

Type III Land Division and Environmental Review Staff Report and Recommendation

Project Name: FELIDA BREEZE SUBDIVISION

Case Number: PLD2015-00037; SEP2015-00053; GEO2015-00018;
WET2015-00049

Location: 4616 NW 122ND Street

Request: The applicant is requesting Subdivision approval to divide 3.23 acres into 10 single family residential lots located in the R1-10 zone district.

Applicant: Sterling Design, Inc.
2208 E. Evergreen Blvd.
Vancouver, WA 98661
(360)759-1794; (360) 759-4983 fax
mail@sterling-design.biz

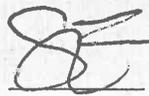
Contact Person: Joel Stirling
2208 E. Evergreen Blvd.
Vancouver, WA 98661
(360) 759-1794; (360) 759-4983 fax
joel@sterling-design.biz

Property Owner: Steven & Maureen Gustafson
4616 NW 122nd Street
Vancouver, WA 98661

Recommendation

Approve, subject to Conditions

Land Use Review manager's initials:



Date issued:

12/7/15

Public Hearing date: December 22, 2015

Revised 2/5/15



Community Development
1300 Franklin Street, Vancouver, Washington
Phone: (360) 397-2375 Fax: (360) 397-2011
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

County Review Staff

Department/Program	Name	Phone Ext.	Email Address
Community Development			
Land Use Review Manager	Susan Ellinger	5122	Susan.ellinger@clark.wa.gov
Land Use Review Planner	Jan Bazala	4499	Jan.bazala@clark.wa.gov
Fire Marshal's Office	Curtis Eavenson	3320	Curtis.eavenson@clark.wa.gov
Environmental Services			
Biologist	Lance Watt	5601	Lance.watt@clark.wa.gov
Public Works			
Transportation and Stormwater Engineering Supervisor	Greg Shafer	4064	Greg.shafer@clark.wa.gov
Engineering Team Leader	Ali Safayi P.E.		ali.safayi@clark.wa.gov
Engineer	Brad Hazen	4346	Brad.hazen@clark.wa.gov
Concurrency Engineer	David Jardin	4354	david.jardin@clark.wa.gov

Comp Plan Designation: UL

Legal Description & Parcel Number(s): SW ¼ of Section 29, T3N, R1E; taxlots 188279-000 and 188291-000

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), Section 40.410 (Critical Aquifer Recharge Area), Section 40.430 (Geologic Hazard Areas), Section 40.450 (Wetland Protection Ordinance), 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**Felida Neighborhood Association**

Dr. Milada Allen, president
P.O. Box 61552
Vancouver, WA 98666

(360) 573-4030

Email: Timberline713@gmail.com

Vesting

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on August 14, 2014. The pre-application was determined contingently vested until February 17, 2015; however the application was not fully complete by February 17, 2015, thus, the applicant's contingent vesting expired. The fully complete application was submitted on October 1, 2015, and determined to be fully complete on October 15, 2015. Given these facts, the application is vested on October 1, 2015.

There are no disputes regarding vesting.

Time Limits

The application was determined to be fully complete on October 15, 2015. Therefore, the code requirement for issuing a decision within 92 days lapses on January 15, 2016. The state requirement for issuing a decision within 120 calendar days, lapses on February 12, 2016.

Public Notice

Notice of application and public hearing was mailed to the applicant, the Felida Neighborhood Association and property owners within 300 feet of the site on October 30, 2015. One sign was posted on the subject property on November 18, 2015.

Public Comments

Judith Donovan; email dated November 6. See Exhibit 6.

Ms. Donovan requested copy of the SEPA checklist and copy of the Army Corps wetland permit, and questions why no SEPA mitigations are required.

Staff response: Staff provided her a copy of the SEPA checklist. No Army Corps permit was submitted with the application, nor is one needed to satisfy the County's requirements (the applicant will need Army Corps permits separately). Staff believes that no special SEPA conditions are required, and that existing wetland regulations are sufficient to address the impacts to wetlands.

Kyle Sproul; email dated November 11, 2015. See Exhibit 8.

Autumn Makela; email dated November 11, 2015. See Exhibit 9.

