Type III Land Division and Environmental Review
Staff Report and Recommendation

Project Name: Ueltschi Cluster Subdivision

Case Number(s): PLD2019-00008; SEP2019-00012; HAB2019-00006; WET2019-00011; GEO2019-00013

Request: The applicant proposes to divide a 32.89 acre parcel in the R-5 zone into 6 cluster lots and a developable remainder lot within the R-5 zoning district, utilizing the rural zoning district cluster provisions.

Address: 4311 NE 239th St, Ridgefield, WA 98642; located within Section 36, Township 4 North, Range 1 East W.M.

Parcel number: 2173900000

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

Owner: Canyon Crest Homes, LLC
23801 NE 42nd Ct
Ridgefield, WA 98642
bkcascadewest@hotmail.com
360-887-2226

Staff contact: Scott Wiedemer
564.397.5273
scott.wiedemer@clark.wa.gov

Recommendation
Approve subject to Conditions

Land Use Review Manager’s Initials: Date Issued: June 12, 2019

Public Hearing date: June 27, 2019

Revised 6/12/2019

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

For an alternate format, contact the Clark County ADA Compliance Office. Phone: 564.397.2322
Relay: 711 or 800.833.6384
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Comp Plan Designation: R-5
Zoning Designation: R-5

Applicable Laws
Clark County Code Section: Clark County Code: 40.200 (General Provisions), 40.210.020 (Rural Districts), 40.260.080 (Forest Practices), 40.350 (Transportation), 40.350.020 (Transportation Concurrency), 40.370 (Sewer & Water), 40.386 (Storm Water & Erosion Control), 40.440 (Habitat Conservation), 40.450 (Wetland Protection), 40.500 and 40.510 (Procedures), CCC 40.510.030 (Type III Process – Quasi-Judicial Decisions), CCC 40.520.010 Legal Lot Review, CCC 40.540.040 (Subdivision), CCC 40.550.010 (Road Modifications), 40.570 (SEPA), 40.570.080 (SEPA Archaeological), 40.610 (Impact Fees), Title 15 (Fire Prevention), Title 24 (Public Health), RCW 58.17, and the Clark County Comprehensive Plan.

Neighborhood Association and Contact
Ridgefield Junction Neighborhood Association
Mark Krsl
mark.krsl@edwardjones.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. This project was originally determined contingently vested as of October 3, 2018, the date the fully completed pre-application was submitted. However, the applicant elected to vest the project to current standards on May 15, 2019 [Exhibit 18], which is considered the current vesting date for land use and transportation concurrency. Vesting does not apply to stormwater standards. There are no known disputes regarding vesting.
Time Limits
The application was determined to be fully complete on February 19, 2019. On April 22nd, the applicant requested that the project be placed on hold, and it remained on hold for 49 days until June 10, 2019. Therefore, the code requirement for issuing a decision within 92 days lapses on July 10, 2019. The state requirement for issuing a decision within 120 calendar days lapses on August 7, 2019.

Public Notice
Notice of application, public hearing, and likely SEPA determination [Exhibit 4] was mailed to the applicant, state and local agencies, the Ridgefield Junction Neighborhood Association, and property owners within 500 feet of the site on April 8, 2019. The hearing was subsequently rescheduled, and a Re-Notice of Application and Hearing [Exhibit 22] was distributed on May 24, 2019. One sign was posted on the subject property on February 28, 2019, and updated with the rescheduled hearing date on May 19, 2019. [Exhibit 19]

Public/Agency Comments
1) Public Comment Submitted by:  
David Knoedler  
23201 NE 47th Ave  
Ridgefield, WA 98642  

David Knoedler lives on a neighboring parcel adjacent to the proposed subdivision. He raised concerns that the remainder lot would be developed and that wetlands on site may be destroyed or harvested as part of the subdivision and potential future development. [See Exhibit 9]

Staff Response:
When the remainder lot of a rural cluster subdivision is developable, it is allowed to have a single residence on it, and it counts as one of the residential lots of the subdivision. However, it cannot be further subdivided for the purpose of creating additional residential lots unless/until it becomes part of the urban growth area of a nearby city and the zone is changed to an urban designation. In this case, the developable remainder lot (Lot 3) has a relatively limited developable area identified for the residence, as most of the remainder lot is identified as protected wetland and wetland buffer, in which the applicant has not proposed clearing.

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

The Department of Ecology evaluated the applicant’s wetland rating information, and concluded they were unable to verify the wetland rating on site as a Category 3 wetland, and indicated that it was possible the subject wetlands would instead rate as Category 2. Additionally, the comments identify erosion and sediment control requirements for the project and list construction activities that require coverage under the Department of Ecology Construction Stormwater General Permit. Only clean fill material can be used during project activities and Ecology’s Southwest Regional Office must be notified if any environmental contamination is discovered on the subject parcel. [See Exhibit 16]
**Staff Response:**
The applicant has been provided with a copy of the ECY letter and is separately responsible for compliance with all state and federal regulations. With regard to wetland rating, the applicant placed the project on hold for 49 days to reevaluate the wetland rating and the relevant wetland buffer requirements. Upon further review and submittal of revised wetland rating information, Clark County, ECY, and the applicant are now in agreement that the subject wetland is indeed a Category 2 wetland, with a habitat score of 6, and the preliminary plat has been adjusted to reflect this. [See Exhibits 10, 11, 12, 13, 14, 16, 20, 21, 24, 26 and 28; See Finding 26]

A Development Review Evaluation by the Clark County Health Department has been completed and identifies no existing wells, septic systems, or other environmental health concerns. Ecology’s comments are included as part of the conditions of approval. (*See Conditions A-4, B-2 and G-2*)

3) **SEPA Comment Submitted by:**
Southwest Clean Air Agency (SWCAA)
11815 NE 99th St, Suite 1294
Vancouver, WA 98682

SWCAA identified that prior to demolition or renovation of a structure, an asbestos inspection must be conducted by an AHERA-certified inspector in order to determine the presence of asbestos containing material (ACM) in the structure and vicinity, and the AHERA asbestos inspection report must be posted for viewing at the project site. Additionally, construction dust is an air pollutant, and therefore, dust control is required for this project. [See Exhibit 15]

**Staff Response:**
Implementation or erosion and sediment control BMPs is required for this project, including dust control. A condition has been included that specifies that prior to demolition the applicant must obtain a demolition permit from the County, and also comply with Southwest Clean Air Agency requirements that an asbestos inspection must be conducted, and that the AHERA asbestos inspection report must be posted for viewing at the project site (*See Condition A-4, A-10, and B-2*)

**Project Overview**
The applicant proposes to divide a 32.89 acre parcel into 7 lots, including six cluster lots of 1.05-2.12 acres each on the west side of the property, along with a 24.31 acre developable remainder lot using the cluster subdivision standards of the R-5 zoning district. A private road (NE 45th Court) is proposed to provide access to all seven lots from NE 239th St.

The project site is located at the southwest corner of the intersection of NE 239th St and NE 50th Ave, roughly midway between the cities of Battle Ground and Ridgefield, and about a mile north of Hwy 502. A type F stream runs North through the property and includes significant associated wetlands that cover approximately 60 percent of the subject parcel on the eastern side of the property. The west side of the site has primarily been used for agriculture. Elevations on the site range from approximately 204 feet above sea level at the stream and low wetland areas, to approximate elevation of 232 feet above sea level on the west side of the property that is bench above the delineated wetland, where all of the residential lots are
proposed. There is a small mapped landslide hazard area along the wetland boundary on the southern property line.

Demolition of a large agricultural building and a smaller agricultural structure is proposed in conjunction with site development. County Wetland/Habitat Review staff conducted a site visit in conjunction with wetland and habitat permits WET2019-00011 and HAB2019-00006, and confirmed the wetland as delineated by the applicant's consultant (Ecological Land Services). [See Exhibit 28]

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

The application consists of a rural cluster subdivision, SEPA review, a Geologic Hazard Permit, and a combined Wetland and Habitat Permit.

### Comprehensive Plan, Zoning and Current Land Use

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<tr>
<th>Compass</th>
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<th>Zoning</th>
<th>Current Land Use</th>
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<tbody>
<tr>
<td>Site</td>
<td>R-5</td>
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<td>Undeveloped (Agricultural land wetland)</td>
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<td>North</td>
<td>R-5</td>
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<td>Single-family homes on rural residential lots</td>
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### Staff Analysis

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

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

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

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

Land Use
Finding 1 – Legal Lot Determination
A legal lot determination was completed on February 13, 2019, confirming that the subject parcel is a legal lot of record. [Exhibit 2]

Finding 2 – Rural Cluster Development
The purpose of cluster development is to provide for small lot residential development in the rural zoning districts which maintains rural character, maintains and conserves larger remainder parcels, protects and/or enhances sensitive environmental and wildlife habitat areas, and minimizes impacts to necessary public services. To the maximum extent possible, all critical areas and any associated buffers existing on the property proposed for cluster development shall be located within the remainder parcel.

