CORRECTED Type II Staff Report and Decision
Notice to Parties of Record

Project Name: University Park at Salmon Creek

Case Number: PLD-2019-00018; WHR-2019-00060

The original report was issued with a “DRAFT” watermark. Please accept this corrected copy. There were no other changes. The attached decision is final unless an appeal is filed with the Department of Community Development.

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

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

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

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

See the Appeals handout for more information and fees.

Mailed on: August 12, 2020
Type II Environmental Review, Staff Report and Decision

Project Name: UNIVERSITY PARK AT SALMON CREEK
Case Number: PLD-2019-00018; WHR-2019-00060
Location: 14908 NE Salmon Creek Avenue
Request: The applicant is proposing to divide an approximately 4.6 acre site into 9 single family residential lots, including one existing residence located in the R1-10 zoning district.

Applicant/Contact: James Kessi
360. 991.9300
6400 NE Hwy 99 G169
Vancouver, WA 98665
james.kessi@gmail.com

Property Owner: Elvera L Luttrell Trustee
11700 NE Angelo Drive Apt 123
Vancouver, WA 98684

Decision
Approved Subject to Conditions

Land Use Review Manager’s Initials: Date Issued: August 12, 2020

County Review Staff

<table>
<thead>
<tr>
<th>Department/Program</th>
<th>Name</th>
<th>Phone</th>
<th>Email Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Development</td>
<td></td>
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Revised 7/16/13

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For an alternate format, contact the Clark County ADA Compliance Office.
Phone: 564.397.2322
Relay: 711 or 800.833-6384
E-mail: ADA@clark.wa.gov
### Type II Land Division and Environmental Review Staff Report and Decision

#### Land Use Review

<table>
<thead>
<tr>
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</tr>
</tbody>
</table>

**Comp Plan Designation:** UL (Urban Low Density Residential)

**Parcel Number:** Lot 50 (185981) located in the Northeast and the Southeast quarters of Section 24; Township 3 North; Range 1 East of the Willamette Meridian.

#### Applicable Laws

Clark County Code: Title 15 (Fire Prevention), Section 40.220.010 (Single-Family Residential District), Section 40.320 (Landscaping), Section 40.350, (Transportation), Section 40.350.020 (Transportation Concurrency), Chapter 40.370 (Sewer and Water), Chapter 40.386 (Storm Water Drainage and Erosion Control), Section 40.420.010 (Flood Hazard Area), Section 40.430 (Geologic Hazard Areas), Section 40.440 (Habitat Conservation), Section 40.450 (Wetland Protection Ordinance), Section 40.460 (Shoreline Overlay District), Sections 40.500 and 40.510 (Procedures), Section 40.540 (Land Division Ordinance), Section 40.550.010 (Road Modifications), Section 40.570 (SEPA), Section 40.570 (SEPA Archaeological), Section 40.610 (Impact Fees), Title 24 (Public Health), Clark County Shoreline Management Master Program, RCW 58.17, and the Clark County Comprehensive Plan.

#### Neighborhood Association and Contact

Fairgrounds Neighborhood Association  
Bridget Schwarz, President  
360.952.1350  
Email: bridget@bridge-i-t.com

#### Vesting

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

A pre-application conference on this matter was held on October 12, 2017, which expired. A subsequent pre-application waiver was issued on May 24, 2019. Pre-application waivers do not qualify for contingent vesting. The fully complete application was submitted on May 30, 2019, and determined to be fully complete on June 13, 2019. Given these facts, the application is vested on May 30, 2019 for land use and concurrency. This vesting does not apply to stormwater standards. There are no disputes regarding vesting.
Time Limits
The application was determined to be fully complete on June 13, 2019. The applicant was asked to submit additional information which extended the deadline by 360 days. Therefore, the code requirement for issuing a decision within 78 days lapses on August 14, 2020.

Public Notice
Notice of application and likely SEPA Determination of Non-Significance (DNS) was mailed to the applicant, SEPA agencies, Fairgrounds Neighborhood Association and property owners within 300 feet of the site on July 18, 2019.

Public Comments
1. Southwest Clean Air Agency, letter dated August 1, 2019 (Exhibit 13). The letter notes that prior to demolition of a structure, a thorough asbestos inspection must be conducted, and that construction activities have the potential to create dust, and are subject to SWCAA regulations.

Staff Response: Regarding asbestos, the applicant will be required to obtain a Clark County Demolition permit prior to removal of the existing outbuildings which also requires a permit from SWCAA. See Condition B-4. Also, general earthmoving activities are also required to contain dust via the applicant’s erosion control plan. See Condition A-9.

2. Department of Ecology, letter dated August 2, 2019 (Exhibit 16). The letter includes comments on the wetland ratings and buffers in the SEPA checklist, the need for erosion control measures, and the potential need for a State stormwater permit.

Staff Response: Habitat and Wetland staff reviewed the applicant’s critical areas reports, and revisions thereof. See Habitat and Wetlands Findings and conditions. Regarding erosion control measures, see Condition A-9. Regarding the need for a state stormwater permit, see Condition G-2.

3. Lynn Valenter, Vice Chancellor, Washington State University; 14204 NE Salmon Creek Avenue, Vancouver, WA 98686; letters dated August 1, 2019 (Exhibit 15), October 10, 2019 (Exhibit 33) and email dated April 1, 2020 (Exhibit 71). The August 1 letter states that a number of problems were noted in a previous application, including set-asides for relocation of right of way for Salmon Creek Avenue, access to utilities, and wetlands. Will exceptions be made, and if so, under what authority will they be made?

Staff Response: The project has been scaled down from 13 lots proposed in the pre-application to 9. Staff finds that all required approval criteria have been, or can be met with the current proposal.

The October 10th letter requests that the 30 foot wide access easement for WSU be shown on the plat with a note that states “Washington State University Vancouver has an approved master plan showing a future access road to the campus that is planned roughly within or adjacent to the existing 30 foot WSU Vancouver access easement that corresponds to the University Park at Salmon Creek short plat road access to Salmon Creek Avenue.”
Staff Response: The 30 foot wide WSUV easement will be shown on both the final construction plans and the final plat, with notice of the potential future access provided on the plat to inform future owners of potential additional traffic. See Conditions A-6.b, D-1, D-10.f and D-10.o. In the event that a future WSU driveway involves additional construction (either widening the private road being approved under this shoreline review and PLD-2019-00018, or a separate road south of the proposed short plat) additional shoreline review will be necessary. See remainder of this report for findings and conditions of approval.

The April 1st email requests, in community interest, continuation of the walking path along Salmon Creek Avenue.

Staff Response: Salmon Creek Avenue is classified as an “Urban Minor Arterial” roadway which requires a detached sidewalk along the development site’s frontage. The applicant submitted a road modification application to deviate from frontage improvements. See Transportation Finding 4 below for discussion of this request.

4. Jennifer Peterson, 14813 NE Salmon Creek Avenue; emails dated July 23, 24, 29 and 30 (Exhibit 11). Ms. Petersen has concerns about the erosion of her bridge abutment by Salmon Creek, and that this development would contribute to the continued erosion. Ms. Petersen also sent a copy of a recorded survey (Exhibit 10) that appears to show a portion of tax lot 44 (APN185975-000) on the west side of NE Salmon Creek Avenue.

Staff Response: Since it is off-site, the applicant cannot be held responsible for the existing and/or continued erosion occurring at the bridge. However, the proposed short plat is subject to the county’s Stormwater and Erosion Control Ordinance which prohibits stormwater drainage from being increased or concentrated on abutting properties. As a result, a preliminary stormwater report and plan were included as part of the application submittal packet. These documents have been reviewed by staff of the Development Engineering Division. It was determined this preliminary plan, subject to certain conditions, meets ordinance criteria (See Stormwater Findings Below). In regards to the survey that shows approximately 370 square feet of tax lot 44 on the west side of Salmon Creek Avenue, see Land Use Finding 7 and Condition A-3.

5. Landerholm Legal Advisors, letter on behalf of Jennifer Petersen (Exhibit 14). The letter opines that damage to Ms. Petersen’s bridge abutment is a result of additional development, and that the County is unwilling to do anything to remediate the problems. Further, the letter opines that there is a dangerous visibility problem along NE Salmon Creek Avenue due to vegetation alongside the road.

Staff Response: County Public Works staff have met with Ms. Petersen, however they have contended that damage to Ms. Petersen’s bridge is not the County’s responsibility. Regarding visibility, the applicant provided a sight distance analysis prepared by a licensed engineer. It concluded that sight distance at the site is adequate (See Transportation Finding 5 for additional information). County maintenance staff in the Public Works Department can be contacted regarding other sight distance issues in the right-of-way not under control of the applicant.
Project Overview
The 4.6 acre site is located on the west side of NE Salmon Creek Avenue, bordered on the north and the south by the Washington State University (WSU) campus. A 250 foot wide Bonneville Power right-of-way abuts the western property line. The site currently has a single family residence, a detached garage, and another small outbuilding. The residence is to be retained, but the garage and outbuilding will be demolished.

A 30-foot wide access easement to WSU lies at the southern border of the site. The driveway for the existing residence is from this easement.

Salmon Creek lies immediately east of NE Salmon Creek Avenue, and a 200-foot Shoreline buffer extends onto the project site. Wetlands exist on the eastern third of the site within the Shorelines buffer; the site slopes up rather steeply from the wetlands to the middle of the site where the lots are proposed. Habitat associated with a Type Ns stream runs diagonally across the western/southwestern third of the site. Seven Oregon white oaks are located in Tract D, an open space tract in the southern middle of the site.

NE Salmon Creek Avenue is in the early design stages to be moved to the west by the County, further from Salmon Creek. The applicant has proposed to dedicate 56 feet of right of way in lieu of constructing frontage improvements.

Clark Public Utilities water is located approximately 2,600 feet to the south. Given the distance involved, and the future realignment/reconstruction of Salmon Creek Avenue in this area, the applicant is proposing a small Group B public water system in lieu of connecting to Clark Public Utilities water. Clark Public Utilities has no interest in operating a satellite system, thus the system is to be operated by an approved licensed operator.

The site is located in, or served by the following districts:

- Clark Public Utilities water (as noted above, while in the district, they are not willing to operate a satellite system)
- Southwest Regional Wastewater
- Fire District 6
- Park District 10
- Battle Ground Schools
- Mt. Vista Traffic Impact Fee Area

The application consists of a short plat, SEPA review, road modification request, habitat and wetland permits, and geo-hazard review. A Shorelines Substantial Development Permit is also required, under a separate decision.

Comprehensive Plan, Zoning and Current Land Use:
Staff Analysis

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

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

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

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

Major Issues

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

Land Use

Finding 1 - Uses
According to Table 40.220.010-1, single-family detached residential dwellings are permitted outright in the R1-10 zone.