Trisha Walden; email dated November 12. See Exhibit 11.

Betty Ding; email dated November 15, 2015. See Exhibit 14.

Sherrilyn Hurst; email dated November 15, 2015. See Exhibit 16.

The above comments are focused solely on opposing the requirement that NW 48th Court be extended from its temporary terminus in the Moongate subdivision through Felida Breeze. See staff response summary section below.

Bill and Dorothy Hagan; email dated November 12, 2015 . See Exhibit 10. In addition to opposing the extension of NW 48th Court, the Hagans have concerns regarding drainage and wetland issues.

Robert and Mary Collier; email dated November 15, 2015. See Exhibit 13. In addition to opposing the extension of NW 48th Court, Mr. Collier states:

- cars are often parked illegally along NW 122nd Street, effectively making it a one-lane street, impacting boat trailers and other traffic in the neighborhood;
- no parking zones in this area are not enforced by the county;
- there is a lack of sidewalks along this area along NW 122nd Street;
- he has concerns that the existing wetland and drainage issues will be inadequately mitigated and that the wetlands should not be used for development;
- children sometimes walk in the middle of NW 122nd due to lack of sidewalks and drainage issues;
- the intersection of NW 122nd and 36th Avenue is uncontrolled, with dangerous turns occurring

Wayne Magnoni, Moongate Homeowners Association President; email dated November 15, 2015. See Exhibit 17. In addition to opposing the extension of NW 48th Court, Mr. Magnoni notes the following:

- setbacks to the house on Lot 16 of Moongate will be extremely reduced and look terrible. If necessary, the right-of-way on Moongate should be re-located away from the residence;
- a walkway though to NW 122nd Street should be provided;
- the drainage that feeds the wetlands in Moongate should be preserved.

Todd Makela; emailed letter dated November 15, 2015 . See Exhibit 15. Todd and Autumn Makela are the owners of Lot 16 in Moongate. He notes that if 48th Court is extended through in the right-of-way as platted, that the setback to his house will be non-conforming. He also has concerns regarding the filling of wetlands on Felida Breeze, and the impact that the filling may have on the wetlands in Moongate.

James Borden; email dated November 16, 2015 . See Exhibit 20. In addition to opposing the extension of NW 48th Court, Mr. Borden requests that CC&R's be required to ensure appropriate comparable standards for appearance and quality of homes.

Al and Chris Maitland, faxed letter dated November 16, 2015. See Exhibit 21. The Maitlands note the narrow condition of NW 122nd Street, the source of existing traffic that uses NW 122nd Street, and opines that more traffic added to this road makes no sense.

Staff response:

- *For the extension of NW 48th Court, See Transportation Findings and conditions A-1.b.*

- *Regarding concerns related to wetlands and stormwater, the applicant has applied for a wetland permit to fill wetlands, and flows to maintain the off-site wetlands have been considered in the review of stormwater. See Exhibits 27 and 28, Attachment A, stormwater findings, and conditions A-3, A-8, A-9, B-3, C-2, D-2.h, D-3, and D-4.*
- *Concerning the setback to the house on Moongate Lot 16, see Land Use Finding 5.*
- *Regarding the enforcement of no parking zones along NW 122nd Avenue, the county sheriff is charged with enforcing this.*
- *Concerning walking conditions along NW 122nd Street, see Land Use Finding 7.*
- *Concerning CC&R's for appearance and quality of homes, the developer is under no county obligation to require any design standards.*

Department of Archaeology and Historic Preservation (DAHP); letter dated November 16, 2015. See Exhibit 18. The letter states no further archaeological work is needed at this time.

Staff response: See Archaeology Finding and conditions A-7.a and D-2.g.

Department of Ecology; letter dated November 16, 2015. See Exhibit 19. The letter notes that erosion control measures are required, coverage under a state stormwater permit may be needed, and that any unused wells must be decommissioned.

Staff response: See conditions A-4, B-2, B-3, B-4, and G-2.

Project Overview

The site consists of two taxlots totaling 3.2 acres. The western taxlot contains a single family residence; the eastern taxlot contains a shop outbuilding. The application proposes 10 residential lots in two phases. The existing residence will remain until Phase 2 is developed.

