Type III Land Division and Environmental Review
Staff Report and Recommendation

Project Name: Wren Heights Subdivision

Case Numbers: PLD-2019-00008

Location: 1515 NW 109th Street, Parcels 188918 and 189019 in the
Southeast Quarter of Section 33, Township 3 Range 1 east of the
Willamette Meridian

Request: Subdivide roughly 7 acres into 32 single family residential lots for
detached homes in the R1-7.5 zoning district

Applicant: Songbird Holdings
Attn: Nick Zodrow
10013 NE Hazel Dell Avenue
Vancouver, WA 986850
Email - nick@ospreyhomes.com

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

Owner: Estates of John H Walker
1515 NW 109th Street
Vancouver, WA 98686

Recommendation
Approval, with Conditions
Land Use Review Manager’s Initials: SE Date issued: June 12, 2019
Public Hearing date: June 27, 2019

County Review Staff
Department/Program Name Ext. Email Address
Community Development
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Revised 6/7/2019

Community Development
1300 Franklin Street, Vancouver, Washington
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www.clark.wa.gov/development

For an alternate format, contact the Clark County ADA Compliance Office.
Phone: 564.397.2322
Relay: 711 or (800) 833-6384
E-mail: ADA@clark.wa.gov
Type III Dev. and Env. Review Staff Report and Recommendation

Development Engineering

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<thead>
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Comp Plan Designation: UL

Applicable Law
Clark County Code: Title 15 (Fire), 40.100 (Definitions), 40.200 (General Provisions), 40.220.020 (Single-family Districts), 40.260.080 (Forest Practices), 40.320 (Landscaping), 40.350 (Transportation), 40.350.020 (Transportation Concurrency), 40.370 (Sewer & Water), 40.386 (Storm Water & Erosion Control), 40.500 and 40.510 (Procedures), 40.540.040 (Subdivision), 40.550 (Road Modifications), 40.570 (SEPA), 40.570.080 (SEPA Archaeological), 40.610 (Impact Fees), Title 24 (Public Health), RCW 58.17, and the Clark County Comprehensive Plan

Neighborhood Association and Contact
Felida, Contact - Milada Allen (president)
Phone - (360) 573.4030, E-mail - timberline713@gmail.com

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

A pre-application conference (PAC) on this matter was held on October 4, 2018. The PAC was determined contingently vested and a complete application was submitted within the required 180 days from issuance of the PAC report. Therefore, the application is vested on September 14, 2018, the pre-application submittal date. Vesting does not apply to stormwater standards. There are no known disputes regarding vesting.

Time Limits
The application was determined to be fully complete on April 5, 2019. Therefore, the code requirement for issuing a decision within 92 days lapses on July 6, 2019. The state requirement for issuing a decision within 120 calendar days, lapses on August 3, 2019.

Public Notice
Notice of application, public hearing, and likely SEPA determination was mailed to the applicant and property owners within 300 feet of the site on May 21, 2019. The applicant posted one sign on the subject property on May 22, 2019.

Public Comments
The county has received several comments from nearby neighbors with concerns about traffic, safety, safe walking, protecting tree, utility poles, protecting wildlife and construction noise.
Staff notes there are no restrictions to removing trees other than Forest Practice requirements and Clark Public Utilities will need to be contacted for any relocation of utility poles. The applicant will also be responsible for complying with Washington State noise standards (WAC 173-60). See Findings 13 through 19 for discussions on traffic and traffic safety. See Finding 6 for discussions on safe walking conditions.

**Project Overview**
The subject site is located on the south side of NW 109th Street and is zoned single-family R1-7.5. The site consists of two parcels with a total area of roughly 7 acres. The site contains two single-family residences and accessory structures. All existing buildings will be demolished.

The proposed development will be served by Fire District #6, Clark Regional Wastewater and Clark Public Utilities for public water and electric.

The applicant proposes to divide the site into 32 residential lots for single-family detached homes. The proposed plat will take access from NW 109th Street via private road (Tract A on the submitted plan). The project is proposed to be constructed in one phase.

The following is a land use table of the site and surrounding properties:

<table>
<thead>
<tr>
<th>Compass</th>
<th>Comp Plan</th>
<th>Zoning</th>
<th>Current Land Use</th>
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<td>Site</td>
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</tr>
<tr>
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<td>Single-family residence</td>
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<tr>
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<tr>
<td>West</td>
<td>UL</td>
<td>R1-7.5</td>
<td>Single-family residence</td>
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**Staff Analysis**
Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

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

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

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

Land Use
Finding 1 - Uses
Under Table 40.220.010-1, single-family detached dwellings are permitted in the R1-7.5 zone subject to this review.

Finding 2 - Lot Standards
The R1-10 zone requires a minimum lot size of 7,500 square feet and an average maximum lot size of 10,500 square feet. The R1-10 zone also requires an average lot width of 50 feet and an average lot depth of 90 feet.

