

Type II Site Plan and Environmental Review Staff Report and Decision

Project Name: Hazel Dell Brecht Property

Case Number: PSR2015-00024; SEP2015-00029; BLA2015-00041; ENG2015-00057

Location: 7916 NE 6th Street, Vancouver, WA 98665. The site is comprised of three (3) separate and contiguous lots totaling approximately 2.09 acres, numbered 145359-000, 145269-000 & 145280-000. The site is located within the SE 1/4 of Section 03, T2N, R1E of the Willamette Meridian.

Request: The applicant is requesting approval for the construction of two (2) new commercial/retail structures, the remodel of an existing retail structure and construction of associated parking and infrastructure.

Applicant: CE John Company, Inc.
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Vancouver, WA 98661
Phone: (360) 696-0837
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Contact Person: Cardno
Kevin Brady, contact
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Portland, OR 97221
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Property Owner: Hazel Dell Marketplace LLC
1701 SE Columbia River Drive
Vancouver, WA 98661
Email: sgarey@cejohn.com

Decision

Approved subject to Conditions of Approval

CD Director initials: 

Date issued: October 27, 2015

Revised 2/5/15



Community Development
1300 Franklin Street, Vancouver, Washington
Phone: (360) 397-2375 Fax: (360) 397-2011
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For an alternate format,
contact the Clark County
ADA Compliance Office.
Phone: (360)397-2322
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County Review Staff

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Concurrency Engineer	David Jardin	4354	david.jardin@clark.wa.gov

Comp Plan Designation: GC

Parcel Number(s): 145359-000, 145269-000 & 145280-000

Applicable Laws

Clark County Code: Title 15 (Fire Prevention), Chapter 40.200 (General Provisions), Section 40.230.010 (Commercial Districts), Chapter 40.310 (Signs), Chapter 40.320 (Landscaping), Chapter 40.330 (Crime Prevention and Safety), Chapter 40.340 (Parking and Loading), Chapter 40.350 (Transportation & Circulation), Section 40.350.020 (Transportation Concurrency), Chapter 40.360 (Solid Waste and Recycling), Chapter 40.370 (Sewer and Water), Chapter 40.385 (Storm Water & Erosion Control), Chapter 40.430 (Geologic Hazard Areas), Chapters 40.500 and 40.510 (Procedures), Section 40.520.010 (Legal Lot Determination), Section 40.520.040 (Site Plan Review), Chapter 40.540 (Boundary Line Adjustments & Land Divisions), Chapter 40.570 (SEPA), Section 40.570.080 (SEPA Archaeological), Chapter 40.610 (Impact Fees), Title 24 (Public Health), RCW 58.17, and the Clark County Comprehensive Plan.

Neighborhood Association and Contact

NE Hazel Dell Neighborhood Association
 Laurel Collins, vice president
 2312 NE 94th Street
 Vancouver, WA 98665
 Phone: (360) 314-4771
 Email: laurel090807@gmail.com
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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.

A pre-application conference on this matter was held on March 12, 2015. The pre-application was determined contingently vested as of February 13, 2015, the date the fully complete pre-application was submitted.

The fully complete application was submitted on June 26, 2015, and determined to be fully complete on September 4, 2015. Given these facts, the application is vested on February 13, 2015.

There are no disputes regarding vesting.

Time Limits

The application was determined to be fully complete on September 4, 2015. The applicant was asked to submit additional information which extended the deadline by 6 days. Therefore, the code requirement for issuing a decision within 78 days lapses on November 27, 2015. The state requirement for issuing a decision within 120 calendar days lapses on December 11, 2015.

Public Notice

Notice of application and likely SEPA Determination of Non-Significance (DNS) was mailed to the applicant, NE Hazel Dell Neighborhood Association and property owners within 300 feet of the site on September 17, 2015.

Public Comments

None received.

Project Overview

The subject site is located within the boundaries of the NE Hazel Dell Neighborhood Association, just west of Interstate-5. It is comprised of three (3) contiguous parcels, numbered 145359-000, 145269-000 and 145280-000; and, addressed at 7902, 8002 and 7916 NE 6th Avenue, respectively. The site is approximately 2.11 acres is zoned GC which is intended for general commercial development.

