

Type III Land Division and Environmental Review Staff Report and Recommendation

Project Name: FIFTH PLAIN SUBDIVISION

Case Number: PLD2015-00026; SEP2015-00041; SHL2015-00025;
WET2015-00037; FLP2015-00019; HAB2015-00057;
EVR2015-00045

Location: The applicant is requesting Subdivision approval to divide 40.27 acres into 69 single-family residential lots and one large future development lot in two phases, located in the R1-10 & R1-20 zone districts.

Request: Southwest corner of NE 182nd Avenue and NE 81st Circle

Applicant: Hinton Development Corp.
14010 NE 3rd Court, Suite #A106
Vancouver, WA 98685
(360)546-1220
rob@hintondevelopment.com

Contact Person: Olson Engineering
Mike Odren
222 E. Evergreen Blvd
Vancouver, WA 98660
(360)695-1385; (360)695-8117 fax
mikeo@olsonengr.com

Property Owner: Mark & Joni Hinton
14010 NE 3rd Court, A106
Vancouver, WA 98685
mark@hintondevelopment.com

EXHIBIT # 31

Recommendation
Approve subject to Conditions

Land Use Review manager's initials: W Date issued: 10/28/15

Public Hearing date: November 12, 2015

Revised 2/5/15



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

**Legal description/ Parcel
Number:**

SW 1/4, Section 6, T2N, R3E; taxlot 168622-000

Applicable Laws

Clark County Code: Title 15 (Fire Prevention), Section 40.220.010 (Single-Family Residential District), Section 40.320 (Landscaping), Section 40.350, (Transportation), Section 40.350.020 (Transportation Concurrency), Chapter 40.385 (Storm Water Drainage and Erosion Control), Section 40.420.010 (Flood Hazard Area), Section 40.440 (Habitat Conservation), Section 40.450 (Wetland Protection Ordinance), Section 40.460 (Shoreline Overlay District), Sections 40.500 and 40.510 (Procedures), Section 40.540 (Land Division Ordinance), Section 40.570 (SEPA), Section 40.570 (SEPA Archaeological), Section 40.610 (Impact Fees), Title 24 (Public Health), Clark County Shoreline Management Master Program, WAC173-27, RCW 58.17, and the Clark County Comprehensive Plan.

Neighborhood Association and Contact

Heritage Neighborhood Association
Christie Brown Silva
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Vancouver, WA 98682

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Email: 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 May 1, 2014. That pre-application expired; and a pre-application waiver was submitted prior to this application. Pre-application waivers cannot qualify for contingent vesting.

The fully complete application was submitted on July 27, 2015, and determined to be fully complete on August 14, 2015. Given these facts, the application is vested on July 27, 2015.

There are no disputes regarding vesting.

Time Limits

The application was determined to be fully complete on August 14, 2015. The applicant was asked to submit additional information which extended the deadline by 21 days. Therefore, the code requirement for issuing a decision within 92 days lapses on Sunday, December 5, 2015. The state requirement for issuing a decision within 120 calendar days lapses on Sunday, January 2, 2016.

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 1, 2015. The date of the hearing was changed to November 12, 2015; therefore, a second notice regarding the new hearing date was sent on September 30, 2015.

One sign was posted on the subject property on September 18, 2015 and updated to reflect the new hearing date on October 13, 2015

Public Comments

Mary Trostle, 17210 NE 26th Way, Vancouver, WA, 98684; email September 14, 2015. See Exhibit 6. Ms Trostle had questions regarding the applicant's SEPA checklist.

Staff Response: The applicant responded with an email dated September 16, 2015. See Exhibit 7. The applicant's representative, Mike Odren, noted that they do modify a template to complete SEPA checklists and that he sighted the owl on a site visit; the applicant's environmental consultant confirmed that it was likely a Great Horned owl, which is not a protected species.

Department of Archaeology and Historic Preservation (DAHP), letter dated September 15, 2015. See Exhibit 8. The letter states that a permit from DAHP will be required to disturb two sites discovered by the archaeological pre-determination survey.

Staff response: Subsequent correspondence with DAHP resulted in recommended conditions of approval regarding archaeological resources. See conditions A-11, A-12.a and D-5.h.

Ryan Lopossa, Senior Civil Engineer, City of Vancouver email dated September 16, 2015. See Exhibit 13. The email outlines the city's concerns regarding the provision of access to the site via the city's NE 78th Street right-of-way that lies immediately west of the Fifth Plain site.

Staff response: The city has since provided a staff report including conditions of approval. See Exhibit 28. Staff has provided a condition that the applicant will need to provide a minimum paved width of 20 feet for the off-site road, and that it will require approval from the City of Vancouver. The City may have standards that are different from the County's minimum requirement. See Transportation Finding 2 and condition A-1.b.

Washington State Department of Transportation (WSDOT), letter dated September 29, 2015. See Exhibit 14. The letter notes that mitigation of the intersection of NE 182nd Avenue and SR 500 will need needed (based on the original proposal of 113 lots). Issues related to mitigation are outlined in the letter.

Staff response: Staff and the applicant have been aware of the pending failure of the intersection for some time. The applicant has reduced the scope of the project to send fewer trips to that intersection to avoid failure of the intersection.

Thomas Barnard, PO Box 821614, Vancouver, WA, 98682; email September 30, 2015. See Exhibit 15. Mr. Barnard has concerns with the speed limit and width of NE 182nd Avenue and recommends that traffic lights be required at the entrances to the neighborhood.

Staff response: County transportation and concurrency staff, as well as WSDOT and the City of Vancouver have reviewed the proposal for adherence to state, county and city regulations. Conditions of approval have been recommended, although they do not include traffic signals, reducing the speed limit, or widening NE 182nd to four lanes.

David Harris, 17810 NE 81st CIR, Vancouver, WA, 98682; letter dated September 20th, received September 30, 2015. See Exhibit 16. Mr. Harris has general concerns regarding the general impacts of growth and development.

Staff response: Staff notes Mr. Harris' concerns, and opines that growth will occur and that per the Growth Management Act the County must plan for it. The site has been zoned for urban development, and the project is being reviewed for compliance with established development regulations.

Department of Ecology (ECY), letter dated October 1, 2015, Exhibit 17. The ECY letter notes that construction activities must require erosion control measures, and that sites over one acre may require coverage under a state Construction Stormwater General Permit.

Staff Response: Conditions A-13, B-2 and B-3 require 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.

Project Overview

The 40 acre site is located on the west side of NE 182nd Street, just south of the intersection with NE 83rd Street. Fifth Plain Creek roughly bisects the site.

The site is generally flat (with the exception of the creek bed), although there is a slight downhill slope from the east property line to the creek. The west half of the site was logged in 2013, with the exception of a 250 foot buffer from the creek. The east half of the site is used for hay production. No structures exist on the site.

Zoning of the site is mostly R1-10, which allows lots that range between 10,000 and 15,000 square feet; the northern quarter of the east half of the site that abuts Monet's Garden is zoned R1-20, which allows lots between 20,000 and 30,000 square feet. Reduction in minimum lot areas are allowed through the county's density transfer requirements.

Fifth Plain Creek is designated as a "shoreline of the state", with a designation of Urban Conservancy in this area. Four foot wide wood chip trails are proposed on both sides of the creek. They wander with a setback that varies within 50 to 100 feet from the OHWM.

None of the lots are within the 200 foot Shorelines jurisdiction; however, stormwater facilities and a sewer pump station are proposed within the 200 foot buffer. The development plan shows the stormwater facility is approximately 110 feet from the ordinary high water mark (OHWM), with an outfall that's located approximately 20 to 30 feet from the OHWM.

The applicant originally proposed a 113 lot single family residential lot subdivision with 57 lots proposed on the west side of the creek, and 56 on the east side of the creek. The 56 lots on the east side were labeled as phases 2 and 3. See preliminary plat of Exhibit 1.

Due to transportation mitigation challenges, the applicant submitted a redesign of the subdivision. This redesign removed Phase 3 on the east side; in its place is one "future development" lot. Thus, only 12 lots are proposed in Phase 2 on the east side of the creek, plus the oversized "future development" lot 70.

Both phases will take access along the site's south property line via new proposed sections of NE 78th Street. Since construction of a bridge over Fifth Plain Creek is opined to be disproportional to the impacts created by the subdivision, a road modification has been proposed to instead have the county build the bridge in the future.

Phase 1 (Lots 1-57) will obtain access from an extension of NE 78th Street from the west. Currently, the fully developed portion of NE 78th lies approximately 1,340 feet away to the west. There is existing City of Vancouver right of way between the developed portion and the subject site. This right of way abuts the south property boundary of the simultaneously-proposed Dani Downs subdivision (PLD2015-00027). If the Dani Downs project does not build this section of road first, the Fifth Plain project will need to construct this section of off-site road to the City of Vancouver's standards in the city's right of way.

Phase 2 will require the construction of NE 78th Street (as a partial width road) to the east to connect to the existing NE 182nd Avenue.

The site is within the following districts:

- School-Evergreen
- Transportation Impact-Evergreen
- Sewer -City of Vancouver
- Water- Clark Public Utilities
- Parks-District 5
- Fire Protection-District 5

The project requires the following application approvals: Subdivision, SEPA review, Shorelines Conditional Use Permit (for utility crossings), Road Modifications (for lack of bridge and some frontage improvements) and wetland, habitat and floodplain reviews (for limited development in Shorelines and habitat).

Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use
Site	UL	R1-10 & R1-20	Hay field / logged forest / riparian habitat
North	UL	R1-10 & R1-20	Large (80,000 sf ±) lot subdivision (Monet’s Garden)
East	UL	R1-10 & R1-20	Hay field
South	UL	R1-10	Residential on large parcels, ag, forest
West	UL	R1-7.5	Residential on large parcel, ag—site of Dani Downs proposed 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 – Density Transfer Lot Standards

The proposed subdivision is located within the R1-10 and R1-20 zoning districts; however, the R1-20 portion of the site is contained entirely within Lot 70, the large “future development” lot. Therefore, the standards of the R1-10 zone apply to the lots being proposed for this subdivision.