The smallest lot in the proposed subdivision is 7,506 square feet and the largest lot is 8,704 square feet. The proposed plat meets the lot size standards as well as the average lot width and depth requirements.

Finding 3 - Existing Residential Structures
There are two existing single-family residences and associated structures on the site. The applicant proposes to remove all structures with the construction of the proposed subdivision. All structures on the site shall be removed prior to construction plan approval complying with Clark County Building Division, state/federal requirements. (See Condition A-7)

Finding 4 - Setbacks
The following minimum setbacks apply to the proposed lots (see CCC 40.220.010):
- Ten foot front setback
- Eighteen foot garage setback
- Ten foot street side setback
- Five foot side setback
- Ten foot rear setback

Finding 5 - State Platting Standards (RCW 58.17)
With conditions of approval, staff finds the proposed subdivision will make appropriate provisions for public health, safety, and general welfare of the community. Proof of adequate water and sewer service, as well as treatment of any increase of stormwater runoff, will be provided, to protect groundwater supply and integrity. Impact Fees will also be required to contribute a proportionate share toward the costs of school and transportation provisions, maintenance and services.

Finding 6 - Safe Walking Conditions
The site is located within the Vancouver School District. The applicant has provided a letter from the School District indicating that students will be bussed to all three schools from this development (see Tab 22 of application packet). Staff finds this satisfies safe walking conditions for students who only walk to school (see RCW 58.17.050)

Conclusion (Land Use)
Staff concludes that the proposed preliminary plan, subject to conditions, meets land use requirements of the Clark County Code.
Archaeology
Finding 7 - Archaeology
The development site is located within a high probability area for archaeological resources. The applicant submitted an archaeological pre-determination to the Washington State Department of Archaeology and Historic Preservation (DAHP) prior to submittal of the application. DAHP received public notice and a copy of the SEPA checklist and has provided comments (see Exhibit 9). Research indicates that the house at 1515 NW 109th Street is not currently listed, but is eligible for listing in the National Register of Historic Places (NRHP) under Criterion C. Demolition of an eligible property NRHP is considered an adverse impact under Washington State Law and DAHP recommends a condition that the applicant prepare an intensive level Historic Property Inventory Form for the house at 1515 NW 109th Street to mitigate the loss of the significant historic property. (See Condition A-9)

A note on the final construction plans will be required that in the event that archaeological or historic materials are discovered during project activities, work in the immediate vicinity must stop and the area secured. The concerned tribes cultural staff, cultural committee, and DAHP shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines. (See Conditions A-8 and D-5a)

Transportation
Finding 8 - Pedestrian/Bicycle Circulation Plan
Pedestrian circulation facilities in compliance with the Americans with Disabilities Act are required in accordance with the provisions of Section CCC 40.350.010. The applicant has proposed internal sidewalks and sidewalk along the frontage of NW 109th Street. Bike lanes are not required along NW 109th Street, a 2-lane collector road. Staff believes the proposal meets the pedestrian/bicycle circulation code.

Finding 9 - Road Circulation
The applicant has submitted a road modification for relief from roadway cross-circulation standards (see Finding 11).

Finding 10 - Roads
NW 109th Street is an “Urban Collector”, C-2. The required minimum half-width frontage improvements include 30 feet of right-of-way, 19 feet of paved width, curb, gutter, and sidewalk. The applicant has proposed a private gated subdivision consisting of 30-foot wide private roads within a 36-foot tract. (See Condition A-1a)

Finding 11 - Technical Road Modification (EVR-2019-00022)
The applicant submitted a technical road modification analyses, dated November 6th, 2019, and January 22nd, 2019 that request relief from the cross circulation code. The November 6th, 2019 analysis focuses on relief from providing circulation to the west which is largely undeveloped and the January 22nd, 2019 analysis focuses more on relief from the 3,200-foot block perimeter requirement.

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 (November 6th, 2019)
“Per Clark County Code (CCC) 40.550.010 (Road Modifications), we are requesting a Technical Road Modification to CCC 40.350.030B(2).”

“This Technical Road Modification will use Criteria 2. c & d.”

“A pre-application conference was held for the Wren Subdivision on October 4, 2018 and staff suggested that there may be a need for circulation to the properties located west of the development. Staff met after the pre-application conference and summarized their concerns in an e-mail, attached as Exhibit A. Staff suggested that a public road be constructed along the west property line to serve properties west of the site.”

“CCC40.350.030(B)(2)(a) states: "Purpose and Applicability. The purpose of this section is to ensure adequate cross-circulation in a manner which allows subsequent developments to meet these standards, and to provide a mechanism for integrating various streets into an efficient and safe transportation network."