The topography slopes from the northeast corner of the site to the south, with a wetland in the mid-eastern section of the property.

The project requires subdivision approval, SEPA review, as well as wetland and geohazard reviews.

The project is required to provide cross-circulation through the site, connecting the existing stubs of NW 46th Avenue and NW 48th Court through to NW 122nd Street. Per the West Felida Circulation Plan, no parking will be allowed on either side of the extension of NW 46th Avenue.

The site is within the following districts:

Felida Neighborhood Association
Vancouver Schools
Fire District 6
Clark Public Utilities Water
Clark Regional Wastewater Sewer
Park District 9

Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use
Site	UL	R1-10	Single family residence and shop
North	UL	R1-10	Single family residential-Celia Meadows
East	UL	R1-10	Single family residential lots of the Dow short plat
South	UL	R1-10 & R1-20	Single family residential lots of the Moongate subdivision
West	UL	R1-10 & R1-20	Single family residential of the Moongate subdivision

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 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

Land Use Finding 1 – Lot Standards

The proposed subdivision is located within the R1-10 zoning district. Per Table 40.220.010-2, this zone requires a minimum lot area of 10,000 square feet and an average maximum area of 15,000 square feet. The zone also specifies that each lot shall have an average width of 80 feet and an average depth of 90 feet.

The preliminary plan shows compliance with these standards. See condition D-5.

Land Use Finding 2 – Setbacks

The setbacks prescribed for the R1-10 zoning district are as follows:

Front: 10 feet or 18 feet to garage entrance
Street Side: 10 feet
Side: 7 feet
Rear: 15 feet

Land Use Finding 3 – Manufactured Homes

The applicant has not indicated that manufactured homes will be allowed in the subdivision, and has not demonstrated compliance with standards that would allow them; therefore a note shall be placed on the plat stating that mobile homes are prohibited. See condition D.2.f.

Land Use Land Use Finding 4 – Landscaping

Per Table 40.320.010-1, no landscaped buffers are required for this project. Also, the site does not abut a collector or arterial, therefore, no right-of-way street trees are required under Section 40.320.020.

Land Use Land Use Finding 5 – 48th Court and Moongate Lot 16 Setback

NW 48th Court ends in a temporary turnaround just shy of the south property line of Felida Breeze within the Moongate subdivision plat; right-of-way for the planned future extension of NW 48th extends to the Felida Breeze property line. NW 48th Court was approved with the Moongate subdivision as a temporary cul-de-sac approximately 1,800 feet long (whereas the code allows a permanent cul-de-sac street to be a maximum length of 600 feet).

Lot 16 of Moongate is located on the east side of the temporary turnaround. According to aerial photos, the existing residence on Lot 16 which is owned by Todd and Autumn Makela, is located within a few feet of the 48th Court right-of-way that extends beyond the temporary turnaround. See Exhibit 24.

The Makela residence was permitted under SFR2013-00170. The approved plot plan for the building permit shows the house meeting the required 10 foot setback to the future right-of-way. See Exhibit 26. It's not evident how the house became located closer to the right-of-way line, if indeed it actually is closer than 10 feet.

Neighbors have suggested that the road be adjusted to swing west, away from the Makela residence. The dedicated right-of-way is a few feet wider than necessary, so the location of the road could be shifted approximately three feet to the west instead of being constructed exactly in the middle of the right-of-way. To move the road outside of the existing Moongate right-of-way would require the agreement of all parties involved, and a plat alteration to the existing Moongate plat.

Land Use Finding 6 – Phasing

The applicant has proposed the project in two phases. Per Section 40.540.040.D.4.b, each phase must be able to “stand alone” in regards to meeting transportation, stormwater, and other development regulations. See condition A-11.

Land Use Finding Finding 7 – 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 Vancouver School District. Felida Elementary and Jefferson Middle Schools are both less than one mile from the site; however, the applicant provided a letter from the district (Exhibit 1, tab 22) indicating that all students will be bused.

Land Use Land Use Finding 8 – Tree removal

It's not clear if the existing mature fir trees along the north and west property lines will be retained. If they are to be removed, 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-12.

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

Archaeology

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

The DAHP concurs with the recommendation of the pre-determination that no additional studies are necessary; however, 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 Conditions A- 7.a and D-2.g.