The applicant requests approval for the construction of a 15,050 sf multi-tenant retail space and a 2,775 sf commercial pad, and the renovation of an existing 3,115 sf commercial building. In conjunction with the application for site plan approval, the applicant proposes a boundary line adjustment and lot consolidation resulting in a two (2) –lot configuration wherein Lot A will contain the 15,500 sf building on a 52, 164 sf lot, and the remaining two (2) commercial buildings will be located on Lot B at 39,537 sf.

The proposed development is an extension of the overall plan for redevelopment of the Hazel Dell Marketplace, and represents the third application in a series of five (5) land use approvals thus far submitted for redevelopment of this commercial center.

The subject site is served by Clark Regional Wastewater for sewer, Clark Public Utilities for potable water, Fire District 6, and is located within the UGA of the City of Vancouver.

Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use
Site	GC	GC	Commercial / Retail
North	GC	GC	Commercial / Retail (HD Marketplace)
East	GC	GC	Commercial / Retail (HD Marketplace)
South	GC	GC	Commercial / Retail
West	GC	GC	Commercial / Retail

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

Pursuant to Table 40.230.010-1, retail sales and restaurants are permitted outright in the General Commercial (GC) zone.

Finding 2 – Development Standards

Lot Requirements and Setback standards are put forth in Tables 40.230.010-2 and 40.230.010-3 which provide standards for minimum setbacks, lot coverage and building height. For this development, maximum lot coverage allowed is 85%, with a minimum overall landscaped area of not less than 15%. The applicant proposes an overall landscaping scheme for Lot A at 16.3% and for Lot B of 25.7% which meets requirement.

Primary pedestrian circulation routes connecting the street to the primary building entries is required and shall be a minimum of eleven (11) feet wide with landscaping on one side of the pedestrian route, planted within a minimum 3-foot area suitable for trees spaced a maximum of 24-feet apart. According to Sheet L1.0, the required 3-foot landscape strip is not provided, however the plans do portray several trees presumably planted within tree-wells at varied spacing. In order to meet the intent of the code, which is to provide a continuous tree canopy for pedestrians, the landscaping plan shall be revised to portray trees spaced no further apart than 24-feet on-center. [See Condition A-1]

Landscaping is required along the side of all buildings where the primary pedestrian access is provided. The landscape plan does not portray the required plantings along the edge of any of the proposed buildings. Therefore, prior to final site plan approval, trees, of a suitable species shall be provided every thirty (30) feet on center planted in a landscaped strip or tree wells along the length of the buildings. [See Condition A-2]

Landscape buffering is required as follows: west boundary (L2, 10-foot buffer); south boundary (no buffer required); east boundary (L1, 5-foot buffer); and, north boundary (no buffer required).

An L2, low screen buffer requires enough low shrubs to form a continuous screen three (3) feet high and ninety-five percent (95%) opaque year-round. In addition, one (1) tree is required every thirty (30) lineal feet of frontage, or as appropriate to provide a tree canopy over the landscaped area.

The plans portray shrubbery along NE 6th Avenue for the majority of the project frontage, but the plans do not portray trees as prescribed. Therefore, prior to final site plan approval, the plans shall be revised to portray L2 screening along the full length of NE 6th Avenue as described in Section 40.320.010(B)(2). [See Condition A-3] Additionally, the plan legend refers the 'Bearberry Cotoneaster' to Detail 1 on Sheet L1.1. The correct detail number is 2. Revise the plan prior to final site plan approval to reflect the correct detail for the Bearberry Cotoneaster as Detail 2, Sheet L1.1. [See Condition A-4]

Finding 3 – Parking and Loading

According to Table 40.340.010-4, Commercial retail shall provide parking at a rate of 1 space/350sf of floor area; and, eating or drinking establishments shall provide parking at a rate of 1 space/250sf of floor area. The application indicates that 74 parking spaces are provided for the uses on Lot A (or 1 space/203sf of gfa) and 51 parking spaces are provided for the uses on Lot B (or 1 space/112sf of gfa).