“Constructing half width improvements along the west property line will create an undue burden upon the public, the neighboring property owners and the applicant. The circulation code does not require the applicant to build public improvements for neighboring property owners, however, the applicant must demonstrate that subsequent developments have an efficient and safe mechanism for cross circulation.”

“If development were to occur on the lots fronting Private Oxbow Park Road (highlighted in blue on Exhibit B), the most feasible method for access to the potential development would be to use the existing 20’ wide paved private road. The development potential for each of these parcels would only allow for an additional 1-2 lots, creating 2-3 lot short plats. There would be no additional roadway requirements for these parcels if they were to develop, besides adding pedestrian access within the existing 60’ wide easement. Requiring any of these parcels to connect and build a public road would be infeasible and disproportional to the potential development. Additionally, the suggested public half-width roadway along the applicant’s west property line will serve no purpose in meeting CCC40.350.030(B)(2) for these parcels.”
"The parcels that are highlighted in green on the attached Exhibit Care fully developed and if they are to be re-developed they will continue to use and maintain their existing access. These parcels are served by a 60’ wide access and utility easement which allows potential widening for any transportation or pedestrian needs for future redevelopment. Requiring these parcels to extend public improvements would be disproportional to any potential development that may occur for those parcels. Additionally, half-street improvements along the west property line of the Wren Subdivision will serve no function for cross circulation to these parcels."

"There are two additional parcels west of the site that are highlighted in red on the attached Exhibit C. In the staff e-mail (Exhibit A), it was suggested that half-width public improvements be extended to the north line of parcel 188983-000. If these improvements were to be constructed it would create a burden for parcel 189044-000 to finish those improvements and would require parcel 188983-000 to extend the improvements onto their property. This would also create a need to construct a public turnaround if the Wren Subdivision does not provide one within 150’ of this dead end. These improvements would be disproportional to the future development that may occur on these parcels. For parcel 189044-000 to redevelop the existing duplexes to another use would never be fiscally viable, and if redevelopment were to occur, it would not be advantageous to build half-width public improvements on the east property line. Maintaining the existing access to NW Oxbow Ridge Court allows for a higher density by not requiring right-of-way dedication, and the roadway is already in place. This would require minimal enhancements to serve this parcel, creating a more practical solution for access."

"Parcel 188983-000 is steep and the area outside the steep slopes and the existing house allows for a maximum of 3-4 additional lots. For these 3-4 additional lots, it would be infeasible for the applicant to extend half-width roadway improvements to this parcel and for the property owner to continue these improvements onto their site. If there is a potential for five lots, this property owner has a 60’ wide strip of land that extends from the existing NW Oxbow Ridge Court which would allow for a private road to be constructed. Also, if there is only a potential for three additional lots, which is more realistic, a shared driveway without a turnaround could fulfill the access requirements for a 4-lot short plat."

"Ultimately, the development potential for any parcel west of the proposed Wren Subdivision will be limited by available developable area. All of these lots have existing legal access and the existing access and easements ensure adequate cross-circulation in a manner that will allow each property to maximize density. A roadway along the west property line will never be used by any parcel east of the site, and by installing these improvements, the county is forcing these property owners to use this public road and finish the improvements to this public road. The half-width improvements will never be completed and will only burden the neighboring properties to complete the improvements. Cross circulation with public improvements will create a burden upon the neighboring property owners, the applicant, and the public."

"The Wren Heights proposes a private roadway to access the development, the private roadway connection to NW 109th Street meets all requirements in CCC 40.350......This road modification shows that subsequent developments have an efficient and safe mechanism for cross circulation. In closing, we request staff to approve this road modification on the basis
that the suggestions from staff to construct half-width improvements or extend circulation through the Wren Heights Subdivision is infeasible and will create an undue burden upon neighboring property owners, the applicant, and the public."

Applicant’s Discussion (January 22nd, 2019)

"Per Clark County Code (CCC) 40.550.010 (Road Modifications), we are requesting a Technical Road Modification to CCC40.350.030(B)(2)(C)(1)(b) concerning block perimeter. This road modification will show that due to existing physical constraints, the 3,200 foot block perimeter cannot be met."

"This Technical Road Modification will use Criteria 2.a."

"The scope of the Wren Heights Subdivision project is to subdivide two existing parcels (189019-000 and 188918-000) into 32 lots. The current addresses for these parcels are 1515 and 1411 NW 109th St. Access to the 32 lots is proposed to be extended from NW 109th St. via a new private road. Currently the site is part of the block formed by NW 111th St and NW 109th St to the north; NW 108th St, NW 106th St, NW 105th St, and NW 104th St to the south; NW 11th Ave to the east; and NW 18th Ave, NW 19th Ave, and NW 21st Ave to the west. This existing block is approximately 8,850 feet long (see circulation plan provided with this submittal)."

