

## Type III Land Division and Environmental Review Staff Report and Recommendation

**Project Name:** DANI DOWNS SUBDIVISION

**Case Number:** PLD2015-00027; SEP2015-00042

**Location:** 16702, 16900, & 16906 NE 78<sup>th</sup> Avenue

**Request:** The applicant is requesting Subdivision approval to divide approximately 19.55 acres into 83 single-family residential lots located in the R1-6 & R1-7.5 zone districts.

**Applicant:** Krippner Homes, LLC  
6715 NE 63<sup>rd</sup> Street, Suite 166  
Vancouver, WA 98661  
(360)907-9588  
[mason@krippnerhomes.com](mailto:mason@krippnerhomes.com)

**Contact Person:** Mason Wolfe  
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Vancouver, WA 98661  
(360)907-9588  
[mason@krippnerhomes.com](mailto:mason@krippnerhomes.com)

**Property Owners:** Myron & Debra Smokey  
16702 NE 78<sup>th</sup> Street  
Vancouver, WA 98682

Thousand Hills Management, LLC  
6012 NW 169<sup>th</sup> Street  
Ridgefield, WA 98642

Jesse & Linda Hurley  
16906 NW 78<sup>th</sup> Street  
Vancouver, WA 98682

EXHIBIT # 12

**Recommendation**  
Approve subject to Conditions

Revised 2/5/15



Community Development  
1300 Franklin Street, Vancouver, Washington  
Phone: (360) 397-2375 Fax: (360) 397-2011  
[www.clark.wa.gov/development](http://www.clark.wa.gov/development)



For an alternate format,  
contact the Clark County  
ADA Compliance Office.  
Phone: (360)397-2322  
Relay: 711 or (800) 833-6384  
E-mail: [ADA@clark.wa.gov](mailto:ADA@clark.wa.gov)

Land Use Review manager's initials: (W) Date issued: 12/15  
 Public Hearing date: November 12, 2015

**County Review Staff**

Department/Program	Name	Phone Ext.	Email Address
<b>Community Development</b>			
Land Use Review Manager	Chuck Crider	4667	Chuck.crider@clark.wa.gov
Land Use Review Planner	Jan Bazala	499	Jan.bazala@clark.wa.gov
Fire Marshal's Office	Ken Hill	3320	Curtis.eavenson@clark.wa.gov
<b>Public Works</b>			
Transportation and Stormwater Engineering Supervisor	Greg Shafer	4064	Greg.shafer@clark.wa.gov
Engineering Team Leader	Ali Safayi P.E.	4102	ali.safayi@clark.wa.gov
Engineer	Jennifer Reynolds	4630	Jennifer.reynolds@clark.wa.gov
Concurrency Engineer	David Jardin	4354	david.jardin@clark.wa.gov

**Comp Plan Designation:** Urban Low

**Legal Description/Parcel Number(s):** SE 1/4 of Section 1, T2N, R2E; parcel numbers 153933-000, 104180-000 and 104182-000

**Applicable Laws**

Clark County Code: Title 15 (Fire Prevention), Section 40.220.010 (Single-Family Residential District), Section 40.350, (Transportation), Section 40.350.020 (Transportation Concurrency), Chapter 40.385 (Storm Water Drainage and Erosion Control), Sections 40.500 and 40.510 (Procedures), Section 40.540 (Land Division Ordinance), Section 40.570 (SEPA), Section 40.570 (SEPA Archaeological), Section 40.610 (Impact Fees), Title 24 (Public Health), RCW 58.17, and the Clark County Comprehensive Plan.

**Neighborhood Association and Contact**

Heritage Neighborhood Association  
 Christie BrownSilva  
 13504 NE 84th Street  
 Suite 103-141  
 Vancouver, WA 98682

(360) 326-4353

Email: [heritageneighborhood@gmail.com](mailto:heritageneighborhood@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.

A pre-application conference on this matter was held on June 18, 2015. The pre-application was determined contingently vested as of May 22, 2015, the date the fully complete pre-application was submitted.

There are no disputes regarding vesting.

### **Time Limits**

The application was determined to be fully complete on August 21, 2015. Therefore, the code requirement for issuing a decision within 92 days lapses on November 21, 2015. The state requirement for issuing a decision within 120 calendar days, lapses on December 19, 2015.

### **Public Notice**

Notice of application and public hearing was mailed to the applicant, the Heritage Neighborhood Association and property owners within 300 feet of the site on September 3, 2015. One sign was posted on the subject property and two within the vicinity on.

### **Public Comments**

Department of Ecology (ECY), letter dated September 17, 2015, Exhibit 4. The ECY letter notes:

- Structures slated for demolition should have potentially hazardous materials removed prior to demolition and that other construction debris is safely managed.
- Sites over one acre may require coverage under a state Construction Stormwater General Permit.
- Sites must be inspected for wells, and any found must be properly abandoned.

*Staff Response: Condition B-4 requires a demolition permit prior to the start of construction. Condition A-5 requires County-approved erosion control measures. Regarding coverage under the state Construction Stormwater General Permit; an advisory condition of approval has been added. See Condition G-2. Condition A-15 will require wells to be properly abandoned via the procedures of Clark County Public Health.*

Department of Archaeology and Historic Preservation (DAHP), letter dated September 30, 2015. See Exhibit 5. The letter states that a permit from DAHP will be required for sites discovered by the applicant's archaeological pre-determination survey.

*Staff response: Subsequent correspondence with DAHP resulted in recommended conditions of approval regarding archaeological resources. See Exhibit 11 and conditions A-2.f, A-7.a and D-5.h.*

**Project Overview**

The 20 acre site consists of three taxlots. The westernmost lot is zoned R1-6; the two other lots are zoned R1-7.5. The west and east lot have single family residences and outbuildings; the middle lot has only a shop building. Topography is generally flat, with a slight downhill slope toward the southeast corner.