Rural Cluster Development is permitted in the R-5 zoning district. The applicant proposes a seven lot subdivision, including six cluster lots and a 24.31 acre developable remainder lot, which will include all of the wetland and wetland buffer area on site, along with a single-family residential building envelope.

Staff finds that the proposed remainder lot meets the criteria and intent of cluster development by sensitive wetland and riparian habitat on the remainder lot, while maintaining the rural residential nature of the surrounding community. Additionally, to help ensure transparency in recording the project, the title of the plat shall include “Cluster Subdivision”. (See Conditions D-5-n and D-12)

Finding 3 – Cluster Development Density
Cluster developments are allowed a maximum density equivalent to that which would be permitted by applying the otherwise applicable minimum lot size requirements of this section, but based on one hundred ten percent (110%) of the gross area of the site. 110% of 32.89 acres is 36.18 acres, which equates to 7 developable lots, based on 5 acre zoning. Therefore, by utilizing the cluster development bonus, the request to create 7 lots out of 32.89 total acres meets the density requirement.

Finding 4 – Setbacks & Development Standards
Although details of home construction on the proposed lots are not required and have not been provided, the following setbacks apply to the proposed lots. Building setbacks are defined as the minimum horizontal distance between the property line and the foundation wall, exclusive of other building elements.

The following minimum setbacks apply to the proposed cluster and remainder lots (see additional detail per tables CCC 40.210.020-4&5):
- 20 foot front setback when abutting a cluster lot
- 50 foot front setback in all other situations (Lot 1)
- 20 foot side setback
• 50 foot rear setback (20 ft when abutting a cluster lot)
• 50 foot setback for agriculture buildings - all lot boundaries

The following development standards apply to the proposed lots:
• Maximum building height is 35 feet
• Cluster lots must be at least 1 acre
• Minimum cluster lot depth is 140 feet
• Minimum cluster lot width is 100 feet

To ensure that all proposed lots comply with the applicable rural cluster setback and development standards as identified in tables CCC 40.210.020-4&5 and section CCC 40.210.020(D)(3), developable building envelopes shall be identified on all lots during final platting, while excluding and clearly identifying all protected critical areas and buffers. (See Conditions (See Conditions D-5.o, D-5.p, D-6.b and D-10)

The building envelopes proposed by the applicant will need to be adjusted as follows: Lot 1 requires a 50-ft front and 50-ft rear setback; while Lots 2 and 4 require a 50-ft rear setback. (See Condition D-10)

Land Use Finding 5 - Cluster Lot Location
Per Section 40.210.020.D.3, cluster lots shall be sited to minimize conflicts between housing and adjacent agricultural or forest zoned property.

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

Land Use Finding 6 – Remainder Lot Requirements
Per 40.210.020.D.3.c, the remainder parcel shall be contiguous. Fragmentation of the parcel by public or private road easements and/or building sites shall not occur unless no other reasonable alternative exists. The remainder parcel shall provide a buffer for the cluster lots from adjacent lands in a resource zoning district. Remainder parcels shall also be located adjacent to other bordering remainder parcels or public parks and open space. To the maximum extent possible, all critical areas and any associated buffers existing on property proposed for cluster development shall be located within the remainder parcel. In order to retain rural character, the remainder parcel should contain to the maximum extent possible forested areas, prominent hillsides, meadows and ridges. Per Table 40.210.020-4, within the R-5 zoning district, the remainder lot must be at least 65% of the parent parcel, and a building envelope that avoids all critical areas must be clearly identified on the plat, per 210.020.D.3.c(2)(b).

Staff finds that the remainder lot is designed to contain all of the forest land and critical areas (wetland, wetland buffers, and riparian habitat) on site. No other remainder lots border the site. The proposed remainder (Lot 3) is 24.31 acres or 73.9% of the site's gross area of 32.89 acres, which meets the minimum size threshold. Additionally, a remainder lot building envelope is not included on the preliminary plat. Therefore, as a condition of approval, the remainder lot must contain a minimum of 21.38 acres. (See Conditions D-10 and D-11)
Per Section 40.210.020.D.2, further subdivision of the remainder lot will be prohibited until the area is brought in to an urban growth boundary. To ensure this occurs, a plat note and a requirement to keep the word "cluster" in the name of the subdivision are required. (See conditions D-5.n and D-12)

Finding 7 – Design Requirements & Landscaping
Cluster developments shall be landscaped within the developed portion of cluster lots, so as to reduce views of the development from the public right(s)-of-way so that a filtered view is provided of the cluster and the cluster does not dominate the landscape. In this case, lots 1 & 7 will require a minimum buffer of vegetation (existing and/or proposed) six feet in height and fifty percent opaque, and shall be installed prior to final plat per CCC 40.20.020(D)(6). New landscaping materials shall consist of native vegetation as identified by the Clark Conservation District, and must include a combination of trees and shrubs.

The application has submitted a landscape plan the frontage along NE 239th St, on the north side of the proposed stormwater retention pond (which is a sufficient location to screen Lot 1), but it does not account for landscaping along the developable area of Lot 7, and the landscape plan does not address the need for a combination of trees and shrubs. An approved landscape plan is required prior to final construction. If existing vegetation will remain to satisfy this requirement, the applicant will need to identify it on the final landscape plan (See Conditions A-11 and D-5.q)

Prior to final platting, the applicant shall provide verification that all required landscaping is installed (or already existing) in accordance with the approved landscape plan. (See Condition D-13)

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

Additionally, no entryway treatments, monument or other permanent development signs are permitted. Sight-obscuring fences (at least 50% opaque) of any height are not permitted within 50 feet of the public right-of-way, nor along cluster lot lines adjacent to the remainder lot. These requirements must be noted on the final plat. (See Condition D-5.r and D-5.s)

To the maximum practicable extent, existing historic rural features shall be preserved as part of the cluster development. These features include but are not limited to rock walls, fences, functional and structurally safe farm buildings, monuments and landscape features. In this case, it is not feasible to retain the existing agricultural buildings because they encroach on existing lot lines, would hinder access to the site, and they appear to be in a state of disrepair. (See Conditions D-14)

Finding 8 – State Platting Standards (RCW 58.17)
The subject development is located within the Ridgefield School District and students from this development will attend South Ridge Elementary, View Ridge Middle and Ridgefield High Schools. According to available GIS information, there are no public schools located within 4 miles of the subject parcel. Because the subject site is not located within one (1) mile of a public school, the RCW 58.17.050, ‘safe walking’ criterion does not apply.
With conditions of approval, staff finds the proposed subdivision will make appropriate provisions for public health, safety, and general welfare of the community. Proof of adequate water and sewer service, as well as treatment of any increase of stormwater runoff, will be provided, to protect groundwater supply and integrity. Impact Fees will also be required to contribute a proportionate share toward the costs of school and transportation provisions, maintenance and services.

Finding 9 – Notice of Agricultural, Forest, or Mineral Resource Activities
Agricultural and/or forestry activities on or near the subject parcel may be intermittently incompatible with residential development due to noise, odors, application of insecticides/herbicides, etc. In accordance with CCC 40.510.030(D)(7), notice that such activities occur nearby is required via a developer covenant being recorded. (See Condition D-4.f)

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

Archaeology
Finding 10 – Historic and Cultural Preservation
The entire site is located within moderate, moderate-high, and high probability areas for discovery of archaeological resources, as designated on the Archaeological Predictive Model Map of Clark County. The applicant submitted an archaeological pre-determination to the Washington State Department of Archaeology and Historic Preservation (DAHP) prior to submittal of the subdivision application.

DAHP staff reviewed the archaeological predetermination without comment, and provided no SEPA comment. Therefore, no additional studies are necessary; however, a note on the final construction plans and final plat will require that if resources are discovered during ground disturbance, work shall stop and DAHP and the county will be contacted immediately. (See Conditions A-6.a and D-5.h)

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

Habitat Review
Finding 11
Multiple priority habitat types are mapped on the subject parcels including both riparian and non-riparian habitats. The revised preliminary plat indicates a Type F stream within the wetland.

Finding 12
The Washington Department of Natural Resources indicates one Type F (fish-bearing) stream and one Type Ns (non-fish bearing, seasonal) stream on the east central portion of the parcel.
The Type Ns stream begins offshore to the south and generally flows through the wetland until it changes into a Type F stream on the central portion of the subject parcel and continues offshore to the north through a culvert underneath NE 239th Street. There is an unclassified stream just north of the parcel beginning offshore to the west in what appears to be a wetland area, continuing through a culvert underneath NE 42nd Avenue and just offshore to the northwest of the subject parcel until it goes underneath NE 239th Street.