Finding 2 - Lot Requirements
Table 40.220.010-2 prescribes lot requirements for the R1-10 zone. Lots must be at least 10,000 square feet, and the lot area for the plat cannot average more than 15,000 square feet. All lots are at least 10,000 square feet, and the overall average lot size is 11,890 square feet, meeting the lot size standards.

Average minimum lot width and depth standards are 80 and 90 feet respectively. The development meets lot width and depth standards as proposed. Any changes to lot area, width or depth may require additional review. See Condition D-2.
Finding 3 - Development Standards
Table 40.220.010-3 prescribes setbacks, lot coverage and building height standards for the R1-10 zone, and are depicted in the table below:

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Minimum Setbacks</th>
<th>Maximum Lot Coverage</th>
<th>Maximum Building Height (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>R1-10</td>
<td>10 (18 to garage door fronts)</td>
<td>50%</td>
<td>35</td>
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*Please see footnotes to this table in 40.220.010

The setbacks/envelopes as shown on Exhibit 52 are accurate with the following exceptions:

- The front setback on Lot 3 shall be measured from edge of the 30-foot WSU easement line. The west property line of Lot 3 has a 7-foot side setback, not a 15-foot rear. The north line of Lot 3 has a 15 foot rear setback, slightly larger than that shown for the habitat envelope line on Exhibit 52.

- Lots 2, 5, and 8 are flag lots. Per Figure 40.100.070-2 the front lot line is the line that crosses the top of the flagpole, and the front setback is measured from that line. In the case of Lots 5 and 8, a line drawn diagonally from one side of the 20-foot access easement line to the other will be the front lot line for the purposes of establishing the front setback. In the case of Lot 2, the front lot line will be a line drawn between the western ends of the two east-west lot lines of the short 20-foot wide pole that accesses the street tract. All other lot lines are considered side setbacks, with 7-foot setback.

- On Lots 4, 6, 7, and 9, no setbacks are shown from the access easements to Lots 5 and 8. Per footnote 4 of Table 40.220.010-3, an additional 5 foot setback from those easements is required.

- The note which states “Building envelope and foundation limit” should be changed to “setback line” where it shows setbacks, and “habitat setback line”. It should be noted that the exceptions to setbacks in Section 40.200.070 will not apply to the habitat setback line.

Any future construction on the newly created lots shall meet setback and development standards prescribed for the R1-10 zone. See Condition E-1.

Finding 4 - Existing Structures
It is the applicant’s intention to remove two existing out-buildings from the premises. A condition will be imposed to ensure these structures are removed after the necessary permits have been obtained. See Condition B-4. As part of these demolition permits, the applicant is required to comply with all applicable asbestos inspection and control regulation in accordance with procedures of the Southwest Clean Air Agency.
Finding 5 - Landscaping
The site is zoned single family residential. Per Table 40.320.010-1, no buffer is required along the east property line, as the property across NE Salmon Creek Avenue is zoned single family residential.

The properties to the north, south and west are zoned University. Per Table 40.320.010-1, a 10 foot wide L-4 landscape buffer is required along those property lines. The buffers/property line lengths in question total approximately 1,500 linear feet. An L-4 standard consists of a 6-foot high wall, generally considered to be a masonry structure, and one tree per thirty (30) lineal feet of wall or as appropriate to provide a tree canopy over the landscaped area.

As noted before, the site is bound on the west by a 250 foot wide Bonneville Power right-of-way, and on the north and south by WSU land that is minimally developed. The main campus buildings are over 800 feet to the north and west. Existing vegetation exists off-site between the project site and the WSU buildings.

Section 40.320.010.C.3 states that “the responsible official may approve use of existing vegetation to fulfill landscaping and screening requirements of this section if that existing landscaping provides at least an equivalent level of screening as the standard required for the development in question.” Section 40.320.010.C.7 states that “the responsible official may approve and condition an alternative landscape design and buffer standard that is compatible with existing, abutting landscaping that still meets the intent of the required buffer type, such as shared buffers between users.”

Under these circumstances, staff finds that a masonry wall is not warranted, as the impacts of each abutting use to each other are minimal, the distance between the uses is significant, and substantial vegetation screening exists offsite around the perimeter of the project site. Further, off-site vegetation near the property lines may be impacted by continuous masonry wall footings along the property lines. Therefore, staff finds that the 6-foot tall L-4 wall can consist of a durable, heavy-duty, sight obscuring fence. The design of the fence can vary, however the minimum requirements of the fence shall consist of the following:

- The fence shall be constructed of vinyl, metal, treated or painted/stained cedar, or a combination of those materials;
- The entire top of the fence (not just the posts) shall be protected with a metal or other durable material cap;
- Posts shall be metal, or if wooden posts are used, they shall use metal mounting brackets to prevent posts from contact with the ground; and,
- Fence boards, if wood, shall be either be two layers of ¾ inch material, or one layer of 2x6 material.

Staff finds that the fence needs to be constructed only on the lots, as no construction should occur in the sensitive areas contained within the open space tracts.
The fence shall be constructed on the north side of the WSU 30-foot wide access easement (not within the easement, as this may interfere with the WSU easement rights for future road placement) on Lots 1 and 3. The fence shall be maintained by an HOA in perpetuity, and shall be constructed prior to final plat. See Conditions A-2.a, D-3 and D-9.f.

No habitat permit will be required for the section of fence installed within the habitat buffer associated with the Type Ns stream.

The eastern half of the south buffer is better served with a vegetative L-3 buffer, as this area is primarily within the Shorelines buffer where fences are discouraged. This buffer shall be placed on the south side of the proposed private road, between NE Salmon Creek Avenue and shall extend as far west as the road remains parallel to the south property line, approximately where the east terminus of the flagpole of Lot 3 begins. See Condition A-2.c.

Installation of all landscaping and any irrigation shall be installed according to the approved plan prior to final plat approval. See Condition D-4.

Maintenance of landscaped areas is the ongoing responsibility of the property owners. Required landscaping must be continuously maintained in a healthy manner. Plants that die must be replaced with in-kind materials unless otherwise authorized by the responsible official. Vegetation shall be controlled by pruning, trimming or otherwise so that it will not interfere with the maintenance or repair of any public utility, restrict pedestrian or vehicular access, or obstruct sight distance at intersections as provided in Section 40.320.020. See Conditions D-10.c and H-1.

**Finding 6 - Pedestrian Facilities**
According to state platting laws (RCW 58.17.110) appropriate provisions shall be made to assure safe walking conditions for students who only walk to and from school.

The subject development is located within the Battle Ground School district. The application includes a letter from Battle Ground Public Schools indicating that students residing at this location will be bused to area schools; therefore, safe walking conditions are not warranted.

**Finding 7 - Property Ownership**
Jennifer Peterson sent staff a copy of a recorded survey (Exhibit 10) which appears to show a portion of tax lot 44 (assessor’s parcel 185975000) on the west side of Salmon Creek Avenue. The applicant’s preliminary survey does not show tax lot 44 within the confines of the applicant’s site.

The applicant’s surveyor prepared a sketch (Exhibit 59) which shows three interpretations of where tax lot 44 may actually lie. Because the potential exists that a portion of tax lot 44 is within land the applicant is proposing to dedicate to the County in lieu of frontage improvements for NE Salmon Creek Avenue, prior to final construction plan approval, resolution of the ownership of any portion of tax lot 44 that may lie within the applicant’s site will be required. See Condition A-3.

**Finding 7 - County/State Platting Standards**
With conditions of approval, staff finds the proposed subdivision will make appropriate provisions for the public health, safety and general welfare of the community. Connection to public water and sewer facilities, as well as treatment of any future stormwater runoff will be provided to protect groundwater supply and integrity. Impact fees will also be required to ensure that the development will contribute a proportionate share toward the costs of school, park and transportation facilities, maintenance and services.

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

**Archaeology**

**Finding 1 - Historic and Cultural Resources**
The development site is located within a high probability area for the discovery of archaeological resources, as designated on the Archaeological Predictive Model Map of Clark County. Therefore, an Archaeological Predetermination is required because the project is subject to SEPA.

The applicant submitted an archaeological pre-determination to the Washington State Department of Archaeology and Historic Preservation (DAHP) prior to submittal of the application, and provided documentation that DAHP received the pre-determination. DAHP was emailed a copy of the SEPA checklist, and did not provide comment. A note shall be included on both the final engineering plans and the final plat stating that if resources are discovered during ground disturbance, work shall stop and both DAHP and the county shall be notified. See Conditions A-1 and D-10.a.

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

**Shoreline**

**Finding 1 - Applicability**
The Shoreline Master Program (SMP) applies to “those lands extending two hundred (200) feet in all directions as measured on a horizontal plane from the ordinary high water mark (OHWM).” In addition, wetlands and floodplains associated are subject to the SMP.

The eastern third of the site is within the 200 foot Medium Intensity Shoreline buffer of Salmon Creek. A Shorelines Substantial Development Permit to improve the existing driveway to a private road standard shall be obtained prior to final construction plan approval. In addition, all conditions of approval shall be met. See Condition A-4.

**Conclusion (Shoreline)**
Staff finds that the proposed preliminary plan, subject to the condition identified above, can meet shoreline requirements of the Clark County Code.

**Habitat and Wetlands**
Finding 1
Staff visited the site June 19, 2019 and has revised the habitat assessment Critical Areas Report prepared by Ecological Land Services, Inc. dated July 16, 2019. The site contains Riparian Priority Habitat associated with a Type Ns (non-fish bearing seasonal) stream as shown in the Habitat Determination Map. Riparian Priority Habitat areas extend outward on each side of the stream from the ordinary high-water mark (OHWM) to the edge of the one hundred (100) hundred-year floodplain, or seventy-five (75) feet for NS streams whichever is greater. In this case the seventy-five (75) foot distance is greater.

Finding 2
Staff visited the site on June 19, 2019 and concurs with the habitat assessment Critical Areas Report prepared by ELS. The site contains Shoreline jurisdiction. Salmon Creek is designated a Type S water by the Washington Department of Natural Resources under Shoreline Jurisdiction of the Shoreline Master Program (CCC 40.460). Shoreline jurisdiction extends outward from the OHWM a distance of two hundred (200) feet or to the edge of the one hundred (100) year floodplain whichever is greater. The subject parcel is mapped within Shoreline jurisdiction as a Medium Intensity Land Use. Any development within Shoreline Jurisdiction requires a Shoreline permit. Exemptions in the habitat and wetland codes do not apply in Shoreline jurisdiction. All affected habitat and wetland areas within Shoreline jurisdiction will be addressed through the Shoreline review process. Riparian priority habitat extends outward two hundred fifty (250) feet from the OHWM; however, clearing or development in riparian habitat areas which are at least one hundred (100) feet from the waterline and separated by a continuous public or private roadway serving three (3) or more lots is exempt from review (Table 40.440.010-1). County wetland and habitat Staff has determined the proposed development meets the criteria for the exemption; nonetheless, priority habitat within shoreline jurisdiction (200 feet) is subject to review.