"The right of way for NW 13th Pl., to the east of the site, extends through from NW 109th St. to NW 104th St., although the existing road does not. However, even if this connection is made, the block perimeter that the site lies in would be approximately 7,650 feet long, which still exceeds 3,200 feet. This connection would not fix the existing block perimeter issue for the block that the site is located on."

"Additional solutions were considered to achieve the 3,200 foot block perimeter. The first solution considered was to extend 109th St. through from NW 16th Ave. to NW 21st Ave. This scenario would require the redevelopment of 6 lots bordering the existing private road to the north. One lot is fully developed with two duplexes and three lots are fully developed with single family residences. The two west most lots could potentially be redeveloped but the four previously mentioned fully developed lots would prevent NW 109th St from being connected through from NW 16th Ave. to NW 21st Ave. Therefore, this connection is not feasible."

"The second solution considered was to construct a public road through the site to the south property boundary, to be connected to either NW 14th Ct. or NW 15th Ct. This scenario would also require the redevelopment of 3 lots that are fully developed with single family residences bordering the cul-de-sac as well as demolition of these single family residences for road improvements. Therefore, this solution is likewise not feasible."

"The only potentially feasible connection which could be made to subdivide the existing block without requiring the redevelopment of multiple fully developed lots is to extend NW 13th Pl. through from NW 109th St. to NW 104th St. This connection would not bring the perimeter of the block that the site is located on into compliance and would therefore not fix the existing block perimeter issue. In closing, we request staff to approve this road modification based on existing conditions of neighboring properties. Compliance with block perimeter standards is infeasible for the proposed development."
Staff's Evaluation
Staff agrees with the applicant that the proposal meets criterion (a). Staff has not found that there is sufficient justification to require this proposed development to provide public circulation to surrounding parcels. With respect to largely undeveloped parcels to the west, staff agrees that those parcels will have opportunity to gain sufficient public access with consideration of associated development potential of the parcels. The applicant is proposing to improve associated public frontage and modify the intersection of private NW 109th St. and the public road. The applicant shall ensure that any safety issues shall be addressed and sight distance analysis shall be performed where the private NW 109th St. intersects with the public road. (See Condition A-1b)

Staff recommends Approval of the road modification per approval criterion CCC 40.550.010(C)(2)(a), subject to a condition. Development Engineering Division Manager concurs with staff’s recommendation.

Finding 12 - 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. Additional building setbacks may be required for corner lots in order to maintain adequate sight distance. The final engineering plans shall show sight distance triangles at all intersections. Landscaping, trees, utility poles, and miscellaneous structures will not be allowed to impede required sight distance requirements at all proposed driveway approaches and intersections. The applicant submitted a sight distance analysis, dated February 2nd, 2019, indicating that greater than 250 feet of sight distance will exist at the proposed intersection of the proposed private road and NW 109th St. provided that vegetation is cleared to the east and west. (See Conditions A-1c, D-1, and D-5e)

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

Transportation Concurrency
Finding 13 - Trip Generation
Concurrency staff has reviewed the proposed Wren Heights Subdivision traffic study dated February 4, 2019 prepared by Charbonneau Engineering. The traffic study submitted indicates that the proposed development will divide 6.97 acres into 32 single family residential lots. The applicant’s traffic study has estimated the a.m. peak hour trip generation at 23, the p.m. peak-hour trip generation at 30 trips and an average daily trip generation (ADT) of 283 trips. The trip generation was estimated using the nationally accepted data published by the Institute of Transportation Engineers Tenth Edition. The proposed development site is located at 1515 and 1411 NW 109th Street in Vancouver.

The applicant has submitted a traffic study under the provisions of Clark County Code section 40.350.020 (D)(1).

Finding 14 - Site Access
Traffic conditions are usually expressed using a scale that quantifies the ability of a facility to meet the needs and expectations of the driver. This scale is graded from A to F and is referred
to as level-of-service (LOS). A driver who experiences an LOS A condition would expect little delay. A driver who experiences an LOS E condition would expect significant delay, but the traffic facility would be just within its capacity to serve the needs of the driver. A driver who experiences an LOS F condition would expect significant delay with traffic demand exceeding the capacity of the facility with the result being growing queues of traffic.

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

The applicant’s plan shows the construction of an interior private road network to serve as access for lots within the proposed subdivision. The proposed development also includes NW 109th Street frontage improvements along the northern property line. NW 109th Street and NW 16th Avenue are classified as an Urban Collector (C-2). The applicant’s plan also shows the construction of an urban private road, from NW 109th Street to the south to facilitate a public street connection with the interior private loop road.

The applicant’s study evaluated the level of service and found that the site access intersection will have an estimated LOS A, in the 2020 build-out horizon. The study also shows that the LOS was evaluated during the a.m. and p.m. peak hour traffic conditions in existing and build-out scenarios. County Staff concurs with the traffic study findings.

