Type II Staff Report and Decision
Notice to Parties of Record

Project Name: Skyview Station

Case Number: PSR2018-00036; PLD2018-00034; SEP2018-00046; EVR2018-00069; WET2018-00074; WET2018-00075

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

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

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

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

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

See the Appeals handout for more information and fees.

Mailed on: March 4, 2019
Type II Site Plan and Environmental Review
Staff Report and Decision

Project Name: Skyview Station

Case Number: PSR2018-00036; PLD2018-00034; SEP2018-00046; EVR2018-00069; WET2018-00074; WET2018-00075

Location: 1309 NE 10th Avenue, Parcels 185727 & 185726 in Southwest Quarter of Sections 23, Township 3, Range 1 east of the Willamette Meridian

Request: Site plan and short plat approval to construct eight commercial buildings and associated infrastructure on eight separate lots with retail, restaurant, and bank uses located on roughly 8.6 acres in the GC zone

Applicant: Hurley Development, LLC
915 Broadway St ~ Suite 250
Vancouver, WA 98660
Email - chad@hurleydev.com

Contact: Olson Engineering
Attn: Jocelyn Cross
222 E Evergreen Blvd
Vancouver, WA 98660
Phone - 360.695.1385
Email - jocelyn@olsonengr.com

Owner: HAG, LLC
14019 NE 10th Avenue
Vancouver, WA 98685
Email - jan@hamptonautoglass.com

T & S Family Properties, LLC
13909 NE 10th Avenue
Vancouver, WA 98685
Email - shelly@dewittconst.com

Decision
Approved, subject to Conditions

Land Use Review Manager’s Initials: Date issued: 3/4/19

Revised 1/31/19

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

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

<table>
<thead>
<tr>
<th>Department/Program</th>
<th>Name</th>
<th>Ext.</th>
<th>Email Address</th>
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<tbody>
<tr>
<td>Community Development</td>
<td>Susan Ellinger</td>
<td>5122</td>
<td><a href="mailto:susan.ellinger@clark.wa.gov">susan.ellinger@clark.wa.gov</a></td>
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<td>Richard Daviau</td>
<td>4895</td>
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<tr>
<td>Fire Marshal’s Office</td>
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<td>Wetland/Habitat</td>
<td>Keith Radcliff</td>
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<td>Engineer:</td>
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</tr>
</tbody>
</table>

Comp Plan Designation: GC

Applicable Laws
Clark County Code: 15 (Fire Prevention), 40.230.010 (Commercial Districts), 40.320 (Landscaping), 40.340 (Parking), 40.350 (Transportation), 40.350.020 (Transportation Concurrency), 40.360 (Solid Waste), 40.380 (Stormwater & Erosion Control), 40.440 (Wetlands), 40.500 & 40.510 (Procedures), 40.520.040 (Site Plan Review), 40.540.030 (Short Plats); 40.550 (Road Modifications), 40.570 (SEPA), 40.570.080 (SEPA Archaeological), 40.610 (Impact Fees), 24 (Public Health), and the Clark County Comprehensive Plan

Neighborhood Association and Contact
North Salmon Creek - North Salmon Creek Neighborhood Council
E-mail - nscna+president@salmoncreeklive.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 was held on this matter on March 22, 2018. The PAC information was sufficiently complete to qualify for contingent vesting and a complete application was submitted within the required 180 days from issuance of the PAC report. Therefore, the application is vested on the pre-application submittal date of May 11, 2018. Applications do not vest for stormwater requirements.

Time Limits
The application was determined to be fully complete on November 19, 2018. The project was on-hold to allow the applicant to submit additional wetland, stormwater, traffic, and road modification information. Therefore, the code requirement for issuing a decision within 78 days lapses on March 13, 2019.
Public Notice
Notice of application and likely SEPA determination of non-significance was mailed to the applicant, Neighborhood Association, SEPA Agencies, and property owners within 300 feet of the site on December 19, 2018.

Public Comments
The County received comment letters (see Exhibits 9, 10 & 16) from nearby residences that have concerns about traffic, transportation, the proposed drive-thru uses, air pollution, noise, and lack of green space.

See Finding 1 for uses, Finding 4 for noise, Findings 8/9 for wetland issues, Findings 10 through 16 for traffic and the attached engineering findings and conditions for transportation and stormwater runoff.

Project Overview
The subject site is located on the north side of NE 139th Street and the east side of NE 10th Avenue. The site is zoned GC. The applicant proposes to construct eight commercial buildings including a drive-through restaurant, a drive-through bank, and other retail buildings totaling almost 80,000 square feet of building area in eight phases. An eight lot short plat is also proposed; all eight commercial buildings will be on a separate lot. A full access is proposed onto NE 10th Avenue with a limited access from NE 139th Street.

There are no priority habitat or wetlands on site; however, there are wetlands existing on property to the east. The 50 foot high intensity wetland buffer and 25 foot water quality buffer will be impacted from the proposed development. The proposed development will be served by Fire District #6, Clark Regional Wastewater and Clark Public Utilities Districts. The following is a land use table of the site and surrounding properties:

<table>
<thead>
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<th>Compass</th>
<th>Comp Plan</th>
<th>Zoning</th>
<th>Current Land Use</th>
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<td>Site</td>
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<td>UM</td>
<td>R-18</td>
<td>Mobile Home Park</td>
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<td>East</td>
<td>GC</td>
<td>GC</td>
<td>Vacant</td>
</tr>
<tr>
<td>South</td>
<td>I</td>
<td>IL</td>
<td>NE 139th St &amp; Park-in-ride</td>
</tr>
<tr>
<td>West</td>
<td>I/UM</td>
<td>IL/R-18</td>
<td>Industrial &amp; Residential</td>
</tr>
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Staff Analysis
Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

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

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

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

**Land Use**

**Finding 1 - Uses**
The applicant proposes retail, restaurant, professional office, and other typical commercial service uses which are allowed in the GC zone subject to site plan review (see CCC Table 40.230.010-1). Medical/dental uses are not proposed.

**Finding 2 - Site Plan**
The applicant submitted site and landscape plans to identify compliance with lot, setback, parking, landscaping, and other standards of Title 40. The following are comments regarding the site and landscape plans:

a. The applicant proposes 71,350 square feet of commercial retail, 4,200 square feet of bank, and 4,400 square feet of restaurant building area. Based on the proposed buildings and uses, 233 parking spaces are required and the applicant proposes 413 which exceed parking standards. Also, staff has determined that all eight buildings/uses meet at least the minimum parking amount requirements on their separate lots.

b. Under CCC 40.360, solid waste/recycling enclosures are required and to be screened to an F2 standard. The submitted plan shows the required solid waste/recycling enclosures, but does not clearly show the required screening which is sight-obscuring (not chain link w/slats). A cover and stormwater containment are also required. The final site plan should show solid waste/recycling enclosures with the required screening/cover and stormwater containment. (Condition A-7)

c. When pedestrian route of travel crosses a vehicle maneuvering area, a crosswalk is required. The standard requires striping as well as a different paving type, elevation change, or other acceptable method of notifying drivers of a crosswalk pursuant to CCC 40.340.020 A3. The final site plan should identify two methods of notifying drivers of a pedestrian crosswalk. (See Condition A-8)

d. Under CCC 40.230.010 D, 15% of commercial sites are required to be landscaped. Also, CCC 40.320.010 requires L2 landscape buffers along all road frontages and L1 landscape buffers along the other property lines as well as landscape parking islands. The site plan notes that 18.1% of the site is landscaped. The submitted landscape plan shows the required buffers and the landscape parking islands. Staff finds the proposed landscape plan meets code requirements. The final landscape plan should be consistent with the preliminary plan. (See Condition A-9)
Finding 3 - Lighting
The applicant must ensure that lighting from the development does not cast significant light or glare off-site on adjacent properties or public roadways. Exterior lighting shall be located, shielded, and directed to prevent significant off site glare, in accordance with CCC 40.340.010(A)(7) and RCW 47.36.180. (See Condition H-1)

Finding 4 - Noise
Staff notes that the uses in the proposed commercial development are required to comply with state noise standards. See Washington Administrative Code (WAC 173-60-040) for details about dBA noise limits. (See Condition H-2)

Finding 5 - Short Plat/Platting Standards (RCW 58.17)
The applicant proposes an eight lot commercial short plat with lots ranging from .72 to 1.78 acres. The GC zone does not have minimum or maximum lot size requirements. Construction of proposed site plan improvements cannot occur until final site plan approval. Proposed public road improvements may be constructed along with the final plat review. Staff finds that with conditions, the proposed plat can comply with code requirements. (See “Prior to Final Plat” Conditions)

With conditions of approval, staff finds the proposed short plat 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 transportation provisions, maintenance and services.

Finding 6 - Signs
For all proposed identification signs, the applicant should make application for a separate sign permit pursuant to CCC 40.310 (see Condition H-3)

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

Archaeology
Finding 7
The development site is located within a moderate-high probability area for archaeological resources, as designated on the Archaeological Predictive Model Map of the 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 application. DAHP received public notice and a copy of the SEPA checklist and did not provide comment.

A note on the final plat and construction plans will be require that in the event that archaeological or historic materials are discovered during project activities, work in the immediate vicinity must stop and the area secured. The concerned tribes cultural staff, cultural committee, and DAHP shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines. (See Conditions A-10)
Wetlands:
Finding 8 - Project Overview
There is no priority habitat or wetlands on site; however, there are wetlands existing on property to the east. The fifty (50) foot high intensity wetland buffer and twenty-five (25) foot water quality buffer will be impacted from the proposed development. A portion of the wetland buffer is functionally isolated. Mitigation for the proposed buffer impacts and indirect wetland impacts consists of purchasing wetland mitigation bank credits to offset both buffer impacts and indirect wetland impacts.

The presence and extent of Wetlands and Wetland Buffers on and off site were verified by County wetland and habitat review Staff after a site visit conducted November 14, 2018 and review of the Wetland Delineation and Assessment report prepared by Olson Environmental LLC, dated August 09, 2018. Staff concludes that the off-site wetland is a Category IV wetland with a habitat score of three.

Finding 9 - Mitigation Bank Credits
The applicant is proposing to purchase mitigation bank credits from the Terrace Mitigation Bank to compensate for the indirect wetland impacts. The Terrace Mitigation Bank service area encompasses portions of the Salmon Creek Watershed. The site is in the service area for the bank and the credit transfer is consistent with the debiting procedures in the mitigation bank instrument. The bank credit purchase ratio for Category IV wetlands is .85:1, as such the applicant is required to purchase .19 mitigation credits to compensate for the .22 acres of indirect wetland impacts. County wetland and habitat staff approve of the bank credit purchase for the indirect wetland impacts. Proof of execution of a .19 credit transfer is required prior to final plat and plan review.

Conclusion (Wetlands):
Based upon the development site characteristics and the proposed development plan, staff concludes that the proposed Development application complies with the requirements of Chapters 40.440 and 40.450; the Wetland Protection, Habitat Conservation, and Vegetation Conservation standards in Chapter 40.460 addressed herein, PROVIDED that certain conditions are met. Therefore, the requirements of the preliminary plan review criteria are satisfied. (See Conditions A-11, A-12, A-14, C-2, and D-6)

Transportation
See attached engineering findings and conditions.

Transportation Concurrency
Finding 10 - Trip Generation
County concurrency staff has reviewed the proposed Skyview Station development application. The traffic study submitted indicates that the proposed development will construct 8 commercial/retail structures totaling 80,150 square feet. The applicant is also proposing to divide the site into an 8-lot commercial short plat. The applicant's traffic study has estimated the a.m. peak-hour trip generation at 114 trips, p.m. peak-hour trip generation at 296 trips and an average daily trip generation (ADT) of 3,312 trips. The trip generation was estimated using the nationally accepted data published by the Institute of Transportation Engineers 10th Edition. The proposed development site is located at 14019 NE 10th Avenue in Vancouver.
The applicant has submitted a traffic study under the provisions of Clark County Code section 40.350.020 (D)(1).