The middle lot has a scattering of trees; the east and west lots have few trees, and are used as pasture. No critical areas are known to exist on the site.

To the west of the site is undeveloped right-of-way established with the 1910 Elaine Park subdivision, and directly west of that right-of-way is the Shadow Ridge Phase 1 subdivision. To the north is a nursery or tree farm; to the east is the site of the currently-proposed Fifth Plain Creek subdivision. Abutting the site on the south is 60 feet of existing City of Vancouver right-of-way in which an extension of NE 78<sup>th</sup> Street will be required. On the opposite side of the 78<sup>th</sup> Street right-of-way are the Pioneer Elementary and Frontier Middle schools.

The site is within the following districts:

- School-Hockinson
- Transportation Impact-Evergreen
- Sewer -City of Vancouver
- Water- City of Vancouver
- Parks-District 5
- Fire Protection-District 5

The project requires subdivision approval and SEPA review.

Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use
Site	UL	R1-6 & R1-7.5	Two residences and light ag use
North	UL	R1-6 & R1-7.5	2 large lots with ag/forestry use
East	UL	R-10	Vacant/proposed subdivision
South	UL (COV)	R-6 (COV)	Elementary and Middle School in City of Vancouver
West	UL	R-16	Small lot residential

## 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 - Lot Standards

The western quarter of the site is zoned R1-6; the eastern three quarters is zoned R1-7.5. The minimum lot width for both districts is 50 feet; minimum lot depth for both districts is 90 feet. All lots as proposed meet minimum lot width and depth requirements.

Lots in the R1-6 must average between 6,000 square feet and 7,500 square feet. Lots in the R1-7.5 zone must be a minimum of 7,500 square feet and must average no more than 10,500 square feet.

Lots 20, 22, 55, 72, and 75 straddle the zoning boundary; this is not prohibited by code. These lots meet the minimum lot width, depth and area requirements of the R1-7.5 zone. The setbacks for both zoning districts are the same, so the dual zoning on these lots will not result in conflicting land use requirements.

Several of the lot dimensions don't calculate out to the lot areas shown on the table. These errors appear largely inconsequential; the indicated and scaled dimensions show that all the lots except Lot 28 will meet the lot area requirements. It appears that Lot 28 can be adjusted to also meet the requirements.

The record of survey shows a woven wire fence that is 1.5 feet south of the surveyed property line abutting taxlot 154006-000. Since this area is in the middle of right-of-way of for the

proposed NE 80<sup>th</sup> Street, clear ownership of the area between the fence and the surveyed line will need to be addressed prior to submittal of construction plans. See condition A-1.

In any case, a condition will require that the lots meet minimum dimensions and lot sizes; these will be verified for each lot at final plat. See condition D-1.

#### Land Use Finding 2 – Setbacks

The setbacks prescribed for both districts are as follows:

Front: 10 feet or 18 feet to garage entrance

Street Side: 10 feet

Side: 7 feet

Rear: 15 feet

The above setbacks and will apply to the lots created by this plat, including Lot 39 which will contain the existing residence that is proposed to remain.

Lots 17-29 have frontage on both NE 78<sup>th</sup> Street and NE 78<sup>th</sup> Way. The definition of “Lot line, front” in CCC 40.100.070 includes the following text: “For through lots, all lot lines abutting a street or approved private road or easement, except for alleys, shall be front lot lines unless vehicular access is prohibited, in which case they shall be considered rear lot lines.”

Unless access to NE 78<sup>th</sup> Street is prohibited, Lots 17-29 will have a front setback on both NE 78<sup>th</sup> Street and NE 78<sup>th</sup> Way. See conditions D-2 and G-4.

#### Land Use Finding 3 – Existing Structures

The existing residence on taxlot 153933-000 is proposed to remain. The residence as shown on the preliminary plat meets setbacks as indicated in Land Use Finding 2.

The new access for the existing residence will require an address change. See condition D-8.

All other structures will be removed, and will require a Clark County demolition permit. See condition B-4.

#### Land Use Finding 4—Phasing

No phasing has been proposed. If phasing is wanted at a future date, a post decision review will be required. Phases are required to “stand alone” in regards to all applicable development regulations. See condition A-6.

#### Land Use Finding Finding 5 – Manufactured Homes

The applicant has indicated that manufactured homes will not be placed on the lots in the proposed plat. Therefore, pursuant to CCC 40.260.130, manufactured homes are prohibited on any lot in this plat. See condition D-5.g.

#### Land Use Finding Finding 6 – 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.

The site is located within the Hockinson School District even though the Evergreen School District's Frontier Middle School and Pioneer Elementary Schools are both directly across from the site. The applicant has provided a letter (Exhibit 1 tab 23) from the district indicating that students will be bused to Hockinson schools.

Staff finds that the neighborhood residents will in all likelihood use the school playgrounds and track for recreation even if students do not attend schools at the site; therefore, a pedestrian crossing must be provided across NE 78<sup>th</sup> Street. The applicant shall coordinate with the Evergreen school district and the City of Vancouver for details for the crossing. See condition A-2.b.

#### Land Use Finding 7--Landscaping

The site and all surrounding properties are zoned R1. Per Table 40.320.010-1 no on-site landscaped buffers are required; if street trees are required by the City of Vancouver for NE 78<sup>th</sup> Street, the applicant will need to comply with the city's standards.

#### Land Use Finding 8 – Urban Holding

Urban Holding was lifted from this area under ORD2013-12-20. See Exhibit 9. The Developer Agreement associated with the ordinance (Exhibit 5 and 5.a to that ordinance) requires an additional \$500 per lot Park Impact Fee. See conditions D-5.f and E- 4.