Finding 15 - Clark County Concurrency
The proposed development is required to meet the standards established in CCC 40.350.020(G) for corridors and intersections of regional significance within 1 mile of the proposed development.

Signalized Intersections
The County’s model evaluated the operating levels, travel speeds and delay times for the regionally significant signalized intersections. This analysis showed that individual movements during peak hour traffic conditions had approach delays that did not exceed the maximum 240 seconds, or 2 cycles, of delay in the build-out year.

Therefore, County Staff has determined that this development will comply with adopted Concurrency standards for signalized intersections.

Unsignalized Intersections
County Staff has evaluated the operating levels and standard delays represented in the County’s model. The County’s model yielded operating levels and standard delay times with a LOS better than the minimum allowable LOS E for unsignalized intersections.

The County has determined that this development can comply with adopted Concurrency Standards for unsignalized intersections.

Concurrent Corridors
Evaluation of the concurrency corridor capacity levels represented in the County Code yielded capacity at acceptable levels.
Summary
The County has determined that this development can comply with adopted Concurrency Standards for corridors, signalized and unsignalized intersections under County jurisdiction.

SAFETY:

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

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

Finding 16 - Turn Lane Warrants
Turn lane warrants are evaluated at unsignalized intersections to determine if a separate left or right turn lane is needed on the uncontrolled roadway.

The applicant’s traffic study information found that with the low left turning traffic volumes, a turn lane would not be warranted at the site access onto NW 109th Street. Staff concurs with the applicant’s findings.

Finding 17 - Historical Accident Situation
The applicant’s traffic study analyzed the crash history as obtained from Washington State Department of Transportation (WSDOT) for the period January 2013 through December 2017.

The intersection crash rates, for the study intersections do not exceed thresholds that would warrant additional analysis. The applicant’s study did not recommend any safety mitigations as a part of this development. Staff concurs with the applicant’s finding.

Finding 18 - Roadside Safety (Clear Zone) Evaluation
The Institute of Transportation Engineers (ITE) Traffic Engineering Handbook 6th Edition, states that “The clear roadside concept...is applied to improve safety by providing an unencumbered roadside recovery area that is as wide as practical...”. Further, this concept “allows for errant vehicles leaving the roadway for whatever reason and supports a roadside designed to minimize the serious consequences of roadway departures.”

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

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

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

Finding 19 - Vehicle Turning Movements
It shall be noted that, the curb return radii listed above are minimum criteria and are intended for normal conditions, per CCC 40.350.030 (C)(3). CCC 40.350.030 (C)(3) also states, “The responsible official may require higher standards for unusual site conditions.”

The applicant will need to submit construction plans that show the design of the intersection geometry will accommodate all applicable design vehicles for review and approval. The plans will also need to show that all applicable design vehicles have the ability to enter and exit the development minimizing impact to opposing travel lanes. This may result in no on-street parking areas on the proposed private road, at/near public intersections. (See Condition A-2c)

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

Stormwater
Finding 20 - 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 adds more than 5,000 square feet or more of new impervious surface and therefore the applicant shall comply with Minimum Requirements 1 through 9.

Finding 21 - Stormwater Proposal
The applicant provided a stormwater technical information report dated March 22nd, 2019. The applicant states the proposal will comply with the LID Performance Standard. The applicant has proposed mostly private facilities consisting of Perk Filters (Old Castle) and infiltration trenches. A Perk Filter is proposed to be public and located within NW 109th Street for the purpose of treating runoff from the frontage. Private stormwater conveyance easements shall adhere to the requirements of Section 1.9.4 of Book 1 of the Clark County Stormwater Manual. (See Conditions A-3a, A-3b, E-1, D-5f, and D-5g)
Infiltration rates were tested from a range of 18 to 100 inches per hour at a depth of about 5 feet. A safety factor of 2 has been utilized for the purpose of the design infiltration rates. The applicant submitted results from groundwater monitoring to a depth of 15 feet between December of 2018 and March of 2019. Groundwater was not located over the course of the monitoring period.

In accordance with the 2015 Clark County Stormwater Manual, Book 1, Section 2.5.1.3, for an infiltration trench that receives water exclusively from a roof surface, a minimum separation of 1-foot is required from the bottom of the infiltration facility to the seasonal high-groundwater elevation. (See Conditions A-3c, C-1, and C-2)

In accordance with the 2015 Clark County Stormwater Manual, Book 2, Section 5.1.1, a minimum separation of 5 feet is required to the seasonal high-groundwater elevation from the bottom of an infiltration facility that receives stormwater from a pollution generating surface. (See Conditions A-3d, A-3e, C-1, and C-2).