Up to 30% of required parking spaces and all parking spaces proposed in excess of minimum requirements may comply with the standards for compact cars. For this development, based on the proposed 125 spaces, up to 66 may be compact. The plan portrays 52 parking spaces, which meets this standard.

Sidewalks shall be constructed pursuant to the minimum width listed in Table 40.350.010-1, which requires a minimum 5-foot clear-width. The plan portrays standard-sized parking spaces (17' + 3' vehicle overhang) along the easterly side of the 3,115sf building. Sidewalk between the building and parking spaces is less than 8-feet which will not allow the sidewalk to meet minimum width standards. Therefore, prior to final site plan approval the plan shall be revised to indicate the minimum 5-foot clear-width sidewalk along the east side of the 3,115sf building. [See Condition A-5]

Pursuant to Table 40.340.010-5, a minimum of 24-feet shall be reserved for use as a drive-aisle. The plan appears to meet this requirement, however the dimensions are not portrayed on the site plan. Therefore, dimensions denoting the proposed aisle widths shall be added to the final site plan. [See Condition A-6]

Table 40.340.010-1 prescribes a requirement for one (1) loading berth with a gross floor area between 5,000sf and 25,000sf. Sheet C2.0 does not portray any loading berth. However, according to the applicant's narrative, all loading and unloading activity will occur outside of business hours and therefore, a loading berth is not required for this development. In order to ensure that loading and unloading activity occurs as stated, a note shall be placed on the face of the site plan which states, "All deliveries and truck loading and unloading activities shall occur before 8 a.m. and after 9 p.m." [See Condition A-7]

Parking and loading areas shall be maintained in good repair at all times. [See Condition G-5]

Finding 4 – Solid Waste & Recycling

Retail establishments are required to provide enclosed storage at a rate of 10sf plus 10sf/1,000sf of gross floor area. According the plan provided, Lot A is required to provide a minimum of 36sf of enclosed area; and, Lot B is required to provide a minimum of 20sf of enclosed area. The plan portrays an enclosure sized at approximately 376sf on Lot A and 432sf on Lot B which meets this criteria. The plans, however, do not include a detail plan for the construction of the proposed structures. Therefore, the site plan shall be revised to include details for the proposed enclosures that meet design criteria contained in 40.360.030(B). [See Condition A-8]

Finding 5 – Boundary Line Adjustment

This application includes a request for lot consolidation and boundary line adjustment. The applicant proposed to reduce the number of lots from 3 to 2, and reconfigure the lot line separating parcel numbers 145359-000, 145269-000 & 145280-000. The resulting two (2) – lot configuration proposes the larger building (at 15,050) to be located on Lot A at 52,164sf, an the two (2) smaller buildings to be located on Lot B at 39,537sf.

The subject site is located within the general commercial zone which does not require a minimum lot area, width or depth. Minimum frontage requirements established at 20-feet of access to a public or private street.

The proposed configuration will be in compliance with applicable laws contained within Title 40, especially as they relate to minimum lot size and dimensional criteria. Therefore, prior to final site plan, the applicant will provide a copy of a recorded boundary line adjustment. [See Condition A-10]

Conclusion

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

Archaeology

Finding 6 – DAHP Review

The applicant submitted an archaeological pre-determination to the Washington State Department of Archaeology and Historic Preservation (DAHP) prior to submittal of the application.

The DAHP has determined that, the project area has a very high potential for containing archaeological resources. Therefore, the DAHP requires an archaeological monitoring plan be prepared and provided to DAHP and the interested Tribes for review prior to ground disturbance. Additionally, the DAHP requires a professional archaeological monitor be present during ground disturbance. [See Conditions A-10.b & c, & B-4.a & b]

Additionally, a note on the final construction plans will require that if resources are discovered during ground disturbance, work shall stop and DAHP and the county will be contacted. [See Condition A-10.a]

Conclusion

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

Transportation

Finding 7 – NE 6th Avenue

NE 6th Avenue is classified as Local Commercial/Industrial roadway with bike lanes. This roadway is fully developed to the ultimate roadway section. Therefore, no conditions of approval are warranted for this finding.

Finding 8 – 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 intersections and driveway approaches.