Finding 3
Staff visited the site on June 19, 2019 and concurs with the habitat assessment Critical Areas Report prepared by ELS. The site contains seven (7) Oregon white oak. Per the Habitat Protection Ordinance these may be considered non-riparian priority habitat if they meet the WDFW definition as Oregon white oak woodland. WDFW defines oak woodlands as follows: In non-urbanized areas west of the Cascades, priority oak habitat is stands 0.4 ha (1 ac) in size; in urban or urbanizing areas, single oaks, or stands of oaks <0.4 ha (1 ac), may also be considered priority habitat when found to be particularly valuable to fish and wildlife (e.g., they contain many cavities, have a large diameter at breast height [dbh], are used by priority species, or have a large canopy). This area would be considered urbanizing.

Finding 4
Staff visited the site on June 19, 2019 and concurs with the habitat assessment Critical Areas Report prepared by Ecological Land Services, Inc. (ELS) regarding Bio-diversity area and Corridor (BAC). The site contains BAC in the northwest corner of the site. WDFW generally defines Biodiversity Area and Corridor as, but is not limited to, large trees, snags, large woody debris, multi-story forest, etc.; County shall defer to WDFW in regard to classification, mapping an interpretation of priority habitats and species. These areas are generally considered to be irreplaceable and impacts to these areas should be avoided. The Applicant proposes to retain the section of bio-diversity area and corridor in the northwest section of the site.
Finding 5
Staff visited the site on June 19, 2019 and concurs with the wetland boundary in the wetland delineation report prepared by ELS; however, staff has revised the Wetland Rating Form. The site contains a Category III Wetland with a Habitat Score of five (5) points on the Wetland Rating Form requiring a eighty (80) buffer for the proposed development. Per the Wetland Protection Ordinance (CCC 40.450.030.E.4.c), maximum buffer area, except for streams, buffers shall be reduced as necessary so that total buffer area (on and off site) does not exceed two (2) times the total wetland area (on and off site); provided, the minimum buffer width at any point shall not be less than the water quality buffer widths for low intensity land uses contained in Table 40.450.030-2. The wetland is approximately nineteen thousand one hundred twenty-one (19,121) square feet, per the wetland protection ordinance the required buffer shall not exceed thirty-eight thousand two hundred forty-two (38,242) square feet. The minimum buffer width at any point cannot be less than forty (40) feet which provides a forty thousand six hundred forty-five (40,645) square foot buffer meeting the minimum buffer width.

Finding 6
Staff concurs with the alternatives analysis the applicant has provided (Critical Areas Report & Bank Use Plan 09/26/2019, bank use plan amendment and Riparian Buffer Enhancement Plan). Subject to the Reasonable Use assurances, the proposed development meets the avoidance and minimization standards in CCC 40.440.020.A.2 and 40.450.040.D.1.

Finding 7
The proposed land division will result in one or more lots that cannot meet the standards of CCC 40.440.020 or 40.450.040. However, there is no lot configuration that will have less impact to wetland and habitat areas on the site, therefore, the land division must be approved pursuant to CCC 40.440.020.B.3 and 40.450.010. B.4.c.

Finding 8
Portions of the proposed lots (1, 2, 3 & 4) will be within the seventy-five (75) foot riparian priority habitat zone of the Ns (non-fish bearing seasonal) stream. Some of the riparian zone within the proposed lots is existing impervious surface (driveway, existing home, accessory structures) and lawn. No additional vegetation is proposed to be removed; however, Staff has determined that enhancement of the riparian zone of the Type Ns stream on site is needed to meet mitigation requirements for the proposed short plat.

Finding 9
The University Park at Salmon Creek Project has installed a Group B public well system including and eight (8) foot wide gravel maintenance access driveway for limited maintenance purposes and installation of the well. An Arborist report has been submitted addressing appropriate amounts of impact to root zones as well as care of the Oregon white oak. On page five (5) of the report the Arborist indicates disturbance of the critical root zone should be limited to thirty-three (33%) percent. The "Tree Conservation Plan" submitted by the Applicant shows drip line impact ranging from zero (0%) percent to a maximum of approximately fourteen (14%) percent. During construction of the access road and installation of the well removal of dead limbs occurred as recommended by the Arborist to improve the health of the Oregon white oak. As part of the final construction for the University Park project, the access driveway will be adjusted to meet the revised driveway access layout shown on plans submitted by the Applicant. The
Applicant shall also submit an updated Arborist report with monitoring schedule prior to final plat approval.

Finding 10
Road improvements are proposed at the south end of the wetland to provide private access to future lots. These improvements result in approximately one thousand five hundred fifty-five (1,555) square feet (.036 Acres) of indirect wetland impact to the Category III wetland buffer. The Applicant submitted a Critical Areas Report & Bank Use Plan dated September 26, 2019. The bank use plan addressed impacts to a Category IV wetland. After additional review the wetlands rating was revised to a Category III wetland. The Applicant submitted a memo dated October 24, 2019 (Bank use plan amendment) addressing the Category III wetland and the additional wetland credits needed as mitigation for the indirect wetland impacts. The Applicant proposes to purchase .036 wetland credits from the Terrace Wetland Mitigation Bank that would appropriately mitigate for the proposed indirect wetland impacts. Although the wetland and wetland buffer are within shoreline jurisdiction existing habitat features in this area of buffer are limited to non-native herbaceous vegetation. Staff concludes the indirect wetland impacts will not significantly alter habitat functions and the proposed credit purchase (.036) adequately mitigates the impacts.

Finding 11
The proposed habitat mitigation (Memo Addressing Oregon White Oak Habitat Area) substantially maintains the level of habitat functions and values and meets the approval criteria in CCC 40.440.020.

Finding 12
The proposed habitat mitigation plan (Riparian Buffer Enhancement Plan) prepared by Ecological Land Services (ELS) dated December 19, 2019 substantially maintains the level of habitat functions and values and meets the approval criteria in CCC 40.440.020.

Finding 13
The proposed wetland mitigation Bank Use Plan Amendment Memo submitted by Ecological Land Services (ELS) dated October 24, 2019 will result in no net loss of wetland functions and values and meets the approval criteria in CCC 40.450.040.

Finding 14
A Mitigation As-Built report must be submitted to the County within 30 days of completion of construction and planting in the approved mitigation plan. The As-Built needs to include documentation of any revisions to or deviations from the approved plan, demonstrating that any changes meet the requirements of CCC 40.440 and 40.450.

Finding 15
Unless the proposed mitigation is constructed and an as-built is approved, a performance assurance for the mitigation is required.

**Conclusion (Habitat and Wetlands):**
Habitat and Wetland staff concludes that the proposed preliminary plan, subject to conditions, meets habitat and wetland requirements of the Clark County Code. See Conditions A-5, D-5, D-10.m and G-4.
Transportation and Circulation

Finding 1 - Pedestrian/Bicycle Circulation Plan
Pedestrian circulation facilities in compliance with the Americans with Disabilities Act (ADA) are required within urban areas. When pedestrian circulation facilities are required, they shall be in accordance with the provisions of Section CCC 40.350.015.

The applicant has proposed to divide a parcel, totaling 4.6 acres, into a total of 9 single-family residential lots. The proposed development is located at 14908 NE Salmon Creek Avenue in Vancouver.

The applicant’s plan indicates that there will be pedestrian improvements constructed with the proposed private street within the development. The plan provided also shows that the private road will be constructed from NE Salmon Creek Avenue into the proposed development and terminating in a cul-de-sac.

The applicant’s narrative states that pedestrian facilities will be constructed with the private road. All pedestrian facilities shall be constructed to comply with ADA standards. See Condition A-6.a.

The applicant has requested a road modification request for relief from frontage improvement requirements which include sidewalk along the frontage on NE Salmon Creek Avenue. The applicant’s proposal does not fully comply with the County Code. (See Finding Transportation and Circulation Finding 4 below)

Finding 2 - Circulation Plan
The applicant has submitted plans and a narrative that indicates the proposed development will be served by the construction of an internal private road network. The applicant’s narrative suggests that the construction of this improvement will facilitate the necessary circulation to provide access to the public street network for the proposed development.

However, the applicant’s narrative, traffic study, or plan did not show compliance with the required circulation code regarding block length and block perimeter. The applicant has submitted a road modification request for relief from block length and block perimeter length. The road modification request is discussed below. (See Finding Transportation and Circulation Finding 4 below)

Finding 3 - Roads
The existing conditions plan shows that there is an existing 30-foot non-exclusive access and utility easement located along the southern property line of the proposed development from western property line to NE Salmon Creek Avenue. This 30-foot non-exclusive access and utility easement is for the benefit of Washington State University Vancouver (WSUV) Campus. This access and utility easement has been shown in the WSUV Campus master plan as a future access road to the WSUV Campus. The applicant’s plan does not show that the 30-foot wide non-exclusive access and utility easement has been maintained with the proposed short plat.
The applicant shall provide construction plans that show the existing 30-foot wide non-exclusive access and utility easement will be maintained and unobstructed for continued vehicle and pedestrian access from NE Salmon Creek Avenue to WSUV Campus, per document number 8303170001 in Exhibit 33. See Condition A-6.b.

NE Salmon Creek Avenue is classified as an “Urban Minor Arterial” (M-2cb) roadway with a total minimum required right-of-way width of 72 feet and 48 feet of paved width, curb to curb, curb and gutter; and 5-foot detached sidewalk. The applicant’s plan shows that NE Salmon Creek Avenue half-width right-of-way and pavement, along the subject site frontage, is deficient.

The county’s Arterial Atlas indicates that NE Salmon Creek Avenue will be realigned to the west of its current location along the frontage of the subject property. The NE Salmon Creek Avenue realignment between the WSUV Campus Entrance and west of NE 50th Avenue is identified in the county’s 2016-2035 Capital Facility Plan; however, funds have not been identified for this project. The applicant’s plan has shown an alignment for NE Salmon Creek Avenue that the county has conceptually laid out in a 30% plan. This conceptual alignment placed most of the NE Salmon Creek Avenue within the eastern portion of the subject property. The plan shows that the applicant is volunteering to dedicate the right-of-way to facilitate the new NE Salmon Creek Avenue alignment in lieu of the construction of frontage improvements. The applicant has submitted a road modification request to deviate from NE Salmon Creek Avenue frontage improvements. The road modification request is discussed below. (See Finding Transportation and Circulation Finding 4 below)

The applicant’s plan shows the construction of an urban private road identified as University Place. The plan shows that the private road will connect with NE Salmon Creek Avenue at the south property line of the subject parcel. The applicant’s plan shows that the private road approach to NE Salmon Creek Avenue will have a curb return radii of 25 feet. Per CCC Table 40.350.030-3, the curb return radii at intersection of the private road with NE Salmon Creek Avenue shall be a minimum of 35 feet. See Condition A-6.c.