The agreement also requires that future owners of the property will not oppose annexation into a city. See condition D-7.

In regards to traffic impact fees, the agreement states the following:

#### *Section 5. No Building Permit*

*No building permit(s) for the Property shall be issued for any of the Property subdivided after the date of this agreement, unless the County's Capital Facilities Plan has been amended (and, if necessary, amendment of the inter-local agreement between the City and the County) to allow the County to collect and utilize TIFs from the Fifth Plain Creek area on transportation improvements in the Fifth Plain Creek sub-area. (A note to this effect must be included on the face of the plats for all property subject to this/these development agreements) The County agrees to exercise its best efforts to amend the Capital Facilities Plan for the Fifth Plain Creek sub-area within 18 months of the date of this agreement. The Property shall vest for purposes of the TIF rate paid per trip at the time of building permit application.*

The County amended the Capital Facilities Plan under Ordinance 2014-11-03, fulfilling this aspect of the agreement. See Exhibit 10.

At the time of this report issuance, it's not clear what amendments to any city/county inter-local agreements may be needed to "allow the County to collect and utilize TIFs from the Fifth Plain Creek area on transportation improvements in the Fifth Plain Creek sub-area" ; therefore, whether a note on the plat is needed is not yet clear. In the event that the issue is

unresolved prior to issuance of a preliminary decision, a note on the plat shall be provided using the language from the agreement. If amendments are required, they will need to be completed prior to the issuance of building permits. See condition E-1.

#### Land Use Finding 9 - Forest Practice Permits

A fair number of trees exist on the middle lot. The applicant will need to confirm with Environmental Services staff as to whether a Forest Practices permit is needed prior to removal of the trees. If a permit is needed, it shall be required prior to removal of trees on the site. See condition A-7.b.

#### **Archaeology**

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

A subsequent letter from DAHP (See Exhibit 5) notes that sites were discovered that warrant further work; therefore, a permit for additional survey work from DAHP is required under RCW 27.53.

Prior to the issuance of final construction permits by the county, the applicant shall provide confirmation from DAHP that either confirms that no further archaeological work is necessary, or that the applicant has received and has met, or will meet, the conditions stipulated by the pending DAHP permit. See Condition A-7.a. In addition, a note on the final construction plans will require that if resources are discovered during construction, work shall stop and DAHP and the county will be contacted. See Conditions A-2.f and D-5-h.

#### **Conclusion**

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

#### **Transportation**

##### Transportation Finding 1 – Pedestrian/Bicycle Circulation

Pedestrian circulation facilities in compliance with the Americans with Disabilities Act are required in accordance with the provisions of Section CCC 40.350.010. Bike lanes are not required on the streets that are part of this proposed development under Clark County jurisdiction. The applicant shall comply with City of Vancouver requirements that pertain to pedestrian and bicycle circulation along NE 78<sup>th</sup> Street. See Condition A-2.a.

##### Transportation Finding 2 – Circulation Plan

NE 78<sup>th</sup> Street is a primary east-west road in the area. NE 167<sup>th</sup> Avenue, abutting the proposed development on the west, and NE 171<sup>st</sup> Avenue, abutting the proposed development on the east will provide north-south cross-circulation in the vicinity of the site. Staff finds that required improvements along NE 78<sup>th</sup> Street (subject to City of Vancouver conditions), NE 167<sup>th</sup> Avenue, and NE 171<sup>st</sup> Avenue will provide adequate cross-circulation for serving the proposed development and will allow future developments to meet the cross-circulation standards in compliance with Section CCC 40.350.030(B)(2).

### Transportation Finding 3 – Roads

NE 78<sup>th</sup> Street\* is classified as a “Neighborhood Circulator” along the entire length of the applicant’s southern frontage and is under the City of Vancouver jurisdiction between NE 166<sup>th</sup> Avenue and NE 171<sup>st</sup> Avenue. The applicant must comply with City of Vancouver requirements on frontage improvements along this roadway. However, to meet the county circulation and access requirements, the minimum paved width of the roadway shall be a minimum of 20 feet. See Condition A-2-b.

\* NE 78<sup>th</sup> Street is under Clark County jurisdiction on both the east and west sides of the proposed development and is classified as an “Urban Collector” which requires different standards from a “Neighborhood Circulator”. The county is deferring to the City of Vancouver’s roadway classification for the portion of the road that is within the City of Vancouver, when applying the provisions of Clark County Code Chapter 40.350.030.

NE 167<sup>th</sup> Avenue and NE 171<sup>st</sup> Avenue have a proposed classification of an “Urban Neighborhood Circulator” which requires a total right-of-way width of 54 feet and 36 feet of paved surface. NE 80<sup>th</sup> Street has a proposed classification of an “Urban Local Access” which requires a total right-of-way of 46 feet and 28 feet of paved surface. The applicant is required to construct half-width frontage improvements for these roadways along the parcels being developed. The improvement plan shows the proposed construction of 20 feet of paved road, curb and gutter, a 5-foot attached sidewalk, and a 3.5-foot clear space within the partial width right-of-way. The minimum standards are proposed.

NE 78<sup>th</sup> Way, NE 79<sup>th</sup> Way, NE 79<sup>th</sup> Street, NE 168<sup>th</sup> Avenue, NE 169<sup>th</sup> Place, and NE 170<sup>th</sup> Avenue have a proposed classification of “Urban Local Access” which requires a total of right-of-way of 46 feet, 28 feet of paved width, curb and gutter, 5-foot sidewalks, and a 3.5-foot clear space. The applicant is required to construct full-width frontage improvements for these roadways. The minimum standards are proposed.