The applicant's engineer shall delineate sight distance triangles on the final construction plans for all driveways that enter this site for compliance with the Clark County sight distance requirements. [See Condition A-12.a]

Conclusion (Transportation):

Staff concludes that the proposed preliminary plan, subject to the condition identified above, meets the transportation requirements of the Clark County Code.

Transportation ConcurrencyFinding 9 – Traffic Study

The applicant provided a traffic study prepared by Kittelson & Associates Inc. dated June 25th 2015. This study evaluated transportation impacts for what the applicant called a masterplan of their development. However, the applicant subsequently submitted a land use application for only a portion of what the traffic study evaluated. Because of this, staff requested the applicant to submit a study that focused on the impacts of the development proposed.

The applicant submitted a supplemental memorandum dated July 2, 2015, prepared by Kittelson & Associates Inc. This memorandum identified the specific trip generation proposed for the current land use application and indicated that “The conclusions and recommendations identified in the attached TIS [traffic study prepared by Kittelson & Associates Inc. dated June 25th 2015] are thus applicable and relevant to the proposed Brecht Property redevelopment proposal...”

For purposes of this review, Staff has used the July 2, 2015 memorandum along with the traffic study dated June 25, 2015 to evaluate the transportation impacts of this development proposal.

Finding 10 - Trip Generation

County concurrency staff has reviewed the proposed Hazel Dell Marketplace – Brecht Property traffic study dated July 2, 2015, prepared by Kittelson & Associates Inc. The study was prepared to evaluate and document the traffic operational and safety conditions associated with a proposed multi-tenant retail building and a sit-down restaurant totaling 17,825 square feet. The applicant’s traffic study has estimated the net new weekday a.m. peak-hour trip generation at 18 trips, a p.m. peak-hour trip generation at 20 trips and an average daily trip (ADT) generation of 258 trips.

The trip generation was estimated using the nationally accepted data published by the *Institute of Transportation Engineers Ninth Edition*.

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

Finding 11 - Site Access

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

Level of service (LOS) standards are not applicable to access locations; 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 study indicates that there are currently two driveways that serve the site. The applicant's plan also shows that there is internal circulation which allows access to the project site through two offsite driveways. The applicant's plan shows that these driveways, onsite and offsite, will be consolidated or closed. The applicant has shown that two driveways will be closed and one driveway will be reconstructed as two 24-foot wide driveways accessing NE 6th Avenue near the south property line.

The applicant's traffic study has analyzed NE 6th Avenue as an internal circulation road to the commercially developed area on both sides of the road. As such, the study shows that the intersections of NE 81st Street/NE Hazel Dell Avenue and NE 6th Avenue/NE 78th Street, which provide primary ingress and egress to this commercial area, will operate at a LOS B or better in the 2016 buildout horizon. The study also shows that this LOS was evaluated under the weekday a.m. and p.m. peak hour traffic conditions. County Staff concurs with the applicant's findings.

Finding 12 - Concurrency Compliance

The proposed development is required to meet the standards established in CCC 41.350.020(G) for corridors and intersections of regional significance within 1 mile of the proposed development. Typically, the County's transportation model is used to determine what urban area developments are currently being reviewed, approved, or are under construction and in the vicinity of the proposed development. The traffic these developments generate is referred to as "*in-process traffic*" and will ultimately contribute to the same roadway facilities as the proposed development. This "*in-process traffic*" is used to evaluate and anticipate area growth and its impact on intersection and roadway operating levels with and without the proposed development, helping to determine if roadway mitigations necessary to reduce transportation impacts.

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.

Concurrency Corridors

Evaluation of the concurrency corridor capacity levels represented in the County Code yielded capacity at acceptable levels, with the exception of the NE 78th Street corridor segment between NE 6th Avenue and I-5.

The County's Arterial Atlas shows this roadway segment with a classification of Principle Arterial (Pr-4cb). As a Pr-4cb, the Arterial Atlas also shows that the design volume of this roadway should be 24,000 vehicles per day. The applicant's report indicates that there are 33,662 vehicles per day over this segment of roadway, indicating that this roadway is over capacity. The applicant's study also states that this segment of roadway is not constructed as a 4-lane principle arterial, rather it consists of an 8-lane cross section and is expected to carry a higher volume of traffic. Further, the applicant states that this road segment was observed to operate under capacity. Staff concurs with the applicant's findings.