Finding 11 - Site Access
Traffic conditions are usually expressed using a scale that quantifies the ability of a facility to meet the needs and expectations of the driver. This scale is graded from A to F and is referred to as level-of-service (LOS). A driver who experiences an LOS A condition would expect little delay. A driver who experiences an LOS E condition would expect significant delay, but the traffic facility would be just within its capacity to serve the needs of the driver. A driver who experiences an LOS F condition would expect significant delay with traffic demand exceeding the capacity of the facility with the result being growing queues of traffic.

Congestion, or concurrency level of service (LOS) standards are not applicable to accesses that are not regionally significant; however, the LOS analysis provides information on the potential congestion and safety problems that may occur in the vicinity of the site.

The applicant’s plan shows that there are two (2) access locations proposed for the development. The primary access for the development site is proposed as the fourth leg of the intersection of NE 10th Avenue/NE 141st Street. The applicant is also proposing to construct the NE 10th Avenue/NE 141st Street/Site Access intersection, with signal control, in compliance with mitigations outlined in a concomitant agreement (5170404 AGR). This concomitant agreement allowed rezoning of the subject properties. The applicant has also proposed a right-in/right-out access location onto NE 139th Street, an Urban Minor Arterial (M-4cb). The applicant has submitted a road modification request for this access onto an arterial and will be reviewed under a different heading. (See attached engineering findings and conditions)

The applicant’s study evaluated the level of service and found that the development site access locations analyzed will have an estimated LOS C, or better in the 2020 build-out horizon. The study also shows that the LOS was evaluated during am and pm peak hour traffic conditions in existing and build-out scenarios. County Staff concurs with the traffic study findings.

Finding 12 - Clark County Concurrency
The proposed development is required to meet the standards established in CCC 40.350.020(G) for corridors and intersections of regional significance within 3 miles of the proposed development.

Signalized Intersections
The applicant’s traffic study indicates that individual movements during peak hour traffic conditions had approach delays that did not exceed the maximum 240 seconds, or 2 cycles, of delay in the build-out year.

Therefore, staff concurs with the applicant’s findings and has determined that this development will comply with adopted Concurrency standards for regionally significant signalized intersections.

Unsignalized Intersections
The applicant’s traffic study has evaluated the operating levels and standard delays for regionally significant unsignalized intersections. The applicant’s analysis yielded operating
levels and standard delay times with a LOS better than the minimum allowable LOS E for regionally significant unsignalized intersections.

Staff concurs with the applicant’s findings and has determined that this development can comply with adopted Concurrency Standards for unsignalized intersections.

Concurrency Corridors
Evaluation of the concurrency corridor capacity levels represented in the County Code yielded capacity at acceptable levels.

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

SAFETY:

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

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

Finding 13 - Turn Lane Warrants
Turn lane warrants are evaluated at unsignalized intersections to determine if a separate left or right turn lane is needed on the uncontrolled roadway.

The applicant’s engineer evaluated the need for turn lanes based on the Washington State Design Manual and concluded that a dedicated westbound right-turn deceleration lane would be warranted as a part of the right-in access from NE 139th Street. Staff concurs with the applicant’s findings. The applicant has submitted a road modification request to allow a deceleration lane length that is less than required by AASHTO and the WSDOT Design Manual. This road modification request for a reduced length deceleration lane will be reviewed under a different heading. (See attached engineering findings and conditions)

Finding 14 - Historical Accident Situation
The applicant’s traffic study analyzed the 5 year crash history as obtained from WSDOT for the period 2013 through 2017.
The intersection crash rates, for the study intersections do not exceed thresholds that would warrant additional analysis. The applicant’s study did not recommend any safety mitigations as a part of this development. Staff concurs with the applicant’s finding.

**Finding 15 - Roadside Safety (Clear Zone) Evaluation**

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

Further, as adopted by Clark County Code (CCC) 40.350.030(C)(1)(b), the Washington State Department of Transportation (WSDOT) Design Manual, Chapter 1600 states that “A clear roadside border area is a primary consideration when analyzing potential roadside and median features. The intent is to provide as much clear, traversable area for a vehicle to recover as practicable given the function of the roadway and the potential tradeoffs. The Design Clear Zone is used to evaluate the adequacy of the existing clear area and proposed modifications of the roadside. When considering the placement of new objects along the roadside or median, evaluate the potential for impacts and try to select locations with the least likelihood of an impact by an errant vehicle.”

“For managed access state highways within an urban area, it might not be practicable to provide the Design Clear Zone distances shown in Exhibit 1600-2. Roadways within an urban area generally have curbs and sidewalks and might have objects such as trees, poles, benches, trash cans, landscaping and transit shelters along the roadside.”

The applicant shall consider the WSDOT Design Manual – Roadside Safety Mitigation Guidance (Section 1600.04) in the final engineering design of all proposed roadways and frontage improvements. (See Condition A-2b)

**Finding 16 - Vehicle Turning Movements**

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

The applicant will need to submit construction plans that show the design of the intersection geometry will accommodate all applicable design vehicles for review and approval. The plans will also need to show that all applicable design vehicles have the ability to enter and exit the development while minimizing the impact on adjacent and/or opposing travel lanes. This may result in longer driveway throat depths prior to accessing parking and maneuvering areas near the site accesses with NE 10th Avenue and NE 139th Street. (See Condition A-2c).

**Conclusion**

In summary, Concurrency Staff recommends approval of the development application with conditions.

**Stormwater**

See attached engineering findings and conditions.
Fire Protection
Finding 17 - Fire Marshal Review
This application was reviewed by Donna Goddard in the Fire Marshal's Office. Donna can be reached at 564.397.3323 or e-mail at donna.goddard@clark.wa.gov. Where there are difficulties in meeting these conditions or if additional information is required, contact the Fire Marshal's office immediately.

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.

Finding 18 - Fire Flow/Hydrants
Fire flow in the amount of 2750 gallons per minute supplied for 60 minutes duration is required for this application. Prior to obtaining building permits, submit proof from the water purveyor indicating that the required fire flow is available at the site. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to the commencement of combustible building construction. Fire flow is based on a 10,600 sq. ft. building of Type 5B construction.

Fire hydrants are required for this application. Provide fire hydrants such that the maximum spacing between hydrants does not exceed 300 feet and such that no portion of the building exterior is in excess of 300 feet from a fire hydrant as measured along approved fire apparatus access roads.

Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. Provide and maintain a six-foot clear space completely around every fire hydrant. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact Fire District # 6 at (360) 576-1195 to arrange for location approval. Buildings with fire sprinklers shall have a minimum of two fire hydrants. One fire hydrant shall be located within 100 feet of Fire Department Connections.

Finding 19 - Fire Access/Sprinklers
The roadways and maneuvering areas as indicated in the application adequately provide required fire apparatus access. Provide fire apparatus access roads with an unobstructed width of not less than 20 feet, an unobstructed vertical clearance of not less than 13.5 feet, with an all-weather driving surface and capable of supporting the imposed loads of fire apparatus. Approved fire apparatus turnarounds are required for this project. The indicated provisions for turning around fire apparatus are adequate.

Automatic fire sprinklers are required. Fire alarm system is required for the buildings. Separate permits from the Fire Marshal's office are required for both fire alarms and sprinklers.

Water & Sewer Service:
Finding 20
The applicant has submitted utility reviews from Clark Public Utilities and Clark Regional Wastewater indicating that public water and sewer is available to serve the subject site.
The connection point for both public water and public sewer is adjacent to the site in NE 139th Street. Proposed buildings will be required to connect to approved public water and sewer systems. The applicant needs to comply with all requirements of the purveyor. (Condition F-3)

**Impact Fees:**

**Finding 21**
The site is located in the Mt Vista Transportation sub-area and TIF will be required for all eight buildings proposed. As an example, TIF for the 4,400 square foot fast food restaurant building would be $374,715.97, the 4,200 square foot bank building would be $96,129.40, and the 21,250 square foot Retail “C” building would be $549,810.82 based on current rates and proposed building area. For the rest of the buildings (50,100 square feet) TIF of $818,157.17 would be required based on current rates. Staff will calculate these buildings separately during final review or by building permit approval as building area is likely to change.

The amounts listed 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 IFC2019-00005)

**Phasing:**

**Finding 22**
The project is proposed in eight phases. The applicant is responsible for providing all necessary land use, transportation, stormwater facility, and utilities improvements for each individual phase. The required improvements for each proposed phase will be reviewed during final site plan and engineering review. (See Condition A-15)

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

- **DS = Determination of Significance** - The impacts cannot be mitigated through conditions of approval and, therefore, require the preparation of an Environmental Impact Statement (EIS);
- **MDNS = Mitigated Determination of Non-Significance** - The impacts can be addressed through conditions of approval; or,
- **DNS = Determination of Non-Significance** - The impacts can be addressed by applying the Clark County Code.

The likely SEPA determination of Non-Significance (DNS) in the Notice of Development Review Application issued on December 19, 2018 is hereby final.

**SEPA Appeal Process**
An appeal of this SEPA determination and any required mitigation must be filed with the Department of Community Development within fourteen (14) calendar days from the date of this notice.
A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

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

1. The case number designated by the county and the name of the applicant;

2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Community Development Director. All contact with the Community Development Director regarding the petition, including notice, shall be with this contact person;

3. A brief statement describing why the SEPA determination is in error.

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

The decision of the Hearing Examiner is final unless there is:

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

**Staff Contact Person:** Richard Daviau, (360) 397-2375, ext. 4895

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

**Decision**

Based upon the proposed plan, and the findings and conclusions stated above and within the attached reports and decisions, the Land Use Review Manager hereby **APPROVES** this request, subject to the following conditions of approval.

**Conditions of Approval**

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<tr>
<th>A</th>
<th>Final Construction/Site Plan Review</th>
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<tr>
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<td>Review and Approval Authority: Development Engineering/Land Use</td>
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</table>

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 See attached engineering findings and conditions.
A-2 Transportation:
   a. Signing and Striping Plan - The applicant shall submit a signing and striping plan for review and approval. This plan shall show signing and striping and all related features for required frontage improvements and any off-site improvements. The offsite improvements shall include signing and striping for the intersection improvements at NE 23rd Avenue/NE 134th Street. The applicant shall obtain a work order with Clark County to reimburse the County for required signing and striping.

   b. WSDOT Design Manual - The applicant shall consider the WSDOT Design Manual – Roadside Safety Mitigation Guidance (Section 1600.04) in the final engineering design of all proposed roadways and frontage improvements. (See Finding 15)

   c. Intersection Geometry - The applicant shall submit construction plans that show the design of the intersection geometry will accommodate all applicable design vehicles for review and approval, unless modified by the County Engineer. The plans will also need to show that all applicable design vehicles have the ability to enter and exit the development while minimizing the impact on adjacent and/or opposing travel lanes. This may result in longer driveway throat depths prior to accessing parking and maneuvering areas near the site accesses with NE 10th Avenue and NE 139th Street. (See Finding 16)

A-3 See attached engineering findings and conditions.

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 Chapter 14.07.

A-6 See attached engineering findings and conditions.

A-7 The final site plan shall show solid waste/recycling enclosures with the required screening/cover and stormwater containment. A building permit will be required. (See Finding 3b)

A-8 The final site plan shall identify two methods of the notifying drivers of a pedestrian crosswalk (see Finding 3c).

A-9 A final landscape plan shall be submitted consistent with the preliminary plan (see Finding 3d).

A-10 Archaeological Resources - A note shall be placed on the face of the final construction plans as follows: "In the event that archaeological or historic materials (e.g. bones, shell, stone tools, beads, ceramics, old bottles, hearths, etc.) are 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 these requirements could constitute a Class C Felony."