The applicant has submitted a road modification request to deviate from the required 36-foot roadway width when intersecting with an arterial. (See Finding Transportation and Circulation Finding 4 below)

The applicant’s plan shows that the proposed private road will be constructed west from NE Salmon Creek Avenue approximately 240 feet. This private road is proposed with a 20-foot drivable surface, curb, and gutter on both sides and sidewalk on one side. The plan also shows that beyond the 240 feet the private road will transition from a 20-foot to a 25-foot wide drivable surface terminating in a cul-de-sac with a 40-foot radius. The private road with its associated sidewalk will need to be within an access and utility easement with a minimum width of 30 feet. The cul-de-sac shall be within a minimum 40-foot radius easement. The private road shall also be constructed in compliance with Clark County Standard Drawing 15. See Condition A-6.d.

The applicant’s plan shows that the private road will be constructed on a 15% slope at/near the transition of drivable width from 20 to 25 feet. The applicant’s plan also shows that there will be a gated entry and an associated turnaround at this location. The portion of private road and turnarounds with a grade of 15%, or steeper, shall be constructed Portland cement concrete, with grooved surfacing. See Condition A-6.e.
Finding 4 - Road Modification Request
The applicant has requested the following road modifications (See Exhibits 26, 26b, and 46):

- Deviation from the cross-circulation requirements;
- Deviation from road approach width on approach to an arterial;
- Median and Channelization Policy;
- Deviation from the construction of frontage improvements;

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

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

b. A minor change to a specification or standard is required to address a specific design or construction problem which, if not enacted, will result in an unusual hardship;

c. An alternative design is proposed which will provide a plan that is functionally equivalent or superior to the standards;

d. Application of the standards of Chapter 40.350 to the development would be grossly disproportional to the impacts created;

e. A change to a specification or standard is required to ensure consistency with existing features adjacent to or affected by the site where those existing features are not expected to change over time.

Applicant’s Discussion
The applicant has submitted each road modification request under their own heading. The applicant’s full road modification discussion and justification can be found in the listed exhibits.

- Circulation – Block Length and Block Perimeter (Exhibit 26)
  - The applicant believes that criterion “a” is met “Because the surrounding existing uses, the restrictive BPA ROW, proposed roadway realignment and University zoning, the construction of roadway connections to the site from the north west or south is very unlikely and would feasibly be accomplished from Salmon Creek Avenue if access is ever proposed in the future.”

- Relief from constructing frontage improvements (Exhibit 26)
  - The applicant believes that criterion “a” is met. “Due to extenuating circumstances in the form of existing conditions including shorelines, wetlands, topography, proposed county roadway projects, BPA ROW, and university zoned land; the private road access and frontage improvements in question will not be reasonably
feasible with additional unused connections and infrastructure that would take up additional space intended to be part of future lots and home sites.”

- Deviation from the Median and Channelization Policy (Exhibit 45)
  - The applicant believes that criterion “a” is met. “The installation of medians is inconsistent with the surrounding area along this section of Salmon Creek Ave. There are no existing medians, curbs, or other channelization devices along this stretch of Salmon Creek Ave for a sizeable distance, the installation of medians would be inconsistent with the surrounding area and may pose additional hazards and access issues for neighboring properties that also access this section of Salmon Creek Ave including 3 existing driveways in direct vicinity of the project site.”

- Deviation from private road width when intersecting an arterial (Exhibit 46)
  - The applicant believes that criterion “a” is met because “The project is affected by existing critical areas, and topographical constraints related to the adjacent Salmon Creek, existing drainage, and wetlands.”

Staff’s Evaluation

1. Circulation - Block Length and Block Perimeter
   The applicant has shown that there are no opportunities to provide area-wide circulation through the subject site. The properties to the west and north are part of the Washington State University Vancouver (WSUV) Campus. The WSUV Campus is served by an existing interior private road network. The applicant has shown that the circulation on-site will be provided by a proposed private road.

   It should be noted that the WSUV Campus has an existing non-exclusive access and utility easement along the southern 30 feet of the subject development. This non-exclusive access and utility easement has been shown as a future ingress/egress location for the WSUV Campus in a previously approved WSUV Campus masterplan. The applicant shall ensure that this 30-foot wide non-exclusive access and utility easement remains available and unobstructed for the benefit of WSUV Campus.

   Based on the information provided, staff agrees with the applicant’s analysis and is of the opinion that the proposal meets criterion 40.550.010(C)(2)(a).

2. Access to Arterials - Private Road Width Intersecting with an Arterial
   The applicant has proposed a private road intersection with NE Salmon Creek Avenue, an Urban Minor Arterial. Because this proposed private road is intersecting an arterial, the required private road width on approach to the arterial shall be 36 feet wide.

   The applicant has provided justifications that suggest the proposed 20-foot wide paved private road approach to NE Salmon Creek Avenue will minimize the impacts to existing environmentally sensitive areas on both sides of the private road approach. The applicant has also shown that the construction of the proposed private road, with its associated 5-foot
wide sidewalk on one side, can meet the urban private road standard, Clark County Standard Drawing 15.

The applicant also indicates that if the proposed development were required to construct a 36-foot wide private road approach to NE Salmon Creek Avenue, the private road would exceed the current 26-foot wide paved section of NE Salmon Creek Avenue along the development frontage.

The applicant’s plan shows private road approach pavement returns with a 25-foot radius. The minimum radius for a curb return on a roadway intersecting with an arterial is 35 feet. This 35-foot return radius will help facilitate vehicles turning onto, or out of, the private road from the arterial at higher rates of speed. This radius will also help facilitate minimizing turning movement impacts to opposing lanes as a larger vehicle, i.e. waste management vehicle, enters and exits the private road.

The applicant provided discussion of a Capital Facilities Project. The county’s Capital Facilities Plan lists NE Salmon Creek Avenue between the WSUV Campus and NE 50th Avenue. This capital project would realign NE Salmon Creek Avenue to the west of its current location and build the full M-2cb cross section. The future NE Salmon Creek Avenue realignment would impact the proposed private road to the subject development. As a part of the road realignment the University Park at Salmon Creek Short Plat private road would likely be modified to adjust to the new alignment. During the construction of this capital project a raised median could be installed at that time. It should be noted that there is currently no funding identified for this Capital Facilities Plan project.

Based on the information provided, staff concurs with the applicant’s assessment and is of the opinion that the proposal meets criterion 40.550.010(C)(2)(a).

3. Median and Channelization Policy
In an effort to evaluate all evidence related to the current road modification request
Concurrently Staff reviewed crash history, corridor capacity and vehicle queueing which yielded the following findings of fact:

- The proposed private road intersection with NE Salmon Creek Avenue is not considered regionally significant and is not regulated by the County’s Concurrency Code;

- There is no documented crash history along the NE Salmon Creek Avenue frontage indicative of a safety issue;

- NE Salmon Creek Avenue corridor capacity is at acceptable levels;

- NE Salmon Creek Avenue has an existing 2-lane cross section along the development frontage; and,

- The proposed private road at NE Salmon Creek Avenue may experience long wait times with left-turning movements onto NE Salmon Creek Avenue in the AM and PM peak periods.
The county’s Capital Facilities Plan lists NE Salmon Creek Avenue between the Washington State University Vancouver (WSUV) Campus and NE 50th Avenue. This capital project would realign NE Salmon Creek Avenue to the west of its current location and build the full M-2cb cross section. This capital project could also construct a raised median at that time. There is currently no funding identified for this Capital Facilities Plan project.

Based on the information provided, staff concurs with the applicant’s analysis and is of the opinion that the proposal meets criterion 40.550.010(C)(2)(a). (See Exhibit 69 for full staff evaluation)

4. Frontage Improvements
   As previously mentioned, the applicant provided discussion of a Capital Facilities Project. The county’s Capital Facilities Plan lists NE Salmon Creek Avenue between the WSUV Campus and NE 50th Avenue. This capital project would realign NE Salmon Creek Avenue to the west of its current location and build the full M-2cb cross section.

   The applicant reports that NE Salmon Creek Avenue realignment project currently has 30% plans. Staff has validated the project status and concurs with the applicant. Because of the future realignment of NE Salmon Creek Avenue, any frontage improvements required along the current alignment would be abandoned or removed during the construction of the capital project. In-lieu of frontage improvements, the applicant has volunteered the dedication of NE Salmon Creek Avenue right-of-way to the anticipated western right-of-way line along the new alignment.

   Based on the information provided, staff concurs with the applicant’s evaluation and is of the opinion that the proposal meets criterion 40.550.010(C)(2)(a).

The Development Engineering Division Manager concurred with staff and approved the road modification request (See Exhibit 70), subject to conditions of approval. See Conditions A-6.b, A-6.c, A-6.f, D-6, and D-10.p.

Finding 5 - Sight Distance
The approval criteria for sight distances are found in CCC 40.350.030(B)(8). This section establishes minimum sight distances at intersections and driveways. Vegetation, utility poles, and miscellaneous structures will not be allowed to impede required sight distance requirements at all proposed driveway approaches. The applicant has provided sight distance evaluation prepared by H. Lee & Associates, PLLC, dated March 22, 2018. The analysis concluded that sight distance on NE Salmon Creek Avenue appears to be adequate, but because the proposed private road access has not been fully designed, or constructed, sight distance should be re-verified in the final engineering/construction stage of the project. See Condition C-1.

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

Transportation Concurrency
Finding 1 - Applicability
Concurrency has reviewed the Land Use Review application for the University Park at Salmon Creek Subdivision development. The proposed development site is located at 14908 NE Salmon Creek Avenue. The traffic information submitted indicates that this application seeks to divide 4.6 acres into 9 SFR lots. The applicant’s traffic information suggests a trip generation at 8 AM peak hour trips and 8 PM peak hour trips with an average daily trip generation of 80.

The applicant has submitted traffic information under the provisions of Clark County Code section 40.350.020. Staff concurs with the applicant’s findings, therefore, no further findings or conditions are warranted.