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

**Geologic Hazard Area:**
**Finding 22 - Applicability:**
All development activities in or adjacent (within 100 feet) to geologic hazard areas shall comply with the provisions of CCC 40.430. The provisions of CCC 40.430, therefore, apply to this development. The applicant submitted a geotechnical engineering report dated January 30th, 2019. Per the analysis, existing slopes do not meet the criteria of steep slopes or landslide hazard areas; however, recommendations have been made.

A building permit is required for retaining walls greater than 4 feet tall or when the wall is surcharged. All retaining walls shall be shown in sufficient detail on the engineering plans for staff to assess their impact on adjacent roads, structures, and public and private utilities. (See Condition A-6)

**Conclusion (Geologic Hazard Area):**
Staff concludes that the proposed preliminary geotechnical engineering plan, subject to conditions identified above, is feasible. Therefore, the requirements of the preliminary plan review criteria are satisfied.

**Fire Protection**
**Finding 23 - Review Process**
Building construction occurring subsequent to this application shall be in accordance with the provisions of the county’s building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process.

**Finding 24 - Fire Flow/Hydrants**
One and two family homes over 3,600 square feet (excluding attached garages) will have additional fire protection requirements. Fire flow in the amount of 1,000 gallons per minute supplied at 20 psi for 60 minutes duration is required for this application. Prior to final approval submit proof from the water purveyor indicating that the required fire flow is
available at the site. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval.

Fire hydrants are required for this application. Provide fire hydrants such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads.

Unless waived by the fire district chief fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact Fire District #6 at (360) 576-1195 to arrange for location approval. Provide and maintain a six-foot clear space completely around every fire hydrant. (See Conditions A-10a, A-10b, and A-10c)

Finding 25 - Fire Apparatus Access
The roadways and maneuvering areas as indicated in the application adequately provide the required fire apparatus access. Provide fire apparatus access roads with an unobstructed width of not less than 20 feet, an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus.

Approved fire apparatus turnarounds are required for this project - the indicated provisions for turning around fire apparatus are adequate. Gates that obstruct fire apparatus access requires permits and approval from the Fire Marshall prior to installation. (See Condition A-10d)

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

Water and Sewer Service
Finding 26 - Water and Sewer Service
The site will be served by Clark Public Utilities for water and Clark Regional Wastewater for public sewer. Letters from both purveyors confirm that potable water and public sewer services are available to the site in NW 109th Street. Therefore, prior to final plat approval, documentation shall be provided from the water and sewer purveyor that all water and sewer connections have been installed and approved. (See Condition D-2)

Impact Fees
Finding 27 - Impact Fees
All residential lots created by this plat will produce impacts on schools, parks, and traffic, and are subject to School (SIF), and Traffic Impact Fees (TIF) in accordance with CCC 40.610. The proposed unit lots will pay the following impact fees (the applicant will receive an impact fee reduction for the existing residence and must select the lot that fees will not apply during the final plat review):

- Hazel Dell sub-area with a TIF of $3,107.38 per dwelling
- Vancouver School District, with a SIF of $2,880.75 per dwelling
- Park District 9, with a SIF of $5,500.00 per dwelling
The amounts listed above are an estimate using the current impact fee rates and are subject to change. As found in CCC40.610.040, impact fees are calculated using the rates in effect at the time of building permit issuance. (See Conditions D-4f & E-2)

**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 May 21, 2019 is hereby final.

**SEPA Appeal Process**
An appeal of this SEPA determination and any required mitigations, must be filed with the Department of Community Development within fourteen (14) calendar days from the date this notice. The hearing examiner shall hear appeals in a public hearing. Notice of the appeal hearing shall be mailed to parties of record, but shall not be posted or published.

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

A *substantive SEPA appeal* is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing Clark County Code or other law. Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.

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

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

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

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

**Staff Contact Person:** Richard Daviau, 564.397.4895

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

**Recommendation**

Based upon the proposed plan and the findings and conclusions stated above, staff recommends the Hearing Examiner APPROVES request, subject to the understanding that the application is required to adhere to all applicable codes and laws, and is subject to the following conditions of approval.

**Conditions of Approval**

<table>
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<tr>
<th>A</th>
<th>Final Construction Review for Land Division</th>
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<td>Review and Approval Authority: Development Engineering</td>
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</table>

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

**A-1 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 required minimum half-width frontage improvements associated with NW 109th Street include 30 feet of right-of-way, 19 feet of paved width, curb, gutter, and sidewalk (see Finding 10).

b. The applicant shall ensure that any safety issues shall be addressed and sight distance analysis shall be performed where the private NW 109th St. intersects with the public road. (See Finding 11)

c. The sight distance triangles for the intersection with NW 109th St. shall be shown on the final engineering plans and on the final plat (see Finding 12).