The Washington Department of Fish and Wildlife (WDFW) have the eastern half of the parcel mapped as Priority Species habitat for waterfowl concentrations in the area associated with the Type F stream. The area is identified as Pioneer Wetlands and supports wintering concentrations of waterfowl including cavity nesting ducks. Other wildlife uses include red-tailed hawks, great blue heron, Virginia rail, king-fishers, and red-winged blackbirds. County Wetland/Habitat Review staff conducted a site visit and confirmed the area could support waterfowl as identified above in the area approximately at the edge of the wetland at the existing tree line. County Wetland/Habitat Review staff conferred with WDFW who provided advice on minimizing impacts to the waterfowl resource via seasonal construction restrictions [Exhibit 27]. Development (Lots 1-4, a private road, individual lot stormwater runoff, and a stormwater pond) is proposed within 300 feet of the mapped waterfowl concentrations.

Finding 13
The applicant has provided a Critical Areas Report prepared by Ecological Land Services, LLC dated September 11, 2018 and updated on February 14, 2019 and April 8, 2019. An amended wetland delineation report was submitted on May 23, 2019. The amended report indicates a Type Ns (non-fish bearing, seasonal) stream within the wetland; the offsite stream to the west was identified by the ELS as a Type Ns stream in the April 8, 2019 report. It appears the offsite stream to the west is fed by offsite wetlands. During a site visit in June there was still water present in the channel. Due to the stream likely being driven by groundwater from the wetland and the presence of water later into the year, County Wetland/Habitat Review staff find that the offsite stream to the northwest of the site is a Type Np (non-fish bearing, perennial) stream. County Wetland/Habitat Review staff also reviewed the stream which bisects the wetland onsite in June and encountered water within this stream as well in multiple locations within an area which appears to be a defined channel in historic aerial imagery; the stream within the wetland was extremely overgrown at the time of the site visit. Due to there being water present later in the year in multiple locations as well as the overgrown nature of the stream, County Wetland/Habitat Review staff agree that it is not a Type F (fish bearing) stream onsite, however feel that it should be rated as a Type Np stream versus a Type Ns stream.

Finding 14
Per the Habitat Protection Ordinance, streams are considered priority riparian habitat and are afforded a riparian conservation zone (HCZ) to protect ecological habitat and water quality values for the stream resource. The riparian HCZ for a Type Np stream extends outward from the OHWM to the edge of the one hundred (100) year floodplain or to a distance of one hundred (100) feet, whichever is greater. In this instance the 100 foot line is greater and shown on the attached map in light blue [See Attachment B – wetland/habitat map]. None of the proposed development is within priority riparian habitat.
Finding 15
Per the Habitat Conservation Ordinance (CCC 40.440.010.C.1.b), streams are considered priority riparian habitat and are afforded protection; waterfowl concentrations are also considered non-riparian species habitat. The Habitat Conservation Ordinance follows a hierarchy of impacts with the first being avoidance of all impacts within a priority habitat area, if possible. The applicant may avoid a habitat permit by mapping the locations of these priority habitat types and establishing building envelopes that show the habitats are not impacted or disturbed; the building envelopes must be labeled on the plat and a note must be included on the face of the plat indicating that no construction will occur outside of development envelope areas. Any proposed clearing or development within a priority habitat area will require a Habitat Permit with applicable mitigation; impacts, minimization measures, and mitigation involving WDFW species and non-riparian habitats shall be coordinated with WDFW staff. Storm water designs and outflows also need to avoid adverse impacts to priority habitat areas. There are no proposed stormwater designs or outflows which are proposed to adversely affect the priority riparian and non-riparian habitat.

Finding 16
County Wetland/Habitat Review Staff defer to the Washington Department of Fish and Wildlife regarding classification, mapping, and interpretation of priority habitat species and mitigation for these species. The Washington Department of Fish and Wildlife have provided guidance for developers in Ridgefield regarding waterfowl concentrations areas. They recommend that work cannot start between October 1 and March 1. Work can be started September 1 through September 30 after consultation with WDFW. They would come to the site and assess if the area is used by wintering waterfowl. Work can start between March 1 and August 31 with no consultation. Once work has begun there are no additional work restriction windows. County Wetland/Habitat Review staff shall utilize the recommended guidance of WDFW for seasonal restrictions as noted above. The applicant shall include a note on the plat regarding a seasonal development window for Lots 1-4; the applicant shall also include a note on the construction plan about the seasonal restriction for waterfowl. (See Conditions A-6.b, A-8.c and D-5.j)

Finding 17
The project narrative indicates that the remainder lot (Lot 3) shall include the priority habitat, wetland and wetland buffers. It also states the ability to construct a single family residence within the building envelope shown on the revised preliminary plat.

Finding 18
Temporary impacts are not anticipated with a priority habitat area related to construction of the subject project. If temporary impacts occur, they shall be addressed as follows:
  a) After construction, the temporarily impacted areas shall be returned to a pre-disturbance grade
  b) After construction, the temporarily impacted areas shall be reseeded with a native grass seed mixture appropriate for the hydrology of the site.
  c) The applicant shall maintain the performance standard of 100% herbaceous cover in the temporarily disturbed areas.
  d) The applicant shall maintain and monitor the temporarily disturbed area for 1 year to ensure the performance standard for herbaceous cover is met. Any areas not meeting this
standard shall be replanted, with maintenance and monitoring continuing until the standard has been met.

Finding 19
The priority habitat areas shall be maintained in a natural state. The applicant shall retain all native vegetation on site that is outside of the indicated development area within a priority habitat area. Any changes to the development layout causing greater impacts to the habitat areas than what is approved herein shall be subject to additional habitat review by County Wetland/Habitat Review staff and may include additional permits and/or mitigation requirements. (See Condition D-5.i)

Finding 20
The applicant shall utilize best management practices to control erosion and prevent sediment from entering adjacent priority habitat areas. (See Condition B-2)

Finding 21
Any unforeseen disturbance to the indicated habitat area not mentioned as a part of this permit shall be replanted with native vegetation of like kind.

Finding 22
Excluding non-native vegetation removal, clearing of native vegetation shall be limited to what is minimally necessary to construct this project. No additional native trees or shrubs shall be removed outside of the areas indicated which occur within a priority habitat area. Invasive species may be removed provided that ground disturbing heavy machinery (scrapping, ripping, etc.) is not used. Cutting, mowing, and ground disturbance with hand tools is allowed; efforts shall be made to prevent injury to neighboring native vegetation.

Finding 23
The applicant shall delineate the priority habitat areas per the map attached [See Attachment B – wetland/habitat map] on future construction plans and the final plat. (See Condition A-8.a)

Conclusion (Habitat)
Environmental Services concludes that the proposed preliminary plan, subject to conditions contained herein, meets habitat requirements of the Clark County Code.

Wetlands
Finding 24
Numerous wetland indicators are present on the subject parcel (217390-000), including mapped Palustrine forested wetlands which are temporarily flooded under the National Wetland Inventory in the central portion of the parcel. There are also modeled slope wetlands on the southern end of the parcel which continue offsite to the south and depressional wetlands in the northeastern portion of the parcel. Hydric soils are mapped in the vicinity of the modeled slope and depressional wetlands as well as along the mapped stream continuing offsite to the north and south. Analysis of historic aerial imagery also suggests wetland signatures on the subject parcel.
Finding 25
Per the Wetland Protection Ordinance (CCC 40.450.030.D), a wetland delineation is required for any wetlands and/or wetland buffers which may be impacted by the proposed project. A partial delineation may be appropriate in this case which identifies the extent of the wetland onsite and provides a wetland rating which will determine the quality of the wetland, which will affect the buffers required to adequately protect wetland habitat and water quality functions per the Wetland Protection Ordinance (40.450.030.E). The applicant has provided a wetland delineation prepared by Ecological Land Services dated February 14, 2019 which was updated on April 8, 2019 and May 23, 2019. The original delineation identified a large Category III wetland onsite. After discussions with the applicant and the Washington Department of Ecology it was determined that the wetland onsite is a Category II wetland with a habitat score of 6. This wetland has a mix of emergent, scrub/shrub, and forested vegetation. County Wetland/Habitat Review staff conducted a site visit with the consultant to review the boundaries for the wetland and generally concurred with the boundary of the wetland onsite, with the exception of one small area near Lot 3 extending out a bit as shown in the attached map [See Attachment B – wetland/habitat map]. Areas on the southern end of the parcel which were mapped as hydric soils and slope wetlands were tested during the site visit with the consultant and found to not meet the hydrology standard during a site visit in March. The potential wetlands in the center of the parcel were identified as former animal waste lagoons which were filled in at the time of the site visit; the lagoon area was dominated by upland vegetation. Upon review of the wetland rating form, County Wetland/Habitat Review staff concurs with the rating as a Category II depressional wetland with a habitat score of 6.

