**Finding 38 – On-site Sewer**
The use of septic systems is proposed to serve the site. The *Public Health Evaluation Letter* notes the requirements for provisions of on-site sewage systems. *(See Condition D-5)*

A note shall be required on the plat stating: “The approved initial, reserve, and/or existing sewage system sites shall be protected from damage due to development”

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

**Impact Fees**
**Finding 39 – Impact Fees**
The additional seven residential lots created by this plat will produce impacts on schools and traffic, and are subject to School (SIF) and Traffic Impact Fees (TIF) in accordance with CCC 40.610.

- ☑ Rural sub-area with a TIF of $2,424.08 per dwelling
- ☑ Hockinson School District, with a SIF of $6,080.00 per dwelling

The amounts listed above are an estimate using the current impact fee rates and are subject to change. As found in CCC 40.610.040, impact fees are calculated using the rates in effect at the time of building permit issuance, *(See Conditions D-3.f, D-4.h and E-3)*

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

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

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

The likely SEPA determination of Non-Significance (DNS) in the Notice of Development Review Application issued on April 8, 2019 is hereby final.

**SEPA Appeal Process**

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

The hearing examiner shall hear appeals in a public hearing. Notice of the appeal hearing shall be mailed to parties of record, but shall not be posted or published.

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

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

Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.

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

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

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

Refer to the Appeals handout for more information and fees.

The decision of the Hearing Examiner is final unless:

- A motion for reconsideration is filed within fourteen (14) days of written notice of the decision, as provided under Clark County Code, Section 2.51.160; or,
- An appeal is filed with Clark County Superior Court.
Staff Contact Person: Scott Wiedmer, 564.397.5273

Responsible Official: Mitch Nickolds, Community Development Director

Recommendation
Based upon the proposed preliminary plat [Exhibit 1] and the findings and conclusions stated above, staff recommends the Hearing Examiner APPROVES this request, subject to the understanding that the application is required to adhere to all applicable codes and laws, and is subject to the following conditions of approval.

Conditions of Approval

<table>
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<tr>
<th>General Conditions</th>
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<td>Review and Approval Authority: County Forester</td>
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1. Site development shall comply with conditions of approval of Class IV-G Forest Practices Permit FOR2019-00014. *(See Exhibit 14 and Findings 11-20)*

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

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

a. The applicant shall show on the final construction plans the construction of the entire length of the joint driveway. *(See Finding 23)*

b. The applicant shall show on the final construction plans an approved turnaround at the terminus of the joint driveway in compliance with CCC 40.350.030(B)(4)(b)(3)(b). *(See Finding 23)*

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 Finding 24)*

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 Finding 24)*

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 Finding 27)*
f. The applicant is responsible for providing all necessary transportation improvements required for each individual phase. *(See Finding 28)*

**A-2 Transportation**

a. 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 to CCC 40.386 and the following conditions of approval:

a. The applicant shall submit final construction plans and a final Technical Information Report that addresses Minimum Requirements #1 through #9. *(See Finding 29)*

b. The applicant shall demonstrate that the development will not materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots. *(See Finding 29)*

c. The applicant shall delineate on the final stormwater plans all dispersion area and native vegetation preservation areas associated with BMP T5.30A for the private road and joint driveway. *(See Finding 30)*

d. Each individual proposed phase shall be designed with sufficient stormwater management facilities in compliance with CCC 40.386. *(See Finding 31)*

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

**A-5 Excavation and Grading** - Excavation/grading shall be performed in compliance with CCC 14.07.

**A-6 Cultural Resources** - Notes shall be placed on the face of the final construction plans as follows:

a. “If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, Clark County and the Department of Archaeology and Historic Preservation in Olympia shall be notified immediately. Failure to comply with these state requirements may constitute a Class C Felony, subject to imprisonment and/or fines.” *(See Finding 11)*

**A-7 Fire Marshal Requirements**

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 Finding 33)*

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 Finding 34)*
c. Provide and maintain a six-foot clear space completely around every fire hydrant. *(See Finding 34)*

d. The local fire district chief approves the exact locations of fire hydrants. Contact Fire District #3 at (360) 892-2331 to arrange for location approval. *(See Finding 34)*