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 13 - Turn Lane Warrants

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

The applicant's traffic study showed that there is an existing two-way left-turn lane (TWLTL) on NE 6th Avenue at the proposed site access locations. Because the TWLTL exists on NE 6th Avenue, no further turn lane analysis was performed. Staff concurs with the applicant's findings.

Finding 14 - 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 1, 2010 through December 31, 2014.

The intersection crash rates, for the study intersections, do not exceed thresholds that would warrant additional analysis. Therefore, no additional mitigation is required.

Finding 15 - Vehicle Turning Movements

The applicant's study did not show turning movements or staging areas for delivery vehicles. Therefore, Staff could not determine if delivery vehicles could be accommodated within the proposed development site without impeding on and off-site traffic. Because of this, the turning movements and staging area of the delivery vehicles shall be a part of the site design. The applicant will need to submit construction plans that show the design of the site 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 without swinging into adjacent or opposing travel lanes. (See Condition A-12).

Finding 16 - Sight Distance

Sight distance issues are addressed by other Development Engineering Staff; therefore, this issue will not be addressed here.

Conclusion

Based upon the development site characteristics, the submitted traffic study dated June 25, 2015 and the subsequent memorandum dated July 2, 2015, prepared by Kittelson & Associates Inc., the requirements of the County's transportation concurrency ordinance, and the findings above, staff concludes that the proposed preliminary transportation plan can meet the requirements of the county transportation concurrency ordinance, CCC 40.350.020.

Stormwater

Finding 17 - Stormwater Applicability

The provisions of Clark County Code Chapter 40.385 shall apply to all new development, redevelopment, and drainage projects consistent with the Stormwater Management Manual for Western Washington (SMMWW) as modified by CCC 40.385 and the county's stormwater manual. The proposed project triggers stormwater Minimum Requirements 1-10.

Finding 18 – Stormwater Proposal

The applicant's engineer has provided a final stormwater report, dated June 22, 2015, prepared by Cardno Inc. The report states that water quality and quantity control shall be accomplished by the future porous concrete parking area on site. The porous concrete section is designed to detain/infiltrate the stormwater runoff. The infiltration rate through the existing soils is 0.6 inches per hour which meets the county code. Approximated depth to groundwater was determined to be 15 feet. The native soil is proposed to treat the stormwater runoff from pollution generating surfaces. An oil-water separator will be installed downstream of the new restaurant on site.

The applicant's geotechnical engineer has tested the existing soil to ensure the soil meets the soil suitability criteria for treating the stormwater runoff from pollution generating surfaces. The geotech engineer states the cation-exchange-capacity (CEC) is 13.09 meq/100 g which is greater than 5 meq/100 g, which meets CEC soil suitability criterion for treatment. The applicant's engineer shall determine all other soil suitability criteria described in Chapter 3, Vol. III of SMMWW. [See Condition A-13.a]

Stormwater facilities will be privately owned and maintained.

Conclusion (Stormwater):

Staff concludes that the proposed preliminary stormwater plan, subject to the condition above, is feasible. Therefore, the requirements of the preliminary plan review criteria are satisfied.

Fire Protection

Finding 19 – Building Construction

Building construction or alterations 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 E-2.a]

Finding 20 – Fire Flow

Fire flow in the amount of 1250 gallons per minute supplied for 120 minutes duration is required for this application. *Prior to obtaining building permits*, submit proof from the water purveyor indicating that the required fire flow is available at the site. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational *prior to the commencement of combustible building construction*. [See Conditions A-18.a, E-2.b & c]

Finding 21 – Fire Hydrants

Fire hydrants are required for this application. Either the indicated number or the spacing of the fire hydrants is inadequate. Provide fire hydrants such that the maximum spacing between hydrants does not exceed 300 feet and such that no portion of the building exterior is in excess of 300 feet from a fire hydrant as measured along approved fire apparatus access roads. Two (2) fire hydrants are required. [See Condition A-18.b]