### Transportation Finding 4 – Turnarounds

If a new road is more than one hundred fifty (150) feet in length and temporarily terminates at a property boundary, a temporary turnaround cul-de-sac bulb shall be constructed at the plat boundary. See Standard Drawing 26. The proposed improvement plan shows NE 171<sup>st</sup> Street terminating at the northern property line without a turnaround. See Condition A-2.c.

### Transportation Finding 5 – Sight Distance

The approval criteria for sight distances are found in CCC 40.350.030(B)(8). This section establishes minimum sight distances at intersections and driveways. Additional building setbacks may be required for corner lots in order to maintain adequate sight distance. 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 has submitted Sight Distance Compliance Letter acknowledging that they see no issue obtaining the necessary sight distances at each of the proposed street intersection. See Condition A-2.d.

### Transportation Finding 6 – Driveways

Except for corner lots, the proposed improvement plans does not show the locations of the driveways; however, it appears that a joint driveway will service Lots 28 and 29. See Conditions A-2.e and D-5.c.

**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 Concurrency**

Concurrency Finding 1: Trip Generation

County concurrency staff has reviewed the proposed Dani Downs Subdivision. The traffic study submitted indicates that the proposed development will divide three (3) existing lots, totaling 19.6 acres, into 83 single family residences. The applicant's traffic study has estimated the a.m. peak-hour trip generation at 60, p.m. peak-hour trip generation at 81 trips and an average daily trip generation (ADT) of 770 trips. The trip generation was estimated using the nationally accepted data published by the *Institute of Transportation Engineers Ninth Addition*. The proposed development site is located at 16702, 16900 and 16906 NE 78<sup>th</sup> Street in Vancouver.

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

Concurrency Finding 2: 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 traffic study indicates that the proposed subdivision will extend NE 78<sup>th</sup> Street, through the City of Vancouver right-of-way, from the west, along the length of the southern frontage. The City of Vancouver has classified this portion of NE 78<sup>th</sup> Street as a Neighborhood Circulator, with an ultimate right-of-way width of 60 feet. The applicant's plan shows that the NE 78<sup>th</sup> Street frontage improvements will include curb, gutter, sidewalk, a planter strip and 20 feet of paved surface.

The applicant's plan also shows the construction of an interior public road network to serve as access for the proposed subdivision. This interior public road network also includes frontage improvements along the east and west property lines. These north/south roadways are proposed as neighborhood circulators and are identified as NE 167<sup>th</sup> Avenue and NE 171<sup>st</sup>

Avenue.

The applicant's study evaluated the level of service and found that the intersections analyzed will have an estimated LOS C or better, in the 2018 build-out horizon. The study also shows that the LOS was evaluated during am and pm peak hour traffic conditions in existing and build-out scenarios. County Staff concurs with the traffic study findings.

### Concurrency Finding 3: Clark County Concurrency

The proposed development is required to meet the standards established in CCC 41.350.020(G) for corridors and intersections of regional significance within 2 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 mitigation 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 operating levels and travel speeds represented in the County's model yielded operating levels and travel speeds with an acceptable level of service.

#### Summary

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

### Concurrency Finding 4: City of Vancouver Concurrency

#### City of Vancouver - Concurrency Corridors

The City of Vancouver has submitted findings and conditions for the proposed Dani Downs

Subdivision. The City of Vancouver Staff Report & Recommendation was received by the County on October 20, 2015. See Exhibit 8.

The City of Vancouver has incurred costs to analyze the proposed development's impacts; therefore, the applicant shall reimburse the City for costs incurred in running their concurrency model in the amount of \$1,500. This reimbursement should be paid to the City with evidence of payment presented to Clark County prior to final construction plan approval. See Condition A-8.

The City incurs costs for performing a review of, and preparing a staff report for, the project's submitted traffic report and impacts to the City's transportation system. The applicant shall be required to reimburse the City for the normal traffic review fee for this activity. The applicant shall reimburse the City for the normal traffic review fee of \$315.00. This reimbursement should be paid to the City with evidence of payment presented to Clark County prior to final construction plan approval. See Condition A-9.

The City incurs costs for performing a review of, and preparing a staff report for, the project's public transportation improvements. The applicant shall be required to reimburse the City for the transportation plan review in the amount of \$3,221. This reimbursement should be paid to the City with evidence of payment presented to Clark County prior to final construction plan approval. See Condition A-10.

#### **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."

#### Concurrency Finding 5: 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.

Review of the traffic study found that with the low right and left turning traffic volumes, turn lanes would not be warranted. Staff concurs with the applicant's findings.

### Concurrency Finding 6: Historical Accident Situation

The applicant's traffic study analyzed the crash history as obtained from Clark County 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. The studied intersections are as follows:

- NE 76<sup>th</sup> Street/NE Ward Road
- NE 78<sup>th</sup> Street/NE Ward Road
- NE 78<sup>th</sup> Street/NE 162<sup>nd</sup> Avenue (SR 500)
- NE Ward Road/NE 162<sup>nd</sup> Avenue (SR 500)
- NE Ward Road/NE 162<sup>nd</sup> Avenue (North)
- NE Ward Road/NE 172<sup>nd</sup> Avenue
- NE Ward Road/NE Davis Road
- NE Ward Road/NE 182<sup>nd</sup> Avenue/NE 119<sup>th</sup> Street

The applicant's study did not recommend any safety mitigations as a part of this development. Staff concurs with the applicant's finding.

### Concurrency Finding 7: Roadside Safety (Clear Zone) Evaluation

The *Institute of Transportation Engineers (ITE) Traffic Engineering Handbook 6<sup>th</sup> 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 Transportation Concurrency condition A-13.