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

Stormwater

Finding 1 - Stormwater Applicability
The provisions of Clark County Code Chapter 40.386 shall apply to all new development, redevelopment, and drainage projects consistent with the Stormwater Management Manual for Western Washington (SMMWW) as modified by CCC 40.386 and the county’s stormwater manual. The project is in the urban area and exceeds thresholds for new hard surfaces and converted vegetation areas; therefore, the applicant shall comply with Minimum Requirements 1 through 9 per Clark County Stormwater Manual 2015.

No new development or redevelopment shall be allowed to increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots. See Condition A-8.a

Finding 2 - Stormwater Proposal
The applicant is proposing a system of vegetated swales and mechanical water quality catch basins within the short plat, and permeable concrete with a rock lined trench along the northern edge of the 20-foot wide private road as the primary means of stormwater collection, treatment and disposal for the proposed development.

The applicant’s engineer indicates that the On-site Stormwater Management (MR#5) will be met by implementing vegetated shallow swale collection systems that will treat the stormwater generated on the individual lots within the subdivision. The stormwater will then be conveyed from the individual lots to gravel flow spreader systems. The applicant’s engineer states that the vegetated shallow swale systems will be designed to provide a 9-minute residence time, for water quality, and will be constructed on each individual lot. The applicant’s TIR indicated that rain gardens could also be installed to treat stormwater runoff for driveways within the development. It shall be noted that because the proposed development is required to design stormwater systems meeting minimum requirements 1 through 9, BMP T5.14A may not be used.

The applicant’s engineer will also need to show the implementation of Post Construction Soil Quality and Depth (BMP T5.13) to meet the requirements of MR#5 for landscape areas. See Condition A-8.b.
The applicant will need to submit stormwater construction plans that show the vegetated swale information by lot. This information shall include the swale shape, slope and length to obtain a minimum residence time of 9 minutes. The construction plan will also need to show how the individual lot vegetated swale is conveyed to the proposed gravel flow spreader outfall systems (diffuser tees). See Conditions A-8.c, D-10.i, and E-2.

The applicant indicates that Runoff Treatment (MR#6) will be met with a combination of shallow vegetated swales, mechanical filter devices and infiltration.

As previously mentioned, the applicant’s engineer has indicated that the roofs and driveways for each lot within the proposed development will be collected in an inline storm system and will use shallow conveyance swales, with a 9 minute residence time to facilitate stormwater runoff treatment.

The stormwater TIR and the submitted plans show that a StormFilter® system will be installed in the private road at approximately 160 feet west of the private road intersection with NE Salmon Creek Avenue. The applicant has indicated that the placement of the StormFilter® outside of the shoreline area designation is due to the permitting requirements of shoreline. The applicant will need to submit documentation from the stormwater treatment system manufacturer indicating that the proprietary treatment devices were sited and sized appropriately. See Condition A-8.d.

The applicant has proposed a permeable concrete to capture and infiltrate the stormwater from the pollution generating private roadway that will not be collected and treated in the mechanical filter device. The applicant’s engineer states that approximately 0.101 acres (4,399 square feet) will drain to the permeable concrete section for water quality treatment. The applicant’s TIR does not provide any information regarding infiltration rates, the ability of the subgrade to treat the stormwater (cation exchange capacity), or groundwater elevation in the area of the proposed permeable concrete. The applicant’s TIR suggests that treatment of all stormwater generated by the proposed development is feasible, even if the permeable pavement/infiltration trench systems are not. The TIR suggests that with additional shoreline permitting and review treatment structures could be placed to capture and treat stormwater generated by the 0.101 acres of pollution-generating surface not collected and treated by the upstream mechanical filter device.

It should be noted that permeable pavement installations at, and near, areas with hydric soils and/or observed high groundwater, have not operated successfully.

The applicant shall perform and submit additional information and analysis as to infiltration rates, groundwater elevations, and cation exchange rates as they relate to the infiltration area under the permeable pavement rock gallery/infiltration trench. The information and analysis should include but shall not be limited to:

- Testing will need to be at a location and adequate frequency to produce a soil profile characterization that fully represents the infiltration capability where the permeable pavement is located.
The infiltration testing shall be performed in the soil profile at the estimated bottom elevation of base materials for the permeable pavement.

Testing to show that there is one foot of separation from the bottom of the base course for permeable pavement to groundwater.

This additional information shall be submitted for review and approval prior to the approval of construction plans.

If the required additional testing and analysis show that the infiltration rates and/or groundwater elevations and/or cation exchange rates, as they relate to the infiltration area under the permeable pavement rock gallery/infiltration trench will not provide water quality and quantity control, the applicant shall submit for a post-decision review, in accordance with CCC 40.520.060. This post-decision review shall include a new stormwater system design that complies with the Clark County Stormwater Code and Clark County Stormwater Manual. See Condition A-8.e

The applicant’s stormwater report indicates that Flow Control (MR#7) will be met by implementing a metering orifice at the culvert inlet at the on-site wetlands. The applicant shall submit stormwater construction plans for review and approval. The plans will need to show the construction of flow control metering structures. See Condition A-8.f.

The construction plans shall show that all the on-site stormwater facilities will be outside of public right-of-way and privately owned and maintained. The applicant has proposed the creation of a private tract that will encompass the stormwater conveyance system, associated stormwater structures and the portion of private road that is within the future Salmon Creek Avenue right-of-way. The private tract will be owned and maintained by the homeowner’s association of this development. The applicant will need to provide construction plans that show a private tract that encompasses the private stormwater system conveyance and associated stormwater structures and the portion of private road within the Salmon Creek Avenue right-of-way that will be dedicated at the county’s option at a later date. See Conditions A-8.g, D-6, and D-10.p.

Soils Evaluation
The applicant’s geotechnical study prepared by Redmond Geotechnical Services, dated March 30, 2018, reports that the easterly and westerly portions of the site is relatively flat to gently sloping descending downward towards the east. The study also states that the central portion of the subject site has a moderately steep sloping terrain also descending to the east.

On-site soils are classified as Cove (CvA), Gee (GeE), Hillsboro (HoB), and Puyallup (PuA) on Clark County’s GIS. The applicant’s geotechnical engineer performed field infiltration testing at the site and reported that the soil on site met the criteria for a hydrologic soil group classification of “D” and a Clark County WWHM Soils Group classification of “SG 4”.

The geotechnical evaluation reported that groundwater was observed in all of the test pit locations. The evaluation also reports that the test pits were dug to a depth that ranged from 5 to 6 feet below ground surface and that groundwater was encountered at depths ranging from 2 to 3 feet below ground surface. The geotechnical engineer also performed infiltration testing in
test pits TH-#1 and TH-#5 approximately 2 feet below existing ground elevations. The geotechnical engineer reported infiltration rates between 0.3 and 0.4 inches per hour.

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

**Geologic Hazard Area**

**Finding 1 - Applicability**
All development activities in or adjacent (within 100 feet) to geologic hazard areas shall comply with the provisions of CCC 40.430. It is the burden of the applicant to determine if the provisions of CCC 40.430 apply to this development and comply with CCC 40.430 if necessary.

**Finding 2 - Geotechnical Assessment:**
The applicant has submitted a Geotechnical Investigation and a Supplemental Geotechnical review, both prepared by Redmond Geotechnical Services dated March 30, 2018 and January 30, 2020, respectively. These geotechnical reports identify the project impacts on the nearby steep slopes and potential landslide hazards. These reports also discuss subsurface conditions and provides the geotechnical recommendations for the University Park at Salmon Creek Short Plat. These geotechnical reports were reviewed for compliance with the provisions of CCC 40.430.

The applicant’s study indicates that there are steep slopes in the vicinity, and within 100 feet of the proposed development area. The applicant’s engineer concluded that it is anticipated that the “…existing moderately steep slopes at the site are presently stable. As such, we are of the opinion that the subject residential development can be constructed as planned provided that construction of the proposed new residential homes and/or private drive(s) located within 100-feet of the existing moderately steep slope(s) are performed in substantial conformance with the recommendations presented in the ... Geotechnical Investigation report.”

The study also evaluated the proposed location of the private road. The applicant’s geotechnical engineer concluded “... that the proposed private access drive can be constructed as planned and will not result in de-stabilization of the existing moderately steep slope provided that construction of the private access drive conforms to the site grading and earthwork recommendations...” in the Geotechnical Investigation.

As a result of this geotechnical site assessment, the applicant’s engineer also provided design recommendations for the design and construction of the proposed University Park at Salmon Creek Short Plat. Therefore, the proposed project shall implement the recommendations identified in the preliminary geotechnical report unless further studies present new or different facts. See Conditions A-11 and E-3.

**Conclusion (Geologic Hazard Area):**
Based upon the development site characteristics, the proposed geotechnical plan, the requirements of the County’s geologic hazard area ordinance, and the finding above, staff concludes that the proposed preliminary geotechnical engineering plan is feasible subject to a condition.
Fire Protection

Finding 1 - Building Construction
Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. See Condition G-3.

Finding 2 - Fire Flow
Fire flow in the amount of 1,000 gallons per minute supplied at 20 psi for 60 minutes duration is typically required for this application. An alternative method has been discussed with Fire District 6, in which fire flow will not be required to be on site at the time the homes are initially constructed and occupied, provided that fire sprinkler systems meeting the requirements of NFPA 13-D are installed in each new home and in all accessory buildings within the land division until such time that fire flow is provided at the site in the required amount. See Conditions D-9.h, D-10.j, and E-4.

Finding 3 - Fire Hydrants
Fire hydrants are typically required for this application. The maximum spacing between hydrants is typically not to exceed 700 feet and no lot or parcel should be greater than 500 feet from a fire hydrant as measured along approved fire apparatus access roads. As noted in Fire Protection Finding 2 above, as an alternative method for installing hydrants prior to final plat, sprinkler systems will be required in each home and each building until such time that fire flow is provided at the site in the requirement amount.

When public water comes to within 1,000 feet of any portion of the site along NE Salmon Creek Avenue, water lines must be extended to this development within 3 months to provide fire flow and fire hydrants as outlined in Clark County Code. A plat note and covenant will ensure notification of these requirements. See Conditions D-9.g and D-10.j.

Finding 4 - Fire Apparatus Access
Fire apparatus access is required for this application. Provide fire apparatus access roads with an unobstructed width of not less than 20 feet, an unobstructed vertical clearance of not less than 13.5 feet, with an all-weather driving surface and capable of supporting the imposed loads of fire apparatus. The roadways and maneuvering areas as indicated in the application adequately provide required fire apparatus access. See Conditions A-12.a and H-2.a.

Finding 5 - Fire Apparatus Turnarounds
Approved fire apparatus turnarounds are required for this project. The indicated provisions for turning around fire apparatus are adequate. See Conditions A-12.b and H-2.b.