**A-2 Final Transportation Concurrency Plan** - 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 submit a signing and striping plan for review and approval. This plan shall show signing and striping and all related features for required frontage improvements and any off-site improvements, if necessary. The applicant shall obtain a work order with Clark County to reimburse the County for required signing and striping.
b. The applicant shall consider the WSDOT Design Manual – Roadside Safety Mitigation Guidance (Section 1600.04) in the final engineering design of all proposed roadways and frontage improvements. (See Finding 6)

c. The applicant shall submit construction plans that show all applicable design vehicles have the ability to enter and exit the development minimizing impact to opposing travel lanes. This may result in no on-street parking areas on the proposed private road, at/near public intersections. (See Finding 7).

A-3 Final Stormwater Plan - The applicant shall submit and obtain County approval of a final stormwater plan designed in conformance to CCC 40.386 and the following conditions of approval (See Finding 21):

a. The applicant shall comply with the LID Performance Standard.

b. Private stormwater conveyance easements shall adhere to the requirements of Section 1.9.4 of Book 1 of the Clark County Stormwater Manual.

c. In accordance with the 2015 Clark County Stormwater Manual, Book 1, Section 2.5.1.3, for an infiltration trench that receives water exclusively from a roof surface, a minimum separation of 1-foot is required from the bottom of the infiltration facility to the seasonal high-groundwater elevation.

d. In accordance with the 2015 Clark County Stormwater Manual, Book 2, Section 5.1.1, a minimum separation of 5 feet is required to the seasonal high-groundwater elevation from the bottom of an infiltration facility that receives stormwater from a pollution generating surface.

e. Tested and design infiltration rates in addition to the minimum separation from the bottom of an infiltration facility to the seasonal high-groundwater elevation shall be identified on the final construction plans.

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

A-5 Excavation and Grading - Excavation/grading shall be performed in compliance with CCC14.07.

A-6 Geologic Hazard Area - The applicant shall submit and obtain County approval of a final geotechnical engineering plan. The proposed project shall implement the recommendations identified in the preliminary geotechnical report unless further studies present new or different facts. A building permit is required for retaining walls greater than 4 feet tall or when the wall is intended to support unbalanced fill or a surcharge. All retaining walls shall be shown in sufficient detail on the engineering plans for staff to assess their impact on adjacent roads, structures, and public and private utilities. (See Finding 22)

A-7 All structures on the site shall be removed prior to construction plan approval complying with Clark County Building Division, state/federal requirements (see Finding 3).
A-8 **Archaeology** - The following note shall be placed on the construction plans "Should archaeological materials (e.g. bones, shell, stone tools, beads, ceramics, old bottles, hearths, etc.) be observed during project activities, all work in the immediate vicinity should stop and the State Department of Archaeology and Historic Preservation (360-586-3065), the County planning office, and the affected Tribe(s) should be contacted immediately. If any human remains are observed, all work should cease and the immediate area secured. Local law enforcement, the county medical examiner (360-397-8405), State Physical Anthropologist, Department of Archaeology and Historic Preservation (360-586-3534), the County planning office, and the affected Tribe(s) should be contacted immediately. Compliance with all applicable laws pertaining to archaeological resources (RCW 27.53, 27.44 and WAC 25-48) and human remains (RCW 68.50) is required. Failure to comply with this requirement could constitute a Class C Felony."

A-9 **Archaeology** - The applicant shall provide proof of submitting an intensive level Historic Property Inventory Form for the house at 1515 NW 109th Street to mitigate the loss of the significant historic property (see Finding 7).

A-10 **Fire Protection Requirements**

a. Fire flow in the amount of 1,000 gallons per minute supplied at 20 psi for 60 minutes duration is required for this application. One and two family homes over 3,600 square feet (excluding attached garages) will have additional fire protection requirements. Prior to final approval submit proof from the water purveyor indicating that the required fire flow is available at the site. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval. (See Finding 24)

b. Fire hydrants are required for this application. Provide fire hydrants such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads. (See Finding 24)

c. Unless waived by the fire district chief fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact Fire District #6 at (360) 576-1195 to arrange for location approval. Provide and maintain a six-foot clear space completely around every fire hydrant. (See Finding 24)

d. 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. (See Finding 25)

**B Prior to Construction of Development**

**Review and Approval Authority: Development Inspection**

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

B-2 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-3 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-4 Erosion Control - Erosion control facilities shall not be removed without County approval.