A-11 **Wetland Plan** - The Final Construction plan shall show location of the outer extent of wetland buffer for marking in the field. Markings shall be installed prior to construction and maintained throughout the duration of construction.

A-12 The applicant shall submit evidence of a wetland mitigation bank credit transfer for the total amount of credits identified in the approved final mitigation plan.

A-13 **Fire Marshal Requirements**  
   a. Fire flow in the amount of 2750 gallons per minute supplied for 60 minutes duration is required for this application. Prior to obtaining building permits, submit proof from the water purveyor indicating that the required fire flow is available at the site. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to the commencement of combustible building construction. Fire flow is based on a 10,600 sq. ft. building of Type 5B construction. (See Finding 18)
   
   b. Provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus. (See Finding 19)

A-14 All wetland, buffer boundaries shall be delineated on the face of the Final Site Plan.

A-15 The applicant shall provide all necessary transportation, stormwater facility, and utilities improvements for each individual phase. The required improvements for each proposed phase will be reviewed during final site and engineering review.

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

Prior to construction, the following conditions shall be met:

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

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

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

C **Provisional Acceptance of Development**  
Review and Approval Authority: Development Inspection
C-1 See attached engineering findings and conditions.

C-2 Permanent physical demarcation along the upland boundary of the wetland buffer areas shall be installed and thereafter maintained. Such demarcation may consist of logs, a tree or hedge row, fencing, or other prominent physical marking approved by the responsible official. In addition, signs shall be posted at an interval approved by the Wetland and Habitat Review Manager, and perpetually maintained at locations along the outer perimeter of the wetland buffer approved by the responsible official worded substantially as follows:

Wetland and Buffer –
Please retain in a natural state

D Final Plat Review & Recording
Review and Approval Authority: Development Engineering
Prior to final plat approval and recording, the following conditions shall be met:

D-1 See attached engineering findings and conditions

D-2 See attached engineering findings and conditions

D-3 See attached engineering findings and conditions

D-4 Developer Covenant - See attached engineering findings and conditions.

D-5 Plat Notes - See attached engineering findings and conditions and the following note:
   D-5e - Archaeological: "If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Department of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."

D-6 The wetland buffer boundaries shall be delineated on the face of the Final Plat. This covenant may stand alone or be combined with the required wetland covenant. The applicant shall submit evidence of a wetland mitigation bank credit transfer for the total amount of credits identified in the approved mitigation plan.

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

E-1 See attached engineering findings and conditions.

E-2 Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to combustible building construction. Fire hydrants are required for this application. Provide fire hydrants such that the maximum spacing between hydrants does not exceed 300 feet and such that no portion of the building exterior is in excess of 300 feet from a fire hydrant as measured along approved fire apparatus access
roads. Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection prior to combustible building construction. Contact Fire District # 6 at (360) 576-1195 to arrange for location approval. Buildings with fire sprinklers shall have a minimum of two fire hydrants. One fire hydrant shall be located within 100 feet of Fire Department Connections. (See Finding 26)

E-3 Impact Fees - Traffic Impact fees are required and the site is located in the Mt Vista Transportation subarea. As found in CCC 40.610.040, impact fees are calculated using the rates in effect at the time of building permit issuance. This project is under the TIF waiver program (see Finding 21).

E-4 Rooftop Equipment: Rooftop exterior equipment shall be screened from an abutting public road right-of-way to at least an F2 or L3 standards if visible at grade from the right-of-way. This requirement shall be shown on building plans.

<table>
<thead>
<tr>
<th>F</th>
<th>Occupancy Permits</th>
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<tbody>
<tr>
<td>Review and Approval Authority: Building</td>
<td></td>
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</table>

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

F-1 Landscaping - Prior to the issuance of an approval of occupancy for final site plan, the applicant shall submit a copy of the approved landscape plan(s) with a letter signed and stamped by a landscape architect licensed in the state of Washington certifying that the landscape and irrigation (if any) have been installed in accordance with the attached approved plan(s) and verifying that any plant substitutions are comparable to the approved plantings and suitable for the site.

F-2 Fire Marshal - Automatic Fire sprinklers are required for the buildings. Fire sprinkler designs shall include fire sprinkler protection of balconies and covered entry and egress routes. Fire alarm system is required for the buildings provided with fire sprinklers.

F-3 Proposed buildings shall connect to approved public water and sewer systems. The applicant needs to comply with all requirements of the purveyor.

<table>
<thead>
<tr>
<th>G</th>
<th>Development Review Timelines &amp; Advisory Information</th>
</tr>
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<tbody>
<tr>
<td>Review and Approval Authority: None - Advisory to Applicant</td>
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</table>

G-1 See attached engineering findings and conditions.

G-2 Site Plans and Other Land Use Approvals - Within seven (7) years of preliminary plan approval, a Fully Complete application for a building permit shall be submitted.

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 ensure that Building Safety and Fire Marshal requirements are in compliance or brought into compliance. Land use decisions do not waive any building or fire code requirements.
G-4 **Building Elevation Approvals** - Approval of building elevations submitted for preliminary plan review does not ensure compliance with other requirements (such as building setbacks) under other construction codes. Compliance with other construction codes is the responsibility of the applicant at the time of building permit issuance.

<table>
<thead>
<tr>
<th>H</th>
<th><strong>Post Development Requirements</strong></th>
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<tr>
<td>H-1</td>
<td><strong>Outdoor Lighting</strong> - Exterior lighting shall be located, shielded, and directed to prevent significant off site glare, in accordance with CCC 40.340.010(A)(7) and RCW 47.36.180.</td>
</tr>
<tr>
<td>H-2</td>
<td><strong>Noise Limits</strong> - uses in the proposed commercial development are required to comply with state noise standards. See Washington Administrative Code, WAC 173-60-040. (See Finding 4).</td>
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<td>H-3</td>
<td>For all proposed identification signs, the applicant shall make application for a separate sign permit pursuant to CCC 40.310.</td>
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<tr>
<td>H-4</td>
<td>Maintain an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus.</td>
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**Note:** The Community Development Director reserves the right to provide additional comment and findings of fact regarding this decision, if appealed.

**Decision Appeal Process**

An **appeal** of any aspect of this decision may be appealed to the Clark County Hearing Examiner only by a party of record. A "Party of Record" includes the applicant and those individuals who submitted written testimony to the Community Development Director within the designated comment period.

The appeal shall be filed with the Department of Community Development, Permit Services Center, 1300 Franklin Street, Vancouver, Washington, 98660, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record. This decision was mailed on March 4, 2019. Therefore any appeal must be received in this office by the close of business on March 18, 2019.

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

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

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

An appeal of any aspect of the Hearing Examiner’s decision, *except* the SEPA determination (i.e., procedural issues), may be appealed to the Superior Court or reconsidered by the Hearing Examiner only by a party of record pursuant to Ordinance 10-19, adopted 10/27/2009 by the Board of County Councilors.

**Attachments**
- Copy of Proposed Preliminary Plan
- Engineering Findings and Conditions

### For staff use only

<table>
<thead>
<tr>
<th>Final Plans Required with Construction Plans</th>
<th>YES</th>
<th>NO</th>
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<tbody>
<tr>
<td>Final Site Plan</td>
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<td>X</td>
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<tr>
<td>Final Landscape Plan</td>
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<td>X</td>
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<tr>
<td>On-site Landscape Plan</td>
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<td>Right-of-way Landscape Plan*</td>
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<td>Final Wetland Plan</td>
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<td>Final Habitat Plan</td>
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*Final right-of-way landscape plan required for projects fronting on arterial and collector streets.*
ATTACHMENT B
TYPE II DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & DECISION
(Engineering Review)

Project Name: Skyview Station

Case Number: PLD2018-00034; PSR2018-00036;
SEP2018-00046; EVR2018-00069;
WET2018-00074; WET2018-00075

Staff Engineers: David Jardin
                Jennifer Reynolds, P.E.

Supervisor: Ali Safayi, P.E.

Report Issue Date: March 1, 2019

Vesting Date: November 5, 2018

Decision
Approved subject to Conditions

Development Engineering Supervisor Initials: [Signature]
Date Signed: 03/01/19

Major Issues, Analysis & Conclusions

TRANSPORTATION:

Finding 1 – Pedestrian/Bicycle Circulation Plan
Pedestrian circulation facilities in compliance with the Americans with Disabilities Act (ADA) are
required within urban areas. When pedestrian circulation facilities are required they shall be in
accordance with the provisions of Section CCC 40.350.010.

The applicant has proposed to divide a parcel, totaling 9.19 acres, into a total of 8
commercial-retail lots to include 80,150 square feet of shopping center. The proposed
development is on parcels numbered 185726-000 and 185727-000 in Vancouver. The subject parcels are zoned General Commercial (GC).

The applicant’s plan indicates that there will be pedestrian improvements constructed with the frontage improvements along NE 139th Street and NE 10th Avenue. The applicant’s plan and narrative indicate that the proposed sidewalk construction, along NE 139th Street, will be limited to the frontage between NE 10th Avenue and the proposed site access location, which is generally aligned with the C-Tran bus access on the south side of NE 139th Street. The applicant has submitted a road modification request to limit sidewalk construction on the NE 139th Street frontage. The applicant has requested deviations from transportation standards which are discussed below. (See Finding 3)

The applicant’s plan and narrative also show that sidewalk will be constructed along the NE 10th Avenue frontage. The applicant indicates that the existing 8-foot wide attached sidewalk, north of the proposed site access with NE 10th Avenue, would be retained as a part of the development. The applicant has submitted a road modification request to retain the existing 8-foot wide attached sidewalk north of the proposed subject site access with NE 10th Street. The road modification request is discussed below. (See Finding 3)

The applicant’s narrative also states that all pedestrian facilities will be constructed to comply with ADA standards. (See Condition A-1.a)

The applicant’s proposal for the construction of public pedestrian facilities shows that the development can comply with the County Code.

Finding 2 – Circulation Plan
The applicant has submitted a narrative and a traffic study that indicate the proposed development will be served by on-site drive aisles that will have the ability to access the proposed site driveways at NE 10th Avenue and NE 139th Street. The applicant’s narrative and traffic study suggests that the construction of these driveways and drive aisles will facilitate on-site cross circulation. However, the applicant’s narrative, traffic study, or plan did not show compliance with the required circulation code regarding block length and block perimeter. The applicant has submitted a road modification request for relief from block length and block perimeter. The road modification request is discussed below. (See finding 3)

Finding 3 – Road Modification Request (EVR2018-00069)
The applicant has requested the following road modifications to deviate from:
- Block Length and Block Perimeter;
- Access onto an Arterial;
- Driveway Spacing on an Arterial;
- Frontage Improvements – Sidewalk
- Length of Right-Turn Deceleration Lane

Approval Criteria

Modifications to the standards contained in Chapter 40.350 may be granted when the applicant demonstrates at least one (1) of the following:

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

Applicant’s Discussion
The applicant has submitted multiple road modification requests. These requests have been made, and justifications provided, in two (2) letters. The letter prepared by Mackenzie and dated January 21, 2019 requested the following code deviation:

1. “The project is requesting a direct site access on NE 139th Street, a minor arterial roadway, when access to a lower classified road is available. The proposed access will be limited to right-in/right-out (RIRO) movements only.”
2. “The project is requesting a reduction in the standard right-turn deceleration length from 264 ft. to 145 ft. at the proposed right-in/right-out (RIRO) access on NE 139th Avenue.”
3. “The project is requesting a modification to the sidewalk improvements on NE 139th Street. No sidewalk is proposed east of the RIRO where the interchange bridge structure begins.”
4. “The project is requesting a modification to the sidewalk standard for NE 10th Avenue. The project would maintain the existing 8-foot, curb-tight sidewalk along the site frontage north of the access opposite NE 141st Avenue.”
5. “The project is requesting a reduced driveway spacing standard on NE 139th Street for a 20-foot offset between the proposed site access and the existing C-Tran Park & Ride bus driveway across the street.”