Because a significant portion of the site is encumbered with Shorelines, habitat and wetlands, the Density Transfer provisions of 40.220.010.C.5 are being utilized.

The specific requirements in 40.220.010.C.5.b are as follows:

(3) The minimum lot depth of any lot abutting environmentally sensitive lands shall be fifty-five (55) feet.

All lots exceed the 55 foot depth requirements.

(4) For parent parcels larger than two and one-half (2.5) acres:

(a) The resulting lots which abut R1-5, R1-6, R1-7.5, R1-10 or R1-20 zoned lots or parcels shall:

(i) Be at least ninety percent (90%) of the minimum lot area standard for the subject parcel;

The minimum lot area for R1-10 zoned lots is 10,000 square feet. Lots 16-20 and 57 on the north border of the site abut (that is, share a common property line with) other R1-10 lots in Monet's Garden. All these lots exceed 9,000 square feet (90% of 10,000). The oversized Lot 70 is the only other lot that abuts other R1-zoned lots; all other lots are separated from the offsite lots by streets or street right of way.

(ii) Have a lot depth of not less than eighty percent (80%) of the minimum lot depth of the subject parcel;

Minimum lot depth for “regular” R1-10 zoned lots is 90 feet. Eighty percent of 90 feet equals 72 feet. All lots (not just those abutting other R1 zones) are at least 90 feet deep.

(iii) Have a minimum lot width not less than ten (10) feet from the minimum lot width of the subject parcel.

The minimum lot width for “regular” R1-10 zoned lots is 80 feet. Lots 16-20 and 57 must therefore be at least 70 feet wide. Lots 17, 18 and 19 front NE 80th Street and are at least 86 feet wide. Lot 16’s average lot width is approximately 84.5; Lot 20 is 88 feet wide (this lot is oriented 90 degrees to Lot 19). Lot 57 has a lot width of 107 feet, measured along NE 171st Avenue.

In summary, all abutting lots meet the above standards in 40.220.010.C.5.b (3) and (4).

(b) The resulting lots which are interior (not a part of the parent parcel abutting an adjacent property line) to the site shall conform to the lot requirements set out in Table 40.220.010-4.

Table 40.220.010-4 requires interior lots to have at least 4,000 square feet of usable area, a 70 foot minimum width, and a 50 foot minimum depth requirement. These requirements are largely met, except that Lots 54-56 are only 67 to 69 feet wide. It appears that adjustments to the abutting lots can be made to attain the minimum 70 foot width for Lots 54-56.

Lot 46, at 6,650 square feet is the smallest lot of the subdivision. Per staff calculations, it has approximately 3,591 square feet of usable area. If this lot is widened by approximately four feet it should attain the 4,000 square feet of usable area. Lots 42-44 to the west can be reduced and still meet their required minimums. In summary, all interior lots must meet the minimum lot width, depth and usable area of Table 40.220.010-4. See Condition D-2.

(5) For parent parcels two and one-half (2.5) acres or less, all lots, both exterior and interior, to be created shall conform to the lot requirements in Table 40.220.010-4.

This subsection does not apply, as the parent parcel is larger than 2.5 acres.

(6) This density transfer development provision may not be used in association with the provisions of Section 40.520.080.

This application does not utilize the Planned Unit Development provisions.

(7) A recorded covenant shall be placed on those areas or tracts from which density is transferred prohibiting any development of the parcel or tract inconsistent with its intended use.

A habitat covenant shall be required, which will meet this code requirement. See Condition D-7.e.

(8) Subdivision lots shall be subject to the maximum average lot area provisions of the underlying zone.

The maximum average lot area for R1-10 lots is 15,000 square feet. Calculations on the preliminary plat (Exhibit 22) show that Lots 1-69 total 514,680 square feet and Lot 70 is 509,056 square feet, for a total of 1,023,736 square feet. A minor discrepancy was discovered; the total of Lots 1-69 actually is 519,780 square feet, which brings the total to 1,028,836 square feet. 1,028,836 divided by 70 equals 14,698. This meets the maximum allowed lot average of 15,000 square feet.

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

The above setbacks were used in determining usable lot area, and will apply to the lots created by this plat.

Land Use Finding 3—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. It’s anticipated that once transportation concurrency obligations are met that Lot 70 will submit a new subdivision application to further subdivide. See Condition A-17.

Land Use Finding Finding 4 – 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 5 – State Platting Standards (RCW 58.17)

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

The site is located within the Vancouver School District. The applicant has provided a letter Exhibit 1 tab “T” from the district indicating that students within a half a mile will need to walk to school unless there are unsafe walking conditions. Frontier Middle School and Pioneer Elementary Schools are both within a half mile of the site, so safe walking conditions must be provided for those students in Phase 1 on the west side of the creek (since no bridge is proposed across Fifth Plain Creek, those students in Phase 2 will be bused since there is, and will be, no way to cross the creek within a half mile until the County constructs the bridge).

The application shows a 5 foot wide asphalt path on the south side of proposed road improvements in front of taxlots 104182-000, 104180-000 and 153933-000, the site of the abutting Dani Downs subdivision (PLD2015-00027). The proposed path starts just east of the west property line of the Fifth Plain subdivision, within future county right-of-way. Staff finds that a crosswalk should be provided across NE 78th Street to meet the public safety requirements of RCW58.17. See Condition A-1.g .

Land Use Finding 6--Landscaping

The site and all surrounding properties are zoned R1. Per Table 40.320.010-1 no on-site landscaped buffers are required; however, NE 78th Street is classified as a collector, so street trees are required per 40.320.020.H. See Conditions A-20 and C-5.

The proposed plan includes sewer pump stations on Tracts A and D. These are subject to site plan review under Section 40.520.040. See Condition A-21.

Land Use Finding 7 – Urban Holding

Urban Holding was lifted from this area under ORD2013-12-20. See Exhibit 1 Tab “U”. 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-2.

The agreement also requires that future owners of the property will not oppose annexation into a city. See condition D-4.

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.

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.

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.

Sites were discovered that warrant further archaeological work; 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-11. 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 Condition A-12.a.

Conclusion

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

Shoreline

Fifth Plain Creek is considered a Shoreline of the state. Land divisions with no development within the 200 foot shoreline jurisdiction need only Shoreline Exemption review; however, this project proposes trails within the Shorelines jurisdiction and also requires a utility crossing under Fifth Plain Creek. Under Table 40.460.620-1 of the County's shoreline code, such crossings are Shorelines Conditional Uses. A separate shorelines conditional use permit (SHL2015-00025) was submitted with the subdivision application and has been preliminary reviewed by county staff. At this time, staff will recommend approval of the conditional use permit.

Assuming the Examiner approves the subdivision, staff will review any substantive changes from this recommendation for consistency with the Shoreline code and forward a recommendation to the County's Shoreline Committee. The Shoreline Committee will in turn forward the committee's recommendation to the state Department of Ecology which will make the final decision on the Shorelines Conditional Use permit. See Condition A-23 .

Conclusion

Staff finds that the proposed preliminary plan, subject to conditions identified above, will meet shoreline requirements of the Clark County Code.

Habitat

See Attachment A – Environmental Services Report.

Conclusion

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

Wetland:

See Attachment A – Environmental Services 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.

Floodplain

A Floodplain Inquiry (FLD2015-00019) was submitted and reviewed by County engineering staff. No structures are proposed to be located within the flood plain, and no flood plain permit will be required. See Exhibit 20.

Conclusion

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

Transportation**Transportation Finding 1 – Pedestrian/Bicycle Circulation Plan**

Pedestrian circulation facilities in compliance with the Americans with Disabilities Act (ADA) are required within urban areas. When pedestrian circulation facilities are required they shall be in accordance with the provisions of Section CCC 40.350.010.

The applicant has proposed to divide one parcel, totaling 40.27 acres, into a total of 70 single family residential lots in two phases. The proposed development is on parcel number 168622-000 located in Vancouver. This parcel is zoned R1-10 with a portion of the property in the northeast corner zoned R1-20.

The applicant's plan indicates that there will be pedestrian improvements constructed with all proposed interior streets within the development. The applicant's plan and narrative also indicates that pedestrian improvements will also be constructed with the NE 78th Street frontage improvements from the western property line to terminate at the 250-foot Riparian Habitat Conservation Area, on the west side of 5th Plain Creek, as a part of Phase 1 improvements. Phase 2 pedestrian improvements would be constructed with the NE 78th Street frontage improvements from NE 182nd Avenue west to terminate at the 250-foot Riparian Habitat Conservation Area, on the east side of 5th Plain Creek.

The applicant's plan shows that proposed pedestrian paths will provide pedestrian circulation to the north and south. The applicant's plan shows these proposed pedestrian paths running north/south on either side of 5th Plain Creek and are fully within the critical area identified as 250-foot Riparian Habitat Conservation area and a 200-foot Shoreline area.

The applicant's narrative also states that all pedestrian facilities will be constructed to comply with ADA standards. The applicant will need to make sure that ADA ramps at "T" intersections do not fall within the individual lot driveways. See Condition A-1.a.

The applicant's proposal for the construction of public pedestrian facilities shows that the development can comply with the County Code.

Transportation Finding 2 – Circulation Plan

The applicant has submitted plans and a narrative that indicate the proposed development will be served by the construction of half-width frontage improvements on NE 78th Street, an Urban Collector (C-2) within the County, NE 171st Street proposed as a Neighborhood Circulator and NE 182nd Avenue, an Urban Collector (C-2b). The applicant's narrative suggests that the construction of these improvements, along with the spacing with existing infrastructure, will facilitate code compliant block lengths. The applicant has also stated that pedestrian paths, constructed on both sides of 5th Plain Creek within the critical area, will facilitate north/south circulation with future development of adjacent parcels.