Conclusion

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

Wetland:

See Attachment A – Environmental Services Report for findings. Wetland conditions are integrated into this report.

Conclusion

Environmental Services concludes that the proposed preliminary plan, subject to conditions identified in their attached report, meets wetland requirements of the Clark County Code.

Geo-Hazard

Finding 1 – Geo Hazard Determination

The Clark County GIS map system shows a small area of potential slopes exceeding 15% along with a section of severe erosion hazard area on the site. The applicant's engineer, Sterling Design Inc., has submitted an engineering letter dated November 30, 2015 stating that the County GIS information is in error and that the slopes on the property are 15% or less, therefore, a Geologic Hazard Study is not needed for the project. Engineering Staff concurs with Sterling Design Inc.; therefore, no conditions are warranted for this finding.

Conclusion

Development Engineering concludes that the proposed preliminary plan, subject to conditions identified in their attached report, meets geo-hazard requirements of the Clark County Code.

Transportation

Finding 1 – Pedestrian/Bicycle Circulation Plan

Pedestrian circulation facilities in compliance with the Americans with Disabilities Act are required in accordance with the provisions of Section CCC 40.350.010. This project complies with this standard; therefore, no other conditions are warranted for this finding.

Finding 2 – Cross Circulation Standards

The applicant's proposed road network complies with the roadway circulation requirements of section CCC 40.350.030(4)(B)(2). Since the project complies with this standard, no other conditions are warranted for this finding.

Finding 3 – Roads

NW 46th Avenue is classified as an Urban Local Residential Access roadway. The applicant is responsible for 46 feet of full-width right-of-way dedication and construction of a 28-foot full-width roadway with curb/gutter and sidewalk on both sides of the roadway per Standard Drawing 13. The Clark County Arterial Atlas states no parking is allowed along this roadway. See Condition A-1.a.

NW 48th Court is classified as an Urban Local Residential Access roadway. The applicant is responsible for 46 feet of full-width right-of-way dedication and construction of a 28-foot full-width roadway with curb/gutter and sidewalk on both sides of the roadway per Standard Drawing 13. The applicant is required to remove the existing cul-de-sac in the Moongate subdivision and connect the new road to the existing NW 48th Court in the Moongate subdivision. See Condition A-1.b.

Finding 4 – Sight Distance

The approval criteria for sight distances are found in CCC 40.350.030(B)(8). This section establishes minimum sight distances at intersections and driveways. Additional building setbacks may be required for corner lots in order to maintain adequate sight distance. The

final engineering plans shall show sight distance triangles at all intersections. Landscaping, trees, utility poles, and miscellaneous structures will not be allowed to impede required sight distance requirements at all proposed driveway approaches and intersections. The applicant shall submit a sight distance analysis and show the sight distance triangles on final construction plans. See Condition A-1.c.

Conclusion (Transportation):

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

Transportation Concurrency

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

County concurrency staff has reviewed the proposed Felida Breeze Subdivision development. The submitted traffic profile indicates that the proposed development will divide 3.23 acres into 10 single family detached units. The submitted traffic study has estimated the PM peak hour trips at 9 and an ADT of 90. The submitted traffic profile is sufficient to comply with the County's Concurrency Code. No conditions of approval are warranted.

Conclusion

Transportation Concurrency staff concludes that the proposed preliminary plan, subject to conditions identified in their attached report, meets transportation concurrency requirements of the Clark County Code.

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 adds more than 5,000 square feet or more of new impervious surface and therefore the applicant shall comply with Minimum Requirements 1 through 10 per CCC 40.385.020(A)(4). See Condition A-3.a.

Finding 2 – Stormwater Proposal

The applicant provided a preliminary stormwater technical information report dated September 2015, prepared by Sterling Design, Inc., Water quality is proposed to be managed through StormFilter treatment cartridges. Water quantity control will have a direct discharge to the stormwater line in NW 122nd Street, which provides for a direct discharge into Lake River which is an exempt water body for water quantity control.

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. See Condition A-3.b.