Finding 26
The wetland buffers are defined by the quality of the wetland and habitat value of the wetland using the 2014 Western Washington wetland rating forms developed by the Washington Department of Ecology and intensity of land use proposed on the development site. Per the Wetland Protection Ordinance a Category II wetland is afforded a buffer in order to protect water quality and habitat functions based on the land use intensities indicated in Table 40.450.030-5. The parcel is zoned R-5 which generally requires 5 acre lots, however the applicant has opted to use the cluster subdivision provision which allows for smaller lots provided that the remainder lot is contains the priority habitat, wetland, and wetland buffers and encompasses at least 65% of the site; a 10% density bonus is given with this provision. The proposed residential development includes six (6) cluster lots (between 1.05 and 2.12 acres in size) and a remainder lot (Lot 3) encompassing approximately 74% of the site. With the allotted density bonus the proposed lots meet the provisions of the R-5 zoning requirement. Per the Reasonable Use Exception provisions of the Wetland Protection Ordinance (CCC 40.450.010.B.4.c), the standards of the wetland ordinances shall not be used to deny or reduce the number of lots of a proposed rural land division allowed under applicable zoning density; provision B.4.b allows for reasonable economic use of private property. The Reasonable Use Exception Criteria are met. The proposed construction of a single family residences on a lots averaging 5 acres or greater is considered a Low Intensity Use. The proposed construction of a private roadway to access the lots would be considered a High Intensity Use.

Finding 27
Per the Wetland Protection Ordinance (CCC 40.450.040.C.2), the minimum buffer width at its narrowest point shall not be less than the low intensity land use water quality buffer widths contained in Table 40.450.030-2; for a Category II wetland the water quality buffer is 50 feet
(pink line on the provided map). Per Table 40.450.030-3 in the Wetland Protection Ordinance, a Low Intensity Use buffer for a Category II wetland with a habitat score of 6 is 75 feet (red line on the provided map), a Moderate Intensity Use buffer is 110 feet, and a High Intensity Use buffer is 150 feet (yellow line on the provided map). [See Attachment B – wetland/habitat map]

Finding 28
The Wetland Protection Ordinance follows a hierarchy of impacts with the first being avoidance of all impacts within a wetland or wetland buffer, if possible. In the event that avoidance is not possible, County staff shall determine if the proposed development meets the reasonable use Exception (CCC 40.450.010.B.4). The applicant shall provide documentation that the any impacts have been minimized. Any unavoidable adverse wetland or wetland buffer impacts shall require a wetland permit with applicable mitigation. Impacts within the water quality buffer or those buffer impacts which cannot be mitigated onsite may be considered indirect wetland impacts (CCC 40.450.040.D.5) and would be mitigated at the appropriate wetland mitigation ratios (Table 40.450.040-3). The responsible official may waive the requirements of Sections 40.450.030 (D) and (F) in certain cases where it is determined that all development is clearly separated from the wetlands and wetland buffers.

Finding 29
Development envelopes shall be shown on the final plat; and a note referencing the development envelopes shall be placed on the final site plan. (See Conditions D-5.i and D-8.b)

Finding 30
The revised preliminary plan shows all proposed lots and streets for the cluster subdivision as being outside of the 75 foot Low Intensity Use Wetland buffer; the proposed private street is also outside of the 150 foot High Intensity Use buffer. The revised plan indicates a stormwater facility near NE 239th Street on the north end of the parcel which would encroach within the Low Intensity Use buffer; however it stays outside of the required 50 foot Water Quality buffer.

Finding 31
Stormwater facilities are discussed under sections C.4 and D.4 of the Wetland Protection Ordinance (CCC 40.450.040). Stormwater dispersion facilities that comply with the standards of Chapter 40.386 shall be allowed in all wetland buffers per the Wetland Protection Ordinance provided the outfalls comply with the standards of subsection C.4.b of the wetland protection ordinance. Enhancement of wetland buffer vegetation to meet dispersion requirements may also be considered as buffer enhancement for the purpose of meeting the buffer averaging or buffer reduction standards. In this case there is a proposed stormwater outfall within the Water Quality buffer.

Finding 32
Other stormwater facilities are only allowed in buffers of wetlands with low habitat function (less than 5 points on the habitat section of the rating form), provided that the facilities shall be built on the outer edge of the buffer and not degrade the existing buffer function and are designed to blend with the natural landscape. Any proposed stormwater impacts to wetlands and wetland buffers should be accounted for and indicated on the plans. In this case there is a proposed stormwater facility within the wetland buffer.
Finding 33
The applicant has provided a Buffer Modification and Preliminary Mitigation Plan memo dated May 24, 2019 prepared by Ecological Land Services. This memo states there will be 4,399 square feet of wetland buffer impact related to construction of the stormwater facility and 273 square feet of impact related to construction of the flow spreader.

Finding 34
For the Stormwater facility, the applicant has proposed to use wetland buffer averaging in order to account for the impact, as allowed under the Wetland Protection Ordinance (CCC 40.450.040.C.3). This averaging provision states the boundary of the buffer zone may be modified by averaging buffer widths provided the following conditions are met:
   a) A maximum of 25% of the total required buffer area on the site (after all reductions are applied) may be averaged. This condition is met; and
   b) The total area contained in the buffer, after averaging, shall be at least functionally equivalent and equal in size to the area contained within the buffer prior to averaging. The area to be averaged out is currently field and blackberry. The area to be averaged in is currently field. The size of the averaged in area is greater than that to be averaged out. This condition is met.

Finding 35
For the proposed flow spreader the applicant has proposed wetland buffer enhancement at a 1:1.5 ratio (409 square feet). Per the Wetland Protection Ordinance, impacts within the Water Quality buffer would be considered indirect wetland impacts (CCC 40.450.040. D.5), and would need to be mitigated at the wetland rates shown in Table r40.450.040-1. For a Category II wetland the enhancement ratio is 12:1. At this rate the applicant would need to enhance 3,276 square feet of wetland. There appears to be room to accomplish the mitigation in the vicinity of the proposed spreader as shown in the attached map (purple trees). The mitigation plan should be amended as follows:
   a) The typical planting ratios for wetlands are 5 trees and 10 shrubs per 1,000 square feet. At this ratio the applicant would be required to plant 17 trees and 33 shrubs in the area shown.
   b) County Wetland and Habitat Review staff recommend planting 9 Scouler willow (Salix scouleriana) and 8 Oregon ash (Fraxinus latifolia) for the required tree species. The trees should be planted on 10 foot centers.
   c) The shrubs County Wetland and Habitat Review staff recommend planting 11 Nootka rose (Rosa nutkana), 11 red-osier dogwood (Cornus stolonifera), and 11 Pacific ninebark (Physocarpus capitatus). The shrubs should be planted on 5 foot centers.
      i. Volunteer growth may count toward the final numbers required. Alternate species may be proposed for planting depending on availability and/or preference provided that the species occur on the Clark County native plant list, however consultation with County Habitat/Wetland Review staff shall be required. At least two tree species and three shrub species planted in approximately equal number shall be required in order to maintain diversity.
      ii. The woody plantings required for mitigation shall be monitored and maintained for 5 full growing seasons after planting. Monitoring reports consisting of photographs and a count of live trees shall be submitted to Wetland/Habitat Review staff no later than November 1 following the following growing seasons (year 1, 2, 3, and 5). Monitoring shall begin when the as-built is accepted and the year 1 report shall be
due after the first growing season after planting. Monitoring reports shall be submitted to Wetland/Habitat Review staff no later than November 1 following each growing season. Monitoring Review fees may be waived, but site visit fees may be required if Wetland/Habitat Review staff determine that a site visit is needed to complete monitoring review.

iii. The monitoring report shall utilize the following minimum performance standards:
   - Year 1: 90% planted vegetation survival
   - Year 2: 80% planted vegetation survival
   - Year 3: 25% total aerial coverage OR 75% survival.
   - Year 5: 50% total aerial coverage OR 75% survival
   - Invasive species <10% aerial coverage

iv. Any areas not meeting this standard shall be replanted, with maintenance and monitoring continuing until the standard has been met.

v. Routine maintenance of the site is necessary to ensure the integrity and success of the installed plants which includes, but is not limited to, removing invasive species and weeds, irrigation (if required), and plant replacement to meet the performance standards. Adaptive management and alternate species may be considered if plantings appear to have massive failures in consultation with County Wetland/Habitat Review staff.

(See Condition A-9.c)

Finding 36
The applicant shall submit an as-built report within 60 days of completion of the enhancement plantings indicating the numbers and types of species planted, as well as a map indicating the location of the plantings. (See Condition A-9.c)

Finding 37
The applicant shall address temporary impacts to the wetland buffers as follows:
   a. All temporarily disturbed ground shall be reseeded with a native grass mix appropriate for the hydrology of the site upon completion of construction.
   b. The applicant shall maintain the performance standard of 100% herbaceous cover in areas temporarily disturbed in the wetland buffer and/or riparian habitat conservation zone.
   c. The applicant shall monitor all temporarily disturbed areas for one year. Any areas not meeting this standard shall be replanted, with maintenance and monitoring continuing until the standard has been met.

(See Condition A-9.c)

Finding 38
Incidental damage to surrounding native vegetation shall be mitigated by replanting with native vegetation of like kind.