The applicant's plan shows that the entry road into the Phase 1 portion of the project, NE 78th Street, will be an offsite improvement. NE 78th Street will be extended, east through the City of Vancouver right-of-way, from approximately the east property line of tax lot 104182-000, to the southwest corner of the proposed development. The City of Vancouver has classified this portion of NE 78th Street as a Neighborhood Circulator, with an ultimate right-of-way width of 60 feet. The applicant's plan shows that the NE 78th Street improvements will include 20 feet of paved surface and a 5-foot wide detached asphalt sidewalk. The applicant will need to submit evidence of permitting from the City of Vancouver for the extension of NE 78th Street through right-of-way under city jurisdiction. See Condition A-1.b.

The applicant's plan and narrative also indicates that NE 78th Street frontage improvements, on site, will be constructed from the western property line to terminate at the 250-foot Riparian Habitat Conservation Area, on the west side of 5th Plain Creek, as a part of Phase 1 improvements. Phase 2 improvements would be constructed with the NE 78th Street frontage improvements from NE 182nd Avenue west to terminate at the 250-foot Riparian Habitat Conservation Area, on the east side of 5th Plain Creek.

Staff believes that the internal street network and proposed frontage improvements can provide cross circulation for abutting undeveloped properties to the north, east, west and south with the exception NE 78th Street. The applicant has submitted a road modification request for relief from the cross circulation and frontage improvement requirements for the construction of NE 78th Street. See finding 3, below.

The applicant's proposed road network has shown feasibility for cross-circulation and compliance with the County Code.

Transportation Finding 3 – Road Modification Request (EVR2015-00045)

The applicant has requested the following road modifications:

- *Relief from frontage improvement construction of NE 78th Street along the entire southern property line.*
- *Relief from frontage improvements along NE 81st Circle*
- *Relief from frontage improvements along NE 182nd Avenue*
- *Relief from cross circulation standards – North/South & East/West*
- *Deviation from the Arterial Atlas*

Approval Criteria

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

- a. *Topography, right-of-way, existing construction or physical conditions, or other geographic conditions make compliance with standards clearly impractical for the circumstances;*
- b. *A minor change to a specification or standard is required to address a specific design or construction problem which, if not enacted, will result in an unusual hardship;*
- c. *An alternative design is proposed which will provide a plan that is functionally equivalent or superior to the standards;*
- d. *Application of the standards of Chapter 40.350 to the development would be grossly disproportional to the impacts created;*
- e. *A change to a specification or standard is required to ensure consistency with existing features adjacent to or affected by the site where those existing features are not expected to change over time.*

Applicant's Discussion

Frontage Improvements

NE 78th Street

The applicant's narrative has indicated that NE 78th Street would be constructed along the southern property line. NE 78th Street would be extended east from the western property line to terminate at the 250-foot Riparian Habitat Conservation Area, on the west side of 5th Plain Creek. The applicant has also indicated that NE 78th Street frontage improvements would be constructed from NE 182nd Avenue west to terminate at the 250-foot Riparian Habitat Conservation Area, on the east side of 5th Plain Creek. The applicant's narrative also states that although NE 78th Street is not proposed to be constructed over 5th Plain Creek, the full 35-foot half-width right-of-way dedication will be provided along the entire south property line.

The applicant's narrative claims that existing physical conditions and topography make the construction of NE 78th Street frontage improvements over 5th Plain Creek impractical. Further, the applicant claims that the completion of the NE 78th Street frontage improvements, along the southern property line, is not necessary for Concurrency compliance. Also that the east and west sides of the project can develop independent of each other without the completion of NE 78th Street over 5th Plain Creek, as shown in the applicant's traffic study. The applicant is also basing their justification on an email received from Heath Henderson dated February 11, 2015 that the applicant would not be required to construct NE 78th Street over 5th Plain Creek.

NE 78th Street - Conclusion

The applicant indicates that if the County Code were enforced, the NE 78th Street frontage improvements over 5th Plain Creek would be grossly disproportional to the impacts created based on physical conditions, topography and other geographical conditions.

NE 81st Circle

The applicant's narrative indicates that NE 81st Circle was approved under a cluster subdivision and constructed as a 20-foot wide paved section within a 40-foot wide half-width right-of-way.

The applicant's narrative claims that lots 69 through 75, which abut NE 81st Circle, will take access from proposed NE 80th Street. The narrative also states that there will be no project generated vehicle traffic that will utilize NE 81st Circle. (Staff will address the discrepancy between the narrative and the current development plan in the staff analysis below.)

NE 81st Circle - Conclusion

The applicant indicates that the proposed development plan will provide a functionally equivalent or superior design based on providing access to the proposed lots from a road constructed to urban standards instead of rural standards. (Staff will address the discrepancy between the narrative and the current development plan in the staff analysis below.)

NE 182nd Avenue

The applicant has submitted a revised subdivision plan and narrative that has reduced the number of lots, originally proposed, from 113 to 70. The applicant's revised plan shows that this project may be developed in two phases. Phase I, on the west side of 5th Plain Creek, will include 57 lots. Phase II, on the east side of 5th Plain Creek, will include 13 lots total, numbered 58 - 70. 12 lots, 58 - 69 will range in size from 7,000 square feet to 9,000 square feet and lot 70 is proposed as an 11.7 acre parcel. The applicant's plan shows that lot 70 will have frontage on NE 81st Circle and NE 182nd Avenue.

NE 182nd Avenue - Conclusion

The applicant has requested the deferral of frontage improvements on NE 182nd Avenue until further development based on Clark County Code section CCC 40.350.030 (B)(5)(c)(2). This code section states that *"The development approval authority may defer frontage road improvements, in whole or in part, where the current development proposal is for lots...larger than one (1) acre and a covenant running with the land is recorded requiring such improvements to be undertaken when redivision is proposed at an urban density."*

Cross Circulation

North Property Line – The applicant believes that the block length has been met along the north property line by providing future access to the north. The applicant indicated that this would be accomplished with the construction of half-street improvements for the proposed NE 171st Avenue within the Phase I portion of the development. The applicant's narrative also indicates that proposed pedestrian paths will also provide pedestrian circulation to the north and south. The applicant's plan shows these proposed pedestrian paths running north/south on either side of 5th Plain Creek and are fully within the critical area identified as 250-foot Riparian Habitat Conservations area and a 200-foot Shoreline area.

The applicant's narrative indicates that the property north of the Phase 2 portion of the project is already developed. The applicant concluded that because of existing topography and existing development north of the project site, compliance with the standard would be impractical and that the pedestrian trails along 5th Plain Creek provide opportunities for circulation.

South Property Line - The applicant believes that cross circulation is provided by the proposed construction of half-street improvements for NE 78th Street. Further, the applicant's narrative indicates that block length is facilitated with the proposed new roadway locations in the

north/south direction. The applicant states that these new roadway locations have block lengths of approximately 485 feet, between NE 171st Avenue and NE 173rd Avenue, and approximately 405 feet, between NE 180th Avenue and NE 182nd Avenue.

As mentioned above, the applicant's narrative claims that existing physical conditions and topography make the construction of NE 78th Street frontage improvements over 5th Plain Creek impractical. Further, the applicant claims that the completion of the NE 78th Street frontage improvements, along the southern property line, is not necessary for Concurrency compliance. Also that the east and west sides of the project can develop independent of each other without the completion of NE 78th Street over 5th Plain Creek, as shown in the applicant's traffic study. The applicant is also basing their justification on an email received from Heath Henderson dated February 11, 2015 that the applicant would not be required to construct NE 78th Street over 5th Plain Creek.

The applicant has also indicated that construction costs for road improvements through the critical area would be grossly disproportional to the impacts created by the development.

The applicant's narrative concludes that along the southern property line, a critical area approximately 620 feet wide exists at approximately the center of the development project which prohibits further north/south street connections. The applicant states that there are proposed 4-foot wide pedestrian paths within the critical area that will facilitate circulation to properties south of the project.

West Property Line – The applicant believes that cross circulation is met by providing half-street improvements along NE 171st Avenue. The proposed NE 171st Avenue half-street improvements would extend from NE 78th Street, on the south, to the northern property line of the development. The applicant's narrative concludes that the length of this half-street improvement (approximately 727 feet) would meet the cross circulation requirements.

East Property Line – The applicant's narrative states that cross circulation along the east property line is met because the distance between the new construction of NE 78th Street and the existing NE 81st Circle is approximately 734 feet.

Deviation from the Arterial Atlas

The applicant's narrative provides history and discussion with regard to the east/west collector from NE 83rd Street to NE 78th Street as it was shown in the County's Arterial Atlas. The applicant states that right-of-way dedicated through the development of a cluster subdivision (Monet's Garden), and to facilitate the western extension of NE 83rd Street as shown in the Arterial Atlas, was removed from the Arterial Atlas per Resolution Number 2014-12-08. The applicant also states that the removal of that portion of NE 83rd Street through the Monet's Garden development, made the crossing of 5th Plain Creek through the subject site, as shown in the Arterial Atlas, "a road to nowhere".

The applicant's narrative pointed out that Clark County evaluated different roadway alignments in this area to facilitate east/west mobility since the portion of the NE 83rd Street extension was removed from the Arterial Atlas. The "Alternatives Analysis 5th Plain Creek Crossing" report recommended a preferred alignment as "Alternative 1 (south alignment)",

which is the easterly projection of NE 78th Street along the southern property line of the project site.

The applicant's narrative concludes that the proposed deviation from the Arterial Atlas will provide an alternative east/west design that will be a superior configuration and will connect to NE 182nd Avenue directly.

Staff's Evaluation

Staff reviewed the applicable factors in evaluating a road modification request as presented by the applicant and believes that sufficient justification in many areas was not given to deviate from the county code.