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 Finding 35)*

f. Turnouts shall be provide at intervals five hundred (500) feet or less, such that no portion of proposed driveways are in excess of three hundred (300) feet from an approved turnaround or turnout. *(See Finding 36)*

A-8 Landscaping - The applicant shall submit a landscape plan in accordance with CCC 40.410.020(D)(6)(a). If existing landscaping will remain to satisfy this requirement, the applicant will need to show it on the final landscape plan. *(See Finding 7)*

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<tr>
<th>B</th>
<th>Prior to Construction of Development Review and Approval Authority: Development Inspection</th>
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<td>Prior to construction, the following conditions shall be met:</td>
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B-1 Pre-Construction Conference - Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.

B-2 Erosion Control - Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.

B-3 Erosion Control - Erosion control facilities shall **not** be removed without County approval.

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<tr>
<th>C</th>
<th>Provisional Acceptance of Development Review and Approval Authority: Development Inspection</th>
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<td>Prior to provisional acceptance of development improvements, construction shall be completed consistent with the approved final construction / land division plan and the following conditions of approval:</td>
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C-1 None
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<th>D</th>
<th>Final Plat Review &amp; Recording</th>
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<td>Review and Approval Authority: Development Engineering</td>
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Prior to final plat approval and recording, the following conditions shall be met:

D-1 **Access Easement** - The applicant shall record, prior to or with the final plat, an access easement on Parcel 205251-000 for the portion of the private road that extends onto that parcel. *(See Finding 22).*

D-2 **Sight Distance** - The applicant shall provide a sight distance certification letter once the vegetation removal has been performed at the private road approach onto NE 202nd Avenue. *(See Finding 27)*

D-3 **Developer Covenant** - A “Developer Covenant to Clark County” shall be submitted for recording to include the following:

- **Private Road Maintenance Covenant** - A private road maintenance covenant shall be submitted to the responsible official for approval and recorded with the County Auditor. The covenant shall set out the terms and conditions of responsibility for maintenance, maintenance methods, standards, distribution of expenses, remedies for noncompliance with the terms of the agreement, right of use easements, and other considerations, as required under 40.350.030(C)(4)(g).

- **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).

- **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."

- **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."

- **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 new dwelling in this subdivision shall be assessed for impacts on schools and transportation facilities based for the following districts: Hockinson School District (SIF) and the Rural Subarea (TIF). As found in CCC40.610.040, impact fees are calculated using the rates in effect at the time of building permit issuance."

g. 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 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."

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 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."

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 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. 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, Clark County Community Development, and the Confederated Tribes of the Grand Ronde (503.879.1675) shall be notified immediately. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines.”

h. Impact Fees: “In accordance with CCC 40.610, impact fees for each dwelling in this subdivision shall be assessed for impacts on schools and transportation facilities based for the following districts: Battle Ground School District (SIF), and the 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.”

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

j. “Agricultural buildings must be setback 50 feet to all property lines.” (See Finding 4)

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

l. “Sight-obscuring fences of any height are not permitted within fifty (50) feet of the public right-of-way, nor along cluster lot lines adjacent to the remainder lot. Sight-obscuring fences are at least fifty percent (50%) opaque.” (See 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 Findings 4 and 6)

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

p. “The proposed phase 2 of this subdivision must be completed prior to expiration of the preliminary plat approval.”

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. CCPH must 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 Finding 38)

D-6 Health Department Conditions
a. Water: Proposed cluster lots 1-7 must 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 Finding 37)

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 Finding 37)

c. Well Locations: The actual locations of all wells must be indicated on the final plat along with a 100 foot radius zone of protection. (See Finding 37)

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 Finding 37)

D-7 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 shall be included on all cluster lots and the remainder lot. Setbacks shall be shown on the final plat in conjunction with building envelopes. (See Findings 4 and 6)

D-8 The remainder lot (Lot 8) must be 65% the acreage of the parent parcel, and thereby contain a minimum of 23.65 acres. (See Finding 6)

D-9 The name of the subdivision must include the word “cluster”. (See Finding 6)

D-10 The required cluster development landscaping buffer shall be installed prior to final platting, and confirmed by a landscaping certificate signed by a landscape architect registered in the state of Washington, and identified on the final plat. (See Finding 7)
D-11 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 Finding 7)

D-12 Addressing - At the time of final platting, existing residence(s) that will remain may be subject to an address change. Addressing will be determined based on point of access.