Finding 39
The applicant shall utilize best management practices to control erosion and prevent sediment from entering the adjacent wetlands and wetland buffers.
Finding 40
Prior to signing the Construction Plan, the applicant shall install the required enhancement mitigation plantings. If the plantings cannot be installed prior to Construction Plan approval then the plantings shall be installed the next growing season; additionally, a performance financial assurance which covers the proposed costs of the mitigation would be required and shall be submitted to County Wetland/Habitat Review staff for approval. (See Condition A-9.c)

Finding 41
Prior to signing the Final Plat, the applicant shall record a conservation covenant with the County Auditor which runs with the land which indicates the locations of the wetlands, wetland buffers, and mitigation areas. (See Condition D-9.c)

The Department of Ecology and the U.S. Army Corps of Engineers may regulate wetland/buffer impacts differently than the County. Consultation with these regulatory entities should be conducted to see if an additional mitigation would be required.

Conclusion (Wetlands)
Environmental Services Concludes that the proposed preliminary plan, subject to conditions contained herein, meets the wetland requirements of Clark County Code.

Transportation Concurrency
Finding 42
Concurrency has reviewed the Land Use Review application for the Ueltschi Cluster Subdivision development. The traffic information submitted indicates that this application seeks to divide 32.89 acres into 7 single family residential lots. The applicant’s traffic information suggests an AM peak hour trip generation at 5 PM peak hour trips at 7, and ADT at 76. The proposed development site is located at 4311 NE 239th Street – Ridgefield.

The applicant has submitted traffic information under the provisions of Clark County Code section 40.350.020. Staff concurs with the applicant’s finding.

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

Transportation
Finding 43 – Frontage Road/ On-site Roads
The development is bordered by NE 50th Avenue to the east, NE 239th Street to the north and R-5 zoned properties to the south and west.

NE 50th Avenue is classified as a Rural Minor Collector (Rm-2). The existing roadway has a 24-foot paved width within a 60-foot right-of-way.

NE 239th Street is also classified as a Rural Minor Collector (Rm-2). The existing roadway has a 20-foot paved width within a 40-foot right-of-way.
Code requires a 60-foot right-of-way width and a 40-foot paved width for Rural Minor Collectors (Rm-2). Subsequently, right-of-way requirements are met for NE 50th Avenue, but not for NE 239th Street. The applicant will be required to dedicate 10 feet of right-of-way to achieve a half-width of 30 feet along NE 239th Street. (See Condition D-1)

Per CCC 40.350.030(B)(5)(b)(2)(a), frontage improvements are not required for rural development outside of rural centers; therefore, no additional frontage improvements on either roadway are required.

The applicant is proposing NE 45th Court as a paved Rural Private Road to provide access to all 7 lots of the development. Code requires a 20-foot surfacing width within a 30-foot easement. The roadway meets the minimum standards. A portion of this roadway where it connects to NE 239th Street is located on adjacent Parcel No. 217459-000. This parcel is owned by Floyd and Frances Ueltschi. The applicant shall record an easement for the portion of roadway that is located on the adjacent parcel prior to final construction plan approval. The applicant proposes to remove the existing driveway onto NE 239th Street located on adjacent Parcel No. 217459-000. (See Condition A-1.a)

Finding 44 – Sight Distance
The approval criteria for sight distances are found in CCC 40.350.030(B)(8). This section establishes minimum sight distances at intersections and driveways. Landscaping, trees, utility poles, and miscellaneous structures will not be allowed to impede required sight distance requirements at all proposed driveway approaches and intersections. Per Table 40.350.030-8, the applicant is required to have 500 feet of sight distance at the Private Road approach (NE 45th Court) onto NE 239th Street per the 50 MPH unposted statutory speed limit along NE 239th Street.

The applicant’s engineer, PLS Engineering, has submitted a Sight Distance Certification letter that acknowledges that sight distance is not currently met both to the east or the west of the proposed private road approach. To the east, two stumps will need to be removed and the embankment adjacent to the road graded back. To the west, the “Ueltschi’s Aviary Store” sign will need to be removed or relocated and a portion of the fence will need to be relocated away from the road. The applicant will be required to show the sight distance triangles on the final construction plans and remove any obstruction blocking sight distance. Sight distance shall be verified after its removal. (See Conditions A-1.b and D-2)

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

Stormwater
Finding 45 – Stormwater Applicability
The provisions of Clark County Code Chapter 40.386 shall apply to all new development, redevelopment, land disturbing activities, and drainage projects consistent with the Stormwater Management Manual for Western Washington (SMMWW) and the Clark County Stormwater Manual (CCSM) 2015. The project adds more than 5,000 square feet of new hard
surface; therefore, the applicant shall comply with Minimum Requirements (MR) #1 through #9 per Section 1.4, Book 1 of the CCSM 2015. (See Condition A-3.a)

No new development shall be allowed to materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots. (See Condition A-3.b)

Finding 46 - Stormwater Proposal
The 32.89-acre parcel currently contains an existing large barn and two sheds, all of which will be demolished. The site slopes toward a Department of Natural Resources Class F Stream running south to north through the property. The site is mostly flat and mildly slopes from a high point in the northeast corner to the south. The stream flows to culverts in NE 239th Street and continues north. The stream also creates a Category II wetland occupying the east portion of the site. The majority of the site is occupied by grassland while the wetlands area is filled with typical wet soil vegetation such as dense grasses, cattails, and a variety of trees sparsely located. There is a section of land in a forested condition running north-south separating development from the stream. On-site soils within the limits of development are classified as Gee Silt Loam (GeB & GeD), which has a hydrologic soil group classification of “C” and a Clark County WHHM soil group classification of “SG 4”.

The applicant provided a Preliminary Technical Information Report prepared by PLS Engineering, dated January 2019 and revised May 2019. Proposed site improvements include the construction of a private road and 7 residential structures and individual driveways for a total of approximately 3.45 acres of new hard/replaced surface.

The development has been divided into two separate projects sites as allowed by BMP T5.30A, one of which must be managed by full dispersion through native vegetation. Project Site 1 or Project Basin 1 includes Lots 1-2, 4-7 and Parcel 217459-000. Project Site 2 or Project Basin 2 includes Lot 3.

Project Basin 1: Lots 1-2, 4-7 & Parcel 217459-000
Basic Runoff Treatment (MR#6) is met with utilizing basic filter strips (BMP T9.40) along the private road and individual lot driveways. The runoff is then collected in a roadside ditch and conveyed to the infiltration basin/detention pond. The private road will have a 12-foot long filter strip along the entire length of the road, while the individual lot driveways will have filter strips lengths dependent of the lengths of the driveways. A WHMM hydrologic analysis of the developed site conditions was completed in order to calculate the length of the filter strips needed to achieve a minimum 9 minute residence time.

On-site Stormwater Management (MR#5), Flow Control (MR#7), and Wetlands Protection (MR#8) are met utilizing an infiltration basin/detention pond (BMPs R5.12/D6.10) and control structure with discharge to the wetland buffer via a flow spreader. The pond is approximately 110-feet long, 65-feet wide and 5.5-feet deep and located at the north end of the project site. A WHMM hydrologic analysis of the pre-developed (current land cover) and developed site conditions were completed showing that the proposed facilities can meet the LID Performance and Flow Control Standards while still maintaining the hydrology of the wetland. The stormwater pond shall be construction to meet the design criteria outline in Chapter 5 (BMP R5.12) & Chapter 6 (BMP D6.10), Book 2 of the CCSM 2015. (Condition A-3.c)
The stormwater facilities associated with this project site will be privately owned and maintained. A developer’s covenant and plat note will be required to establish ownership and maintenance responsibility of these shared stormwater facilities. (See Plat Notes D.5-f & D.5-g and Conditions D-4.d & E-2)

Project Basin 2: Lot 3
The applicant indicates that the criteria for Full Dispersion (BMP T5.30A) will be met for this project site; the project will protect and preserve at least a 65% of the site in a forested condition and the existing and new impervious surface will not exceed 10% of the site area. Additionally, native vegetative flow paths (dispersion areas) of 100 feet in length will be achieved for all dispersion BMPs used. These flow paths will be located within the wetland buffer at the south end of the project site. The driveway and house will utilize Dispersion Trenches (BMP T5.10C). Post-Construction Soil Quality and Depth (BMP T5.13) will be utilized on all other disturbed areas. Clark County accepts the use of Full Dispersion (BMP T5.30A) as meeting on-site stormwater management (MR#5), runoff treatment (MR #6), and flow control (MR #7) requirements.