Finding 6 - Sprinklers
All fire sprinkler systems will be installed via a permit issued by the Fire Marshal's office and must be inspected and approved prior to occupancy. See Conditions E-4 and F-1.

Finding 7 - Gates
No gate may be installed across a required fire department access road or driveway without first obtaining a permit from the fire marshal's office. Inspection and testing of the gate will be required. Split gates with a divided entry and exit side will need 15 feet on either side for a total gate width of 30 feet. See Conditions D-7 and H-2.c.

Finding 8 - Parking
Parking is prohibited on access roads that are less than twenty-four (24) feet wide. Roads that are less than twenty-four (24) feet wide shall be posted "NO PARKING-FIRE LANE". See Condition A-12.c.

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 1 - Water
The site is within the Clark Public Utilities service area, however existing water lines are approximately 2,600 feet to the south, along Salmon Creek Avenue. Clark Public Utilities provided a letter dated December 12, 2018 stating that they have no interest in operating a satellite water system for this site. Alternatively, public water provisions are being met through an alternate public system proposed to be operated by Columbia Technical LLC as allowed by Chapters 246-295 WAC. See Exhibit 56.

A well has been drilled on the site, and provisional approval for the proposed Group B Small Public Water System was issued by Public Health on May 29, 2019 (Exhibit 62). The final approval of this system will be issued when the system is built out and all design features operational and inspected. Exhibit 62 sets forth a list of conditions that must be satisfied before any planned homes get occupancy. See Condition F-2.

Finding 2 - Group A or B requirements
WAC246-291-005 states that Group B public water systems are to serve fewer than 25 people per day; WAC246-290-020 states that if 25 or more people are served the water system classification changes from Group B to Group A. The design review process is similar for both systems, but additional responsibilities are required over the life of the system for Group A systems. During the water system build out there will be opportunities to adjust the design requirements for evolution of a conforming Public Water System. The water system code gives Public Health the authority to make the re-classification whenever appropriate.

All lots of the proposed development, including the remaining house on Lot 1 shall be connected to the small public water system prior to final plat. See Condition D-8.a.

Finding 3 - Water Rights
This land division is proposed without a Washington State Department of Ecology water rights permit or certificate. 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 design approval for the small public system is conditioned upon meters being installed at the homes, and at the well source. The state Department of Ecology is authorized to take enforcement actions upon notification that the well is not operating under the provisions of a permit-exempt groundwater appropriation.

The applicant has agreed to a condition that will require an HOA to keep records of water usage, and to provide the water usage records upon request by Public Health. Notes on the plat will be required, and covenants recorded to let homeowners know they must limit water use to keep under the allowable limit for an exempt well. See Conditions D-9.i, D-10.k and D-10.l.

**Finding 4 - Future Connection to Clark Public Utilities Water**
A Fire Marshal condition will require that when public water is within 1,000 feet of the site, this development will need to connect to their system to provide fire hydrants. See Conditions D-9.g and D-10.k.

**Finding 5 - Other wells**
An existing well is also proposed to remain at the east line of Lot 1. As shown, the well is just outside of the private road tract, and the sidewalk jogs around this well. The well is a non-operational safety liability as it can’t be approved as a non-potable water source. It does not meet setbacks from sewer lines, or have space for an operating system. Other than the small public water system well, all other wells on the site shall be properly abandoned, with written notification provided to Public Health. See Conditions B-7 and D-8.c.

**Finding 6 – Sewer**
The residence at 14908 NE Salmon Creek Avenue is served by an on-site sewage system (ON37711). Documentation of proper abandonment of this on-site sewage systems and any other on-site sewage system must be submitted prior to final approval. See Condition B-6.

According to the updated Clark Regional Wastewater utility review letter (Exhibit 8), an alternate point of connection is available in Clark Regional’s north-south running line within the BPA right of way directly west of the site. This sewer line is proposed as a 2” force line to reduce impacts to wetlands within the BPA right of way. A signed BPA agreement to allow the sewer line in the BPA easement is included as Exhibit 57. All lots of the proposed development, as well as the remaining house on Lot 1 shall be connected to public sewer prior to final plat. See Condition D-8.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 1 - Impact Fees**
The additional residential lots created by this plat will produce impacts on schools, parks, and traffic, and are subject to School (SIF), Park (PIF), and Traffic Impact Fees (TIF) in accordance with CCC 40.610.
- Mt. Vista sub-area with a TIF of $7,525.56 per dwelling;
- Battle Ground School District, with a SIF of $6,397.00 per dwelling;
- Park District #10, with a PIF of $3,852.00 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-9.j, D-10.n, and E-5.

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 July 18, 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.

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

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

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

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

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

The decision of the Hearing Examiner is final unless:

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

**Staff Contact Person:** Jan Bazala, 564.397.4499

**Responsible Official:** Dan Young, Community Development Director

**Decision**

Based upon the proposed plan *(Exhibit 52)*, and the findings and conclusions stated above, the Community Development Director hereby **APPROVES** this request, subject to the following conditions of approval.

**Conditions of Approval**

| A | Final Construction Review for Land Division Review and Approval Authority: Development Engineering |

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

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

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

**A-2 Final Landscape Plan** - The applicant shall submit and obtain county approval of final landscape plan consistent with the approved preliminary landscape plan and conditions listed below:
a. The modified L-4 wall/fence shall be constructed on the exterior perimeter of Lots 1-8, except on Lots 1 and 3, the fence shall be constructed on the north side of the 30 foot wide WSU easement. The fence shall meet the following requirements:

i. The fence shall be constructed of vinyl, metal, treated or painted/stained cedar, or a combination of those materials;

ii. The entire top of the fence (not just the posts) shall be protected with a metal or other durable material cap;

iii. Posts shall be metal, or if wooden posts are used, they shall use metal mounting brackets to prevent posts from contact with the ground; and,

iv. Fence boards, if wood, shall be either two layers of 3/4 inch material, or one layer of 2x6 material.

b. One tree every 30 linear feet shall be provided in the L-4 buffer in conjunction with the wall/fence.

c. A vegetative L-3 screen meeting the requirements of Section 40.320.010 shall be provided between the south property line and the proposed private road, extending from the proposed NE Salmon Creek Avenue dedication to the flagpole of Lot 3.

A-3 Prior to construction plan approval, the developer shall resolve the property line dispute and obtain written consent of all parties that have any ownership interest in the land comprising these lots through any one of the following methods:

- A signed consent to the short plat and dedication of its public streets;

- A deed or easement transferring title or allowing use of the land;

- Final judgment quieting title to the disputed land in the developer;

- Final judgment resolving the title dispute (adverse possession) in favor of the developer;

- Any other legally conclusive and enforceable means that either evidences the consent of all parties owning any interest in the land to be subdivided or resolves all claims of ownership in favor of the developer.

A-4 **Shoreline Permit:** Prior to final construction plan approval a Shorelines substantial development permit shall be obtained to improve the existing driveway to a private road standard. All conditions of said approval shall be met. *(See Shoreline Finding 1)*

A-5 **Habitat and Wetland**

a. The applicant shall secure the mitigation with a performance assurance for an amount and in a form approved by the County. *(Habitat and Wetland Findings)*
b. Prior to final construction plan approval the applicant shall provide evidence for the purchase of wetland bank credits. *(Habitat and Wetland Findings)*

c. The applicant shall submit a Mitigation As-Built report to the County within 30 days of completion of the construction and planting in the approved mitigation plan. *(Habitat and Wetland Findings)*

A-6 Final Transportation Plan/On-Site - The applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350 and the following conditions of approval:

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

b. The applicant shall provide construction plans that show the existing 30-foot wide non-exclusive access and utility easement will be maintained and unobstructed for continued vehicle and pedestrian access from NE Salmon Creek Avenue to WSUV Campus, per document number 8303170001 (Exhibit 33). *(See Transportation and Circulation Findings 3 and 4)*

c. The applicant shall provide construction plans that show that the private road approach to NE Salmon Creek Avenue will have a minimum curb return radii of 35 feet. *(See Transportation and Circulation Findings 3 and 4)*

d. The applicant shall submit construction drawings showing the private road, along with the associated sidewalk, will need to be within and access and utility easement with a minimum width of 30 feet. The cul-de-sac shall be within a minimum 40-foot radius easement. The private road shall be constructed in compliance with Clark County Standard Drawing 15. *(See Transportation and Circulation Finding 3)*

e. The applicant shall submit construction drawings that show the construction of private road and turnarounds with a grade of 15%, or steeper, shall be constructed Portland cement concrete, with grooved surfacing. *(See Transportation and Circulation Finding 3)*

f. The applicant shall submit construction drawings that show the dedication of right-of-way from the existing alignment of NE Salmon Creek Avenue to the anticipated western right-of-way line of the new NE Salmon Creek Avenue alignment, as volunteered, with the exception of the private road. The portion of private road within the future Salmon Creek Avenue right-of-way shall be placed in a tract, along with the private stormwater systems, and owned and maintained by the development homeowner’s association until such a time when the county requests the dedication of the tract at its sole discretion. *(See Transportation and Circulation Finding 4)*
A-7 **Transportation (Signing and Striping Plan):** The applicant shall submit a signing and striping plan and a reimbursable work order, authorizing County Road Operations to perform any signing and pavement striping required within the County right-of-way. This plan and work order shall be approved by the Department of Public Works prior to final plat or final site plan approval.

A-8 **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. No new development or redevelopment shall be allowed to increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots. (*See Stormwater Finding 1*)

b. The applicant shall submit final construction plans and a final Technical Information Report that address Minimum Requirements 1 through 9. Because the proposed development is required to design stormwater systems meeting minimum requirements 1 through 9, BMP T 5.14A may not be used. The construction plans and Technical Information Report shall show the implementation of Post Construction Soil Quality and Depth (BMP T5.13). (*See Stormwater Finding 2*)

c. The applicant shall submit stormwater construction plans that show the vegetated swale information by lot. This information shall include the swale shape, slope, and length to obtain a minimum residence time of 9 minutes. The construction plan shall show how the individual lot vegetated swale is conveyed to the proposed gravel flow spreader outfall systems. Alternatively, other Clark County approved BMPs may be proposed instead of swales at the time of Final TIR design and review. (*See Stormwater Finding 2*)

d. The applicant shall submit documentation from the stormwater treatment system manufacturer indicating that the proprietary treatment devices were sited and sized appropriately. (*See Stormwater Finding 2*)

e. The applicant shall perform and submit additional information and analysis to infiltration rates, groundwater elevations, and cation exchange rates as they relate to the infiltration area under the permeable pavement rock gallery/infiltration trench. The information and analysis should include but shall not be limited to:

- Testing will need to be at a location and adequate frequency to produce a soil profile characterization that fully represents the infiltration capability where the permeable pavement is located.