It should be noted that a discrepancy was identified between the road modification narrative and the submitted plan set. The applicant's original submittal proposed 113 single family residential subdivision. Due to transportation challenges, the applicant submitted a redesign of the subdivision. This redesign reduced the number of lots within the proposal from 113 to 70.

For purposes of this review, Staff used the 70 lot subdivision plan for the review of this request.

Frontage Improvements

NE 78th Street is identified in the Clark County Arterial Atlas as an Urban Collector (C-2). This road classification requires a total 60-foot right-of-way width, 38 feet of paved surface, curb, gutter and sidewalk.

As a part of the proposed development, the applicant has proposed half-width frontage improvements totaling a dedication of 35 feet of right-of-way along the entire southern property line. The applicant has proposed the construction of half-street improvements to NE 78th Street to include 20 feet of paved surface, curb, gutter and sidewalk. The applicant has proposed construction of these frontage improvements from the western property line to terminate at the Riparian Habitat Conservation Area west of 5th Plain Creek. On the east side of the project, the applicant has proposed NE 78th Street frontage improvements along the southern property line from NE 182nd Avenue west to the Riparian Habitat Conservation Area east of 5th Plain Creek.

The half-street improvements proposed by the applicant will facilitate public access to the proposed development. These improvements will also facilitate future development access to properties south of the project. The applicant has shown that the proposed frontage improvements and termination locations will facilitate future development without deferring the NE 78th Street 5th Plain Creek crossing construction to future development of adjacent parcels. The applicant has also proposed that the frontage improvements terminate, on either side of the Riparian Habitat Conservation Area, such that construction of the improvements extends as far as practicable without entering an identified environmentally sensitive area. Further, the applicant's traffic study has shown that a roadway crossing over 5th Plain Creek is not necessary for the operation of the transportation network in the area at this time.

Staff believes that the applicant has demonstrated that CCC 40.550.010(C)(2)(a & d) have been met.

NE 81st Circle is a Local Residential Access road that was constructed as a part of a cluster subdivision in the mid – 1990's. At that time the area was rural zoning. Because of the rural zoning, the rural road standards were applicable for the construction of NE 81st Circle, but, the roadway was set up to facilitate half-street improvements along the south side as future adjacent parcels developed.

The applicant has indicated that the proposed development will not be taking access to NE 81st Circle, but rather, an internal street network. The applicant's narrative claims that lots 69 through 75, which abut NE 81st Circle, will take access from proposed NE 80th Street. Also, the applicant indicated that providing access to the proposed lots from roads constructed to urban standards instead of rural standards was functionally equivalent or superior.

The lots identified above are not part of the revised plan submitted for review. Further, the applicant has not demonstrated topographic or other constraints (CCC 40.550.010(B)(1)(c)) that would prohibit construction of frontage improvements along NE 81st Circle. Therefore, this request is denied.

NE 182nd Avenue is classified as an Urban Collector (C-2b). This road classification requires a total 60-foot right-of-way width, 38 feet of paved surface, curb, gutter and sidewalk.

The applicant has suggested that based on the revised plan, the proposed 11.7 acre lot 70, is eligible to request deferral of frontage improvements along NE 182nd Avenue. However, one single lot larger than 1 acre created as a part of the current land use is not eligible for this deferral opportunity. The language in CCC 40.350.030(B)(5)(c)(2) is clear, distinguishing that *"...development approval authority may defer frontage road improvements, in whole or in part, where the current development proposal is for lots...larger than one acre..."*. Lots under this code section is defined as ALL lots within the development must be one acre or larger.

Because the applicant has not demonstrated that all lots within this subdivision are one acre or larger in size, this request is denied.

Cross Circulation

The applicant has indicated that the proposed development will construct half-street improvements along the western and southern property lines, as well as, an interior street network. The applicant's narrative suggests that the construction of these improvements, along with the spacing with existing infrastructure, will facilitate code compliant block lengths. The applicant has also stated that pedestrian paths, constructed on both sides of 5th Plain Creek with in the critical area, will facilitate north/south circulation with future development of adjacent parcels.

As mentioned above, the applicant has proposed the construction of half-street improvements to NE 78th Street to include 20 feet of paved surface, curb, gutter and sidewalk. The applicant has proposed construction of these frontage improvements from the western property line to terminate at the Riparian Habitat Conservation Area west of 5th Plain Creek. On the east side of the project, the applicant has proposed NE 78th Street frontage improvements along the southern

property line from NE 182nd Avenue west to the Riparian Habitat Conservation Area east of 5th Plain Creek.

Staff believes that the applicant has shown that proposed internal street network, frontage improvements and termination locations will facilitate future development without deferring the 5th Plain Creek crossing construction to future development of adjacent parcels. The applicant has also proposed that the NE 78th Street frontage improvements terminate, on either side of the Riparian Habitat Conservation Area, such that construction of the improvements extends as far as practicable without entering an identified environmentally sensitive area. Further, the applicant's traffic study has shown that a roadway crossing over 5th Plain Creek is not necessary for the operation of the transportation network in the area, at this time.

Staff believes that the applicant has demonstrated that CCC 40.550.010(C)(2)(a & d) have been met.

Deviation from the Arterial Atlas

The applicant has proposed an east/west collector road that differs from the alignment shown in the county's Arterial Atlas. The proposed east/west collector road would extend NE 78th Street east, along the south property line of the proposed project, to connect at NE 182nd Avenue.

Staff believes that with recent Board of County Commissioner (BOCC) approved modifications to the County's Arterial Atlas, the proposed alignment, along the southern property line of the proposed development, is an alternative that will provide a road network that is functionally equivalent, or superior to the former Arterial Atlas alignment.

Staff believes that the applicant has demonstrated that CCC 40.550.010(C)(2)(c) has been met.

Staff's Recommendation

Staff recommended:

- Approval with condition of NE 78th Street frontage improvements. See Condition A-1.c.
- Approval of cross circulation
- Approval for the deviation to the Arterial Atlas
- Denial of the deferral of frontage improvements on NE 81st Circle
- Denial of the deferral of frontage improvements on NE 182nd Avenue

The Development Engineering Division Manager concurred with staff and recommends approval/denial of the road modification requests as noted above.

Transportation Finding 4 – Roads

NE 78th Street is classified as an Urban Collector (C-2) along the southern property line of the proposed project. The applicant's plan shows that the applicant will dedicate 35 feet of right-of-way along the entire southern property line. The plan also shows that the applicant is proposing half-street improvements along the NE 78th Street frontage. The frontage improvements proposed are construction of paved road surface to a half-width of 20 feet, curb, gutter, planter strip and a detached concrete sidewalk.

NE 78th Street off site is classified as a "Neighborhood Circulator" and is under the City of Vancouver jurisdiction between NE 166th Avenue and the proposed NE 171st Avenue. The applicant must comply with City of Vancouver requirements for improvements along this roadway. However, to meet the county circulation and access requirements, the minimum paved width of the roadway shall be no less than 20 feet. See Condition A-1.b.

Please note that NE 78th Street is under Clark County jurisdiction to the west 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.

NE 171st Avenue has 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. The applicant is required to construct half-width frontage improvements for these roadways along the proposed development. The improvement plan shows dedication of 32 feet of right-of-way, construction of 20 feet of paved road, curb and gutter and an attached sidewalk. The minimum standards have been proposed.

The applicant's plan shows that all other internal roadways will have a proposed classification of "Urban Local Access". This classification requires a total of right-of-way of 46 feet, 28 feet of paved width, curb and gutter and sidewalks. The applicant is required to dedicate full-width right-of-way and construct full-width improvements for these roadways. The minimum standards are proposed.

NE 182nd Avenue is classified as an Urban Collector (C-2b). This classification requires a total half-width right-of-way of 30 feet, a paved half-width of 17 feet, curb, gutter and sidewalk. The applicant's plan shows an existing total right-of-way of 60 feet and an existing 22-foot wide paved section. The applicant will need to submit construction drawings that show the construction of half-width improvements, for NE 182nd Avenue, in compliance with Clark County Standard Drawing 7. The applicant will also need to ensure that there is a total half-width of 30 feet of right-of-way along the frontage of NE 182nd Avenue. See condition A-1-d.

NE 81st Circle is classified as an Urban Local Residential Access. This classification requires a total half-width right-of-way of 23 feet, a paved half-width of 14 feet, curb, gutter and sidewalk. The applicant will need to submit construction drawings that show the construction of half-width improvements, for NE 81st Circle, in compliance with Clark County Standard Drawing 13. The applicant will also need to ensure that there is a total half-width of 23 feet of right-of-way along the frontage of NE 81st Circle. See Condition A-1-e.

Transportation Finding 5 - Driveways

The applicant's narrative indicates that all lots within the proposed development will access the interior street network and then enter the larger public street network at the intersections of NE 78th Street/NE 171st Avenue or NE 78th Street/NE 173rd Avenue, on the west, or the intersection of NE 78th Street/NE 180th Avenue, on the east. The applicant's plan shows driveways for lot in relation to the new intersections. These corner lots appear to meet the minimum requirements. The applicant will need to submit final construction drawings that show corner lot driveways will comply with CCC 40.350.030 (B)(4)(b)(1). See Condition A-1-f and D-5.c.

Transportation Finding 6 – Turnaround

The applicant's plan shows that NE 171st Avenue will be constructed along the western property line and terminate in a temporary cul-de-sac turnaround. The applicant's plan shows that the temporary cul-de-sac will be constructed within a temporary turn around easement. The proposed temporary cul-de-sac will need to meet the minimum requirements as detailed in Clark County Standard Drawing 26.

The applicant's plan shows that the Phase 2 portion of the development will construct NE 180th Avenue, which will terminate at NE 80th Street. NE 180th Avenue will be longer than 150 feet and will require a turnaround. The applicant's plan is showing the construction of NE 80th Street such that it will exceed the requirements of Clark County Standard Drawing 27. See Condition A-1-g.