The applicant has submitted an additional road modification request. This road modification request was also prepared by Mackenzie and dated February 15, 2019. This letter requested the following code deviation:

1. “This request is to deviate from the County’s required cross-circulation standards for a proposed development. Per CCC 40.350.030.B.2.c (1), a block length of 100 to 800 feet and a block perimeter of no more than 3,200 feet are required for any proposed development.”

This road modification request letter also restates the applicant’s proposed access locations onto NE 10th Avenue at NE 141st Street and a RIRO onto NE 139th Street; however, since both of these access locations were part of the January 21, 2019 road modification request, these proposed access locations will not be considered again for approval under the February 15, 2019 letter.

The road modification request discussion and justification from the January 21, 2019 letter is stated below.

“PROJECT SUMMARY”
“The proposed Skyview Station will include approximately 80,150 square feet (SF) of shopping center with eight buildings platted on separate lots.”
"The site comprises two tax lots (property identification numbers 185726000 and 185727000) totaling 8.66 acres. Both lots have existing development, a single-family home, and DeWitt Construction, but neither will remain with the Skyview Station development."

"As shown in the attached plan, two site accesses are proposed:
2. A full-movement driveway is proposed on NE 10th Avenue, a designated collector street. This driveway will be located opposite NE 141st Street and will include one inbound and two outbound travel lanes.
3. A second limited-access driveway is proposed on NE 139th Street, a designated minor arterial. This driveway will be limited to right-in/right-out (RIRO) movements only and will be aligned nearly opposite the bus-only access serving the Salmon Creek Park & Ride."

"The applicant is willing to provide an easement for cross-circulation to the property owner to the east on mutually agreeable terms. Therefore, no road modification is needed for cross circulation."

"All new sidewalks along the site frontage are proposed to be detached in accordance with County standards. Only the existing attached sidewalk on NE 10th Avenue north of the site access is proposed to remain attached."

"TECHNICAL ROAD MODIFICATION REQUEST 1"
"This request focuses on the proposed access on NE 139th Street. Per CCC 40.350.30(B)(4)(d)(1), "no driveways will be permitted to access onto urban or rural arterials unless no other access to the site exists or can be provided." The approval criteria and justification for the additional access are summarized below followed by more detailed analysis supporting the modification request."

"Approval Criteria"
"This request meets two approval criteria in CCC 40.550.010(C)(2):
  a. Topography, right-of-way, existing construction or physical conditions, or other geographic conditions make compliance with standards clearly impractical for the circumstances.
  c. An alternative design is proposed which will provide a plan that is functionally equivalent or superior to the standards."

"Justification"
"The proposed access is supported by the following findings:
• The project is expected to generate approximately 5,070 daily driveway trips, including 1,760 pass-by trips and 3,310 primary trips. Per CCC 40.350.30(B)(4)(d)(1)(b), "the number of driveways and driveway lanes on arterials shall be based upon an estimate of site traffic generation in accordance with Table 40.350.030-6." This table shows that sites generating more than 2,000 daily trips can have an additional driveway on a minor arterial. This criterion is met by the proposed project.
• The proposed location of the access on NE 139th Street will meet the driveway spacing criteria for arterials as outlined in Table 40.350.030-4. Minimum separation for driveways on an arterial with a 35-mpg posted speed is 150 feet. The centerline of the proposed access is approximately 390 feet east of the stop bar at NE 10th Avenue and more than 950 feet west of the freeway ramps. It will be aligned nearly opposite the bus-only access serving the Salmon Creek Park & Ride. That spacing offset is addressed below.
• NE 139th Street is the only practical location for a second site access. The site plan already includes a full access on NE 10th Avenue aligned opposite NE 141st Street. A
second access on NE 10th Avenue would provide no operational benefits to either the site or the surrounding transportation system.

- If no additional access is provided on NE 139th Street, then all entering and exiting traffic would be concentrated at a single access point. Should circumstances arise, such as a severe crash on NE 10th Avenue that interferes with the operations of the primary site access, no other access options would be available. A single site driveway would also limit site accessibility for emergency vehicles.

- The addition of the RIRO would reduce site traffic through the adjacent signalized intersection at NE 139th Street and NE 10th Avenue. Reductions in site traffic added to this intersection are estimated at approximately 40% during the AM peak hour and 35% during the PM peak hour. The lower site traffic volumes equate to a 2-3% reduction in overall traffic volumes through the intersection.

- Adding the RIRO would improve the operations and reduce queuing at the intersection of NE 139th Street and NE 10th Avenue, as well as the site access on NE 10th Avenue, because traffic volumes would be lower. See the Transportation Impact Study and supplement dated January 18, 2019 for details.

- The right-out movement provides a benefit to the system by reducing the left turns out of the site access on NE 10th Avenue, providing for more green time to through traffic on NE 10th Avenue. Further, the right-turn lane on NE 10th Avenue southbound at NE 139th Street is only 120 feet and access is sometimes blocked by the queues in the adjacent through lane. The reduction in site trips added to the southbound approach would reduce the queues and would reduce the likelihood that right turns cannot enter the right-turn lane."

"County staff has indicated a median will be required to restrict vehicles from turning left from the right-out access, and we agree to install a median for this purpose."

"With the updated analysis including mitigation measures required with the Concomitant Rezone Agreement, vehicle queues on the westbound approach of NE 139th Street with NE 10th Avenue will not extend to the right-out access. Approximately 330 feet is available between the stop bar and the right-out, and the 95th percentile queues in the westbound through lanes are estimated at 275 feet. Therefore, vehicles exiting the site onto NE 139th Street will not experience queues blocking the access."

"The few vehicles that might exit the site and wish to turn left onto NE 10th Street, will be able to enter the westbound left-turn lane well behind the back of a queue (only 100 feet). The sight distance will be adequate for an exiting vehicle to see approaching vehicles and turn into the far westbound travel lane. Furthermore, the westbound right-turn lane will begin west of the right-out exit, eliminating any potential weaving movement in front of the egress."

"We recommend signing in advance of the right-turn lane into the site access indicating the turn lane is for the retail site only, and a sign at the right-turn lane to NE 10th Avenue in order to minimize confusion for drivers approaching the lanes."

"TECHNICAL ROAD MODIFICATION REQUEST 2"
"County staff has indicated WSDOT standards for right-turn lane design must be followed, per Exhibit 1310-13 of the WSDOT Design Manual, July 2018. The posted speed on NE 139th Street is 35 mph. The standard deceleration for this speed is 220 feet, adjusted to 264 feet for a downgrade of nearly 5% on NE 139th Street. Due to several constraints, we are proposing a
shorter lane of 145 feet plus an additional 103 feet upon entering the site, which does not meet WSDOT's standard."

"The approval criteria and justifications for the additional access are summarized below, followed by more detailed analysis supporting the modification request."

"Approval Criteria"
"This request meets three approval criteria in CCC 40.550.010(C)(2):
   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."

"Justification"
"The proposed access is supported by the following findings:

- The location of the access on NE 139th Street is nearly opposite the access for the C-Tran bus facility and cannot be located further west due to anticipated queues from the signal at NE 10th Avenue and the right-turn lane on NE 139th Street to northbound NE 10th Avenue.

- At 145 feet, the lane is the maximum length that can be constructed without encroaching on the adjacent parcel and impacting wetlands. A longer lane in compliance with the standards would, therefore, be impractical for the circumstances.

- Construction of a 264-foot deceleration lane as required per WSDOT standards would have a larger impact on the adjacent bridge structure and fill. Because the height of the fill and wall increases to the east, lengthening the turn lane to 264 feet has a significant cost impact. For these reasons, building the turn lane to the full length would be an unusual hardship.

- The WSDOT standard for the 264-foot deceleration length is based on AASHTO's deceleration distance for passenger vehicles approaching an intersection at 35 mph and coming to a complete stop (A Policy on Geometric Design of Highways and Streets, 6th Edition, Figure 2-25), plus an adjustment for the downhill grade. As designed, vehicles entering the site will not need to stop at the end of the turn lane, but can continue around the curve to stop, if necessary, at the pedestrian crossing on site. Thus, the total distance from the beginning of the taper to the first point a vehicle would need to stop is 270 feet. No pedestrian crossing is needed at the entry because no pedestrian facilities are provided on the north side of the bridge structure to the east of the access (addressed below as a separate modification request). This distance meets the WSDOT standard and can be considered functionally equivalent."

"Other resources that also support the proposed design include:

- A review of other resources indicates distances shorter than 220 feet are adequate for right-turn lanes, confirming the design is functionally equivalent to the WSDOT standard. According to the National Cooperative Highway Research Program (NCHRP) Report 659 – Geometric Design Elements, deceleration lengths of 118 feet based on the AASHTO braking value and 145 feet based on Florida Department of Transportation's (FDOT) Driveway Handbook, 2005, are suitable for right-turn lanes with a 35-mp
design speed. AASHTO's deceleration length is based on a final speed of 0 mph, while FDOT's deceleration length is based on a 10-mpg speed differential.

- Additionally, ITE's *Traffic Engineering Handbook, 7th Edition,* suggests a deceleration length of 150 feet is adequate for a speed differential of 20 mph, per Table 12-8. An example of the 20-mpg speed differential would be traffic approaching at 35 mph and turning at a speed of 15 mph, which is likely the case for the proposed right-turn lane, with vehicles then maneuvering into the driveway throat.

- AASHTO deceleration distances for a reduction from 35 mph to 15 mph are a minimum of 120 feet on wet pavement and approximately 170 feet for comfort, per Figure 2-25."

"Lastly, Clark County has right-turn lane standards within the standard details for Left Turn Lanes (T11.3) that only requires a right-turn lane to be a minimum of 100 feet, including a 40-foot taper or 200 feet with a reversing curve for speeds under 50 mph. This proposal exceeds both County standards and could be considered functionally equivalent."

"Also note, sight distance is adequate for vehicles approaching the right-turn lane and the radius into the driveway throat. As vehicles approach the radius, at a speed of 15 to 20 mph, approximately 120 feet of sight distance is available around the retail building "H", while only 80-115 feet is required per AASHTO table 3-1. Landscaping at the corner of the building will need to be maintained such that sight lines are not impeded for vehicles entering the site from the right-turn lane."

"MINOR ROAD MODIFICATION REQUEST 1"

"This request focuses on a reduction in the sidewalk improvements along NE 139th Street. Per CCC 40.350.010(B)(1)(a), "sidewalks shall be constructed along both sides of all public roads in urban areas." The project proposes to limit sidewalk construction to the section of NE 139th Street between NE 10th Avenue and the RIRO. The approval criteria and justification for the limited sidewalk improvement are summarized below."

"Approval Criteria"

"This request meets two approval criteria in CCC 40.550.010(C)(2):

a. Topography, right-of-way, existing construction or physical conditions, or other geographic conditions make compliance with standards clearly impractical for the circumstances.

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."

"Justification"

"As illustrated in the attached site plan, the proposed project would construct approximately 340 feet of new sidewalk along the NE 139th Street frontage from the corner of NE 10th Avenue to the west side of the proposed RIRO access into the site. This sidewalk would meet the County design standards and would include two connections to the site's internal pedestrian circulation network."

"Physical constraints make it impractical to construct sidewalk along the site frontage east of the RIRO. When the NE 139th Street interchange was constructed, sidewalks were provided along the south side of NE 139th Street from NE 10th Avenue to NE 20th Avenue, but no sidewalks were provided along the structure on the north side of the street and none are planned in the future. Thus, any extension of the sidewalk along the site frontage east of the RIRO would not connect to an existing or planned pedestrian system."
‘MINOR ROAD MODIFICATION REQUEST 2’
“This request focuses on the existing attached sidewalk along the site frontage on NE 10th Avenue. Per standard detail Drawing 5, a minimum 6-foot, curb-tight sidewalk may be allowed if a road modification is approved. The project proposes to maintain the existing 8-foot, curb-tight sidewalk along NE 10th Avenue north of the site access. The approval criteria and justification for the maintaining sidewalk improvement are summarized below.”