D-13 Fire Marshal
   a. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval. (See Finding 33)
   b. Unless waived by the fire district chief fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. (See Finding 34)

D-14 Building Envelope Setbacks - The building envelopes need to be revised to meet the minimum 30 foot side setback mandated by the Wildland Urban Interface fire code area. (See Finding 4)

D-15 Plat Phasing
   Lots 1, 5, 6, and 7, which are proposed as part of Phase 2 of this subdivision must be clearly identified and labelled on the Phase 1 final plat, included as part of the remainder lot (Lot 8). (See Finding 9)

<table>
<thead>
<tr>
<th>E</th>
<th>Building Permits</th>
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<td>Review and Approval Authority: Permit Services</td>
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Prior to issuance of a building permit, the following conditions shall be met:

E-1 Excavation and Grading - Excavation/grading shall be performed in compliance with CCC 14.07.

E-2 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 Finding 30)

E-3 Impact Fees - Impact fees shall be assessed on all 7 cluster lots for impacts on schools and transportation facilities based for the following districts: Hockinson School District (SIF), and the Rural Sub-area (TIF). As found in CCC 40.610.040, impact fees are calculated using the rates in effect at the time of building permit issuance. (See Finding 39)

E-4 Residential Fire Sprinklers - Homes exceeding 3600 Square feet, including attached garages, will require additional fire protection features up to and including a
residential fire sprinkler system when adequate public water and hydrants are not within required distances. (See Finding 33)

E-5 Wildland Urban Interface (WUI) - The proposed subdivision is located in a WUI fire hazard zone. Additional setback, building construction access, fire flow, and addressing requirements may be applied at the time of building permit application.

F Occupancy Permits
Review and Approval Authority: Building
Prior to issuance of an occupancy permit, the following conditions shall be met:

F-1 None

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

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

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

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

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

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

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

H-1 Fire Marshal
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 Finding 35)

b. Maintain a six-foot clear space completely around every fire hydrant. (See Finding 34)

H-2 Landscaping - Maintenance of landscaped areas is an ongoing responsibility of the property owner. All required landscaping shall be maintained in accordance with the approved landscape plan. (See Finding 7)

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

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

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

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

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

- Procedural irregularity or error, clarification, or scrivener’s error, for which no fee will be charged;
- Newly discovered evidence, which the moving party could not with reasonable diligence have timely discovered and produced for consideration by the examiners;
- The decision is not supported by substantial evidence in the record; or,
- The decision is contrary to law.
Any party of record may file a written response to the motion if filed within fourteen (14) calendar days of filing a motion for reconsideration.

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

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

See the *Appeals* handout for more information and fees.

**Attachments**
- Copy of Proposed Preliminary Plan
- Forest Practices Staff Report
Project Name: SCHLICHTING ESTATES CLUSTER

Case Number: FOR2019-00014

Associated Case Number(s): PLD2019-00009, SEP2019-00013

Location: 14709 NE 202ND Ave, Brush Prairie, WA 98606.

Request: The applicant is requesting a Class IV-G Forest Practice converting one forested parcel into 7 cluster lots located on 36.37 acres in the R-5 zoning district, utilizing the rural zoning district cluster provisions.