Transportation Finding 7 – 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 not submitted sight distance analysis; therefore staff cannot determine if sight distance requirements can be achieved. The applicant will need to submit final construction drawings for review and approval. These plans will need to show sight distance triangles at the development intersections. The plans will also need to show objects that are within the sight distance triangle. Notes on the plans shall indicate the vegetation within the sight distance triangle that needs to be maintained, trimmed or removed. See Conditions A-1.h and C-1.

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

Transportation Concurrency Finding 1: Trip Generation

County concurrency staff has reviewed the proposed 5th Plain Creek Subdivision. The traffic study submitted indicates that the proposed development will divide 40.27 acres, into 70 single

family residences. The applicant's traffic study has estimated the a.m. peak-hour trip generation at 53, p.m. peak-hour trip generation at 70 trips and an average daily trip generation (ADT) of 667 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 on parcel number 168622-000 on NE 182nd Avenue in Vancouver.

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

Transportation 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 78th Street, east through the City of Vancouver right-of-way, from approximately the east property line of tax lot 104182-000, to the southwest corner of the proposed development. The City of Vancouver has classified this portion of NE 78th Street as a Neighborhood Circulator road, with an ultimate right-of-way width of 60 feet. The applicant's plan shows that the offsite portion of NE 78th Street improvements will include 20 feet of paved surface and a 5-foot wide detached asphalt sidewalk. The applicant will need to submit evidence of permitting from the City of Vancouver for the extension of NE 78th Street through right-of-way under city jurisdiction. See Condition A-4.

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 south property lines. The north/south roadway is proposed as neighborhood circulator and is identified as NE 171st Avenue. The east/west roadway is classified as an Urban Collector (C-2).

The applicant's study evaluated the level of service and found that the local street 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.

Transportation 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.

It should be note that the applicant's analysis reported anticipated levels-of-service on individual intersection approaches. Two of these approaches were reported to have a level-of-service "E" and "F" in the 2018 evaluation year with and without the proposed development. These intersection approaches are the westbound approach of NE Ward Road/NE 88th Street and the southbound approach of NE Fourth Plain Blvd/NE 182nd Avenue, respectively. Although, these approaches have a low level-of-service the total intersection operational level-of-service is typically better than the single approach.

The applicant's traffic study has analyzed the impacts of the proposed development on the intersection approaches, listed above, to determine if mitigation requirements would be warranted per CCC 40.350.020 (G)(1)(c).

The applicant's analysis compared the anticipated impacts against the criteria in the code section listed above and found that none of the criterion was met. Staff concurs with the applicant's findings.

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.

Transportation Concurrency Finding 4: City of Vancouver ConcurrencyCity 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 Attached Exhibit)

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-5)

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-6)

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-7)

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."

Transportation 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.

Transportation 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 76th Street/NE Ward Road
- NE 78th Street/NE Ward Road
- NE 78th Street/NE 162nd Avenue (SR 500)
- NE Ward Road/NE 162nd Avenue (SR 500)
- NE Ward Road/NE 162nd Avenue (North)
- NE Ward Road/NE 172nd Avenue
- NE Ward Road/NE Davis Road
- NE Ward Road/NE 182nd Avenue/NE 119th Street
- NE 152nd Avenue/NE Ward Road/NE 78th Street
- NE 152nd Avenue/Padden Parkway
- NE 137th Avenue/Padden Parkway
- NE Ward Road/NE Fourth Plain/NE 147th Avenue
- NE 162nd Avenue/NE Fourth Plain Blvd
- NE Ward Road/NE 88th Street
- NE 182nd Avenue/NE Fourth Plain Blvd
- NE 199th Avenue/NE 58th Street
- NE 182nd Avenue/NE 78th Street

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

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

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

Further, as adopted by Clark County Code (CCC) 40.350.030(C)(1)(b), the *Washington State Department of Transportation (WSDOT) Design Manual, Chapter 1600* states that "A clear roadside border area is a primary consideration when analyzing potential roadside and median features. The intent is to provide as much clear, traversable area for a vehicle to recover as practicable given the function of the roadway and the potential tradeoffs. The Design Clear Zone is used to evaluate the adequacy of the existing clear area and proposed modifications of the

roadside. When considering the placement of new objects along the roadside or median, evaluate the potential for impacts and try to select locations with the least likelihood of an impact by an errant vehicle.”

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

The applicant shall consider the WSDOT Design Manual – Roadside Safety Mitigation Guidance (Section 1600.04) in the final engineering design of all proposed roadways and frontage improvements. See condition A-9.

Transportation 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 78th Street at NE 171st Avenue, NE 173rd Avenue, NE 180th Avenue and NE 182nd Avenue with curb return radii that are dimensioned at 35 feet.

The applicant will need to submit evidence of permitting from the City of Vancouver for the extension of NE 78th Street through right-of-way under city jurisdiction. (See condition A-4)

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 78th Street/NE 180th Avenue; NE 78th Street/NE 183rd Avenue; NE 78th Street/NE 171st Avenue intersections. See condition A-10.

Transportation 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 with the following conditions.

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

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 applicant's geotechnical study prepared by Columbia West Engineering, Inc., dated January 26, 2015, reports that the development area west of 5th Plain Creek is relatively flat with stands of mature conifer trees adjacent to the creek. East of 5th Plain Creek, the site has a gentle slope east to west and is primarily covered in grass. The project will create 15.32 acres of new impervious surface.

The applicant provided a Preliminary Stormwater Technical Information Report prepared by Olson Engineering Inc. dated July 23, 2015. The applicant's study indicates that the stormwater generated on the west side of 5th Plain Creek will be infiltrated. On the east side of the creek a combination of infiltration, Contech StormFilter® manholes / vault units, a biofiltration swale and a detention pond will be used to treat, detain and release the stormwater generated. Water quantity requirements are met with drywells and infiltration trenches. The infiltration systems have been preliminary designed to infiltrate the 100-year storm event. See Conditions A-3-a and A-3-b.

All stormwater runoff from the roofs of the homes to be constructed will be infiltrated on each lot. See conditions D-5.d and E-4.

Columbia West Engineering, Inc. performed infiltration testing on December 10 & 11, 2014. Tested infiltration rates ranged from 125 to greater than 200 inches per hour, on the west side of 5th Plain Creek. On the east side of the creek, the tested infiltration rates ranged from 15 to 20 inches per hour. A factor of safety of 2 was used for infiltration facility sizing. Groundwater was encountered in test pits at depths ranging from 2 to 14 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 will be at least 5 feet above the seasonal high groundwater. Piezometers were installed at the site to monitor the groundwater in order to establish a seasonal high groundwater elevation. The study reports observed groundwater within both piezometers was approximately 14 feet below ground surface. See conditions A-3-c, C-2 and C-3.

The applicant's stormwater plan indicates that the stormwater facility on the east side of 5th Plain Creek will be privately owned and maintained. The plan also indicates that the

stormwater facilities, on the west side of 5th Plain Creek, within the public right-of-way will be publicly owned. See conditions D-5.d and D-5.e.

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-22 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-22.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. The local district fire chief approves the exact locations of fire hydrants. See conditions A-22.b, A-22.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-22.d.

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-22.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-22.f and D-7.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-22.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 ServiceWater and Sewer Finding 1 – Providers

The site will be served by the Clark Public Utilities water district and the City of Vancouver sewer district. Letters from the above districts confirm that services are available to the site.

Water and Sewer Finding 2 – Sewer

Existing sewer is located in NE 78th Street, approximately 1,900 feet west of the site. The current proposal is to construct a force main in NE 78th Street with a pump station on Tract A for Phase 1. To serve Phase 2 on the east side of the creek, the sewer and water lines will need to be bored under 5th Plain Creek, and a second pump station will be required on Tract D. The pump stations are subject to site plan review under Section 40.520.040. See Condition A-21.

Water and Sewer Finding 3 - Water

Water will be provided by Clark Public Utilities. Water is currently available in NE 81st Circle, north of the site in Monet's Garden. It's proposed to connect to this source and bore underneath Fifth Plain Creek to extend water to Phase 1.

Finding 4 – Connection required

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. See condition D-1.

Water and Sewer Finding 4 – Wells and On-site Sewer abandonment.

No wells or on-site sewage systems are noted in the application, nor noticed in the field. If either is found during construction they must be properly abandoned according to Public Health procedures. See condition A-12.j.

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
- Evergreen School District, with a SIF of \$6,989.00 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 the developer’s agreement contained within ORD2013-12-20 found in Tab “U” of the application.

TIF is payable prior to issuance of building permits. See conditions D-5.f and E-2.

SEPA Determination

As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

- **DS = Determination of Significance** - The impacts cannot be mitigated through conditions of approval and, therefore, require the preparation of an Environmental Impact Statement (EIS);
- **MDNS = Mitigated Determination of Non-Significance** - The impacts can be addressed through conditions of approval; or,
- **DNS = Determination of Non-Significance** - The impacts can be addressed by applying the Clark County Code.