“Approval Criteria”
“This request meets two approval criteria in CCC 40.550.010(C)(2):
   a. Topography, right-of-way, existing construction or physical conditions, or other geographic conditions make compliance with standards clearly impractical for the circumstances.
   d. 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.”

“Justification”
“As illustrated in the attached site plan, the proposed project would maintain the existing 8-foot, curb-tight sidewalk for a portion of the site frontage along NE 10th Avenue. CCC Table 40.350.030-2 allows for either a 6-foot, attached sidewalk or a 5-foot, detached sidewalk; therefore, the existing sidewalk meets code.”

“The existing sidewalk along the site frontage is consistent with sidewalks on NE 10th Avenue constructed to the north of the site on the same side of the street, as well as the sidewalk on the opposite side of the street. These features are unlikely to change because all adjacent parcels are fully developed under current zoning. Compliance with the standard is not practical as a detached sidewalk will need to connect with the attached sidewalk to the north.”

‘MINOR ROAD MODIFICATION REQUEST 3’
“This request is to offset the proposed RIRO driveway approximately 20 feet east of the C-Tran bus access, as measured between centerlines. We understand a median would eliminate the need addressing spacing concerns for driveways on the opposite side of the road. Because the design of the median is not yet determined, we are requesting a road modification for the proposed offset. The approval criteria and justification for the maintaining sidewalk improvement are summarized below.”

“Approval Criteria”
“This request meets three approval criteria in CCC 40.550.010(C)(2):
   a. Topography, right-of-way, existing construction or physical conditions, or other geographic conditions make compliance with standards clearly impractical for the circumstances.
   c. An alternative design is proposed, which will provide a plan that is functionally equivalent or superior to the standards.
   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.”
“Justification"

“As described in the justification for the length of the turn lane at the RIRO driveway, aligning with the C-Tran bus access would shorten the turn lane and/or impact more of the structure and require right-of-way from an adjacent parcel. This would be impractical for the circumstances.”

“The RIRO will be channelized and a median installed to limit left-turn movements at the right-out lane, and the limitation to right-turn movements eliminates any turning movement conflicts with the bus access. Therefore, the design as proposed is functionally equivalent or superior to the standard of aligning the driveways or meeting minimum spacing.”

“CONCLUSIONS”

“The proposed site access on NE 139th Street, the limited sidewalk improvements along NE 139th Street, and maintenance of the existing attached sidewalk on NE 10th Avenue meet approval criteria outlined in the County code; therefore, we request that the County approve these Road Modification requests.”

Staff has also added the road modification request discussion and justification from the February 15, 2019 letter. It is stated below.

“Mackenzie has prepared this Technical Road Modification request for the Skyview Station project on the corner of NE 139th Street and NE 10th Avenue. The request is for a modification to the County’s cross-circulation standards by not providing roadway connections to the north or east and is in addition to prior road modification requests for the project.”

“PROJECT SUMMARY”

“The proposed Skyview Station will include approximately 80,150 square feet (SF) of shopping center with eight (8) buildings platted on separate lots.”

“The site comprises two (2) Tax Lots (property identification numbers 185726000 and 185727000) totaling 8.66 acres. Both lots have existing development, a single-family home, and DeWitt Construction, but neither will remain with the Skyview Station development.”

“As shown in the attached plan, two (2) site accesses are proposed:
- A full-movement driveway is proposed on NE 10th Avenue, a designated collector street. This driveway will be located opposite NE 141st Street and will include one inbound and two outbound travel lanes.
- A second limited-access driveway is proposed on NE 139th Street, a designated minor arterial. This driveway is proposed to be limited to Right-In/Right-Out (RIRO) movements only and will be aligned nearly opposite the bus-only access serving the Salmon Creek Park & Ride.”

“There are currently no public street stubs to the site nor within the area. A cul-de-sac currently exists at the end of NE 16th Avenue to the east of the site, with commercially zoned parcels located between. This road is accessed from the roundabout on NE 10th Avenue south of NE 139th Street. The applicant is willing to provide an easement for cross-circulation to the property owner to the east on mutually agreeable terms, which would provide a connection to NE 16th Street. Because the easement cannot be provided as part of this development application, this road modification is being requested as cross-circulation standards and would not be met until further actions occur.”
"TECHNICAL ROAD MODIFICATION"
"This request is to deviate from the County's required cross-circulation standards for a proposed development. Per CCC 40.350.030.B.2.c (1), a block length of 100 to 800 feet and a block perimeter of no more than 3,200 feet are required for any proposed development."

"The effective block length in this area is currently over 5 miles due to the presence of I-5 and distance to the next overcrossing to the north at NE 179th Street. The recent extension of NE 10th Avenue actually, reduced the overall block length significantly. There are no public street connections available east of NE 10th Avenue between NE 139th Street and NE 179th Street. Most adjacent development is industrial with some residential. No potential connections are provided in the area except the existing cul-de-sac at NE 16th Avenue."

"Approval Criteria"
"This request meets the following approval criteria:
   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. Application to the standards of Chapter 40.350 to the development would be greatly disproportionate to the impacts created;"

"Justification"
"The cross-circulation and block length standards are already not met due to I-5 and the lack of east-west connections between NE 139th Street and NE 179th Street. There are currently no opportunities for connections to the north from the site as there are no existing street stubs. The property immediately north of the subject site is a mobile home development with a private street NE Knowles Drive, providing an internal loop. All other development north of that is zoned Light Industrial (IL) and there are no street stubs or connection opportunities to the next public street at NE 144th Street. Besides not having any opportunities to connect to the north, it would be undesirable to connect industrial and retail traffic through the residential area. Therefore, existing conditions make compliance with the standards impractical."

"A connection from the proposed Skyview Station east to NE 16th Avenue provided as part of this development would result in three (3) immediate outcomes: development costs that are neither proportionate to nor sustainable by the proposed development; adverse environmental impacts; and practical and engineering impacts that all parties wish to avoid. An unreasonable economic impact would be imposed on the development due to involvement with WSDOT regarding the adjacent highway structure and costs associated with the proposed access on NE 139th Avenue. WSDOT has communicated to the Applicant that an access easement to the eastern property would require an increase in acquisition cost and an increased turn-lane length proportionate with the size and zoning of the three eastern parcels. Increasing the turn-lane length would require Right of Way (ROW) dedication from the adjacent property owner (who has not expressed a willingness to grant such a dedication). Furthermore, the increased turn-lane length would result in direct impacts to the existing wetland on the adjacent property. The proposed turn lane has no direct wetland impacts. Lastly, the longer turn lane would require an even greater impact to the existing retaining wall on NE 139th Street."

"During a November 2018 meeting, WSDOT engineers communicated their desire to minimize impacts to the existing retaining wall as much as possible. All combined, these factors will impose an unusual hardship on the project which may result in a redaction of the application."
"Additionally, a proportionate share agreement has not been settled between property owners at this time for the cost of the rezone mitigation measures that the property to the east is bound to. Such a cost sharing agreement as well as a joint maintenance agreement would need to be mutually agreed upon between property owners as part of an easement for access."

"The cost to comply with the County standards, upwards of $1,500,000, is not justified by the impacts of this development which can be adequately accommodated through compliance with the rezone mitigation standards, payment of transportation impact fees, and installation of project-specific improvements."

"The applicant continues to assert that the County cannot require the applicant to grant an easement to the neighboring property based on controlling law, but the applicant remains willing to grant an easement on mutually agreeable terms."

"CONCLUSION"
"The Skyview Station development as currently proposed does not meet the County's cross-circulation standards. However, approval criteria outlined in the Clark County Code is met for not providing cross-circulation in the area. Therefore, we request approval of the above technical road modification with our application."

Staff’s Evaluation
Staff reviewed the applicable factors in evaluating a road modification request as presented by the applicant.

**Access to an Arterial**: The road modification cites CCC 40.350.030(B)(4)(d)(1)(b) as the basis for outright allowing an additional access onto an arterial. It shall be noted that the interpretation of this code section is incorrect. In full context, CCC 40.350.030(B)(4)(d)(1) states:

"Driveways. No driveways will be permitted to access onto urban or rural arterials unless no other access to the site exists or can be provided."

Then, CCC 40.350.030 (B)(4)(d)(1)(b) states:

"Number of Driveways. Where permitted, the number of driveways and driveway lanes on arterials shall be based upon an estimate of site traffic generation in accordance with Table 40.350.030-6."

This code section deals with the number of access locations taking direct access onto an arterial, when a lessor classified road is unavailable. Meeting the ADT threshold does not allow/permit access onto an arterial outright when a lessor classified roadway is available.

The applicant’s plan shows a proposed right-in/right-out (RIRO) access location onto NE 139th Street, an Urban Minor Arterial. The applicant's justification states that the proposed RIRO would reduce the development trips and vehicle queueing at the intersection of NE 139th Street/NE 10th Avenue overall improving the intersection operations.

Staff’s review of the applicant’s traffic study and its findings found that the overall benefits to the adjacent road network by allowing a RIRO onto NE 139th Street were low. The applicant’s traffic study for the proposed development indicates that each of the regionally significant intersections analyzed operated at an acceptable level-of-service (LOS) without the proposed RIRO. Based on the applicant’s traffic study findings, it appears that the regionally significant intersections
and corridors are not dependent on the proposed RIRO to maintain acceptable LOS. However, the proposed westbound right-in from NE 139th Street does facilitate a reduction in the number of right turning movements at the intersection of NE 139th Street/NE 10th Avenue and does not degrade the operations at that location.

In comparison, the traffic study shows that out of approximately 200 PM peak hour trips leaving the site only 39 would be using the southbound right-out and a majority of those outbound right turns onto NE 139th Street, are turning left at the intersection with NE 10th Avenue. Because a majority of southbound right-turning vehicles are trying to cross multiple lanes of traffic to get in the far left-turning lane the number of conflict points increases and the potential for crashes also increases. As previously mentioned, the applicant's traffic study has indicated that the intersections and corridors analyzed operate at an acceptable LOS, all of the outbound trips would be better served at those locations.

Based on the information provided and the applicant's analysis that shows the NE 139th Street/NE 10th Avenue intersection operations would not be degraded, staff recommends that the request for a right-in only access location, on NE 139th Street, be approved with conditions. Staff believes that the proposal meets criterion 40.550.010(C)(2)(c). (See Condition A-1.b)

However, based on data that shows all outbound development trips would be better served at signalized intersections, staff recommends that the request for a right-out access location be denied.

Design Deviation – Dedicated Right Turn Deceleration Lane Length

The applicant’s engineer has proposed a westbound dedicated right-turn deceleration lane that does not comply with the WSDOT design standards. The applicant indicates that by WSDOT standards the necessary deceleration lane length is 264 feet. This length is based on AASHTO’s deceleration distance for passenger vehicles approaching the intersection at 35 mph and coming to a complete stop.

The applicant is proposing a deceleration lane length that is 145 feet long, within the NE 139th Street right-of-way, and an additional 103 feet within the subject site. The applicant has indicated that with the proposed deceleration lane design, approaching vehicles would not need to slow to a stop at the end of a turn lane before entering the subject site, rather, continue around an entry curve to stop, if necessary. The applicant states that from the beginning of the deceleration lane taper to the first point a vehicle would need to stop is 270 feet.

The applicant has indicated that the reduced deceleration length is needed because of the potential impact to an existing bridge structure and an existing environmentally sensitive area if the WSDOT/AASHTO design standards were enforced.