Contact: Travis Johnson
PLS Engineering
604 W Evergreen Blvd
Vancouver, WA 98660
travis@plsengineering.com
360.944.6519

Applicant/Owner: Linda Varney
Schlichting, LLC
14803 NE 202ND Ave
Brush Prairie, WA 98606

Neighborhood Contact: Greater Brush Prairie Neighborhood Association
Rick DeNise, President
greaterbrushprairie@gmail.com

RECOMMENDATION
Approve subject to Conditions of Approval

Forester’s Initials: HWD
Date Issued: 4/17/19
Public Hearing Date: May 9TH, 2019 @ 6:00PM
Public Works Forestry Staff Report & Decision  
Case Nos. FOR2019-00014  
SEP2019-00013

Public Works Forestry Review Staff:

<table>
<thead>
<tr>
<th>Role</th>
<th>Name</th>
<th>Phone Ext.</th>
<th>E-mail Address</th>
</tr>
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<tbody>
<tr>
<td>Lands Manager</td>
<td>Kevin Tyler</td>
<td>4258</td>
<td><a href="mailto:Kevin.Tyler@dark.wa.gov">Kevin.Tyler@dark.wa.gov</a></td>
</tr>
<tr>
<td>County Forester</td>
<td>Hunter Decker</td>
<td>4852</td>
<td><a href="mailto:Hunter.Decker@clark.wa.gov">Hunter.Decker@clark.wa.gov</a></td>
</tr>
</tbody>
</table>

Parcel Number(s):
205168-000 of Section 20, Township 03 North, Range 03 East of the Willamette Meridian.

Applicable Laws:
Clark County Code Sections: 40.500 (Procedures); Chapter 40.260.080 (Forest Practices); 40.510 (Procedures); 40.570 (SEPA); Revised Code of Washington (RCW) 76.09; and Washington Administrative Code (WAC) 222.

Project Overview
The project involves harvesting and converting 14 acres of timber on 36.37 acre parcel with an application for a cluster lot land division in the R-5 zoning district. The site is located atop a Category 2 Critical Aquifer Recharge Area (CARA).

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

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

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

No major issues.
Forest Practices (40.260):

Finding 1: Storm Water & Erosion Control
The harvest operator is responsible for providing all Stormwater and erosion control requirements in accordance with Chapter 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 2: Road Maintenance
Damage to the public roads or right 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.

Finding 3: 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 see the IFPL website, https://fortress.wa.gov/dnr/protection/ifpl/).

Finding 4: 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 days in which school bus activity is anticipated.
- Log hauling must abide by all posted speed limits and rules of the road, the use of unmuffled "jake brakes" will not be permitted adjacent to private residences.
- Tracking on to county roads is prohibited under CCC 40.386 and 13.26A.

Finding 5: 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 6: Leave Trees
Leave Trees are not required under a Class IV-G Forest Practice on the converted home site areas.

Finding 7: Reforestation
Reforestation is not required under a Class IV general forest practices permit as the property subject to the permit is being converted to a non-forestry use.

Finding 8: Critical Areas
No critical areas on site.

Finding 9: 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).
Conclusion (Forest Practices):
Staff finds that the proposed preliminary plan, subject to the Conditions of Approval "A - Forest Practice Permit Conditions, 1-15" identified below, meets the requirements of the Clark County Code.

RECOMMENDATION

Based upon the proposed plan (identified as Exhibit A), and the findings and conclusions stated above, staff recommends the Hearing Examiner APPROVE this request, subject to the understanding that the applicant is required to adhere to all applicable codes and laws, and is subject to the following conditions of approval:

Conditions of Approval

A | Forest Practice Permit Conditions

A-1 Current Use - Land that is to be converted to non-forestry uses shall be withdrawn from current use designation under the provision of Chapter 84.33 and 84.34 RCW or Chapter 3.08 prior to issuance of county land use approvals for non-forestry uses.

A-2 Expiration - Forest Practice Permit approval shall be valid for a period of 2 years from the date of issuance of the Final Order or completion of any subsequent appeal proceedings.

A-3 Pre-Harvest Conference - Prior to commencing harvesting operations, an on-site meeting maybe required with the County Forester. Call (360) 624-7533 and provide the application number and legal description for your operation.

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

The ERP must be presented for inspection at the Pre-Harvest Conference meeting and kept readily available to all personnel, including subcontractors, on site during active operations.