The likely SEPA determination of Non-Significance (DNS) in the Notice of Development Review Application issued on September 1, 2015 and re-issued on September 9, 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 22, 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 Attachment A. 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. 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 submit evidence of permitting from the City of Vancouver for the extension of NE 78th Street through right-of-way under city jurisdiction. In no case shall the minimum paved width be less than 20 feet. (See Transportation Findings 2 and 4)
 - c. The applicant shall submit construction drawings for review and approval. These construction drawings shall include NE 78th Street frontage improvements from the western property line to terminate at the Riparian Habitat Conservation Area west of 5th Plain Creek. The construction drawings shall also show NE 78th Street frontage improvements along the southern property line from NE 182nd Avenue, west, to the Riparian Habitat Conservation Area east of 5th Plain Creek, unless modified by the County Engineer. (See Transportation Finding 4)
 - d. The applicant shall submit construction drawings that show the construction of half-width improvements, for NE 182nd Avenue, in compliance with Clark County Standard Drawing 7. The applicant shall also ensure that there is a total half-width of 30 feet of right-of-way along the frontage of NE 182nd Avenue. (See Transportation Finding 4)
 - e. The applicant shall submit construction drawings that show the construction of half-width improvements, for NE 81st Circle, in compliance with Clark County Standard Drawing 13. The applicant shall also ensure that there is a total half-width of 23 feet of right-of-way along the frontage of NE 81st Circle. (See Transportation Finding 4)
 - f. The applicant shall submit final construction drawings that show that corner lot driveways will comply with CCC 40.350.030 (B)(4)(b)(1). (See Transportation Finding 5)
 - g. The applicant shall show on the final construction plans that temporary turnarounds within the proposed development comply with CCC 40.350.030(B)(12)(a)(2). (See Transportation Finding 6)
 - h. The applicant shall show the sight distance triangles on the final construction plans. (See Transportation Finding 7)

- i. The applicant shall coordinate with the Evergreen school district for details on provisions of pedestrian connections between the south end of the crosswalks located at the NE 171st Avenue and the district's existing pedestrian path located within the Frontier Middle School property. Details for a pedestrian crossing across County right-of-way shall be shown on the County's construction plans. (See Land Use Finding 5)

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 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 submit a final Technical Information Report for review and approval for each development phase. The final Technical Information Report shall include collected groundwater information from monitoring events within piezometers in their respective phases. (See Stormwater Finding 2)

A-4 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 78th Street through right-of-way under city jurisdiction. (See Transportation Concurrency Finding 2)

A-5 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 Transportation Concurrency Finding 4)

- A-6 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 Transportation Concurrency Finding 4)
- A-7 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 Transportation Concurrency Finding 4)
- A-8 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-9 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 Transportation Concurrency Finding 7)
- A-10 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 78th Street/NE 180th Avenue; NE 78th Street/NE 183rd Avenue; NE 78th Street/NE 171st Avenue intersections. (See Transportation Concurrency Finding 8).
- A-11 Archaeology** - Prior to the issuance of final construction permit 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 had met, or will meet, the conditions stipulated by the pending DAHP permit.
- A-12** The following notes shall be placed on the face of the final construction plans:
- 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.** "The applicant shall only impact areas indicated on the provided plans during construction of this project. Any clearing or disturbance beyond that indicated on the plans and narrative provided would require additional habitat and shoreline review by County staff and may include additional permit and mitigation requirements. "

- c. “The applicant shall implement the Wetland and Habitat Mitigation Plan by Cascadia Environmental Services (dated July 20, 2015), except as amended below.”
- d. “The applicant shall utilize best management practices to control erosion and prevent sediment from entering adjacent streams and riparian habitat, non-riparian habitat (Waterfowl concentrations, oak woodland), wetlands, and wetland buffers.”
- e. “The applicant shall grade all temporary impacts to pre-disturbance grades. These areas shall be replanted with native grass and herbaceous vegetation to maintain and enhance shoreline habitat ecological functions as currently exist on site at a 1:1 ratio for areas currently in grass, weeds, or blackberries; when shrubs and trees are impacted there is a temporal loss which must be accounted for at a higher rate depending on the maturity of the vegetation impacted. If trees and shrubs are proposed to be impacted as a result of these lines, their impacts (reported as canopy loss square footage) should be accounted for in the revised mitigation plan.”
- f. “The applicant shall re-seed all temporarily impacted disturbed areas which were previously grass with a native grass/vegetation seed mixture. These areas shall be maintained and monitored for 1 year to ensure grass cover has been established and covers 95% of the temporarily disturbed area. Any areas which do not meet this condition shall be replanted and monitored until conditions are met.”
- g. “Non-native vegetation and noxious weeds shall be removed and replanted with native vegetation (where encountered) within the temporarily disturbed areas and mitigation areas.”
- h. “Any unforeseen disturbance to the indicated riparian buffers not mentioned as a part of this permit shall be replanted with native vegetation. DES shall be notified of any additional impacts and the replanted area shall be included with the permitted restoration areas and maintained and monitored accordingly.”
- i. “The area where the 78th Street Corridor is proposed shall not be used for mitigation purposes.”
- j. “If wells or on-site sewage systems are found during construction they must be properly abandoned according to Public Health procedures.”

A-13 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-14 Excavation and Grading - Excavation/grading shall be performed in compliance with CCC14.07.

- A-15** All lots that directly abut other lots or parcels outside the plat shall meet the requirements in 40.220.010.C.5.b. (See Land Use Finding 1)
- A-16** All interior lots must meet the minimum lot width, depth and usable area for R1-10 zoned lots in Table 40.220.010-4. (See Land Use Finding 1)
- A-17** Each phase shall be designed to “stand alone” in regards to meeting transportation, stormwater, and other development regulations. (See Land Use Finding 3)
- A-18** Final Wetland Permit approval shall be required.
- a.** The applicant shall provide financial assurances for the construction, monitoring, and maintenance of the off-site wetland mitigation.
- A-19** Habitat Plan:
- a.** The applicant shall account for the additional riparian habitat enhancement required for the impacts related to the stormwater pond and stormwater outfall within the inner 50% of the riparian habitat conservation zone at a 2:1 ratio. An additional 1,868 and 100 square feet, respectively, of mitigation is required; 1,968 square feet total. The applicant shall submit an updated mitigation plan for onsite mitigation within the Shoreline area to offset the impacts for approval to Clark County DES staff. The mitigation plan shall include standards for maintenance, monitoring, any adaptive management, contingency plans, and a Conservation Covenant to protect the mitigation area.
 - b.** The applicant shall account for the additional riparian habitat enhancement required for the impacts to the removal of mature trees within the riparian habitat conservation zone related to the Forest Practice Permit (FOR2012-00017) at a 4:1 ratio; an additional 28,746 square feet of mitigation are required. The applicant shall submit an updated mitigation plan for onsite mitigation within the Shoreline area to offset the impacts for approval to Clark County DES staff. The mitigation plan shall include standards for maintenance, monitoring, any adaptive management, and contingency plans.
 - c.** The Final Construction plan shall show location of the outer extent of the riparian habitat conservation zone, and Shoreline setbacks (Vegetation setback at 115 feet and Shoreline Area at 200 feet). Markings shall be installed prior to construction and maintained throughout the duration of construction.
 - d.** The location of the mitigation areas shall be indicated on the Final Construction plans.
 - e.** The location of all permanent and temporary impacts shall be delineated on the Final Construction Plans.

- f. The applicant shall provide financial assurances for the planting, monitoring, and maintenance of the onsite riparian habitat mitigation.
- g. The applicant shall indicate the location of the proposed trails on the plans and stake the location in the field prior to construction. Only the staked area for path construction should be disturbed during trail construction.
- h. A site plan note shall be added which states that "the four(4) foot wide wood chip trail will be field staked to avoid tree removal and minimize significant native vegetation removal."
- i. The exact location of the bore entry and exit points is not known at this time. A Habitat Permit with applicable mitigation shall be required if there are riparian habitat conservation zone impacts in relation to the water and sanitary sewer lines which were not accounted for in this preliminary review.

A-20 Final Landscape Plan - The applicant shall submit and obtain approval from public works of a final landscape plan for landscaping along NE 78 Street.

A-21 The construction of sewer pump stations will require separate site plan review approval under CCC4.520.040.

A-22 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-23 The applicant shall obtain Shorelines Conditional Use approval from the Department of Ecology. (See Shoreline Finding)

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 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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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 Sight Distance:**
The applicant shall submit a sight distance certification letter after the completion of construction improvements in each Phase of development. (See Transportation Finding 7)
- C-2 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-3 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)

C-4 Wetlands and Buffers - Permanent physical demarcation along the upland boundary of the riparian habitat conservation zone 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 an interval 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:

*Riparian Habitat Conservation Zone –
Please retain in a natural state*

C-5 Verification of the Installation of Required Landscape - The applicant shall provide verification in accordance with CCC 40.320.030(B) that the required landscaping has been installed in accordance with the approved landscape plan

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 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-2 All lots shall meet the density transfer standards in 40.220.010.C.5. (See Land Use Finding 1)

D-3 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-4 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.

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." "No direct driveway access onto NE 182nd Avenue or NE 78th Street will be permitted."
- d. Roof and Crawl Space Drains: "Roof and crawl space drains are to be installed per approved construction as-built plans unless a revised plan is approved by the county. These stormwater systems will be owned and maintained by the property owner on whose lot the stormwater system is located."
- e. 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, the School, Park and Traffic Impact Fees for each dwelling in this subdivision are: \$ 6,989.00 (Evergreen 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."
 - i. Riparian Habitat Conservation Zone Buffer- "Clearing native vegetation, planting non-native vegetation, construction or development of any kind, the dumping of yard wastes, entry by pets, and any other physical alteration of the land determined to be injurious is strictly prohibited as per the Conservation Covenant # _____ recorded with this plat."

- j. Covenants: "Per the Clark County Habitat Conservation Ordinance (CCC 40.440) riparian habitat conservation zones shall be maintained in a natural state. Refer to the Conservation Covenant recorded under Auditor's File Number _____ for limitations on the maintenance and use of the riparian habitat conservation zone areas identified on the face of this plat."

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 Habitat:

- a. All Priority Habitat areas shall be delineated on the face of the Final Plat.
- b. All mitigation areas shall be delineated on the face of the Final Plat.
- c. The location of trail shall be delineated on the Final Plat.
- d. Signage shall be posted along the habitat boundaries at an interval of one (1) per lot or every one hundred (100) feet, whichever is less, and be perpetually maintained by the homeowners in such a manner so as to sufficiently identify and protect habitat functionality. Signs shall read "Habitat Conservation Area—please retain in a natural state. No dumping. No pet entry."
- e. A conservation covenant shall be recorded for the existing forest within the riparian habitat conservation zone and the riparian habitat conservation zone mitigation areas.