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. [See Condition A-18.c]

Provide and maintain a six-foot clear space completely around every fire hydrant. [See Conditions A-18.d & G-6]

Finding 22 – Fire Apparatus Access

Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application adequately provide required fire apparatus access. Provide fire apparatus access roads with an unobstructed width of not less than 20 feet, an unobstructed vertical clearance of not less than 13.5 feet, with an all-weather driving surface and capable of supporting the imposed loads of fire apparatus. [See Condition A-18.e & G-7]

Finding 23 – Fire Sprinklers

Buildings provided with automatic fire sprinkler systems shall be provided with a minimum of two fire hydrants. One of the two fire hydrants shall be within 100 feet of approved fire department connections to the sprinkler systems. [See Conditions A-18.f & E-2.d]

An automatic fire sprinkler is required *at the time of construction* for buildings larger than 12,000sf. Such systems require separate reviews, permits and approvals issued by the Fire Marshal's Office. [See Condition E-2.e]

Finding 24 – Fire Alarms

An approved fire alarm system is *required at the time of construction* for buildings subject to this application. Such systems require separate reviews, permits and approvals issued by the Fire Marshal's Office. [See Condition E-2.f]

Conclusion

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

Sewer and Water Service

Finding 25 – Sewer & Water

The site will be served by the Clark Public Utilities and Clark Regional Wastewater District. Letters from the above districts confirm that services are available to the site.

Finding 26 – Public Health Evaluation

The application also includes a letter from the Clark County Public Health department. The letter indicates that there is no evidence of septic or well systems on the site, and exempts the project from further health department review. However, if (during construction) a well or septic system is found, they shall be properly decommissioned or abandoned.

Conclusion

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

Building Safety

Finding 27 – ADA Compliance

ADA sign details provided on Sheet C6.1 proposes green lettering on a white background. The WAC requires signage to be blue lettering on white background. Therefore, prior to final site plan approval, all details relating to ADA signage shall be revised to indicate the required blue lettering on white signage as required. [See Condition A-19]

Conclusion

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

Impact Fees

Finding 28 – Traffic Impact Fees

The proposed development will have an impact on traffic in the area and is subject to Traffic Impact Fees (TIF) in accordance with CCC 40.610. The site is located within the Hazel Dell TIF Sub-area with a fee rate of \$375 per new trip.

Prior to issuance of a building permit, the applicant shall pay Traffic Impact fees to Clark County in the amount of:

Retail (Code 820)	2,600sf	12,455.28
Retail (Code 820)	15,050sf	100,935.70
	Total:	113,390.98

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 September 17, 2015 is hereby final.

SEPA Appeal Process

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

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

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

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

1. The case number designated by the county and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the

Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Community Development Director. All contact with the Community Development Director regarding the petition, including notice, shall be with this contact person;

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

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

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

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

Staff Contact Person: Amy Wooten, (360) 397-2375, ext. 5683.

Responsible Official: Marty Snell, Community Development Director

Decision

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

Conditions of Approval

Note: The Conditions of Approval below include those identified above and those contained within Attachments A, B, and C. The letters or numbers may have changed from those in the attachments.

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

- A-1** In order to meet the intent of the code, which is to provide a tree canopy for pedestrians, the landscaping plan shall be revised to portray trees spaced no further apart than 24-feet on-center. [See Finding 2]
- A-2** Trees of a suitable species shall be provided every thirty (30) feet on center planted in a landscaped strip or tree wells along the length of the buildings. [See Finding 2]
- A-3** The plans shall be revised to portray L2 screening along the full length of NE 6th Avenue as described in Section 40.320.010(B)(2). [See Finding 2]
- A-4** Revise the plan legend on Sheet L1.0 to reflect the correct detail reference for the Bearberry Cotoneaster as Detail 2, Sheet L1.1. [See Finding 2]