### Concurrency Finding 8: Vehicle Turning Movements

The applicant's narrative does not indicate the types of vehicles that may serve the proposed development. The applicant's plan shows entry into the proposed subdivision from NE 78<sup>th</sup> Street at NE 167<sup>th</sup> Avenue, NE 169<sup>th</sup> Place and NE 171<sup>st</sup> Avenue with curb return radii that are not dimensioned. These curb return radii will need to comply with City of Vancouver requirements.

The applicant will need to submit evidence of permitting from the City of Vancouver for the extension of NE 78<sup>th</sup> Street along the southern property line. See Transportation Concurrency condition A-11.

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 without swinging into opposing or adjacent travel lanes, which may result in no on-street parking areas on local residential access roads, at/near the NE 78<sup>th</sup> Street/NE 69<sup>th</sup> Place; NE 78<sup>th</sup> Street/NE 167<sup>th</sup> Avenue; NE 78<sup>th</sup> Street/NE 171<sup>st</sup> Avenue intersections. See Transportation Concurrency condition A-14.

#### Concurrency Finding 9: Sight Distance

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

#### Conclusion

In summary, Concurrency Staff recommends approval of the development application subject to conditions noted above.

### **Stormwater**

#### Stormwater Finding 1 - 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 project is in the urban area and adds more than 5,000 square feet of new impervious surface; therefore, the applicant shall comply with Minimum Requirements #1 through #10 per CCC 40.385.020(A)(4).

Per CCC 40.385.020(C)(1)(a), no new development or redevelopment shall be allowed to materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots.

#### Stormwater Finding 2 – Stormwater Proposal

The site is currently occupied by three single family homes as well as numerous outbuildings. The easternmost house will remain and all other structures will be removed. The site has slopes

of 0.5% to 2.5% and is primarily pasture with areas of scattered trees. The project will create 9.62 acres of new impervious surface.

The applicant provided a Preliminary Stormwater Technical Information Report prepared by The Wolfe Group, LLC dated July 2015. Water quality requirements will be met with a series of Contech StormFilter® catch basins / manholes / vault units and biofiltration swales. Water quantity requirements are met with drywells and infiltration trenches. The report indicates that the site as well as the full and half-street improvements that surround the site will utilize full infiltration as a method of stormwater quality control. On-site soil is classified as Lauren Loam (LgB) and has a hydrologic soil group classification of "B". The infiltration systems have been preliminary design to infiltrate the 100-year storm event. See Conditions A-4.a and A-4.b.

All stormwater runoff from the roofs of the homes to be constructed will be infiltrated on each lot with individual or shared drywell and/or perforated pipe systems. See Conditions D-5.d and E-3.

Columbia West Engineering, Inc. performed infiltration testing on July 2, 2015. Tested infiltration rates ranged from 120 to greater than 200 inches per hour. A design infiltration rate of 200 inches per hour with a factor of safety 2 was used for infiltration facility sizing. Groundwater was encountered in test pits at depths ranging from 11 to 15.5 feet below ground surface. Clark County GIS indicates the depth to groundwater is approximately 10 feet below ground surface. The report specifies that all infiltration systems are proposed to lie at least 5 feet above the seasonal high groundwater determination. Piezometer will be installed at the site to monitor the groundwater in order to establish a seasonal high groundwater elevation. See Conditions A-4.c, C-1 and C-2.

The applicant does not indicate ownership of any of the stormwater facilities. See conditions D-5.e and D-4.d.

**Conclusion (Stormwater):**

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

**Fire Protection**

Fire Protection Finding 1 – Building Construction

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. One and two family homes over 3,600 square feet (excluding attached garages) will have additional fire protection requirements. See Condition E-5.

Fire Protection Finding 2 – Fire Flow

Fire flow in the amount of 1,000 gallons per minute supplied for 1 hour duration is required for this application. Prior to final plat, 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. Fire flow is based upon a 3,600 sq. ft. type V-B constructed building. See Conditions A-16.a and D-6.a.

#### Fire Protection Finding 3 – Fire Hydrants

Fire hydrants are required for this application. Either the indicated number or the spacing of the fire hydrants is inadequate. The applicant shall 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 Condition A-16.

Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. A 3-foot clear space shall be maintained around the circumference of all fire hydrants. The local district fire chief approves the exact locations of fire hydrants. See Conditions A-16.c and D-6.b.

#### Fire Protection Finding 4 – Fire Apparatus Access

Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standard, and provide fire apparatus access. Maintain access roads with 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-16.e.

#### Fire Protection Finding 5 – Fire Apparatus Turnarounds

Dead end fire apparatus access roads in excess of 150 feet require and approved turnaround, and shall comply with the Clark County Road Standard. See condition A-16.e.

#### Fire Protection Finding 6 - Parking

Parallel parking is prohibited on streets that are less than twenty-four (24) feet wide. Streets that are less than twenty-four (24) feet wide shall be posted "NO PARKING". See conditions A-16.f and D-6.c.

#### Fire Protection Finding 7- Gates

Gates that obstruct fire apparatus access roads require permits and approval by the Fire Marshal prior to their installation. See conditions A-16.g and D-6.d.

### **Conclusion**

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

### **Water and Sewer Service**

#### Finding 1 – Providers

The site will be served with sewer and water by the City of Vancouver. Letters from the city confirms that services are available to the site.

#### Finding 2 - Public Health Evaluation Letter

Submittal of a *Public Health Evaluation Letter* is required as part of the Final Construction Plan Review application. If the evaluation letter specifies that an acceptable *Public Health*

*Final Approval Letter* must be submitted, the evaluation letter will specify the timing of when the final approval letter must be submitted to the county such as at Final Construction Plan Review, Final Plat Review or prior to occupancy. The evaluation letter will serve as confirmation that Public Health staff conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer. The *Public Health Final Approval Letter* will confirm that all existing wells and/or septic systems have been abandoned, inspected and approved by Public Health staff, if applicable. See Condition A-15.