- The infiltration testing shall be performed in the soil profile at the estimated bottom elevation of base materials for the permeable pavement.

- Testing to show that there is one foot of separation from the bottom of the base course for permeable pavement to groundwater.
 Type II Land Division and Environmental Review Staff Report and Decision  Land Use Review

- If the required additional testing and analysis show that the infiltration rates and/or groundwater elevations and/or cation exchange rates, as they relate to the infiltration area under the permeable pavement rock gallery/infiltration trench will not provide water quality and quantity control, the applicant shall submit stormwater system design that complies with the Clark County Stormwater Code and Clark County Stormwater Manual.

f. The applicant shall submit stormwater construction plans that show the location and construction of flow control metering structures. (See Stormwater Finding 2)

g. The applicant shall submit final construction plans that show stormwater quality and quantity systems for the development will be constructed outside of the public right-of-way and that they will be privately owned and maintained. The stormwater system and portion of private road within the future Salmon Creek Avenue right-of-way shall be placed in a tract that will be owned and maintained by the development homeowner's association to be dedicated to Clark County at a later date. (See Stormwater Finding 2)

A-9 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-10 Excavation and Grading: Excavation/grading shall be performed in compliance with CCC 14.07.

A-11 Geotechnical: The proposed project shall implement the recommendations identified in the Geotechnical Investigation and a Supplemental Geotechnical review, both prepared by Redmond Geotechnical Services dated March 30, 2018 and January 30, 2020, respectively, unless further studies present new or different facts. (Geologic Hazard Area Finding 2)

A-12 Fire Protection

a. Fire Apparatus Access: Plans showing roadways and maneuvering areas that are consistent with the preliminary plan shall be submitted for review and approval. (See Fire Protection Finding 4)

b. Fire Apparatus Turnarounds: Plans showing fire apparatus turnarounds that are consistent with the preliminary plan shall be submitted for review and approval. (See Fire Protection Finding 5)

c. No Parking Signage: Plans showing location of “No Parking” signs on access roads that are less than twenty-four (24) feet wide shall be submitted for review and approval. (See Fire Protection Finding 8)
Prior to construction, the following conditions shall be met:

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

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

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

**B-4 Demolition Permits:** Prior to site construction, the applicant shall remove those structures on the site slated for demolition after obtaining any necessary permits from the Clark County Building Division, and in accordance with the procedures of the Southwest Clean Air Agency and the Clark County demolition permit. (See Land Use Finding 4)

**B-5 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.

**B-6 On-site Sewage Systems:** Existing on-site sewage systems and any other unknown systems found during development of this project must be properly abandoned, including notification to Public Health. (See Water and Sewer Service Finding 6)

**B-7 Wells:** Other than the small public water system well, all other wells found during development of this project must be properly decommissioned by a licensed well driller, including notification to Public Health. (See Water and Sewer Service Finding 5)

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

**C-1 Sight Distance:** The applicant shall provide documentation, from an engineer licensed in the state of Washington, indicating that the required sight distance is available after construction of the private road intersection with NE Salmon Creek Avenue. (See Transportation and Circulation Finding 5)
Prior to final plat approval and recording, the following conditions shall be met:

D-1  **Easement:** The 30 foot wide WSU easement shall be shown on the final plat, with an accompanying plat note regarding the potential for a future access. *(See Staff Response to WSUV Public Comment)*

D-2  **Lot Requirements:** All resulting lots shall meet dimensional and area requirements of the R1-10 zone. Any changes to lot area, width or depth may require additional review. *(See Land Use Finding 2)*

D-3  **Landscape Buffer Fence:** The landscape fence/wall required to meet the L-4 landscape buffer standard shall be constructed in accordance with the prescribed design standard outlined in Finding 5 prior to final plat approval. *(See Land Use Finding 5 and Condition A-2.a)*

D-4  **Verification of the Installation of Required Landscape:** The applicant shall provide verification in accordance with CCC 40.320.030(B) that the required landscaping has been installed in accordance with the approved landscape plan. *(See Land Use Finding 5)*

D-5  **Habitat and Wetlands**
   a. The wetland and buffer boundaries shall be delineated on the face of the final plat, with a note describing limitations on clearing and development activities in these areas. *(See Habitat and Wetlands Findings)*
   
   b. The Priority Habitat and Species Areas shall be shown on the face of the Final Plat with a note describing limitations on clearing and development activities in these areas. *(See Habitat and Wetland Findings)*
   
   c. Prior to final plat pursuant to CCC 40.450.030.F, the Final Plat shall clearly show all wetland, wetland buffer, and priority habitat boundaries with a note referencing any required conservation covenant(s). *(See Habitat and Wetland Findings)*
   
   d. Prior to final plat approval, the applicant shall submit an updated Arborist report with monitoring schedule to the County reflecting final constructed conditions in compliance with CCC 40.440. *(See Habitat and Wetland Findings)*
   
   e. Prior to final plat, the applicant shall implement the habitat mitigation plan. *(See Habitat and Wetland Findings)*
   
   f. Prior to final plat pursuant to CCC 40.450.030.F, a conservation covenant shall be recorded in a form approved by the Prosecuting Attorney as adequate to incorporate the other restrictions of this section and to give notice of the requirement to obtain
a wetland permit prior to engaging in regulated activities within a wetland or its buffer. *(See Habitat and Wetland Findings)*

g. Prior to final plat pursuant to CCC 40.450.030.F, a permanent physical demarcation along the upland boundary of the wetland buffer area shall be installed and thereafter maintained. Such demarcation may consist of logs, a tree or hedge row, fencing, or other prominent physical marking approved by the responsible official.

h. Pursuant to CCC 40.450.030.F, small signs shall be posted at an interval of one (1) per lot or every one hundred (100) feet, whichever is less, and perpetually maintained at locations along the outer perimeter of the wetland buffer approved by the responsible official worded substantially as follows:

*Wetland and Buffer – Please retain in a natural state*

i. Prior to final plat pursuant to CCC 40.450.030.F, a conservation covenant shall be recorded in a form approved by the Prosecuting Attorney as adequate to incorporate the other restrictions of this section and to give notice of the requirement to obtain a wetland permit prior to engaging in regulated activities within a wetland or its buffer. *(See Habitat and Wetland Findings)*

**D-6 Right-of-Way Dedication:** The applicant shall dedicate right-of-way within the area between the existing right-of-way of NE Salmon Creek Avenue to the future western right-of-way line of the new NE Salmon Creek Avenue alignment, with the exception of the area encompassing the private road, the private stormwater conveyance, and associated stormwater structures. The area encompassing the private road, the private stormwater conveyance, and associated stormwater structures shall be placed in a tract and owned and maintained by the homeowner's association. The tract shall be dedicated to Clark County as Salmon Creek Avenue right-of-way at the county's option and under the terms identified in an associated recorded covenant. The covenant shall outline and specify the terms in which the county could exercise its option. The language and terms of the covenant shall be acceptable to the county. The covenant shall be prepared and recorded. *(See Transportation and Circulation Finding 4 and Stormwater Finding 2)*

**D-7 Gates:** No gate may be installed across a required fire department access road or driveway without first obtaining a permit from the fire marshal's office. Inspection and testing of the gate will be required. Split gates with a divided entry and exit side will need 15 feet on either side for a total gate width of 30 feet. *(See Fire Protection Finding 7)*

**D-8 Water and Sewage Requirements**

a. The Group B (or A, to be determined during final design and implementation) satellite public water system shall be completed and water provided to each lot, and shall meet all Public Health requirements;

b. A 100-foot radius of protection for the well shall be provided;

c. Other than the small public water system well, all other wells on the site shall be properly abandoned, with written notification provided to Public Health;
d. The location of all wells (in use or abandoned) shall be indicated on the final plat map;

e. The location of abandoned septic tanks shall be shown on the face of the final plat.

f. Each lot shall connect to public sewer.

g. Covenants regarding water use, metering and reporting shall be completed, reviewed, and recorded.

**D-9 Developer Covenant** - A *Developer Covenant to Clark County* shall be submitted for recording to include the following:

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

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

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

e. **Responsibility for Stormwater Facilities Maintenance**: For stormwater facilities for which the county will not provide long-term maintenance, the developer shall make arrangements with the existing or future (as appropriate) occupants or owners of the subject property for assumption of maintenance to the county’s Stormwater Facilities Maintenance Manual as adopted by Chapter 13.26A. The responsible official prior to county approval of the final stormwater plan shall approve such arrangements. Final plats shall specify the party(s) responsibility for long-term maintenance of stormwater facilities within the Developer’s Covenants to Clark County. The county may inspect privately maintained facilities for compliance with
the requirements of this chapter. If the parties responsible for long-term maintenance fail to maintain their facilities to acceptable standards, the county shall issue a written notice specifying required actions to be taken in order to bring the facilities into compliance. If these actions are not performed in a timely manner, the county shall take enforcement action and recover from parties responsible for the maintenance in accordance with Section 32.04.060. (The covenant will not be required if the stormwater facilities are to be owned and maintained by Clark County.)

f. Fence Maintenance: “The perimeter fence shall be maintained by a homeowner’s association in perpetuity.”

g. Public Water: When public water comes to within 1,000 feet of any portion of the site along NE Salmon Creek Avenue, water lines must be extended to this development within 3 months to provide fire flow and fire hydrants as outlined in Clark County Code.”

h. Fire Sprinkler Systems: “Fire sprinkler systems that meet the requirements of NFPA 13-D shall be installed in each new home and in all accessory buildings within the land division until such time that fire flow is provided at the site in the required amount.”

i. Water Rights: “This land division was approved without water rights and is therefore required to meet ground water permit exemption requirements within RCW 90.44.050. Unless water rights are obtained, or until public water is supplied by a utility with water rights, 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. Water from the well shall be metered, records of water use kept, and records provided to the County or state Department of Health as requested. The state Department of Ecology is authorized to take enforcement actions upon notification that the well is not operating under the provisions of a permit-exempt groundwater appropriation.”

j. Impact Fees: “In accordance with CCC 40.610, except for Lot 1 with existing dwelling and as designated on this plat as waived, impact fees for each dwelling in this short plat shall be assessed for impacts on schools, parks and transportation facilities based for the following districts: Battle Ground School District (SIF), Park District 10 (PIF) and Mt. Vista Sub-area (TIF). As found in CCC40.610.040, impact fees are calculated using the rates in effect at the time of building permit issuance.”