- A-5** Therefore, prior to final site plan approval the plan shall be revised to indicate the minimum 5-foot clear-width sidewalk along the east side of the 3,115sf building. [See Finding 3]
- A-6** Dimensions denoting the proposed aisle widths shall be added to the final site plan. [See Finding 3]
- A-7** A note shall be placed on the face of the site plan which states, "All deliveries and truck loading and unloading activities shall occur before 8 a.m. and after 9 p.m." [See Finding 3]
- A-8** The site plan shall be revised to include details for the proposed enclosures that meet design criteria contained in 40.360.030(B). [See Finding 4]
- A-9** The applicant will provide a copy of a recorded boundary line adjustment. [See Finding 5]
- A-10 Archaeology -**
- a. 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."
 - b. An archaeological monitoring plan shall be prepared and provided to DAHP and the interested Tribes for review prior to any ground disturbing activities.
 - c. A professional archaeological monitor shall be present during any ground disturbing activities.
[See Finding 6]
- A-11 Final Transportation Plan/Off Site (Concurrency) –** The applicant shall submit construction plans that show the design of the site will accommodate all applicable design vehicles for review and approval. The plans shall also show that all applicable design vehicles have the ability to enter and exit the development without swinging into adjacent or opposing travel lanes, unless modified by the County Engineer. [See Finding 15]
- A-12 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's engineer shall delineate sight distance triangles on the final construction plans for all driveways that enter the site for compliance with the Clark County sight distance requirements. [See Finding 8]

- A-13 Final Stormwater Plan** - The applicant shall submit and obtain County approval of a final stormwater plan designed in conformance to CCC 40.385 and the following conditions of approval:
- a. The final stormwater plan shall be prepared in compliance with stormwater Minimum Requirements 1 through 10. The applicant's engineer shall determine that all soil suitability criteria for treatment, as described in Chapter 3, Vol. III of SMMWW, are met. [See Finding 18]
- A-14 Excavation and Grading** – Final excavation/grading plan shall be in compliance with CCC 14.07.
- A-15 Erosion Control Plan** - The applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.385.
- A-16 Other Required Documents:** – The following documents shall be submitted with the Final Construction/Site Plan:
- a. Developer's Covenant: - A "Developer Covenant to Clark County" shall be submitted for recording that specifies the following Responsibility for Stormwater Facility Maintenance: For stormwater facilities for which the county will not provide long-term maintenance, the developer shall make arrangements with the existing or future (as appropriate) occupants or owners of the subject property for assumption of maintenance to the county's Stormwater Facilities Maintenance Manual as adopted by Chapter 13.26A. The responsible official prior to county approval of the final stormwater plan shall approve such arrangements. The county may inspect privately maintained facilities for compliance with the requirements of this chapter. An access easement to the private facilities for the purpose of inspection shall be granted to the county. If the parties responsible for long-term maintenance fail to maintain their facilities to acceptable standards, the county shall issue a written notice specifying required actions to be taken in order to bring the facilities into compliance. If these actions are not performed in a timely manner, the county shall take enforcement action and recover from parties responsible for the maintenance in accordance with Section 32.04.060.
- A-17 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 (CCC 40.320). The landscape plan shall include landscaping within the public right-of-ways and on-site, if applicable.
- A-18 Fire Marshal Requirements**
- a. Fire flow in the amount of 1250 gallons per minute supplied for 120 minutes duration is required for this application. *Prior to obtaining building permits*, submit proof from the water purveyor indicating that the required fire flow is available at the site. [See Finding 20]

- b. Fire hydrants are required for this application. Either the indicated number or the spacing of the fire hydrants is inadequate. Provide fire hydrants such that the maximum spacing between hydrants does not exceed 300 feet and such that no portion of the building exterior is in excess of 300 feet from a fire hydrant as measured along approved fire apparatus access roads. Two (2) fire hydrants are required. [See Finding 21]
- 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 576-1195 to arrange for location approval. [See Finding 21]
- d. Provide and maintain a six-foot clear space completely around every fire hydrant. [See Finding 21]
- e. Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application adequately provide required fire apparatus access. Provide fire apparatus access roads with an unobstructed width of not less than 20 feet, an unobstructed vertical clearance of not less than 13.5 feet, with an all-weather driving surface and capable of supporting the imposed loads of fire apparatus. [See Finding 22]
- f. Buildings provided with automatic fire sprinkler systems shall be provided with a minimum of two fire hydrants. One of the two fire hydrants shall be within 100 feet of approved fire department connections to the sprinkler systems. [See Finding 23]