### Finding 3 – Connection required

All lots, including the existing residence to remain on Lot 39, in the proposed plat must connect to an approved public sewer and water system. A copy of the final acceptance letter from the sewer and water purveyor shall be submitted to the Health Department with the final plat mylar. The applicant shall comply with all requirements of the purveyor. See condition D-3.

### **Conclusion**

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

### **Impact Fees**

#### Finding 1 – Impact Fees

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

- Evergreen sub-area with a TIF of \$3,611.72 per dwelling
- Hockinson School District, with a SIF of \$5,906.00 per dwelling
- Park District #5, with a PIF of \$2,299 [consisting of the “regular” District 5 assessment of \$1,799 per dwelling (\$1,350 for park acquisition / \$440 for park development) plus a \$500 per lot assessment required as a condition of the releasing of Urban Holding in this area] See Exhibit 9 for the developer’s agreement contained within ORD2013-12-20.

TIF is payable prior to issuance of building permits. See Conditions D-5.f and E-4.

### **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 3, 2015 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:** Jan Bazala, (360) 397-2375, ext. 4499.

**Responsible Official:** Marty Snell, Community Development Director

## Recommendation

Based upon the proposed plan known as Exhibit 1, and the findings and conclusions stated above, staff recommends the Hearing Examiner **APPROVES** this request, subject to the understanding that the application is required to adhere to all applicable codes and laws, and is subject to the following conditions of approval.

## Conditions of Approval

<b>A</b>	<b>Final Construction Review for Land Division Review and Approval Authority: Development Engineering</b>
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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** The developer shall resolve the ownership of the north property boundary with taxlot 154006-000. (See Land Use Finding 1)
- A-2 Final Transportation Plan/On-Site** - The applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350 and the following conditions of approval:
- a. The applicant shall show on the final construction plans that all pedestrian facilities will be constructed to comply with ADA standards. (See Transportation Finding 1)
  - b. The applicant shall construct street improvements consistent with CCC 40.350.030(B)(5)(a) and subject to obtaining a City of Vancouver (COV) right-of-way permit, understanding that COV requirements may differ from county requirements and may require additional roadway improvements. In any case, the minimum paved width of the NE 78<sup>th</sup> Street shall be a minimum of 20 feet.
 

The applicant shall coordinate with the Evergreen school district and the City of Vancouver for details on provisions of a street crossing. (See Transportation Finding 3 and Land Use Finding 5)
  - c. The applicant shall show on the final construction plans that a temporary turnaround in compliance with CCC 40.350.030(B)(12)(a)(2) is provided at the north end of NE 171<sup>st</sup> Avenue. (See Transportation Finding 4)
  - d. The applicant shall show the sight distance triangles on the final construction plans. (See Transportation Finding 5)

- e. The applicant shall show on the final construction plans that a joint driveway for lots 28 and 29 will comply with CCC 40.350.030 (B)(4)(b)(2). (See Transportation Finding 6)
- f. A note shall be placed on the face of the final construction plans as follows:  
"If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Department of Archaeology and Historic Preservation in Olympia shall be notified. Failure to comply with these state requirements may constitute a Class C Felony, subject to imprisonment and/or fines."

**A-3 Transportation:**

- a. **Signing and Striping Plan:** The applicant shall submit a signing and striping plan and a reimbursable work order, authorizing County Road Operations to perform any signing and pavement striping required within the County right-of-way. This plan and work order shall be approved by the Department of Public Works prior to final plat or final site plan approval.
- b. **Traffic Control Plan:** Prior to issuance of any building or grading permits for the development site, the applicant shall obtain written approval from Clark County Department of Public Works of the applicant's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system.

**A-4 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 applicant shall submit final construction plans and a final Technical Information Report that addresses Minimum Requirements #1 through #10. (See Stormwater Finding 2)
- b. The applicant shall submit a letter, or documentation, from the stormwater treatment system manufacturer indicating the treatment devices were sited and sized appropriately. (See Stormwater Finding 2)
- c. The applicant shall perform groundwater monitoring for at least (1) one wet weather season within three (3) years prior to the date of final approval. (See Finding 2)

**A-5 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-6** If phasing is proposed at a future date, a post decision review will be required. (See Land Use Finding 4)**A-7** Prior to the issuance of final construction plans by the county, the applicant shall provide the following:

- a. Confirmation from DAHP that either confirms that no further archaeological work is necessary, or that the applicant has received and has met, or will meet, the conditions stipulated by the pending DAHP permit. (See Archaeology Finding)
- b. Confirmation from Clark County Environmental Services as to whether a Forest Practices permit is needed prior to removal of the trees. If a permit is needed, it shall be required prior to removal of trees on the site. (See Land Use Finding 8)