Stormwater facilities within the right-of-way are proposed to be owned and maintained by Clark County. The stormwater conveyance pipe within the 20-foot easement along the south side of lots 1 through 3 are proposed to be privately owned and maintained. All roof and lot drainage laterals will be owned and maintained by the property owner on whose lot the system is located. See condition D-1.c.

Conclusion

Development Engineering concludes that the proposed preliminary plan, subject to conditions identified in their attached report, meets transportation requirements of the Clark County Code.

Fire Protection

Finding 1 – Fire Marshal Review

This application was reviewed by Curtis Eavenson in the Fire Marshal's Office. He can be reached at (360) 397-2375 ext. 3320.

Finding 2 – Building Construction

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. See condition E-2.

Finding 3 – Fire Flow

Fire flow in the amount of 1,000 gallons per minute supplied for 120 minutes duration is required for this application. A utility review from the water purveyor indicates that the required fire flow is available at the site. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval. One and two family homes over 3,600 square feet (excluding attached garages) will have additional fire protection requirements. See conditions A-10.a, D-7 and E-2.

Finding 4 – 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 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. One hydrant is required. See conditions A-10.b and D-7.

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. See condition A-10.c.

Finding 5 – 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 Standards. The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface capable of supporting the imposed loads of fire apparatus. See condition A-10.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 - The site will be served by the Clark Public Utilities water district and Clark Regional Wastewater sewer district. Letters from the above districts confirm that services are available to the site.

Finding 2 - 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-6.

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. The existing residence will qualify for a impact fee “waiver”.

In accordance with CCC 40.610, the School, Park and Traffic Impact Fees for each new dwelling in this subdivision are: \$ 1,523 (Vancouver School District), \$2,016 (\$1,576 - Acquisition; \$440 - Development for Park District #9), and \$ 3,050.44 (Hazel Dell 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 are payable upon issuance of a building permit for each lot. See conditions D-1.d and E-1.

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 October 30, 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

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 Review for Land Division 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 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. NW 46th Avenue - The applicant shall dedicate 46-foot right-of-way and construct a 28-foot wide roadway with curb/gutter and sidewalk on both sides of the roadway per Standard Drawing 13. This roadway shall be posted with "No Parking" signs. (See Transportation Finding 3)
 - b. NW 48th Court - The applicant shall dedicate 46-foot right-of-way and construct a 28-foot wide roadway with curb/gutter and sidewalk on both sides of the roadway per Standard Drawing 13. The applicant is required to remove the existing Cul-De-Sac in the Moongate Subdivision and connect the new road to the existing NW 48th Court in the Moongate Subdivision. (See Transportation Finding 3)

- c. The applicant shall show the sight distance triangles on the final construction plans for all public road intersections. (See Transportation Finding 4)

A-2 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-3 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 comply with the Clark County Stormwater Manual minimum requirements 1-10. (Stormwater Finding 1)
- b. 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)

A-4 Erosion Control Plan - The applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.385.

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

A-6 Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department 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 (e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy). The Evaluation Letter will serve as confirmation that the Health Department 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.

A-7 Notes shall be placed on the face of the final construction plans as follows:

- a. "If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, 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. "Clearing and development shall only occur in areas indicated in the November 3, 2015 wetland delineation/assessment report and the wetland mitigation report. Any clearing or grading within a wetland or wetland buffer beyond the impacts shown in these reports shall require additional consultation with Clark County Environmental Services Staff, and potentially additional permits and mitigation."

A-8 Final Wetland Permit approval shall be required subject to the following;

- a. The applicant shall clearly indicate how hydrology for the wetland in the Moongate Subdivision to the south will be maintained.
- b. The applicant shall provide proof of credits purchased or financial assurances for the purchase of 0.13 acres of wetland credit from the Columbia River Wetland Bank.

A-9 Wetland Plan: The Final Construction plan shall show location of the outer extent of the remaining offsite wetland and the wetland buffer for marking in the field. Markings shall be installed prior to construction and maintained throughout the duration of construction.