C Provisional Acceptance of Development Review and Approval Authority: Development Inspection

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

C-1 Stormwater - In accordance with Section 5.1.2, Book 2 of the Clark County Stormwater Manual 2015, if the tested coefficient of permeability determined at the time of construction is at least 95 percent of the uncorrected coefficient of permeability used to determine the design rate, construction may proceed. If the tested rate does not meet this requirement, the applicant shall submit a plan to Clark County that follows the requirements in Section 1.8.5., Book 1. This plan shall address steps to correct the problem, including additional testing and/or resizing of the facility to ensure that the system will meet the minimum requirements of this manual. (See Finding 21)

C-2 Stormwater - During installation of the infiltration galleries, the applicant shall demonstrate that the required minimum vertical separation to the seasonal high water table for each facility as shown on the final construction plans shall be met. The systems shall be redesigned if the required separation is not achieved. (See Finding 21)

D Final Plat Review & Recording Review and Approval Authority: Development Engineering

Prior to final plat approval and recording, the following conditions shall be met:

D-1 Sight distance mitigation shall be performed per the analysis and the engineer shall certify that the mitigation has been completed (see Finding 12).

D-2 Water and sewer - The applicant shall provide documentation from the water and sewer purveyor that all water and sewer connections have been installed and approved.

D-3 Water mains supplying fire flow and fire hydrants shall be installed, approved and operational (See Finding 26).
D-4 **Developer Covenant** - A *Developer Covenant to Clark County* shall be submitted for recording to include the following:

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

b. **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 Safety and put in place prior to construction."

e. **Responsibility for Stormwater Facility Maintenance**: For stormwater facilities for which the county will not provide long-term maintenance, the developer shall make arrangements with the existing or future (as appropriate) occupants or owners of the subject property for assumption of maintenance to the county’s Stormwater Facilities Maintenance Manual as adopted by Chapter 13.26A. The responsible official prior to county approval of the final stormwater plan shall approve such arrangements. Final plats shall specify the party(s) responsible for long-term maintenance of stormwater facilities within the Developer 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.

f. **Impact Fees**: "In accordance with CCC 40.610 impact fees for each dwelling in this subdivision shall be assessed for impacts on schools, parks and transportation facilities based for the following districts: Vancouver School District (SIF), Park District #9 (PIF), and Hazel Dell 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-5  **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. **Sidewalks:** "Prior to issuance of occupancy permits, sidewalks shall be constructed along all the respective lot frontages."

c. **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."

d. **Driveways:** "All residential driveway approaches entering public roads are required to comply with CCC 40.350. Direct driveway access onto NW 109th Street will not be allowed."

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

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

g. **Roof and Crawl Space Drains:** "Roof and crawl space drains for all lots of the development shall be installed in accordance with the approved As-Built plans, unless a revised plan is approved by the county. These stormwater systems will be owned and maintained by the property owner(s) on whose lot the stormwater system is located.”

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<th>E</th>
<th>Building Permits Review and Approval Authority: Permit Services</th>
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<td>Prior to issuance of a building permit, the following conditions shall be met:</td>
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**E-1**  **Roof and Crawl Space Drains:** Roof and crawl space drains shall be installed in accordance with the approved As-Built plans, unless a revised plan is approved by the county. These stormwater systems will be owned and maintained by the property owner on whose lot the stormwater system is located.

**E-2**  **Impact Fees:** Impact fees shall be assessed for impacts on schools, parks and transportation facilities based for the following districts: Vancouver School District (SIF), Park District #9 (PIF) and Hazel Dell Sub-area (TIF). The applicant will receive an impact fee reduction for two existing residences (see Finding 27). As found in CCC40.610.040, impact fees are calculated using the rates in effect at the time of building permit issuance.”
E-3 **Fire** - Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection prior to combustible building construction.

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<th>Development Review Timelines &amp; Advisory Information</th>
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<td>F-1</td>
<td><strong>Review and Approval Authority: Advisory to Applicant</strong></td>
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<td><strong>Land Division</strong> - Within seven (7) years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.</td>
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**F-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**
- There is a possibility that stormwater could run off the development site during construction and into surface waters or conveyance systems leading to surface waters of the state.

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

**F-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.

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

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**Hearing Examiner Decision and Appeal Process**

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

The examiner may adopt, modify or reject this recommendation. The examiner will render a decision within 14 calendar days of closing the public hearing. Clark County will mail a copy of the decision to the applicant and neighborhood association within 7 days of receipt from the Hearing Examiner. All parties of record will receive a notice of the final decision within 7 days of receipt from the Hearing Examiner.
Motion for Reconsideration
Any party of record to the proceeding before the Hearing Examiner may file with the responsible official a motion for reconsideration of an examiner’s decision within fourteen (14) calendar days of written notice of the decision. A party of record includes the applicant and those individuals who signed the sign-in sheet or presented oral testimony at the public hearing, and/or submitted written testimony prior to or at the Public Hearing on this matter.

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

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

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

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

See the Appeals handout for more information and fees.

Attachments
- Copy of Proposed Preliminary Plan
Wren Heights Subdivision
Located in the SE 1/4 Of Section 33, Township 3N, Range 1E, W.M.,
Clark County, Washington