- A-8 Final Transportation Plan/Off Site (City of Vancouver Concurrency)** – The applicant shall reimburse the City for costs incurred in running their concurrency model in the amount of \$1,500. This reimbursement shall be paid to the City with evidence of payment presented to Clark County. (See Concurrency Finding 4)
- A-9 Final Transportation Plan/Off Site (City of Vancouver Concurrency)** – The applicant shall reimburse the City for the normal traffic review fee of \$315.00. This reimbursement shall be paid to the City with evidence of payment presented to Clark County. (See Concurrency Finding 4)
- A-10 Final Transportation Plan/Off Site (City of Vancouver Concurrency)** – The applicant shall be required to reimburse the City for the transportation plan review in the amount of \$3,221. This reimbursement shall be paid to the City with evidence of payment presented to Clark County. (See Concurrency Finding 4)
- A-11 Final Transportation Plan/Off Site (City of Vancouver Concurrency)** – The applicant shall submit evidence of permitting from the City of Vancouver for the extension of NE 78<sup>th</sup> Street along the southern property line. (See Concurrency Finding 7)
- A-12 Final Transportation Plan/Off Site (County Concurrency)** – The applicant shall submit a signing and striping plan for review and approval. This plan shall show signing and striping and all related features for required frontage improvements and any off-site improvements. The applicant shall obtain a work order with Clark County to reimburse the County for required signing and striping.
- A-13 Final Transportation Plan/Off Site (County Concurrency)** – 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 Concurrency Finding 7)
- A-14 Final Transportation Plan/Off Site (County Concurrency)** – The applicant shall submit construction plans that show the design of the intersection geometry will accommodate all applicable design vehicles for review and approval, unless modified by the County Engineer. The plans will also need to show that all applicable design vehicles have the ability to enter and exit the development without swinging into opposing travel lanes, which may result in no on-street parking areas on the local residential access road, at/near the NE 78<sup>th</sup> Street/NE 69<sup>th</sup> Place; NE 78<sup>th</sup> Street/NE 167<sup>th</sup> Avenue; NE 78<sup>th</sup> Street/NE 171<sup>st</sup> Avenue intersections. (See Concurrency Finding 8).

**A-15 Public Health Review** - Submittal of a *Public Health Evaluation Letter* is required as part of the Final Construction Plan Review or early grading application. If the evaluation letter specifies that certain actions are required, the evaluation letter will specify the timing of when those activities must be completed, such as prior to Final Construction Plan Review, construction, Provisional Acceptance, Final Plat Review, building permit issuance, or occupancy, and approved by Public Health.

**A-16 Fire Marshal Requirements**

- a. Fire flow in the amount of 1,000 gallons per minute supplied for 1 hour duration is required for this application. Fire flow is based upon a 3,600 sq. ft. type V-B constructed building. (See Fire Protection Finding 2)
- b. Fire hydrants are required for this application. The applicant shall 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 Fire Protection Finding 3)
- c. Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. A 3-foot clear space shall be maintained around the circumference of all fire hydrants. The local district fire chief approves the exact locations of fire hydrants. (See Fire Protection Finding 3).
- d. Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standard, and provide fire apparatus access. Maintain access roads with 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 Fire Protection Finding 4)
- e. Dead end fire apparatus access roads in excess of 150 feet require and approved turnaround, and shall comply with the Clark County Road Standard. (See Fire Protection Finding 5)
- f. Parallel parking is prohibited on streets that are less than twenty-four (24) feet wide. Streets that are less than twenty-four (24) feet wide shall be posted "NO PARKING". (See Fire Protection Finding 6)
- g. Gates that obstruct fire apparatus access roads require permits and approval by the Fire Marshal prior to their installation. (See Fire Protection Finding 7)

**A-17 Excavation and Grading** - Excavation / grading shall be performed in compliance with CCC Chapter 14.07.

<b>B</b>	<b>Prior to Construction of Development Review and Approval Authority: Development Inspection</b>
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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** Structures slated for removal shall obtain and comply with conditions of the Southwest Clean Air Agency and Clark County demolition permit. (See Land Use Finding 3)

<b>C</b>	<b>Provisional Acceptance of Development Review and Approval Authority: Development Inspection</b>
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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 CCC 40.385.020(C)(3)(i), before acceptance of any infiltration facility by the county, the completed facility must be tested and monitored to demonstrate that the facility performs as designed. If the tested coefficient of permeability determined at the time of construction is at least ninety-five percent (95%) of the uncorrected coefficient of permeability used to determine the design rate, construction shall be allowed to proceed. If the tested rate does not meet this requirement, the applicant shall submit an additional testing plan to Clark County that follows the requirements in Chapter 2 of the Stormwater Manual. This plan shall address steps to correct the problem, including additional testing and/or resizing of the facility to ensure that the system complies with the provisions of this chapter. (See Stormwater Finding 2)

**C-2 Stormwater:**

During installation of the infiltration facility, the applicant shall demonstrate that groundwater table is at least 5 feet below the designed elevation of the bottom of the proposed infiltration facility. The system shall be redesigned if the required separation is not achieved. (See Stormwater Finding 2)

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

- D-1** Lots shall meet the minimum lot dimensions and lot sizes of the R1-6 R1-7.5 as applicable. (See Land Use Finding 1)
- D-2** The residence to remain shall be shown on the final plat. Location of the residence shall meet minimum setbacks of the R1-7.5 zone (See Land Use Findings 2 and 3)
- D-3** All lots in the proposed plat must connect to an approved public sewer and water system. A copy of the final acceptance letter from the sewer and water purveyor shall be submitted to the Health Department with the final plat mylar. The applicant shall comply with all requirements of the purveyor.
- D-4 Developer Covenant** – A “Developer Covenant to Clark County” shall be submitted for recording to include the following:
- a. Joint Driveway Maintenance Covenant - A private joint driveway maintenance covenant shall be submitted to the responsible official for approval and recorded with the County Auditor. The covenant shall set out the terms and conditions of responsibility for maintenance, maintenance methods, standards, distribution of expenses, remedies for noncompliance with the terms of the agreement, right of use easements, and other considerations, as required under 40.350.030(C)(4)(g).
  - b. Critical Aquifer Recharge Areas - "The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."
  - c. Erosion Control - "Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."
  - d. Responsibility for Stormwater Facilities Maintenance: For stormwater facilities for which the county will not provide long-term maintenance, the developer shall make arrangements with the existing or future (as appropriate) occupants or owners of the subject property for assumption of maintenance to the county's Stormwater Facilities Maintenance Manual as adopted by Chapter 13.26A. The responsible official prior to county approval of the final stormwater plan shall approve such arrangements. Final plats shall specify the party(s) responsibility for long-term maintenance of stormwater facilities within the Developer's Covenants to Clark County. The county may inspect privately maintained facilities for compliance with the requirements of this chapter. If the parties responsible for long-term maintenance fail to maintain their facilities to acceptable standards, the county shall issue a written notice specifying required actions to be taken in order to bring the facilities into compliance. If these actions are not performed in a timely manner, the county shall take enforcement action and recover from parties responsible for the maintenance in

accordance with Section 32.04.060. (The covenant will not be required if the stormwater facilities are to be owned and maintained by Clark County.)