A-5 Property Damage - Applicant is responsible for any and all damage occurring to neighboring properties as a result of this tree removal.
Public Works Forestry Staff Report & Decision

Case Nos. FOR2019-00014
SEP2019-00013

A-6 Building Envelopes / Subsequent Development –
   a. Any proposed building envelopes must 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 Chapters 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.

A-7 Construction Stormwater General Permit – Operators of the following construction activities are required to seek coverage under this general permit:
   a. 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 one acre that are part of a larger common plan of development or sale, if the common plan of development or sale will ultimately disturb one acre or more and discharge stormwater to surface waters of the state.
      i. 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 (that is, forest practices that prepare a site for construction activities).

A-8 Stormwater Site Plan, Erosion Control and Grading - The harvest operator is responsible for providing all stormwater and erosion control requirements in accordance with Chapter 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.

A-9 Road Construction -
   • Forest practice roads, per WAC 222-24-026, are approved on a temporary basis. Therefore, these roads may not meet Clark County codes and standards for single family residences or future developments. Contact Clark County Development Engineering team (360) 397-6118 for further information.
   • All driveways and roads intended for use after the forest practice of this permit is completed must comply with Chapter 40.386 Stormwater and Erosion Control.

A-10 Road Maintenance –
   • Damage to the public roads or right 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.
   • Tracking on to county roads is prohibited under CCC 40.386 and 13.26A.
A-11 Operations –

- This timber harvest shall be executed in substantial conformance of the information as presented in the application package with any modifications found in findings and conditions as a result of this review.

- During the "closed season", when the humidity is 30 percent or lower on the harvest area, all operations must cease unless authority to continue is granted by the County in writing.

- Applicant shall provide a fully functional pump truck or pump trailer equipped to meet the specifications of WAC 332-24-005 and WAC 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 operating periods.

- Applicant shall provide, during the "closed season", a water supply with a minimum capacity of 300 gallons for rapid filling of pump trucks or trailers at a location designated by the County Forester.

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

- Motorized equipment operating hours will be limited to between 6 AM and 10 PM Mondays to Saturdays.

- 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 days in which school bus activity is anticipated.

- Log hauling must abide by all posted speed limits and rules of the road, the use of unmuffled "jake brakes" will not be permitted adjacent to private residences.

A-12 Archaeological - Should archaeological materials (e.g. bones, shell, stone tools, beads, ceramics, old bottles, hearths, etc.) be observed during project activities, all work in the immediate vicinity should stop and the State Department of Archaeology and Historic Preservation (360-586-3065), the County planning office, and the affected Tribe(s) should be contacted immediately. If any human remains are observed, all work should cease and the immediate area secured. Local law enforcement, the county medical examiner (360-397-8405), State Physical Anthropologist, Department of Archaeology and Historic Preservation (360-586-3534), the County planning office, and the affected Tribe(s) should be contacted immediately. Compliance with all applicable laws pertaining to archaeological resources (RCW 27.53, 27.44 and WAC 25-48) and human remains (RCW 68.50) is required. Failure to comply with this requirement could constitute a Class C Felony.

A-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 (More information see the IFPL website, https://fortress.wa.gov/dnr/protection/ifpl/).

A-14 Reforestation - WAC 222-34-050 - Urban and other lands exempted from the reforestation requirements.
A-15 Hazardous Materials –

a. Hazardous Materials and Waste - Regulatory Compliance:
   Applicant is responsible for understanding and complying with all applicable local, state, and federal hazardous material/waste laws and regulations for operations conducted under this contract. Such regulations pertain to, but may not be limited to, hazardous material storage, handling and transport, personnel protection, release notification and emergency response, cleanup and waste disposal. 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 Cleanup:
   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 piece of equipment at all times throughout active operations. If large quantities of bulk fuel/other hazardous materials are stored on site, the applicant must be able to effectively control a container leak and contain & recover a hazmat spill equal to the largest single on site storage container volume. (HAZWOPER reg. 29CFR 1910.120 (j) (1) (vii)).

d. Hazardous Material Release Reporting:
   Releases of oil or hazardous materials to the environment must be reported according to the State 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: 1-360-407-6300
   - Clark County Forester 1-360-624-7533