D-8 Wetlands

- a. A conservation covenant shall be recorded for the offsite wetland mitigation site in a form approved by the Prosecuting Attorney as adequate to incorporate the other restrictions of Chapter 40.450 and to give notice of the requirement to obtain a wetland permit prior to engaging in regulated activities within a wetland or its buffer.

	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** Any amendments to a city/county interlocal agreement that may be required to fulfil the requirements of the Developer Agreement or ORD 2013-20-12 shall be completed. (See Land Use Finding)
- E-2 Impact Fees** - The applicant shall pay impact fees based on the number of dwelling units in the building, as follows:
- a. \$6,989.00 per dwelling for School Impact Fees (Evergreen School Dist.)
 - b. \$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 per Developer Agreement;
 - c. \$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-3 Excavation and Grading** - Excavation/grading shall be performed in compliance with CCC 14.07.
- E-4 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 Stormwater Finding 2)
- 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.

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 (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.

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

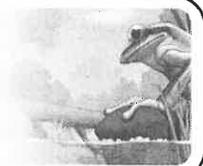
- Attachment A: Environmental Services Report
- Copy of Proposed Preliminary Plan



Environmental Services
Resource Enhancement & Permitting Division

Fifth Plain Creek Subdivision
HAB2015-00057; WET2015-00037; SHL2015-00025

Development Review Recommendation



Development Application Summary

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

Request

The applicant is requesting Subdivision approval to divide 40.27 acres into 70 single-family residential lots in two phases, located in the R1-10 & R1-20 zone districts. Riparian habitat for Fifth Plain Creek and wetland/wetland buffers will be impacted; portions of this work are within Shoreline Jurisdiction.

DES Recommendation

- Community Development Director
- Shoreline Administrator
- Hearings Examiner

Approval with Conditions

Site Information

Location: Southwest corner of NE 182nd Avenue and NE 81st Circle	Legal Description: SW 1/4, Section 6,T2N,R3E; taxlot 168622-000
Applicant: Hinton Development Corp. 14010 NE 3 rd Court, Suite #A106 Vancouver, WA 98685 (360)546-1220 rob@hintondevelopment.com	Contact: Olson Engineering Mike Odren 222 E. Evergreen Blvd Vancouver, WA 98660 (360)695-1385; (360)695-8117 fax mikeo@olsonengr.com
Owner: Mark & Joni Hinton 14010 NE 3 rd Court, A106 Vancouver, WA 98685 mark@hintondevelopment.com	Reviewer: Lance Watt
Review Date: October 22, 2015	Vesting Date: July 27, 2015

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

Summary of Public Comments

Citizen concern of "owl" being listed on the SEPA and if it was protected. Per Jim Barnes and Mike Odren, the owl was a Great Horned Owl. No nests or nesting activity were noted. This type of owl is not listed on the Washington Department of Fish and Wildlife Priority Species, nor listed as threatened or endangered by the US Fish and Wildlife Service. This is a common type of owl and the remaining riparian habitat conservation zone for Fifth Plain Creek should be sufficient to provide protection and habitat for this owl.

ATTACHMENT "A"

Project Overview

The applicant is proposing a 2-phase subdivision with a total of 70 single-family residential lots utilizing the density transfer provisions of CCC 40.220.010.C.5. There will be a minimum of two phases. Construction of the first phase, which includes 57 lots on the west side of Fifth Plain Creek, shall commence upon approval and procurement of all required jurisdictional permits and approvals. The second, which includes 13 lots on the east side of Fifth Plain Creek; phases will be built out over the next 5 years. Some phases may be constructed simultaneously.

The parcel (168622-000) is approximately 40.27 acres and is located on the west side of NE 182nd Street, just south of the intersection with NE 83rd Street in Vancouver, Washington (Tax lot 12 in the Southwest quarter of Section 6, Township 2 North, Range 3 East of the Willamette Meridian. Fifth Plain Creek roughly bisects the site. The east half of the site is bordered by the Monet's Garden subdivision which has lots of roughly 80,000 square feet.

The subject parcel is currently vacant and unused, however the eastern half of the site appears to have been used for agricultural purposes. The western portion of the site has been recently logged under a forest conversion forest practice (FOR2012-00017) in 2013; a habitat determination (HAB2012-00005) indicated that a habitat permit or habitat stewardship plan would be required for harvest of any of the trees within the riparian habitat conservation zone. The site is generally flat (with the exception of the creek bed), although there is a slight slope from the east property line to the creek. The west half of the site was logged in 2013, with the exception of a 250 foot riparian habitat conservation zone from the creek (some encroachment may have occurred on the riparian habitat conservation zone). The east half of the site is used for hay production.

Zoning of the site is mostly R1-10, which allows lots that range between 10,000 and 15,000 square feet; the northern quarter of the east half of the site that abuts Monet's Garden is zoned R1-20, which allows lots between 20,000 and 30,000 square feet. Reduction in minimum lot areas are allowed through the county's density transfer requirements.

Fifth Plain Creek has been designated a Type S (Shoreline) stream by the Washington Department of Natural Resources. A previous Habitat determination (HAB2012-00005) had confirmed the location and designation of the stream; this determination was good for three years and had expired in February 2015. County staff visited the site on July 7, 2015 and confirmed the location and designation of the stream; the stream is incised and very confined on the site. The Ordinary High Water Mark (OHWM) was well defined and appropriately marked by the applicant on their plans. The Shorelines designation of Fifth Plain Creek in this area is Urban Conservancy. None of the lots are within the 200 foot Shorelines jurisdiction; however stormwater facilities and a stormwater outfall, a sewer pump station, water and sanitary sewer lines, and trails are proposed within the 200 foot setback. The development plan shows the stormwater facility is approximately 100 feet from the ordinary high water mark (OHWM), with an outfall that's located approximately 25 to 30 feet from the OHWM. Four foot wide wood chip trails are proposed on both sides of the creek. They wander with a setback that varies within 50 to 100 feet from the OHWM. The water and sanitary sewer lines will run along the proposed future 78th Street corridor on the southern side of the parcel. These utilities will be bored underneath of Fifth Plain Creek (the exact site of the bore entry and exit points are not known at this time); the remainder of the lines will be constructed using standard trenching methods and returned to a pre-construction grade post-construction. All impacts related to constructing the sewer and water lines should be temporary. Any areas currently in grass shall be reseeded with a native grass seed mixture; any trees which need to be removed to install these lines would require additional habitat and/or wetland review and appropriate mitigation for canopy loss.

Per the Habitat Conservation Ordinance, a Type S stream is afforded a 250 foot riparian habitat conservation zone (HCZ) extending horizontally from the Ordinary High Water Mark. A portion of the logging appears to have impacted the outer edge of the 250 foot riparian HCZ and shall require a Habitat permit for trees which were removed. Additionally, portions of Lots 8-16 and 70 appear to encroach into the riparian habitat conservation zone. There is also a 20 foot stormwater access and inspection easement which accesses Tract D for the stormwater facility on the east side of Fifth Plain Creek within the riparian HCZ; the applicant has indicated that there will be a 15 foot wide gravel road within this easement. There is a proposed trail which ties into this access road as well.

Three Category IV emergent depressional wetlands (Wetlands A-C) exist on the eastern side of the parcel as indicated in the Wetland delineation and assessment report prepared by Cascadia Ecological Services, Inc. and dated April 1, 2015; this report also notes a Category III riverine wetland within the Ordinary High Water Mark for Fifth Plain Creek. No impacts are proposed within the Ordinary High Water Mark for Fifth Plain Creek. All of the Category IV wetlands will be filled as a result of this project. The applicant has proposed off-site wetland mitigation on Tax Parcel 115621190 along the south side of the forested Fifth Plain Creek riparian zone near existing wetlands.

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 July 7, 2015.

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 - Fifth Plain Creek is classified by the Washington Department of Natural Resources as a Type S (Shoreline) stream. Per the Habitat Conservation Ordinance (CCC 40.440.010.C.1.a) a Type S stream has a riparian habitat conservation zone extending 250 feet from the Ordinary High Water Mark or to the edge of the 100 year floodplain, whichever is greater. In this case, the 250 feet is greater.
- Finding 2 - The applicant indicates that 1.64 acres of riparian habitat conservation zone will be impacted by the proposed development. The specifics of how this final number was attained were not provided. Permanent impacts occurring within the riparian habitat conservation zone but outside of shoreline jurisdiction, include lot encroachment on portions of Lots 8-16 and 70, forested vegetation removal, trails, an access road to the stormwater facilities, a portion of the stormwater facility, a stormwater filter vault, and a portion of the pump house.
- Finding 3 - The applicant proposes a 1:1 mitigation ratio for the habitat impacts.
- Finding 4 - The western portion of the site has been recently logged under a forest conversion forest practice (FOR2012-00017) in 2013; a habitat determination (HAB2012-00005) indicated that the trees to be removed were mature trees and that a habitat permit or habitat stewardship plan would be required for harvest of any of the trees within the riparian habitat conservation zone. The applicant indicates there was encroachment which occurred on the riparian habitat conservation zone with this forest conversion ranging from approximately 6 feet to over 30 feet over approximately 80% of the length of the 250 riparian habitat conservation zone. County staff has estimated the forested impacts within the riparian habitat conservation zone at 9,582 square feet.
- Finding 5 - Mature native trees provide many habitat benefits for native fish and wildlife as well protect water quality. As such, County staff recommends a 4:1 mitigation ratio for replacement of the mature vegetation. The applicant shall be responsible for providing an updated mitigation plan which accounts for the additional 28,746 square feet of mitigation required. The applicant only proposed to plant the east side of the stream, however it appears there is ample room on the west side of the creek between the stream and forest which is currently devoid of trees and shrubs (approximately 76,000 square feet) to complete the additional planting requirements.