A-10 Fire Marshal Requirements

- a. Fire Flow in the amount of 1,000 gallons per minute supplied for 120 minutes duration is required for this application. A utility review from the water purveyor indicates that the required fire flow is available at the site. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval. One and two family homes over 3,600 square feet (excluding attached garages) will have additional fire protection requirements. (See Fire Protection Finding 3)
- 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 4)
- 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. (See Fire Protection Finding 4)
- 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 Standards. The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface capable of supporting the imposed loads of fire apparatus. (See Fire Protection Finding 5)

- A-11** Each phase shall be designed to “stand alone” in regards to meeting transportation, stormwater, and other development regulations. (See Land Use Finding 6)
- A-12** If the mature trees along the north and west property lines are to be removed, the developer shall obtain 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)

B	Prior to Construction of Development Review and Approval Authority: Development Inspection
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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 The applicant shall utilize best management practices to control erosion and prevent sediment from entering and degrading adjacent wetlands and wetland buffers.**
- B-4 Erosion Control** - Erosion control facilities shall not be removed without county approval.

C	Provisional Acceptance of Development Review and Approval Authority: Development Inspection
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- C-1** Prior to provisional acceptance of development improvements, construction shall be completed consistent with the approved final construction / land division.
- C-2** Permanent physical demarcation along the upland boundary of the wetland buffer area shall be installed and thereafter maintained. Such demarcation may consist of logs, a tree or hedge row, fencing, or other prominent physical marking approved by the responsible official. In addition, small signs shall be posted at a minimum of one per lot or every 100 feet, whichever is less, on lots adjacent to the wetland buffer; the signs shall be approved by the Resource Permitting and Enhancement Manager, and perpetually maintained at locations along the outer perimeter of the wetland buffer approved by the responsible official worded substantially as follows:

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

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

D-1 Developer Covenant – A “Developer Covenant to Clark County” shall be submitted for recording to include the following:

- a. 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."
- b. 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."
- c. 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.
- d. Impact Fees: "In accordance with CCC 40.610, except for 1 lot designated on the final plat as waived, the School, Park and Traffic Impact Fees for each dwelling in this subdivision are: \$ 1,523 (Vancouver School District), \$2,016 (\$1,576 - Acquisition; \$440 - Development for Park District #9), and \$ 3,050.44 (Hazel Dell 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."

D-2 Plat Notes - The following notes shall be placed on the final plat:

- a. Utilities: "An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."
 - b. Driveways: "All residential driveway approaches entering public roads are required to comply with CCC 40.350."
 - c. Sidewalks: "Prior to issuance of occupancy permits, sidewalks shall be constructed along all the respective lot frontages."
 - d. Privately Owned Stormwater Facilities: "The following party(s) is responsible for long-term maintenance of the privately owned conveyance drainage pipe within lots 1 through 3: _____."
 - e. Roof and Crawl Space Drains: "Roof and crawl space drains shall be installed in accordance with the approved As-Built plans, unless a revised plan is approved by the county. These stormwater systems will be owned and maintained by the property owner on whose lot the stormwater system is located."
 - f. Mobile Homes: "Mobile homes are not permitted on all lots subject to the requirements of CCC 40.260.130."
 - g. "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."
 - h. Wetland and wetland buffers shall be maintained in a natural state. Any clearing or development within a wetland or wetland buffer requires consultation with County Environmental Permitting staff with potential permits and mitigation required.
- D-3** All wetland and wetland buffer boundaries shall be clearly delineated on the face of the Final Site Plat (including ranking of the wetland); some wetlands may occur offsite and have buffers which extend onto the subject parcel.
- D-4** The applicant shall demonstrate compliance with the conditions in the Wetland Bank Use Plan dated November 3, 2015.
- D-5** Lots shall meet area and dimensional requirements of the R1-10 zone.
- D-6** All lots in the proposed plat must connect to an approved public sewer and water systems. 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-7 Fire Marshal Requirements** - Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval.
- D-8 Addressing** - At the time of final plat for Phase 1, the existing residence 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
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Prior to issuance of a building permit, the following conditions shall be met:

- E-1 Impact Fees** - The applicant shall pay impact fees based on the number of dwelling units in the building, as follows:

The School, Park and Traffic Impact Fees for each new dwelling in this subdivision are: \$ 1,523 (Vancouver School District), \$2,016 (\$1,576 - Acquisition; \$440 - Development for Park District #9), and \$ 3,050.44 (Hazel Dell TIF sub-area) respectively.