The owner of Lot 3 is responsible for obtaining approval of a stormwater plan with the building permit and constructing the individual on-site stormwater system. (See Plat Note D-5.g and Condition E-2)

Finding 47 – Infiltration and Groundwater
Rapid Soil Solutions, LLC (RSS) preformed infiltration testing on December 12, 2018 in one hand auger hole. The tested infiltration rate of the native soil was recorded at 1.8 inches per hour at a depth of 6 feet below the existing ground surface. A correction factor of 4.5 was used when sizing infiltration/detention pond which resulted in a design infiltration rate of 0.40 inch per hour. The applicant will be required to demonstrate that the tested infiltration rate determined at the time of construction of the infiltration/detention pond is at least 95 percent of the uncorrected tested infiltration rate used to determine the design rate. (See Condition C-1)

Groundwater was not encountered during the time of the initial field exploration at a depth to 8 feet below ground surface. Additionally, Ecological Land Services (ELS) noted in their May 23, 2019 Amended Wetland Delineation Report that that the test plot in the location of the pond (TP-6) did not display typical primary hydrology indicators of saturation or high water table.

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

Geologic Hazard Area
Finding 48 – Geologic Hazard Applicability & Assessment
Clark County GIS indicates that portions of the site are located in a regulated geologic hazard area. All development activities in or adjacent (within 100 feet) to geologic hazard areas shall comply with the provisions of CCC 40.430. Clark County GIS maps a 500 square-foot landslide hazard area along the southern property line within the wetland boundary and buffer of Lot 3.
The applicant has submitted a Geologic Hazard Area Letter prepared by PLS Engineering dated January 4th, 2019, that certifies that, “there are no areas within the boundaries of the Ueltschi Cluster Subdivision that are within 100 feet of any regulated geologic hazard area. The development plans delineates the mapped geological hazard area and a 100-foot setback line and shows that none of the proposed improvements are within the setback line. The applicant shall show the 100-foot geological hazard area setback line on the final plat. (See Condition D-3)

Conclusion (Geologic Hazard Area)
Staff believes that the applicant has shown compliance with CCC 40.430 by submitting the Geologic Hazard Area Letter. Therefore, the requirements of the preliminary plan review criteria are satisfied.

Fire Protection
Finding 49 – Building Construction
Building construction occurring subsequent to this application shall be in accordance with the provisions of the county’s building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. (See Condition G-3)

Finding 50 – Fire Flow
Fire flow in the amount of 500 gallons per minute supplied for 30 minutes duration is required for this application. Plans showing location of water lines shall be submitted for review and approval at the time of final construction plan review. (See Condition A-7.a)

Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval. (See Condition D-16.a)

Where fire flow is not provided in the full amount by a public water system, the side and rear setbacks for all buildings shall be increased to 30 feet. A class “A” or better rated roof and noncombustible siding shall be required. Homes exceeding 3600 square feet will require additional fire protection features up to and including a fire sprinkler systems when adequate public water and a hydrant are not within required distances. (See Condition E-4)

Finding 51 – Fire Hydrants
If fire flow is available within 1000 feet of the property line, a fire hydrant will be required. Plans showing fire hydrant locations shall be submitted for review and approval at the time of final construction plan review. (See Condition A-7.b)

Unless waived by the fire district chief fire hydrants shall be provided with appropriate ‘storz’ adapters for the pumper connection. (See Condition D-16.b)

The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact Clark County Fire and Rescue at (360) 887-4609 to arrange for location approval. (See Condition A-7.d)
The applicant shall provide and maintain a six-foot clear space completely around every fire hydrant. *(See Conditions A-7.c and H-1.b)*

**Finding 52 – Fire Apparatus Access**
The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standard. Provide an unobstructed vertical clearance of not less than 13.5 feet, with an all-weather driving surface capable of supporting the imposed loads of fire apparatus. *(See Conditions A-7.e and H-1.a)*

**Finding 53 – Driveways and Turnarounds**
Approved fire apparatus turnarounds are required for this project. Turnouts shall be provide at intervals of five hundred (500) feet or less, such that no portion of proposed driveways are in excess of three hundred (300) feet from an approved turnaround or turnout. *(See condition A-7.f)*

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

**Water and Sewer Service**
**Finding 54 – Water**
No existing wells were indicated on the application or identified during the field visit. CCPH has determined that individual wells are an appropriate water supply for this proposed land division. The project is outside of the Urban Growth Boundary and therefore does not require public water connection.

Prior to final plat approval, each lot must have legal and physical access to a drilled well with a current satisfactory Water Adequacy Verification Evaluation (WAVE). Two-party shared wells are subject to approval under Group B standards for small public water systems. A well site evaluation from this department is required for all new wells prior to drilling. *(See Conditions D-7.a and D-7.b)*

The 100’ radius of any individual well must be entirely contained within the current property lines of the proposed parcel. A restrictive covenant is required for any existing wells with a 100’ radius located outside the current property lines of the proposed parcel. The actual locations of all wells must be indicated on the final plat along with a 100 foot radius zone of protection. Each individual well must be located on the lot it serves. *(See Conditions D-7.c and D-7.d)*

This land division is proposed without a Washington State Department of Ecology water rights permit or certificate. Revised Code of Washington (RCW) 90.44.050 provides a ground water permit exemption, in general, for the following four types of water uses:

- Providing water for livestock (no gallon per day limit or acre restriction).
- Watering a non-commercial lawn or garden one-half acre in size or less (no gallon per day limit).
- Providing water for a single home or groups of homes (limited to 5,000 gallons per day).
• Providing water for industrial purposes (limited to 5,000 gallons per day, no acre limit).

All wells for a given project apply toward the limits of the exemption. For example, you cannot irrigate two acres by installing four wells (each serving 1/2 acre). If you wish to develop land and supply the commercial or domestic development with water from several wells, all the wells of the development together must pump 5,000 gallons a day or less to be covered under this exemption. Cumulative total of withdrawn ground water for a commercial or domestic project exceeding 5,000 gallons a day requires a water right from Ecology.

A note shall be required on the plat stating: "This land division was approved without water rights and is therefore required to meet ground water permit exemption requirements with in RCW 90.44.050. Unless water rights are obtained, the total combined water use by the lots in this land division is limited to five thousand gallons per day. The watering of lawns or of noncommercial gardens is limited to a total not to exceed one-half acre." The water supply portion of the signature block on the final plat must refer to this note. (See Condition D-5.k)

Finding 55 – On-site Sewage
The use of septic systems is proposed to serve the site. Soil & Site Evaluations were performed and approved on September 21, 2018 for proposed lots 1 through 7. The Public Health Evaluation Letter notes the requirements for provisions of on-site sewage systems. (See Conditions D-6.a through D-6.e)

A note shall be required on the plat stating: “The approved initial, reserve, and/or existing sewage system sites shall be protected from damage due to development.” (See Plat Note D-5.l)

Finding 56 – Stormwater Drainage Plan
CCPH must review a copy of the final drainage plan, which has been signed off by the Engineering staff, prior to final plat approval. The on-site sewage system test hole locations shall be included in the drainage plans. If no drainage plan is required, written confirmation by engineering staff stating so is required prior to signing the final plat. (See Condition D-6.f)

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

Impact Fees
Finding 57 – Impact Fees
The additional two residential lots created by this plat will produce impacts on schools and traffic, and are subject to School (SIF) and Traffic Impact Fees (TIF) in accordance with CCC 40.610.

☑ Rural sub-area with a TIF of $2,424.08 per dwelling
☑ Ridgefield School District, with a SIF of $6,530.00 per dwelling

The amounts listed above are an estimate using the current impact fee rates and are subject to change. As found in CCC 40.610.040, impact fees are calculated using the rates in effect at the time of building permit issuance, (See Conditions D-4.e, D-5.m and E-3)
SEPA Determination
As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

**Staff Contact Person:**  Scott Wiedmer, 564.397.5273

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

**Recommendation**

Based upon the proposed preliminary plat [Exhibit 21] and the findings and conclusions stated above, staff recommends the Hearing Examiner **APPROVES** this request, subject to the understanding that the application is required to adhere to all applicable codes and laws, and is subject to the following conditions of approval.

**Conditions of Approval**

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<th>General Conditions</th>
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<tr>
<td>Review and Approval Authority: Habitat /Wetland Staff</td>
</tr>
<tr>
<td>These are conditions that are not specifically tied to subsequent review and approval processes that may need to be met at a time specified in each condition or apply generally as described.</td>
</tr>
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</table>

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

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

3. Any unforeseen disturbance to the indicated priority habitat, wetland, or wetland buffer not mentioned as a part of this permit shall be replanted with native vegetation. The applicant shall grade any incidental temporary impacts to priority habitat, wetland and wetland buffers to pre-disturbance grades. These areas shall be replanted with native
vegetation to maintain and enhance water quality and habitat ecological function. County Wetland/Habitat Review staff shall be notified of any additional impacts and the replanted area shall be included with the permitted restoration areas and maintained and monitored accordingly.

4. Non-native vegetation and noxious weeds shall be removed from priority habitat areas, wetlands, and wetland buffer and replanted with native vegetation (where encountered) within the temporarily disturbed and mitigation areas.