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

- a. Sidewalks: "Prior to issuance of occupancy permits, sidewalks shall be constructed along all the respective lot frontages."
- b. 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."
- c. Driveways: "All residential driveway approaches entering public roads are required to comply with CCC 40.350."
- d. Roof and Crawl Space Drains: "Roof and crawl space drains are to discharge to individual private infiltration systems 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. Privately Owned Stormwater Facilities: "The following party(s) is responsible for long-term maintenance of the privately owned stormwater facilities: \_\_\_\_\_." (This note may be deleted if the stormwater facilities are to be publically owned and maintained)
- f. Impact Fees: "In accordance with CCC 40.610, except for Lot \_\_\_\_\_, the School, Park and Traffic Impact Fees for each dwelling in this subdivision are: \$ 5,906.00 (Hockinson School District), \$2,299 [consisting of the "regular" District 5 assessment of \$1,799 per dwelling (\$1,350 for park acquisition / \$440 for park development) plus a \$500 per lot assessment required as a condition of the releasing of Urban Holding in this area] and \$ 3,611.72 (Evergreen TIF sub-area) respectively. The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated \_\_\_\_\_, and expiring on \_\_\_\_\_. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule." (See Impact Fee Finding)
- g. Mobile Homes: "Mobile homes are not permitted on all lots subject to the requirements of CCC 40.260.130."
- h. Archaeology: "If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Department of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State

requirements may constitute a Class C Felony, subject to imprisonment and/or fines."

**D-6 Fire Marshal Requirements**

- a. Fire flow in the amount of 1,000 gallons per minute supplied for 1 hour duration is required for this application. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational. (See Fire Protection Finding 2)
- b. Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. A 3-foot clear space shall be maintained around the circumference of all fire hydrants. (See Fire Protection Finding 3).
- c. Parallel parking is prohibited on streets that are less than twenty-four (24) feet wide. Streets that are less than twenty-four (24) feet wide shall be posted "NO PARKING". (See Fire Protection Finding 6)
- d. Gates that obstruct fire apparatus access roads require permits and approval by the Fire Marshal prior to their installation. (See Fire Protection Finding 7)

**D-7 Utility and Annexation Covenant** - The following covenants shall be submitted for recording:

- a. City of Vancouver required utility covenants, and
- b. Covenant indicating that the owner or any subsequent owner of the property shall support annexation to a city. (See Land Use Finding 8)

**D-8 Addressing** - At the time of final plat, existing residence(s) that will remain may be subject to an address change. Addressing will be determined based on point of access.

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

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

- E-1** Any amendments to a city/county inter-local agreement that may be required to fulfil the requirements of the Developer Agreement in ORD 2013-20-12 shall be completed. (See Land Use Finding 8)

- E-2 Excavation and Grading** - Excavation/grading shall be performed in compliance with CCC 14.07.
- E-3 Stormwater** - The owner of each lot is responsible for obtaining approval of a plan for roof and crawl space drains with the building permit and constructing the individual onsite drainage systems. (See Finding #8)
- E-4 Impact Fees** - The applicant shall pay impact fees as follows:
- \$5,906 per dwelling for School Impact Fees (Hockinson School Dist.)
  - \$2,299 per dwelling for Park Impact Fees [consisting of the “regular” District 5 assessment of \$1,799 per dwelling (\$1,350 for park acquisition / \$440 for park development) plus a \$500 per lot assessment required as a condition of the releasing of Urban Holding in this area]
  - \$3,611.72 per dwelling for Traffic Impact Fees (Evergreen TIF Sub-area)

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

- E-5** 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. One and two family homes over 3,600 square feet (excluding attached garages) will have additional fire protection requirements.

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

- F-1** None

<b>G</b>	<b>Development Review Timelines &amp; Advisory Information Review and Approval Authority: None - Advisory to Applicant</b>
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- G-1 Land Division** - Within seven (7) years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.
- G-2 Department of Ecology Permit for Construction Stormwater** - A permit from the Department of Ecology (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** Lots 17 through 29 will be considered double frontage lots with two front setbacks unless a note on the plat prohibit individual driveways onto NE 78<sup>th</sup> Street. (See Land Use Finding 2)

<b>H</b>	<b>Post Development Requirements Review and Approval Authority: As specified below</b>
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**H-1 None**

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

**Hearing Examiner Decision and Appeal Process**

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

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

**Motion for Reconsideration**

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

The motion must be accompanied by the applicable fee and identify the specific authority within the Clark County Code or other applicable laws, and/or specific evidence, in support of reconsideration. A motion may be granted for any one of the following causes that materially affects their rights of the moving party:

- Procedural irregularity or error, clarification, or scrivener's error, for which no fee will be charged;
- Newly discovered evidence, which the moving party could not with reasonable diligence have timely discovered and produced for consideration by the examiners;
- The decision is not supported by substantial evidence in the record; or,
- The decision is contrary to law.

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

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

### **Appeal Rights**

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

See the *Appeals* handout for more information and fees.

### **Attachments**

- Copy of Proposed Preliminary Plan