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-2** 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

F	Occupancy Permits Review and Approval Authority: Building
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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
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- G-1 Land Division** - Within seven (7) years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.
- G-2 Department of Ecology Permit for Construction Stormwater** - A permit from the Department of Ecology (ECY) is required if:

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

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

G-3 Building and Fire Safety

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

H	Post Development Requirements Review and Approval Authority: As specified below
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H-1 none

<p>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.</p>

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

- Attachment A: Environmental Services Report
- Copy of Proposed Preliminary Plan

Attachments A: Environmental Services Report



Environmental Services
Resource Enhancement & Permitting Division

Felida Breeze Subdivision
WET2015-00049;
PLD2015-00037; SEP2015-00053;
GEO2015-00018

Development Review Recommendation



Development Application Summary

- Land Division
- Site Plan Review
- Conditional Use
- Shoreline Substantial Development
- Residential Building Permit
- SEPA
- Type II Wetland Permit
- Habitat Determination

Request

The applicant is requesting Subdivision approval to divide 3.23 acres into 10 single family residential lots located in the R1-10 zone district. Approximately 0.15 acres of Category IV wetlands will be impacted by this development.

DES Recommendation

Approval with Conditions

- Community Development Director
- Shoreline Administrator
- Hearings Examiner

Site Information

Location: 4616 NW 122ND Street	Legal Description:
Applicant: Sterling Design, Inc. 2208 E. Evergreen Blvd. Vancouver, WA 98661 (360)759-1794; (360)759-4983 fax mail@sterling-design.biz	Contact: Joel Stirling 2208 E. Evergreen Blvd. Vancouver, WA 98661 (360)759-1794; (360)759-4983 fax joel@sterling-design.biz
Owner: Steven & Maureen Gustafson 4616 NW 122 nd Street Vancouver, WA 98661	Reviewer: Lance Watt
Review Date: November 24, 2015	Vesting Date: October 1, 2015

Applicable Codes: 40.510 (Procedures) 40.440 (Habitat) 40.50 (Wetland) 40.460 (Shoreline) 40.570 (SEPA)

Summary of Public Comments

Numerous concerned citizens inquired about the impacts to wetlands on the Gustafson property and how it might affect wetlands to the south in the Moongate Subdivision. Due to the cross-circulation requirement for transportation and the existing site topography, there is no way to avoid filling the wetland on the Felida Breeze subdivision. This project will impact 0.15 acres of Category IV wetland. The applicant proposes to mitigate for the impacts off-site at the Columbia River Mitigation Bank by purchasing 0.13 acres of mitigation bank credit. County staff have conditioned that hydrology from a stormwater facility to the north be maintained to the wetland in the Moongate Subdivision to avoid adverse impacts to this wetland.

ATTACHMENT "A"

Project Overview

The Felida Breeze Subdivision proposal is to subdivide two tax parcels, serial numbers 188279-000 and 188291-000, located in a portion of the SW ¼ of Section 29, Township 3 North, Range 1 East of the Willamette Meridian, Clark County Washington, into 10 single family residential lots utilizing the R1-10 zone development standards. The site area is approximately 3.23 acres and currently has one single family residence located on it with a large shop building. The project is proposed to be developed in two phases and the existing residence will remain on Phase II of the project until it is developed. The existing residence and outbuilding will be removed as part of the development process upon completion of both phases. The property topography slopes from the northeast corner down to the south and there is an area of the property that has been delineated as wetlands in the mid-eastern portion of the property. The site is zone R1-10 and the comprehensive plan designation for the site is UL. There are sensitive lands located on the property and offsite also. The "West Felida Circulation Plan" requires that NW 46th and NW 48th Avenues be extended through the property to connect to NW 122nd Street.

There is a Category IV slope wetland on parcel 188291000 with emergent and scrub/shrub vegetation. This wetland is primarily fed by a stormwater outfall from a 12 inch pipe from a stormwater detention pond for the development to the north. The outfall from this wetland flows south through an undersized culvert underneath an existing driveway on the southern end of parcel 188291000 and into the Moongate Subdivision where it feeds another wetland. Due to the traffic circulation requirements and the existing topography of the site, this project will require the filling of 0.15 acres of Category IV wetland.