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

A Final Construction Review for Land Division

Review and Approval Authority: Development Engineering

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

A-1 Final Transportation Plan/On-Site - The applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350 and the following conditions of approval:
   a. The applicant shall show the sight distance triangles and vegetation removal at the private road approach onto NE 239th Street on the final construction plans. (See Finding 43)
   b. The applicant shall show the sight distance triangles and vegetation removal at the private road approach onto NE 239th Street on the final construction plans. (See Finding 44)

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

A-3 Final Stormwater Plan - The applicant shall submit and obtain County approval of a final stormwater plan designed in conformance to CCC 40.386 and the following conditions of approval:
   a. The applicant shall submit final construction plans and a final Technical Information Report that addresses Minimum Requirements #1 through #9. (See Finding 45)
   b. The applicant shall demonstrate that the development will not materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots. (See Finding 45)
c. The applicant shall demonstrate that the proposed stormwater infiltration/detention pond complies with the design criteria outline in Chapter 5 (BMP R5.12) Chapter 6 (BMP D6.10), Book 2 of the CCSM 2015. (See Finding 46)

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

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

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

a. “If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, Clark County and the Department of Archaeology and Historic Preservation in Olympia shall be notified immediately. Failure to comply with these state requirements may constitute a Class C Felony, subject to imprisonment and/or fines.” (See Finding 10)

b. Wintering Waterfowl: “No construction shall begin between October 1 and March 1 in order to protect resident Sandhill Crane/wintering waterfowl concentrations. Work can be started September 1 through September 30 after consultation with the Washington Department of Fish and Wildlife” (See Finding 16)

A-7 **Fire Marshal Requirements**

a. Fire flow in the amount of 500 gallons per minute supplied for 30 minutes duration is required for this application. Plans showing location of water lines shall be submitted for review and approval at the time of final construction plan review. (See Finding 50)

b. If fire flow is available within 1000 ft of the property line a fire hydrant will be required. Plans showing fire hydrant locations shall be submitted for review and approval at the time of final construction plan review. (See Finding 51)

c. Provide and maintain a six-foot clear space completely around every fire hydrant. (See Finding 51)

d. The local fire district chief approves the exact locations of fire hydrants. Contact Clark County Fire and Rescue at (360) 887-4609 to arrange for location approval. (See Finding 51)

e. The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standards. The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all-weather driving surface capable of supporting the imposed loads of fire apparatus. (See Finding 52)

f. Turnouts shall be provide at intervals of five hundred (500) feet or less, such that no portion of proposed driveways are in excess of three hundred (300) feet from an approved turnaround or turnout. (See Finding 53)
A-8 Habitat Plan
a. The applicant shall delineate the priority habitat areas shown on the attached map onto the final construction plans. (See Finding 23)

b. The Final Construction plan shall show location of the outer extent of the priority riparian and non-riparian habitat for marking in the field. Markings shall be installed prior to construction and maintained throughout the duration of construction.

c. The applicant shall observe the recommended seasonal restrictions for wintering waterfowl of October 1 through March 1. Work can be started September 1 through September 30 after consultation with the Washington Department of Fish and Wildlife to assess if the area is used by wintering waterfowl. Work can start between March 1 and August 31 with no consultation. Once work has begun there are no additional work restriction windows. (See Finding 16)

A-9 Wetland Plan
a. The applicant shall delineate the priority habitat areas shown on the attached map onto the final construction plans.

b. The Final Construction plan shall show location of the outer extent of the priority riparian and non-riparian habitat for marking in the field. Markings shall be installed prior to construction and maintained throughout the duration of construction.

c. The applicant shall install the required enhancement planting as amended in the findings above (removal of invasive weeds and replanting 17 trees/33 shrubs). If the mitigation planting is not installed prior to Final Construction, then the plantings shall be completed the following growing season and a performance financial assurance for the required mitigation shall be required. (See Findings 35 through 37, and 40)

d. The applicant shall observe the recommended seasonal restrictions for wintering waterfowl of October 1 through March 1. Work can be started September 1 through September 30 after consultation with the Washington Department of Fish and Wildlife to assess if the area is used by wintering waterfowl. Work can start between March 1 and August 31 with no consultation. Once work has begun there are no additional work restriction windows.

A-10 Demolition of Existing Structures
Prior to demolition of existing structures on site, the applicant must obtain a Clark County Demolition permit. Additionally, the applicant must comply with Southwest Clean Air Agency requirements that an asbestos inspection must be conducted by an AHERA-certified inspector in order to determine the presence of asbestos containing material (ACM) in the structure and vicinity, and the AHERA asbestos inspection report must be posted for viewing at the project site.
A-11 Landscaping - The applicant shall submit a landscape plan in accordance with CCC 40.410.020(D)(6)(a). If existing landscaping will remain to satisfy this requirement, the applicant will need to show it on the final landscape plan. (See Finding 7)

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<tr>
<th>B</th>
<th>Prior to Construction of Development Review and Approval Authority: Development Inspection</th>
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<tr>
<td>B-1</td>
<td>Pre-Construction Conference - Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.</td>
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<td>B-2</td>
<td>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.</td>
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<td>B-3</td>
<td>Erosion Control - Erosion control facilities shall not be removed without County approval.</td>
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<th>C</th>
<th>Provisional Acceptance of Development Review and Approval Authority: Development Inspection</th>
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<td>C-1</td>
<td>Stormwater - In accordance with Section 5.1.2, Book 2 of the Clark County Stormwater Manual 2015, if the tested coefficient of permeability determined at the time of construction is at least 95 percent of the uncorrected coefficient of permeability used to determine the design rate, construction may proceed. If the tested rate does not meet this requirement, the applicant shall submit a plan to Clark County that follows the requirements in Section 1.8.5., Book 1. This plan shall address steps to correct the problem, including additional testing and/or resizing of the facility to ensure that the system will meet the minimum requirements of this manual. (See Finding 47)</td>
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</table>
| C-2 | Permanent physical demarcation along the upland boundary of the wetland buffer and/or priority habitat area shall be installed and thereafter maintained. Such demarcation may consist of logs, a tree or hedge row, fencing, or other prominent physical marking approved by the responsible official. In addition, small signs shall be posted at an interval approved by the Resource Permitting and Enhancement Manager, and perpetually maintained at locations along the outer perimeter of the wetland buffer and/or riparian habitat approved by the responsible official worded substantially as follows:

          Habitat and Wetland Buffer Area –
          Please retain in a natural state
Prior to final plat approval and recording, the following conditions shall be met:

D-1 **Right-of-Way** - The required 10-foot right-of-way dedication on NE 239th Street must be conveyed to the county with the final plat. (See Finding 43)

D-2 **Sight Distance** - The applicant shall provide a sight distance certification letter once all obstructions have been removed at the private road approach onto NE 239th Street. (See Finding 44)

D-3 **Geologic Hazard Areas** - The applicant shall show on the final plat the 100-foot setback line from the mapped geological hazard within Lot 3. (See Finding 48)

D-4 **Developer Covenant** – A “Developer Covenant to Clark County” shall be submitted for recording to include the following:

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

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

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

d. **Responsibility for Stormwater Facilities Maintenance** - For stormwater facilities for which the county will not provide long-term maintenance, the developer shall make arrangements with the existing or future (as appropriate) occupants or owners of the subject property for assumption of maintenance to the county's Stormwater Facilities Maintenance Manual as adopted by Chapter 13.26A. The responsible official prior to county approval of the final stormwater plan shall approve such arrangements. The county may inspect privately maintained facilities for compliance with the requirements of this chapter. If the parties responsible for long-term maintenance fail to maintain their facilities to acceptable standards, the county shall issue a written notice specifying required actions to be taken in order to bring the facilities into compliance. If these actions are not performed in a timely manner, the county shall take enforcement action and recover from parties responsible for the maintenance in accordance with Section 32.04.060.
e. **Impact Fees** – “In accordance with CCC 40.610, impact fees for each new dwelling in this subdivision shall be assessed for impacts on schools and transportation facilities based for the following districts: Ridgefield School District (SIF) and the Rural Sub-area (TIF). As found in CCC40.610.040, impact fees are calculated using the rates in effect at the time of building permit issuance.”

f. **Notice of Agricultural, Forest or Mineral Resource Activities** – “The subject property is within or near designated agricultural land, forest land or mineral resource land (as applicable) on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration. Potential discomforts or inconveniences may include, but are not limited to: noise, odors, fumes, dust, smoke, insects, operation of machinery (including aircraft) during any twenty-four (24) hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides.”

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**D-5 Plat Notes** - The following notes shall be placed on the final plat:

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

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

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

d. **Driveways**: “All residential driveway approaches entering public roads are required to comply with CCC 40.350. Driveways shall have a minimum width of 12 feet of clear, unobstructed driving surface. Driveways longer than 300 feet shall be constructed with an approved turnaround at the terminus. There shall also be approved turnouts constructed such that the maximum distance from turnout to turnout or from turnout to turnarounds does not exceed 500 feet.”