Based on the submitted information, staff recommends that the proposed design deviation for a reduced right-turn deceleration lane be approved with conditions. Staff believes that the proposal meets criterion 40.550.010(C)(2)(a). (See Condition A-1.c)

Pedestrian Circulation/Sidewalks

NE 139th Street

The applicant is proposing to limit the construction of sidewalk along the NE 139th Street frontage. The submitted plan shows the sidewalk construction between NE 10th Avenue frontage improvements and the proposed RIRO access onto NE 139th Street. The applicant has indicated that no pedestrian facilities were constructed on the north side of NE 139th Street as a
part of the interchange project. Sidewalk was provided on the south side of NE 139th Street with the interchange project. The applicant has also indicated that because of existing conditions and physical constraints, compliance with the standards would be impractical.

Therefore, based on the information provided staff recommends that the applicant's proposal to limit the construction of sidewalk along the NE 139th Street frontage be approved with conditions. Staff believes that the proposal meets criterion 40.550.010(C)(2)(a). (See Condition A-1.d)

NE 10th Avenue
The applicant is proposing to retain the existing 8-foot wide attached sidewalk along the NE 10th Avenue frontage north of the proposed signalized access location. The submitted plan shows the existing sidewalk is consistent with the existing sidewalk north of the subject site and consistent with the sidewalk on the west side of NE 10th Avenue. The applicant has also indicated that because of existing construction, compliance with the standards would be impractical.

Therefore, based on the information provided staff recommends that the applicant’s proposal to retain the existing 8-foot wide attached sidewalk north of the proposed signalized access location be approved with conditions. Staff believes that the proposal meets criterion 40.550.010(C)(2)(a). (See Condition A-1.e)

Arterial - Driveway Spacing
The applicant has requested a deviation to driveway spacing to allow a 20-foot offset between the proposed site access onto NE 139th Street and an existing C-Tran bus access. However, based on the recommendations for the proposed right-in only access onto NE 139th Street, the driveway spacing requirement evaluation is not needed to ensure minimized opposing turning movement conflict points and maximized safety of the traveling public. This evaluation is not needed because staff’s recommendation would not allow outbound conflicting turning movements with the outbound C-Tran vehicles.

Based on staff's recommendation under the heading "Access to an Arterial" the applicant's request to deviate from driveway spacing requirements is not applicable. Therefore, staff believes that the applicant's right-in only access location onto NE 139th Street, subject to conditions, can comply with the driveway spacing requirements.

Cross Circulation: The applicant's February 15, 2019 justification indicates that “An unreasonable economic impact would be imposed on the development due to involvement with WSDOT regarding the adjacent highway structure and costs associated with the proposed access on NE 139th Avenue.” Although staff acknowledges the efforts for the NE 139th Street access, this access does not meet code and is a part of this larger road modification request. Further, based on the information provided in the traffic study, the public road network is not dependent on the proposed NE 139th Street right-in/right-out access to operate at acceptable levels. Therefore, it cannot be assumed as a given and that the related costs due to meeting the county's circulation requirements are a hardship.

The applicant’s evaluation also stated that the current block lengths are not met because there are no public road connections to the north of the subject site and there are no east-west connection opportunities east of NE 10th Avenue between NE 139th Street and NE 179th Street. The applicant also indicates that the existing block perimeter is currently over 5 miles when traveling north of the subject site.
Staff concurs with the applicant's assessment. However, there is a potential connection for an east-west public road that would facilitate the required block length and reduce the block perimeter for the immediate area. The connection for the public road extending to the east from NE 10th Avenue, through the area, was identified in the applicant's justification as NE 16th Avenue, a public road. NE 16th Avenue is classified as a local commercial-industrial road.

The construction of an east-west road between NE 10th Avenue and NE 16th Avenue would comply with the required block length and reduce the block perimeter in the immediate area to more nearly comply with county code. It would also facilitate safety and mobility for the traveling public on NE 16th Avenue and/or NE 136th Street to access the larger street network, i.e. NE 10th Avenue an Urban Collector road, at either an existing roundabout at NE 136th Street, or a signalized intersection at NE 141st Street, as proposed by the subject development.

Based on the information provided, staff disagrees with the applicant's analysis and recommends denial of the request to deviate from circulation requirements under CCC 40.350.030 (B)(2).

It should be noted that the county has accepted non-exclusive access and utility easements in-lieu of requiring construction of a public road to facilitate area circulation. Because of this, in lieu of constructing a public road, the applicant may volunteer a non-exclusive access easement through the subject development site for future cross-connection between NE 10th Avenue and NE 16th Avenue. (See Condition A-1.f)

**Staff's Recommendation:**

Staff recommends Approval with Conditions for the following road modification requests:
- Westbound right-in only access from NE 136th Street
- Design Deviation – Right Turn Deceleration Lane Length
- Limited sidewalk construction along the NE 139th Street frontage
- Retain existing 8-foot wide attached sidewalk along the NE 10th Avenue frontage north of the proposed signalized site access.

Staff recommends Denial for the following road modification requests:
- Deviation from Circulation Standards – Block Length and Block Perimeter
- Southbound right-out access to NE 139th Street

The Development Engineering Division Manager has concurred with the staff's recommendations. [See Exhibit XX]

Finding 4 – Concomitant Rezone Agreement MitigationsThe subject parcels (185726-000 and 185727-000) are a part of a Concomitant Rezone Agreement (5170404 AGR) that identified and conditioned transportation mitigations on the surrounding road network. These transportation mitigations were based on a traffic analysis performed to evaluate the transportation impacts on the surrounding road network and were subsequently conditioned in order to facilitate the anticipated increase in the traffic volume with the rezoning of a number of parcels. These parcels, including the subject site, were rezoned from Light Industrial (ML) and R-18 (UM) comprehensive plan zoning designation to a General Commercial (GC) comprehensive plan zoning designation.
The Concomitant Rezone Agreement conditioned the following transportation mitigations be in place prior to building permit issuance:

- A westbound right-turn lane on NE 139th Street at NE 10th Avenue with an overlap phase;
- Modify the southbound NE 10th Avenue approach to NE 139th Street to provide either: (1) a second southbound left-turn lane; or (2) a shared through-left center lane (converted from the existing though only lane) and split phasing with the northbound approach;
- Modify the southbound NE 23rd Avenue approach to NE 134th Street to provide either: (1) a shared left-right lane (converted from the existing left only lane) with the existing exclusive right turn lane; or (2) an overlap phase for the existing right-turn lane;
- Install a traffic control device at the site access to NE 10th Avenue opposite NE 141st Street: either a traffic signal or a roundabout; and,
- Modify the northbound NE 10th Avenue between NE 139th Street and the site access to include turn lane for the entire street segment.

The applicant has submitted an analysis, prepared by Mackenzie and dated January 18, 2019, to evaluate each of the traffic control options identified in the Concomitant Rezone Agreement conditions. The traffic engineer's findings and recommendations along with staff's evaluation are discussed below.

**NE 10th Avenue at NE 139th Street**

*Applicant's Discussion*

"Two of the mitigation measures are applicable at the NE 10th Avenue/NE 139th Street intersection. The analysis was performed with the following improvements:

- Option 1 – Dual southbound left-turn lanes + westbound right-turn lane
- Option 2 – Shared left-through lane with split phasing + westbound right-turn lane"

"For both options, the cycle length for the peak hour was assumed to remain the same as the current timing: 100 seconds in the AM peak hour and 120 seconds in the PM peak hour."

*Analysis Results*

"Comparing the overall intersection v/c ratios shows that Option 1, with the dual southbound left-turn lanes, consistently performs 5-10% better than Option 2, with the shared left-through lane and split phasing. However, both options are well below County thresholds for delays."

"With standard phasing, signal timing for Option 1 allows for more green time allocated to the east-west movements than the split phasing of Option 2. During the AM peak hour, with a cycle length of 100 seconds, the combined east-west time (green + yellow + all red) is 46 seconds for Option 1 and 47 seconds for Option 2. During the PM peak hour, with a cycle length of 120 seconds, the combined east-west time is 65 seconds for Option 1 and 60 seconds for Option 2."

"Comparing queuing for the southbound lane options shows that queues in the southbound lanes are consistently shorter with the dual southbound left-turn lanes than the shared lane option. This result is not surprising because there are four lanes for storing queues with Option 1 and three lanes for storing queues with Option 2. Neither option shows queues extending to the upstream intersection at NE 141st Street."
“Design Issues”

“One design issue to consider is the width of the pedestrian crossing on the north leg of the intersection. With Option 1, the cross-section would include four southbound lanes, two northbound lanes, and two bike lanes, which is minimum crossing width of 82 feet (excluding any impacts of the corner radius). With Option 2, the cross-section would only include three southbound lanes, for a crossing width of 70 feet (excluding any impacts of the corner radius)."

“Lane alignments across intersections would also be an issue with Option 1. Adding a fourth southbound lane would create a significant misalignment across the intersection for the northbound through movement. Because the northbound approach already comes into the intersection at a skewed angle, the natural path through the intersection already aligns opposite the opposing southbound through lane rather than the northbound receiving. Northbound drivers must already curve 24 feet to the east of their straight path as they travel through the intersection. With another southbound approach lane, the shift would become 36 feet across the same distance. Thus, Option 1 could require some realignment of the northbound approach, which would likely impact the adjacent island and signal pole.”

“Another potential design issue is meeting the County design standards for the left-turn lanes. Per T11.1, the storage length should be 100 feet with a 50-foot transition area, and a reverse curve with a radius of 150 feet for speeds less than 50 mph. The storage may be reduced below 100 feet with justification; but with traffic signal control, more storage may be needed. If a second southbound left-turn lane is added, the width of the turn lanes becomes about 24 feet and the reverse curve needs to lengthen to about 110 feet. At the same time, the striped area between the stop bars on NE 139th Street and NE 141st Street will be shortened with the requirement mitigation measures. Therefore, adding the second southbound lane will reduce the existing striped storage from 150 feet to no more than 110 feet.”

“The analysis shows that 95th percentile queues for the southbound left-turns lanes will be 175-200 feet, which is more than could be provided without widening the roadway further.”

“Recommendation”

“We recommend the shared lane approach with split phasing. Although the double left-turn lane option performs better, both options meet County standards. The double left-turn lanes have much greater impact and cost. With the required northbound right-turn lane into the site access, the widening along the site frontage would increase two full lane widths. In addition, the double left-turn lanes may require modifications to the south leg of the intersection to align the northbound through lane.”

Staff’s Evaluation

The applicant’s evaluation concluded that the overall intersection operations were better with the dual southbound left-turn lane option, but recommended the option that included a shared through-left lane with split phasing because of cost, and the analysis showed the overall intersection operation for “both options are well below County thresholds for delays.”

Staff’s generally agrees with the applicant’s findings regarding the overall intersection operations of NE 10th Avenue/NE 139th Street. However, evaluation of the individual movements on approach to this intersection, for both options and as a part of the impacts of the proposed development, reveals that the level-of-service (LOS) and capacity of the approach movements
is diminished with the split phase option, reducing the operational life of this intersection. Further, the split phasing of a signalized intersection reduces the efficiency and mobility that was designed in the NE 10th Avenue/NE 139th Street intersection. As growth in the area continues, the split phase option will continue to degrade the operational efficiency of the intersection and require further intersection improvements.

Therefore, in order to mitigate the impacts of the proposed Skyview Station development, facilitate maintaining the operational efficiency of the NE 10th Avenue/NE 139th Street intersection and reduce the transportation impacts to the adjacent properties because of future road projects, staff believes that construction of the option that includes dual southbound left-turn lanes and the westbound right-turn lane should be implemented.