A-19 ADA sign details provided on Sheet C6.1 proposes green lettering on a white background. The WAC's require signage to be blue lettering on white background. Therefore, prior to final site plan approval, all details relating to ADA signage shall be revised to indicate the required blue lettering on white signage as required. [See Finding 19]

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

Prior to construction, the following conditions shall be met:

- B-1 Pre-Construction Conference** - Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.
- B-2 Erosion Control** - Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.
- B-3 Erosion Control** - Erosion control facilities shall not be removed without County approval.

B-4 Archaeology –

- a. An archaeological monitoring plan shall be prepared and provided to DAHP and the interested Tribes for review prior to any ground disturbing activities.
- b. A professional archaeological monitor shall be present during any ground disturbing activity.
[See Finding 6]

**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/site plan and the following conditions of approval:

C-1 None

**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 Not applicable

**E Building Permits
Review and Approval Authority: Permit Services**

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

E-1 Impact Fees - Prior to issuance of a building permit, the applicant shall pay Traffic Impact fees to Clark County in the amount of:

Retail (Code 820)	2,600sf	12,455.28
Retail (Code 820)	15,050sf	100,935.70
Total:		\$113,390.98

If the building permit application is made more than three years following the date of preliminary site plan approval, the impact fees shall be recalculated according to the then-current rate.

E-2 Fire Marshal Requirements

- a. Building construction or alterations 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 Finding 19]
- b. Fire flow in the amount of 1250 gallons per minute supplied for 120 minutes duration is required for this application. *Prior to obtaining building permits,*

submit proof from the water purveyor indicating that the required fire flow is available at the site. [See Finding 20]

- c. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational *prior to the commencement of combustible building construction*. [See Finding 20]
- d. Buildings provided with automatic fire sprinkler systems shall be provided with a minimum of two fire hydrants. One of the two fire hydrants shall be within 100 feet of approved fire department connections to the sprinkler systems. [See Finding 23]
- e. An automatic fire sprinkler is required *at the time of construction* for buildings larger than 12,000sf. Such systems require separate reviews, permits and approvals issued by the Fire Marshal's office. [See Finding 23]
- f. An approved fire alarm system is *required at the time of construction* for buildings subject to this application. Such systems require separate reviews, permits and approvals issued by the Fire Marshal's office. [See Finding 24]

F Occupancy Permits
Review and Approval Authority: Building

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

F-1 None

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

G-1 Site Plans and Other Land Use Approvals - Within seven (7) years of preliminary plan approval, a Fully Complete application for a building permit shall be submitted.

G-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.**

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.

- G-4 Building Elevation Approvals** – Approval of building elevations submitted for preliminary plan review does not ensure compliance with other requirements (such as building setbacks) under other construction codes. Compliance with other construction codes is the responsibility of the applicant at the time of building permit issuance.
- G-5** Parking and loading areas shall be maintained in good repair at all times. [See Finding 3]
- G-6** Provide and maintain a six-foot clear space completely around every fire hydrant. [See Finding 21]
- G-7** 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 22]

H	Post Development Requirements Review and Approval Authority: As specified below
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- H-1 Outdoor Lighting** – Exterior lighting shall be located, shielded, and directed to prevent significant off site glare, in accordance with CCC 40.340.010(A)(7) and RCW 47.36.180.

Note: The Community Development Director reserves the right to provide additional comment and findings of fact regarding this decision, if appealed.

Decision Appeal Process

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

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

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

- Case number designated by the County;
- Name of the applicant;
- Name of each petitioner;
- Signature of each petitioner or his or her duly authorized representative;
- A statement showing the following:

- That each petitioner is entitled to file the appeal as an interested party in accordance with CCC 40.510.030(H);
- The specific aspect(s) of the decision being appealed;
- The reasons why each aspect is in error as a matter of fact or law;
- The evidence relied on to prove the error; and,
- The appeal fee

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

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

Attachments

- Copy of Proposed Preliminary Plan