Analysis

Staff reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts could be mitigated through application 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 conducted on date.

Major Issues:

Only major issues that require conditions and/or revisions to the proposed plans to ensure compliance with the requirements of the applicable codes are discussed in detail below:

Habitat Review (CCC 40.440)

Finding 1 - none

Wetland Review (CCC 40.450)

Finding 1 - The applicant has indicated the presence of an approximately 0.15 acre Category IV slope wetland with a mixture of scrub/shrub and emergent vegetation. The wetland is primarily fed by stormwater outflow from a stormwater facility to the north. The flow is constricted at an undersized culvert underneath of the existing private driveway on the southern end of parcel 188291000 which serves the Gustafson lot. The outflow from this culvert flows onto the Moongate Subdivision where it feeds into a wetland which was identified as a Category III wetland (PLD2005-00055; WET2005-00027).

Finding 2 - A subdivision is considered a high intensity use per the Wetland Protection Ordinance (CCC 40.450.030.E; Table 40.450.030-5). As such, the Category IV wetlands onsite are afforded a 50 foot wetland buffer to protect the ecological function of the wetlands. No delineation or rating forms were provided by the applicant for the offsite wetlands on the Moongate Subdivision. Previous determinations found the offsite wetland to be a Category III wetland with Type D (100 foot) buffers. The existing driveway functionally isolates the Felida Breeze subdivision from this wetland.

Finding 3 - Due to transportation requirements and existing topography, a majority of the wetland on parcel 188291000 will be required to be filled. The remainder of the wetland is also proposed to be filled to the existing driveway in order to provide an additional lot (Lot 2).

Finding 4 - Per the Wetland Protection Ordinance standards (CCC 40.450.040.D.2), the preferred sequencing for compensation of wetland impacts is mitigation on-site followed by off-site mitigation (including purchase of wetland bank credits within the same watershed service area). The entire wetland on-site will be filled; no other wetlands exist on either parcel proposed for development of the Feiida Breeze Subdivision. As such, there is nowhere to achieve on-site mitigation.

Finding 5 - The applicant has provided a wetland mitigation plan dated November 3, 2015 which proposes off-site mitigation in the form of purchasing 0.13 acres of wetland credits from the Columbia River Wetland Mitigation Bank per the conditions of the wetland mitigation bank [0.15 acres of Category IV wetland impact X 0.85:1 mitigation ratio = 0.13 acres of credit required]. County staff approves the use of the Columbia River Wetland Mitigation Bank as a mitigation option.

Finding 6 - The applicant has provided proof that the Columbia River Wetland Mitigation Bank has adequate credit available to cover the mitigation requirements.

Finding 7 - The plans currently show a majority of the stormwater outfall from the development to the north to be placed into a pipe and carried to the intersection of NW 46th Avenue and 122nd Street where it will connect with an existing stormwater pipe. County staff shall require the hydrology for the wetland in the Moongate Subdivision be maintained to prevent degradation of this resource.

Conclusion

Based upon the development site characteristics and the proposed development plan, staff concludes that the proposed Development applications complies with the requirements of Chapter, 40.450, the Wetland Protection Ordinance, the Conservation standards in 40.460, and Elements of SEPA under 40.570 addressed herein, PROVIDED that certain conditions (listed below) are met. Therefore, the requirements of the preliminary plan review criteria are satisfied.

Recommendation

Based upon the proposed plan (identified as Exhibit 1), and the findings and conclusions stated above, the Resource Permitting and Enhancement Manager recommends **Approval** of this request, subject to the understanding that the applicant is required to adhere to all applicable codes and laws, and, if approved as proposed, should be subject to the following conditions of approval:

Conditions of Approval

G	General Conditions
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See conditions A-7.b, A-8, A-9, B-3, C-2, D-2.h, D-3, and D-4.
in staff report and recommendation for PLD2015-00037 and associated applications.

H:\Enhancement and Permitting\ENVIRONMENTAL REVIEW\Wetland Review\Wetland Permits\2015\WET2015-00049 (Felida Breeze Subdivision)\WET2015-00049 SR for CD.docx



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