The applicant will need to submit construction drawings that show NE 10th Avenue/NE 139th Street intersection improvements to include dual southbound left-turn lanes, a southbound through lane and a dedicated southbound right-turn lane. The construction drawings shall also include the redesign of the existing signal. This redesign may include, but is not limited to, new traffic signal cabinetry, traffic signal controls, traffic signal poles and mast arms and/or relocation, traffic signal heads, signal wiring and phasing changes, etc. The applicant’s traffic signal designer will need to coordinate with the county’s Traffic Signals Manager for design, signals components and materials necessary for compliance and compatibility with the county’s signal infrastructure. (See Condition A-1.g)

NE 23rd Avenue at NE 134th Street

**Applicant's Discussion**

“Two mitigation options are considered at the NE 23rd Avenue/NE 134th Street intersection. The analysis was performed for the following improvements:

- Option 1 – Shared left-right lane (converted from the existing left-only lane)
- Option 2 - Overlap phase for the existing right-turn lane”

“For both options, the cycle length for the peak hour was assumed to remain the same as the current timing: 130 seconds in the AM peak hour and 150 seconds in the PM peak hour.”

**Analysis Results**

“Comparing the overall intersection v/c ratios shows that Option 1, with the shared southbound left-right lane, performs better than Option 2, with the southbound right-turn overlap. The analysis shows delays for the southbound approach would be worse for with the shared-lane (Option 1) because the increase in capacity results in less green time allocated for the movements, but delays would be lower for the east-west movements on NE 134th Street. With the right-turn overlap (Option 2), the southbound right-turn lane would have more green time allocated; thus, delays would be shorter even though the v/c ratio is higher.”

“Comparing queuing for the southbound lane options shows queues in the southbound lanes are about the same with either option. However, the queues for most other movements would be shorter with Option 1 than Option 2.”

**Design Issues**
"To implement Option 1, the shared left-right lane, traffic signal heads and signage would need to be replaced for the southbound approach. On the north leg, a small channelizing island would need to be removed and some minor striping changes would be needed."

"Since the traffic study that served as the basis for the CRA mitigation measures, the County has added an eastbound flashing yellow arrow (permissive) phase to the traffic signal timing. This change has improved the operations of the intersection, but eliminates Option 2 without replacing the signal controller or eliminating the permissive phase. An evaluation of the right-turn overlap with only protected, no permissive, eastbound left-turn phasing shows a minor degradation in operations during the AM peak hour and no change in performance during the PM peak hour."

"Recommendation"
"Option 1 with the shared left-right lane is recommended due to better capacity and shorter vehicle queues."

Staff's Evaluation

Staff concurs with the applicant's findings and believes that construction of the option that includes the shared right-left turn lane should be implemented.

The applicant will need to submit construction drawings that show NE 23rd Avenue/NE 134th Street intersection improvements to include signing and striping for a shared left-right turn lane (converted from the existing left-only lane) and a dedicated southbound right-turn lane. The turn lane modifications to NE 23rd Avenue may require modifications to the signal at that location. Therefore, the applicant's traffic signal designer will need to coordinate with the county's Traffic Signals Manager and/or Washington State Department of Transportation (WSDOT) for design, signals components and materials necessary for compliance and compatibility with the signal infrastructure. (See Condition A-1.h)

NE 10th Avenue at NE 141st Street/Site Access

Applicant's Discussion

"Two of the mitigation measures are applicable at the NE 10th Avenue/NE 141st Street/Site Access intersection – the traffic control option and a northbound right-turn lane extending from NE 139th Street."

"Although a northbound right-turn lane could be added to a roundabout option, there are some challenges regarding design and operation. The Federal Highway Administration [FHWA] report Roundabouts: An Informational Guide suggests right-turn slips lanes "should be avoided, especially in urban areas with bicycle and pedestrian activity. The entries and exits of bypass lanes can increase conflicts with bicyclists. The generally higher speeds of bypass lanes and the lower expectation of drivers to stop increases the risk of collisions with pedestrians." Even without a slip lane, a separate northbound right-turn lane may lower the expectation that right-turning drivers will need to yield to traffic exiting the roundabout on the westbound leg of the intersection. It might also create some confusion for the exiting drivers as well as having the same concerns for bicycles and pedestrians."

"The analysis was performed for with the following improvements:
• Option 1 – Traffic signal + northbound right-turn lane
• Option 2 – Roundabout with all single lane approaches"

“Analysis Results”

“Comparing the overall intersection v/c ratios shows the two traffic control options are similar. During the AM peak hour, the roundabout (v/c=0.50 RI, v/c=0.50 RIR0) performs slightly better than the signal (v/c=0.56 RI, v/c=0.55 RIR0). However, during the PM peak hour, the signal (v/c=0.63 RI, v/c=0.60 RIR0) performs slightly better than the roundabout (v/c=0.65 RI, v/c=0.64 RIR0). A right-turn lane for the northbound approach could slightly improve the roundabout operation but has some of the safety concerns noted above.”

“Comparing queuing for the two traffic control options shows that the roundabout generally has shorter queues than the traffic signal. However, neither option has long queues, and none are anticipated to affect other upstream intersections.”

“Design Issues”

“Although a roundabout performs well, the footprint required is likely to impact adjacent properties, even if most of the impact is absorbed by the project site. An urban compact roundabout has an inscribed circle diameter range of 80-100 feet with a design vehicle of a single-unit truck or bus. Since NE 10th Avenue is a designated collector street, and some of the surrounding lands are zoned for industrial uses, a larger roundabout that can more readily accommodate semi-trailers is needed.”

“An urban single-lane roundabout has an inscribed circle diameter range of 100 to 130 feet with a semi-trailer (WB-50) design vehicle. Impacts to properties both across the street and to the north of the site are very likely with a diameter over 100 feet. If a right-turn lane is added into the site, the property impacts only increase.”

“Another issue is the location of a residential driveway on the north side of NE 141st Street that begins only 80 feet west of the bike lane on NE 10th Avenue. Although this driveway would be located within the influence of standing queues with a traffic signal, the splitter island for a roundabout could block access to this driveway.”

“Recommendation”

“A traffic signal is the recommended traffic control devise at the site access intersection with NE 10th Avenue. The signal works well with the condition for a northbound right-turn lane at the site access and has similar operational results. A roundabout, by comparison, has many design challenges and impacts on the site and other parcels.”

Staff’s Evaluation
Staff concurs with the applicant’s findings and believes that construction of the option that includes the installation of a traffic signal and a dedicated northbound right-turn lane should be implemented.

The applicant will need to submit construction drawings that show NE 10th Avenue/NE 141st Street intersection improvements to include signing and striping for the northbound approach to include a dedicated left-turn lane, a dedicated through lane and a dedicated right-turn ‘slip’ lane. The signing and striping for the southbound approach shall include a dedicated left-turn lane
and a shared through-right lane. The construction drawings shall also include the design of a traffic signal at the intersection of NE 10th Avenue/NE 141st Street/Site Access. This design may include, but is not limited to, traffic signal cabinetry, traffic signal controls, traffic signal poles and mast arms, traffic signal heads, and signal wiring, etc. The applicant’s traffic signal designer will need to coordinate with the county’s Traffic Signals Manager for design, signals components and materials necessary for compliance and compatibility with the county’s signal infrastructure. (See Condition A-1.1)

Finding 5 - Roads

NE 139th Street

NE 139th Street is classified as a Minor Arterial (M-4cb) and was constructed as a county capital project to include 4 travel lanes, a center-turn lane, curb, gutter and sidewalk. The applicant’s plan shows the right-of-way dedication of 11 feet along the NE 139th Street frontage. The applicant will need to submit construction drawings that show the construction of half-width improvements, for NE 139th Street, in compliance with Clark County Standard Drawing 3 and as modified by the Concomitant Rezone Agreement and Road Modification (EVR2018-00069) as discussed above. The applicant will also need to ensure the dedication of right-of-way to include the required westbound right-turn lane, at the NE 10th Avenue/NE 139th Street intersection, the westbound right-turn deceleration lane, at the proposed right-in only access, and all pedestrian facilities between NE 10th Avenue and the proposed right-in only access. In no case shall the minimum total half-width be less than 50 feet. (See Condition A-1.j, D-1)

NE 10th Avenue

NE 10th Avenue is classified as an Urban Collector (C-2cb). This classification requires a total half-width right-of-way of 35 feet, a paved half-width of 23 feet, curb, gutter and sidewalk. The applicant’s plan shows that there is an existing half-width right-of-way of 40 feet and an existing paved half-width of 25 feet. The applicant has indicated that the NE 10th Avenue frontage improvement will include an additional dedicated northbound right-turn ‘slip’ lane between NE 139th Street and the NE 10th Avenue Site Access at NE 141st Street. The applicant will need to submit construction drawings that show the construction of frontage improvements, for NE 10th Avenue, in compliance with Clark County Standard Drawing 5 and as modified by the Concomitant Rezone Agreement and Road Modification (EVR2018-00069) as discussed above. The applicant will also need to ensure the dedication of right-of-way to include the required northbound right-turn ‘slip’ lane, between the NE 10th Avenue/NE 139th Street intersection and the proposed site access, at the intersection of NE 10th Avenue/NE 141st Street, and all pedestrian facilities along the NE 10th Avenue frontage. In no case shall the minimum total half-width be less than 35 feet. (See Condition A-1.k, D-2)

Finding 6 – 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. Vegetation, utility poles, and miscellaneous structures will not be allowed to impede required sight distance requirements at all proposed driveway approaches. The applicant has provided sight distance evaluation in the Skyview Station Traffic Impact Study prepared by Mackenzie dated September 17, 2018. The analysis concluded that sight distance on NE 10th Avenue and NE 139th Street is adequate.

Sight distance triangles at the driveway intersections in compliance with meeting the county code shall be shown on construction plans. [See Condition A-1.l]

PLD2018-00034 Skyview Station DE-Final.doc
Conclusion (Transportation):
Staff concludes that the proposed preliminary transportation plan is feasible, subject to the conditions identified above. Therefore, the requirements of the preliminary plan review criteria are satisfied.

STORMWATER:

Finding 7 - 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 Stormwater Management Manual for Western Washington (SMMWW) and the Clark County Stormwater Manual (CCSM) 2015. This redevelopment project adds more than 5,000 square feet of new hard surface, plus the value of the proposed improvements exceeds 50% of the assessed value of the existing site improvements; therefore, the applicant shall comply with Minimum Requirements (MR) #1 through #9 for the new and replaced hard surfaces and converted vegetation areas per Section 1.4, Book 1 of the CCSM 2015. [See Condition A-3.a]

Finding 8 – Stormwater Proposal
The 8.16-acre site is currently divided into two parcels. The south parcel is occupied by a construction company with a majority of the site area containing buildings and gravel drive aisles and storage yard. The north parcel is occupied by a single-family residence and several out buildings with the majority of the site area containing lawn and field. The site is mostly flat with a slight slope from west to east. There is an existing stormwater system on the south parcel that collects runoff from that parcel and routes it to a private stormwater facility in the southeast corner of the site. Stormwater is then discharge to the wetland to the east. There is no existing stormwater system associated with the northern parcel. Runoff from this parcel sheet flows to the east. Runoff from adjacent properties and right-of-way do not appear to flow onto the site. On-site soils are classified as Gee Silty Loam (GeB & GeD) and Cove Silty Clay Loam (CvA) and have a hydrologic soil group classification of “C” and “D”, respectively, and a Clark County WWHM Soils Group classification of “SG 4”.

The applicant provided a revised Preliminary Stormwater Technical Information Report (TIR) prepared by Olson Engineering Inc. dated January 9, 2019 [Exhibit 14] addressing MR#1-9. Proposed site improvements include the construction of 8 new buildings, parking lots and drive aisles, sidewalks, frontage improvements and landscaping for a total of approximately 7.15 acres of new hard surface.

On-site Stormwater Management (MR#5) will be met by implementing List #2. A Geotechnical Site Evaluation performed by Columbia West Engineering, Inc., dated August 15, 2018, was included in the TIR. In that evaluation, groundwater was observed as high as 1.5 feet below existing grade. Additionally, the site soil was generally underlain with a layer of clay at this depth. Considering the limited infiltration capacity of clay, the shallow depth to groundwater and the land use of the site, the infiltration and dispersion BMPs included on List #2 were deemed infeasible for the site for both roof and hard surface stormwater runoff. Post Construction Soil Quality and Depth (BMP T5.13) will be applied to meet the requirements of MR#5 for the landscape areas.