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

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

h. 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 immediately. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines." (See Finding 10)

i. Building/Development Envelopes: "Priority Habitat, wetlands, wetland buffers shall be maintained in a natural state. No development shall occur outside of the indicated building/Development Envelopes. Development within a wetland or wetland buffer shall require consultation with Wetland/Habitat Review staff and a wetland permit. Development within a Priority Habitat area shall require consultation with Wetland/Habitat Review staff and a habitat permit." (See Finding 19)

j. Wintering Waterfowl: "For Lots 1-4, no construction shall begin between October 1 and March 1 in order to protect resident Sandhill cranes/wintering waterfowl concentrations. Work can be started September 1 through September 30 after consultation with the Washington Department of Fish and Wildlife."

k. Water Rights: The water supply portion of the signature block on the final plat must refer to this note: "This land division was approved without water rights and is therefore required to meet ground water permit exemption requirements with in RCW 90.44.050. Unless water rights are obtained, the total combined water use by the lots in this land division is limited to five thousand gallons per day. The watering of lawns or of noncommercial gardens is limited to a total not to exceed one-half acre." (See Finding 54)

l. "The approved initial, reserve, and/or existing sewage system sites shall be protected from damage due to development." (See Finding 55)

m. Impact Fees: "In accordance with CCC 40.610, impact fees for each dwelling in this subdivision shall be assessed for impacts on schools and transportation facilities based for the following districts: Ridgefield School District (SIP), and the Rural Sub-area (TIF). As found in CCC40.610.040, impact fees are calculated using the rates in effect at the time of building permit issuance." (See Finding 57)

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

o. "Agricultural buildings must be setback 50 feet to all property lines." (See Finding 4)

p. "No development shall occur outside of the building/development envelopes indicated on the face of the final plat, except for on-site septic system drainfields. Any changes to the development layout causing greater impacts to the priority
habitat area than what is approved with this review shall be subject to additional habitat review by County Wetland/Habitat Review staff and may include additional permits and/or mitigation requirements." (See Finding 4)

q. "Vegetative landscape buffers must be maintained to provide a buffer of vegetation six (6) feet in height and fifty percent (50%) opaque year round." (See Finding 7)

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

s. "Sight-obscuring fences of any height are not permitted within fifty (50) feet of the public right-of-way, nor along cluster lot lines adjacent to the remainder lot. Sight-obscuring fences are at least fifty percent (50%) opaque." (See Finding 7)

D-6 On-Site Sewage System Requirements - For on-site sewage systems, the following requirements shall be completed:

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

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

c. A current Soil & Site Evaluation and/or On-site Sewage System Design is required for each lot at the time of final plat approval.

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

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

f. Drainage Plan Review: CCPH must review a copy of the final drainage plan, which has been signed off by the Engineering staff, prior to final plat approval, (See Finding 55 and 56)

D-7 Health Department - Water Service Conditions

a. WAVE Letters: For individual wells, each lot, (including the lot with the existing residence), must have a drilled well with a current satisfactory Water Adequacy Verification Evaluation (WAVE). (See Finding 54)

b. Well permitting: A well site evaluation from this department is required for all new wells prior to drilling. Two-party shared wells are subject to approval under Group B standards for small public water systems. (See Finding 54)

c. Well Location: The 100’ radius of any individual well must be entirely contained within the current property lines of the proposed parcel. The actual locations of all wells must be indicated on the final plat along with a 100 foot radius zone of protection. Each individual well must be located on the lot it serves. (See Finding 54)
d. **Well Covenant:** A restrictive covenant is required for any existing wells with a 100’ radius located outside the current property lines of the proposed parcel. *(See Finding 54)*

**D-8 Habitat –**

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

b. Building envelopes shall be indicated on the plat which clearly avoid impacts to the priority habitat areas.

**D-9 Wetlands –**

a. The wetland, wetland buffer, and mitigated buffer boundaries shall be delineated on the Final Site Plan.

b. Development envelopes shall be indicated on the plat which clearly avoid impacts to the wetlands, wetland buffers, and mitigated buffer boundaries. *(See Finding 29)*

c. The applicant shall record a conservation covenant with the County Auditor that runs with the land and requires that the wetlands, buffers, and mitigation areas remain in natural state. *(See Finding 41)*

d. The applicant shall provide a 5-year maintenance assurance for maintenance/monitoring of the screening and buffer enhancement plantings.

**D-10 Side setbacks for the remainder and cluster lots shall be 20 feet, and rear setbacks shall be 50 feet. Front setbacks shall be a minimum of 20 feet when abutting a cluster lot, and 50 feet in all other situations. Building envelopes shall be included on all cluster lots and the remainder lot. Setbacks shall be shown on the final plat in conjunction with building envelopes. *(See Findings 4 and 6)*

**D-11 The remainder lot (Lot 3) must be at least 65% the acreage of the parent parcel, and thereby contain a minimum of 21.38 acres. *(See Finding 6)*

**D-12 The name of the subdivision must include “Cluster Subdivision”. *(See Finding 2)*

**D-13 The required cluster development landscaping buffer shall be installed prior to final platting, and confirmed by a landscaping certificate signed by a landscape architect registered in the state of Washington, and identified on the final plat. *(See Finding 7)*

**D-14 To the maximum practicable extent, existing historic rural features shall be preserved as part of the cluster development. These features include but are not limited to rock walls, fences, functional and structurally safe farm buildings, monuments and landscape features. *(See Finding 7)*

**D-15 Addressing** - At the time of final plat, existing residence(s) that will remain may be subject to an address change. Addressing will be determined based on point of access.
D-16 Fire Marshal
   a. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval. *(See Finding 50)*

   b. Unless waived by the fire district chief fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. *(See Finding 51)*

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

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

E-2 Stormwater - If the applicant does not obtain approval with final engineering plans of typical lot drainage plans for each of the lot, then the applicable stormwater minimum requirements must be determined in accordance with CCC 40.386 at time of building permit application and the owner of each lot is responsible for obtaining approval of stormwater plan with the building permit and constructing the individual onsite stormwater system. *(See Finding 46)*

E-3 Impact Fees – Impact fees shall be assessed on all 8 proposed lots for impacts on schools, parks and transportation facilities based for the following districts: Ridgefield School District (SIF), and the Rural Sub-area (TIF). As found in CCC 40.610.040, impact fees are calculated using the rates in effect at the time of building permit issuance. *(See Finding 57)*

E-4 Residential Fire Sprinklers - Homes exceeding 3600 Square feet, including attached garages, will require additional fire protection features up to and including a residential fire sprinkler system when adequate public water and hydrants are not within required distances. *(See Finding 50)*

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<th>Occupancy Permits</th>
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<td><strong>Review and Approval Authority:</strong> Building</td>
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Prior to issuance of an occupancy permit, the following conditions shall be met:

F-1 None

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<th>G</th>
<th>Development Review Timelines &amp; Advisory Information</th>
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<tr>
<td><strong>Review and Approval Authority:</strong> None - Advisory to Applicant</td>
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G-1 Land Division - Within seven (7) years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.
G-2 Department of Ecology Permit for Construction Stormwater - A permit from the Department of Ecology (ECY) is required if:

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

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

G-3 Building and Fire Safety
Building and fire, life, and safety requirements must be addressed through specific approvals and permits. This decision may reference general and specific items related to structures and fire, life, and safety conditions, but they are only for reference in regards to land use conditions. It is the responsibility of the owner, agent, tenant, or applicant to insure that Building Safety and Fire Marshal requirements are in compliance or brought into compliance. Land use decisions do not waive any building or fire code requirements. (See Finding 49)

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<th>Post Development Requirements</th>
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<td>Review and Approval Authority: As specified below</td>
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H-1 Fire Marshal
a. Maintain an unobstructed vertical clearance of not less than 13.5 feet with an all-weather driving surface capable of supporting the imposed loads of fire apparatus to all lots. (See Finding 52)

b. Maintain a six-foot clear space completely around every fire hydrant. (See Finding 51)

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

Note: Any additional information submitted by the applicant within fourteen (14) calendar days prior to or after issuance of this report, may not be considered due to time constraints. In order for such additional information to be considered, the applicant may be required to request a “hearing extension” or “open record” and shall pay the associated fee.
Hearing Examiner Decision and Appeal Process
This report to the Hearing Examiner is a recommendation from the Land Use Review program of Clark County, Washington.

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

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

The motion must be accompanied by the applicable fee and identify the specific authority within the Clark County Code or other applicable laws, and/or specific evidence, in support of reconsideration. A motion may be granted for any one of the following causes that materially affects their rights of the moving party:
- Procedural irregularity or error, clarification, or scrivener's error, for which no fee will be charged;
- Newly discovered evidence, which the moving party could not with reasonable diligence have timely discovered and produced for consideration by the examiners;
- The decision is not supported by substantial evidence in the record; or,
- The decision is contrary to law.

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

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

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

See the Appeals handout for more information and fees.

Attachments
A. Copy of Proposed Preliminary Plan
B. Wetland/Habitat Map