D-10 Plat Notes - The following notes shall be placed on the final plat:

a. Archaeological: "If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Department of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."
b. Fence Maintenance: "The perimeter fence shall be maintained by a homeowner’s association in perpetuity."

c. Landscape Maintenance: Maintenance of landscaped areas is the ongoing responsibility of the property owner. Required landscaping must be continuously maintained in a healthy manner. Plants that die must be replaced with in-kind materials unless otherwise authorized by the responsible official. Vegetation shall be controlled by pruning, trimming or otherwise so that it will not interfere with the maintenance or repair of any public utility, restrict pedestrian or vehicular access, or obstruct sight distance at intersections as provided in Section 40.320.020.

d. Sidewalks: "Prior to issuance of occupancy permits, sidewalks shall be constructed along all the respective lot frontages."

e. 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."

f. Existing Non-Exclusive Access and Utility Easement: "A 30-foot wide non-exclusive access and utility easement shall remain available and unobstructed for the benefit of the Washington State University Vancouver Campus across the southern boundary of this plat."

g. Driveways: "All driveway approaches entering public roads are required to comply with CCC 40.350. No direct driveway access onto NE Salmon Creek Avenue will be permitted."

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

i. Roof and Crawl Space Drains: "Roof and crawl space drains for each lot shall be installed per approved As-Built construction plans unless a revised plan is approved by the county. These stormwater systems shall be owned and maintained by the property owner on whose lot the stormwater system is located."

j. Fire Sprinkler Systems: "Fire sprinkler systems that meet the requirements of NFPA 13-D shall be installed in each new home and in all accessory buildings within the land division until such time that fire flow is provided at the site in the required amount."

k. Public Water: "When public water comes to within 1,000 feet of any portion of the site along NE Salmon Creek Avenue, water lines must be extended to this development within 3 months to provide fire flow and fire hydrants as outlined in Clark County Code."
I. Water Rights: "This land division was approved without water rights and is therefore required to meet ground water permit exemption requirements within RCW 90.44.050. Unless water rights are obtained, or until public water is supplied by a utility with water rights, 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. Water from the well shall be metered, records of water use kept, and records provided to the County or state Department of Health as requested. The state Department of Ecology is authorized to take enforcement actions upon notification that the well is not operating under the provisions of a permit-exempt groundwater appropriation."

m. Wetland Covenants: "Clark County Wetland Protection Ordinance (Clark County Code Chapter 40.450) requires wetlands and wetland buffers to be maintained in a natural state. Refer to Conservation Covenant (Ref # ___) recorded with the Clark County Auditor for limitations on the maintenance and use of the wetland and wetland buffer areas identified on the face of this plat."

n. Impact Fees: "In accordance with CCC 40.610, except for Lot 1 with existing dwelling as designated on this plat as waived, impact fees for each dwelling in this short plat shall be assessed for impacts on schools, parks and transportation facilities based for the following districts: Battle Ground School District (SIF), Park District 10 (PIF) and Mt. Vista 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."

o. "Washington State University Vancouver has an approved master plan showing a future access road to the campus that is planned roughly within or adjacent to the existing 30 foot WSU Vancouver access easement that corresponds to the University Park at Salmon Creek short plat road access to Salmon Creek Avenue."

p. Private Road/Stormwater Tract: "The area encompassing the private road, the private stormwater conveyance, and associated private stormwater structures within Tract _____ shall be owned and maintained by the homeowner's association. The tract shall be dedicated to Clark County as Salmon Creek Avenue right-of-way at the county's option and under the terms identified in an associated recorded covenant #________________."

D-11 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.

<table>
<thead>
<tr>
<th>E</th>
<th>Building Permits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Review and Approval Authority: Permit Services</td>
<td></td>
</tr>
</tbody>
</table>

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

E-1 Setbacks and Development Standards: Any future construction on the newly created lots shall meet setback and development standards prescribed for the R1-10 zone. (*See Land Use Finding 3*)
E-2 **Roof and Crawl Space Drains:** Roof and crawl space drains for each lot shall be installed per approved As-Built construction plans unless a revised plan is approved by the county. These stormwater systems shall be owned and maintained by the property owner on whose lot the stormwater system is located. *(See Stormwater Finding 2)*

E-3 **Geotechnical:** The proposed project shall implement the recommendations identified in the Geotechnical Investigation and a Supplemental Geotechnical review, both prepared by Redmond Geotechnical Services dated March 30, 2018 and January 30, 2020, respectively, unless further studies present new or different facts. *(See Geologic Hazard Area Finding 2)*

E-4 **Fire Marshal Requirements:** Fire sprinkler systems that meet the requirements of NFPA 13-D are required in each new home and in all accessory buildings until such time that fire flow is provided at the site in the required amount. *(See Fire Protection Findings 2 and 6)*

E-5 **Impact Fees:** Except for Lot 1 with the existing dwelling, impact fees shall be assessed for impacts on schools, parks and transportation facilities based for the following districts: Battle Ground School District (SIF), Park District 10 (PIF) and Mt. Vista 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.

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<tr>
<th>F</th>
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</table>

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

F-1 **Fire Sprinkler Systems:** All fire sprinkler systems will be issued must be inspected and approved by the Fire Marshal’s office prior to occupancy. *(See Fire Protection Finding 6)*

F-2 **Public Water System:** All conditions set forth in the Public Health Department provisional approval dated May 29, 2019 (Exhibit 62) shall be met prior to occupancy of residences on the resulting lots within this subdivision. *(See Water and Sewer Service Finding 1)*

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

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

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

- The construction project disturbs one or more acres of land through clearing, grading, excavating, or stockpiling of fill material; **AND**

Revised 7/16/13, DS1200 PLD
- 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 a multiphase project will count toward the one acre threshold. This applies even if the applicant is responsible for only a small portion (less than one acre) of the larger project planned over time. The applicant shall contact DOE for further information.

G-3 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 Fire Protection Finding 1)

G-4 The applicant shall submit a Mitigation As-Built report to the County within 30 days of completion of the construction and planting in the approved mitigation plan. (See Habitat and Wetland Finding 14)

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

H-1 Landscape Maintenance: Maintenance of landscaped areas is the ongoing responsibility of the each individual property owner. Required landscaping must be continuously maintained in a healthy manner. Plants that die must be replaced with in-kind materials unless otherwise authorized by the responsible official. Vegetation shall be controlled by pruning, trimming or otherwise so that it will not interfere with the maintenance or repair of any public utility, restrict pedestrian or vehicular access, or obstruct sight distance at intersections as provided in Section 40.320.020. (See Land Use Finding 5)

H-2 Fire Marshal Requirements
a. Access Roads: Access roads shall maintain an unobstructed width of not less than 20 feet and 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 within 150 feet of all portions of the building exterior. (See Fire Protection Finding 4)

b. Fire Apparatus Turnarounds: Approved fire apparatus turnarounds shall be maintained and unobstructed. (See Fire Protection Finding 5)

c. Gates: Subsequent to recording of the final plat, any installation of gates that obstruct fire apparatus access roads require permits and approval by the Fire Marshal prior to their installation.
Note: The Community Development Director reserves the right to provide additional comment and findings of fact regarding this decision, if appealed.

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

The appeal shall be filed with the Department of Community Development within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record. This decision was mailed on August 12, 2020. Therefore any appeal must be received in this office by the close of business on August 26, 2020.

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

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

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

**Attachments**
- Proposed Preliminary Plan
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<th>Company Name</th>
<th>Name</th>
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<th>Address 2</th>
<th>City</th>
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<td>Planner</td>
<td>Clark County</td>
<td>Jan Bazala</td>
<td>6400 NE Hwy 99</td>
<td>#G169</td>
<td>Vancouver WA</td>
<td>98665</td>
<td><a href="mailto:james.kessi@gmail.com">james.kessi@gmail.com</a></td>
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</tr>
<tr>
<td>Applicant</td>
<td>James Kessi</td>
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<tr>
<td>Owner</td>
<td>Elvera L Luttrell Trustee</td>
<td></td>
<td>11700 NE Angelo Dr</td>
<td>Apt 123</td>
<td>Vancouver WA</td>
<td>98684</td>
<td><a href="mailto:bridget@bridge-i-t.com">bridget@bridge-i-t.com</a></td>
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<tr>
<td>N/H Association</td>
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<tr>
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<td>Desiree DeMonye</td>
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<td></td>
<td></td>
<td><a href="mailto:Desiree.DeMonye@clark.wa.gov">Desiree.DeMonye@clark.wa.gov</a></td>
</tr>
<tr>
<td>City of Vancouver</td>
<td>Kristin Lehto</td>
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<td><a href="mailto:Kristin.Lehto@cityofvancouver.us">Kristin.Lehto@cityofvancouver.us</a></td>
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<td></td>
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<td><a href="mailto:Jennifer.Halleck@vansd.org">Jennifer.Halleck@vansd.org</a></td>
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<tr>
<td></td>
<td>Jeff Roberts</td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td><a href="mailto:jeff@crandalgroup.com">jeff@crandalgroup.com</a></td>
</tr>
<tr>
<td>Party of Record</td>
<td>Don Hardy</td>
<td></td>
<td>210 East 13th Street, Suite 300</td>
<td></td>
<td>Vancouver WA</td>
<td>98660-323</td>
<td><a href="mailto:don.hardy@wsp.com">don.hardy@wsp.com</a></td>
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<tr>
<td>Public Comment</td>
<td>WSUV</td>
<td>Lynn Valenter</td>
<td>14204 NE Salmon Cr</td>
<td></td>
<td>Vancouver WA</td>
<td>98686</td>
<td><a href="mailto:lvalenter@wsu.edu">lvalenter@wsu.edu</a></td>
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<tr>
<td></td>
<td></td>
<td>Jennifer Petersen</td>
<td>14813 NE Salmon Cr</td>
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<td>Vancouver WA</td>
<td>98686</td>
<td><a href="mailto:tea@teatrademart.com">tea@teatrademart.com</a></td>
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<tr>
<td>Landerholm</td>
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<td></td>
<td>805 Broadway Street</td>
<td></td>
<td>Vancouver WA</td>
<td>98666</td>
<td><a href="mailto:tim.calderbank@landerholm.com">tim.calderbank@landerholm.com</a></td>
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## EXHIBIT LIST

**Project Name:** UNIVERSITY PARK AT SALMON CREEK  
**Case Number:** PLD-2019-00018

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Development Services Division  
1300 Franklin Street  
Vancouver, WA 98666-9810
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Development Services Division
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Vancouver, WA 98666-9810

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<td>1/30/19</td>
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<td>2/12/20</td>
<td>CC Engineering</td>
<td>questions/issues on stormwater report/plan</td>
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<td>Revised Stormwater TIR dated 2/26/20</td>
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<td>Draft Decision to Applicant with Hold</td>
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