Enhanced Runoff Treatment (MR#6) will be met with 11 Bioretention Areas with underdrains (BMP T5.14) and 21 Contech® Filterra® Units. The engineer has shown that at least 91% of the total runoff volume for each basin infiltrates through the bioretention soil media or Filterra®
media. The applicant will be required to submit documentation from the stormwater treatment system manufacturer indicating that the proprietary treatment devices were sited and sized appropriately. [See Condition A-3.b]

Flow Control (MR#7) will be met utilizing 1,300 linear feet of 6-foot diameter detention pipes located under the parking and a flow control manhole. Runoff will then be discharged via a level spreader to the wetlands to the east. A WHMM hydrologic analysis of historic (forested) and developed site conditions was completed showing that the proposed facilities can reduce the 50% of the 2-year to the 50-year post developed peak flow events to predeveloped rates.

While infiltration is not proposed for this site, there could be potential impacts created from the high groundwater elevation depending on the final grading of the site Therefore, the applicant will be required to address any impacts of groundwater on the proposed stormwater facilities at the time of final construction plan review and submit analysis and design of any measures needed to mitigate for it with the final TIR. (See Condition A-3.c)

The applicant is proposing solid waste storage areas. These areas are required to be covered, bermed or diked, paved and impervious. The secondary containment area must be sloped to drain into a dead-end sump. Connection of these drains to the stormwater system is not allowed. (See Condition A-3.d)

All the proposed stormwater facilities shall be privately owned and maintained. [See Condition A-3.e and A-6.a]

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

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Conditions of Approval

| A | Final Construction/Site Plan Review
Review & Approval Authority: Development Engineering |
---|----------------------------------------------|
Prior to construction, a Final Construction/Site 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 obtain county approval of a final transportation design in conformance to CCC 40.350 and the following conditions of approval:

   a. The applicant shall show on the final construction plans that all pedestrian facilities will be constructed to comply with ADA standards. (See Finding 1)

   b. The applicant shall submit final construction plans that show the access onto NE 139th Street as a westbound right-in only access. The final construction plans shall show:
1. The right-in only access location shall be located in approximate alignment with the existing C-Tran access on the south side of NE 139th Street. (See Finding 3)
2. The radius of the right-turn only transitioning from the turn lane to the driveway throat shall be sufficient to allow an inbound speed of 20 MPH. (See Finding 3)
3. The length of the driveway throat shall be maximized before intersection with pedestrian crossing locations, parking and maneuvering areas. The right-turn deceleration lane together with the driveway throat shall be no less than 270 feet in length. (See Finding 3)
4. Stopping sight distance on approach to the driveway throat shall be no less than 120 feet as recommended by the engineer. In no case shall the horizontal offset sight distance, to the right-in only radius, be less than is required by AASHTO/WSDOT Design Manual for the design speed of 20 MPH stopping sight distance, and curve radius. (See Finding 3)

c. The applicant shall submit final construction plans that show a dedicated westbound right-turn deceleration lane. The final construction plans shall:
   1. Be coordinated, reviewed and approved by WSDOT for construction associated with the NE 139th Street bridge structure. (See Finding 3)
   2. Show that the lane transition taper is appropriate for a 35 MPH roadway. (See Finding 3)
   3. Show that the deceleration lane length is equal to, or more than 145 feet. (See Finding 3)

d. The applicant shall submit final construction plans that show limited sidewalk construction along the NE 139th Street frontage. The sidewalk shall be detached and construction shall comply with the Clark County Drawing 3. The plans shall show the construction of sidewalk, along NE 139th Street, between NE 10th Avenue and the west side of the right-out only access. (See Finding 3)

e. The applicant shall submit final construction plans that show sidewalk construction along the NE 10th Avenue frontage south of the proposed signalized site access location. The sidewalk shall be detached and construction shall comply with the Clark County Drawing 5. The existing 8-foot wide attached sidewalk may be retained north of the prosed signalized site access location onto NE 10th Avenue. (See Finding 3)

f. The applicant shall submit final construction plans that show the construction of an east-west public road, from the NE 10th Avenue/NE 141st Street intersection to the easternmost property line. The east-west public road shall comply with Clark County Standard Drawing 11. The construction plans shall also show/include a temporary turnaround at the eastern terminus. The construction of a temporary turnaround shall comply with Clark County Standard Drawing 27 or 27a. In lieu of constructing a public road, the applicant may volunteer a non-exclusive access easement through the subject development site for future cross-connection between NE 10th Avenue and NE 16th Avenue. (See Finding 3)
g. The applicant shall submit final construction drawings that show NE 10th Avenue/NE 139th Street intersection improvements to include dual southbound left-turn lanes, a southbound through lane and a dedicated southbound right-turn lane. The construction drawings shall also include the redesign of the existing signal. This redesign may include, but is not limited to, new traffic signal cabintety, traffic signal controls, traffic signal poles and mast arms and/or relocation, traffic signal heads, signal wiring and phasing changes, etc. The applicant's traffic signal designer will need to coordinate with the county's Traffic Signals Manager for design, signals components and materials necessary for compliance and compatibility with the county's signal infrastructure. (See Finding 4)

h. The applicant shall submit final construction drawings that show NE 23rd Avenue/NE 134th Street intersection improvements to include signing and striping for a shared left-right turn lane (converted from the existing left-only lane) and a dedicated southbound right-turn lane. The turn lane modifications to NE 23rd Avenue may require modifications to the signal at that location. Therefore, the applicant's traffic signal designer will need to coordinate with the county's Traffic Signals Manager and/or Washington State Department of Transportation (WSDOT) for design, signals components and materials necessary for compliance and compatibility with the signal infrastructure. (See Finding 4)

i. The applicant shall submit construction drawings that show NE 10th Avenue/NE 141st Street intersection improvements to include signing and striping for the northbound approach to include a dedicated left-turn lane, a dedicated through lane and a dedicated right-turn 'slip' lane. The signing and striping for the southbound approach shall include a dedicated left-turn lane and a shared through-right lane. The construction drawings shall also include the design a traffic signal at the intersection of NE 10th Avenue/NE 141st Street/Site Access. This design may include, but is not limited to, traffic signal cabintety, traffic signal controls, traffic signal poles and mast arms, traffic signal heads, and signal wiring, etc. The applicant's traffic signal designer will need to coordinate with the county's Traffic Signals Manager for design, signals components and materials necessary for compliance and compatibility with the county's signal infrastructure. (See Finding 4)

j. The applicant shall submit construction drawings that show the construction of half-width improvements, for NE 139th Street, in compliance with Clark County Standard Drawing 3 and as modified by the Concomitant Rezone Agreement (5170404 AGR) and Road Modification (EVR2018-00069) as discussed above. (See Finding 5)

k. The applicant shall submit construction drawings that show the construction of frontage improvements, for NE 10th Avenue, in compliance with Clark County Standard Drawing 5 and as modified by the Concomitant Rezone Agreement (5170404 AGR) and Road Modification (EVR2018-00069) as discussed above. (See Finding 5)

l. Sight distance triangles at the driveway intersections in compliance with meeting the county code shall be shown on construction plans. (See Finding 6)
A-2 Transportation:

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

A-3 **Final Stormwater Plan** - The applicant shall obtain county approval of a final stormwater plan designed in conformance to CCC 40.386 and the following conditions of approval:

a. The applicant shall submit final construction plans and a final Technical Information Report that addresses Minimum Requirements #1 though #9. (See Finding 7)

b. The applicant shall submit documentation from the stormwater treatment system manufacturer indicating that the proprietary treatment devices were sited and sized appropriately. (See Finding 8)

c. The applicant shall address the impacts of high groundwater on all proposed stormwater facilities at the time of final construction plan review and submit analysis and design of any facilities needed to mitigate for it with the final TIR. (See Finding 8)

d. The applicant shall show on the final construction plans that the solid waste storage areas are designed in accordance with the requirement of Book 3, Chapter 2, pg. 47 of the CCSM 2015. (See Finding 8)

e. The applicant shall note on the final construction plans that all on-site stormwater systems are privately owned and maintained. (See Finding 8)

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 CCC14.07.

A-6 **Other Required Documents**: – The following documents shall be submitted with the Final Construction/Site Plan:

a. **Developer’s Covenant**: - A “Developer Covenant to Clark County” shall be submitted for recording that specifies the following Responsibility for Stormwater Facility 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. An access
easement to the private facilities for the purpose of inspection shall be granted to the county. 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.

| B | Prior to Construction of Development |
| **Review & Approval Authority: Development Inspection** |
| Prior to construction, the following conditions shall be met: |

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

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

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

| C | Provisional Acceptance of Development |
| **Review & Approval Authority: Development Inspection** |
| Prior to provisional acceptance of development improvements, construction shall be completed consistent with the approved final construction/site plan and the following conditions of approval:

**C-1 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.

| D | Final Plat Review & Recording |
| **Review & Approval Authority: Development Engineering** |
| Prior to final plat approval and recording, the following conditions shall be met:

**D-1** The applicant shall ensure the dedication of right-of-way to include the required westbound right-turn lane, at the NE 10th Avenue/NE 139th Street intersection, the westbound right-turn deceleration lane, at the proposed right-in only access, and all pedestrian facilities between NE 10th Avenue and the proposed right-in only access. In no case shall the minimum total half-width be less than 50 feet. (See Finding 5)

**D-2** The applicant shall ensure the dedication of right-of-way to include the required northbound right-turn 'slip' lane, between the NE 10th Avenue/NE 139th Street intersection and the proposed site access, at the intersection of NE 10th Avenue/NE 141st Street, and all pedestrian facilities along the NE 10th Avenue frontage. In no case shall the minimum total half-width be less than 35 feet. (See Finding 5)
The applicant shall record a reciprocal access/driveway easement agreement benefiting all the lots within this subdivision.

Developer Covenant – A "Developer Covenant to Clark County" shall be submitted for recording to include the following:

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

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. Final plats shall specify the party(s) responsibility for long-term maintenance of stormwater facilities within the Developer's Covenants to Clark County. 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. (The covenant will not be required if the stormwater facilities are to be owned and maintained by Clark County.)

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. Driveways: "All driveway approaches entering public roads are required to comply with CCC 40.350. No direct driveway access onto NE 139th Street or NE 10th Avenue will be permitted."

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

d. Critical Aquifer Recharge Area: "If applicable, at the time of site plan review for each lot, the applicant shall submit a Level 1 site evaluation report for review and approval."

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### E Building Permits
**Review & Approval Authority: Customer Service**

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

**E-1** The applicant shall show compliance with conditions shown in the Concomitant Rezone Agreement (5170404 AGR).

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### F Occupancy Permits
**Review & Approval Authority: Customer Service**

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

**F-1** NONE

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

**G-1** Department of Ecology Permit for Construction Stormwater - A permit from the Department of Ecology (DOE) is required if:

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

The cumulative acreage of the entire project whether in a single or in a multiphase project will count toward the one acre threshold. This applies even if the applicant is responsible for only a small portion [less than one acre] of the larger project planned over time. **The applicant shall Contact the DOE for further information.**
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<td>Chad Hurley</td>
<td>915 Broadway</td>
<td>Ste 250</td>
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<td>222 E Evergreen Blvd</td>
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## EXHIBIT LIST

**Project Name:** SKYVIEW STATION  
**Case Number:** PSR2018-00036; PLD2018-00034; SEP2018-00046; EVR2018-00069; WET2018-00074; WET2018-00075

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<td>Staff Report and Decision</td>
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<td>Affidavit of Mailing - Exhibit 22</td>
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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