- Finding 6 -** The applicant has noted that a sanitary sewer and water line will be laid on the southern side of the parcel in the proposed alignment for 78th Street, although the exact location was unknown at this time. The applicant proposes to use standard trenching methods except near Fifth Plain Creek where they will bore underneath the stream; the exact location of the bore entry and exit points is not currently known. Trenching is generally a temporary impact when grasses and pasture are impacted and can be replaced at a 1:1 ratio on-site if it is returned to a pre-construction grade and re-seeded with native grass seed; when shrubs and trees are impacted there is a temporal loss which must be accounted for at a higher rate depending on the maturity of the vegetation impacted. If trees and shrubs are proposed to be impacted as a result of these lines, their impacts (reported as canopy loss square footage) should be accounted for in the revised mitigation plan.
- Finding 7 -** Portions of a proposed four foot wide wood chip trail along both sides of the stream connect to the proposed developments within the riparian habitat conservation zone and Shoreline jurisdiction. Per the Habitat Conservation Ordinance (Table 40.440.010-1) clearing as minimally necessary for creating a four foot or narrower path using natural, wood-based surfaces in habitat areas is exempt.
- Finding 8 -** The area where the 78th street corridor is proposed shall not be used for mitigation purposes.

Wetland Review (CCC 40.450)

- Finding 1 -** Three Category IV emergent depressional wetlands (Wetlands A-C) exist on the eastern side of the parcel as indicated in the Wetland delineation and assessment report prepared by Cascadia Ecological Services, Inc. and dated April 1, 2015. County staff confirmed the quality and location of these wetland features on a site visit conducted July 7, 2015.
- Finding 2 -** Per the Wetland Protection Ordinance, small isolated Category IV wetlands smaller than 4,350 square feet in area are considered exempt. Due to their isolation, small size, and low Category ratings, wetlands B and C are exempt from County review. Wetland A is still regulated.
- Finding 3 -** Wetland A will be completely filled as a result of this development (8,439 square feet of impact; 0.19 acres).
- Finding 4 -** Per the Wetland Protection Ordinance, when using creation and enhancement as mitigation for a Category IV wetland, the creation portion shall be mitigated at a 1:1 ratio (0.19 acres required) and the enhancement portion shall be mitigated at a 2:1 ratio (0.38 acres required); for a total of 0.57 acres of wetland mitigation. The requirements for the US Army Corps of Engineers and/or the Washington Department of Ecology may be different.
- Finding 5 -** The applicant has proposed off-site mitigation for the direct wetland impacts to wetland A on Tax Parcel 115621190 along the south side of the forested Fifth Plain Creek riparian zone near existing wetlands. The applicant proposes 0.29 acres of Wetland Creation and 0.57 acres of wetland enhancement. The proposed mitigation meets and exceeds the requirements.

Shoreline Review (CCC 40.460)

This section addresses major issues identified under the Habitat Conservation Areas, Wetland, and Vegetation Conservation requirements of the Shoreline Master Program (CCC 40.460).

40.460.530.A. Critical Areas Protection – General Provisions

1. Critical areas as defined in Chapters 40.440 and 40.450 which are located within the shoreline jurisdiction are protected under this section.
2. Any allowed use, development, or activity proposed on a parcel with a critical area located in the shoreline jurisdiction shall be regulated under the provisions of this Program.

3. Any allowed use, development, or activity meeting the definition of a development exempt from the shoreline substantial development permit process outlined in WAC 173-27-040 and Section 40.460.230 shall be consistent with the policies and provisions of this Program for critical areas protection.
4. Provisions of the critical areas regulations that are not consistent with the Act and supporting WAC chapters shall not apply in shoreline jurisdiction.
5. Habitat that cannot be replaced or restored within twenty (20) years shall be preserved.
6. Where construction of a single-family residence is proposed, this activity is considered exempt from obtaining a shoreline substantial development permit when the construction is located landward of the ordinary high water mark and does not include placement of fill in wetlands. Construction of single-family residences requiring fill in wetlands must obtain a shoreline substantial development permit in addition to other shoreline approvals as applicable.
7. Unless otherwise stated, no development shall be constructed, located, extended, modified, converted, or altered, or land divided without full compliance with this Program and this title.
8. Unless otherwise stated, critical area buffers within the shoreline jurisdiction shall be protected and/or enhanced in accordance with this Program and this title.
9. Shoreline uses and developments and their associated structures and equipment shall be located, designed and operated using best management practices to protect critical areas.
10. The applicant shall demonstrate all reasonable efforts have been taken to avoid and, where unavoidable, minimize and mitigate impacts such that no net loss of critical area and shoreline ecological function is achieved. Mitigation shall occur in the following order of priority:
 - a. Avoiding the impact altogether by not taking a certain action or parts of an action.
 - b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts.
 - c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
 - d. Reducing or eliminating the impact over time by preservation and maintenance operations;
 - e. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and
 - f. Monitoring the impact and the compensation projects and taking appropriate corrective measures.
11. In addition to compensatory mitigation, unavoidable adverse impacts may be addressed through restoration efforts.

ANALYSIS

- Finding 1 - The applicant has provided a Wetland delineation and habitat assessment report by Cascadia Ecological Services (dated 4/1/2015) which provided the location of wetlands onsite and identified the Ordinary High Water Mark for Fifth Plain Creek. County staff reviewed this report and verified the findings during a July 7, 2015 site visit.
- Finding 2 - Exemptions and reasonable use exceptions for the Habitat Conservation Ordinance and Wetland Protection Ordinance do not apply in areas covered within Shoreline Jurisdiction.
- Finding 3 - A 200 foot Shoreline Management Area setback exists off of the Ordinary High Water Mark; all impacts within the Shoreline Management Area are subject to the Shoreline Master Ordinance (40.460). The applicant has applied for a Substantial Conditional Use Permit. The applicant has also applied for a Habitat permit for impacts both within and beyond Shoreline Jurisdiction and a wetland permit for wetland impacts beyond Shoreline jurisdiction.
- Finding 4 - No wetlands occur above the Ordinary High Water Mark (OHWM) for Fifth Plain Creek; a Category III riverine wetland occurs within the OHWM. The stream occurs in an entrenched ditch with little active floodplain.

- Finding 5 - The project occurs in riparian habitat for Fifth Plain Creek, which is classified as Type S (Shoreline) stream and a riparian habitat conservation zone which extends outward a distance of 250 feet from the Ordinary High Water Mark or to the edge of the 100 year floodplain, whichever is greater, in order to protect water quality and ecological functions. In this case there is a 250 foot riparian habitat conservation zone for Fifth Plain Creek.
- Finding 6 - The proposed project will incur the following permanent impacts within shoreline jurisdiction: construction of a storm water facility, stormwater facility outflow, a pump house, and a 4 foot wide wood chip trail. The impacts have been minimized to the extent possible to impact areas which are currently grass, pasture, or Himalayan blackberry. The trail will be field staked to avoid tree removal and minimize significant native vegetation removal.
- Finding 7 - The proposed project will incur the following temporary impacts within shoreline jurisdiction: trenching between the stormwater facility and outfall structure and trenching for the placement of a water and sanitary sewer line along the southern edge of the parcel where the proposed 78th street corridor is located. The applicant proposes to use standard trenching methods except near Fifth Plain Creek where they will bore underneath the stream; the exact location of the bore entry and exit points is not currently known. Trenching is generally a temporary impact when grasses and pasture are impacted and can be replaced at a 1:1 ratio on-site if it is returned to a pre-construction grade and re-seeded with native grass seed; when shrubs and trees are impacted there is a temporal loss which must be accounted for at a higher rate depending on the maturity of the vegetation impacted. If trees and shrubs are proposed to be impacted as a result of these lines, their impacts (reported as canopy loss square footage) should be accounted for in the revised mitigation plan.
- Finding 8 - A total of 1.64 acres of riparian habitat and 0.19 acres of regulated wetland will be disturbed by the project. A Wetland and Habitat Mitigation plan, also by Cascadia Ecological Services (dated July 20, 2015), was included by the applicant. No mature trees are proposed to be removed within Shoreline Jurisdiction, however existing grass, shrubs, and blackberry will be impacted for development of a Stormwater pond, stormwater outfall, pump house, and trails. This impact will have an effect on shoreline functions; however, the project proposes to mitigate for the loss of permanent riparian habitat at a 1:1 ratio. Approximately 1.64 acres of on-site mitigation are proposed to have non-native Himalayan blackberry removed and will be planted with native shrubs and trees along the east side of Fifth Plain Creek. Given the proximity of the impacts (within the inner 50% of the riparian habitat conservation zone) of the stormwater outfall (100 square feet) and stormwater pond (1,868 square feet) to Fifth Plain Creek, County environmental staff find that that these riparian impact should be mitigated at a 2:1 ratio. An additional 1,968 square feet (0.045 acres) of riparian habitat mitigation within Shoreline jurisdiction will need to be accounted for. There appears to be ample room on the western side of Fifth Plain Creek between the Ordinary High Water Mark and the existing forest which is currently devoid of native forested vegetation. With the mitigation proposed by the applicant, and amended by County staff, the project is anticipated to have "no net loss" of shoreline habitat functions in the long-term.
- Finding 9 - Best management practices shall be utilized during construction to limit sediment and erosion from entering the adjacent riparian habitat.

40.460.530.F. Habitat Conservation Areas.

1. General Provisions.
 - a. Designated habitat areas are those defined in Section 40.100.070 and those described below:
 - (1) Water bodies defined as waters of the state (RCW 90.48.020), including waters, bed, and bank;
 - (2) DNR Classification System Type S, F, Np, and Ns water bodies as defined and mapped based on WAC 222-16-030 (Forest Practices Rules);

- (3) Riparian Priority Habitat Areas. Areas extending landward on each side of the stream or water body from the ordinary high water mark to the edge of the one hundred (100) year floodplain, or the following distances, if greater:
- (a) DNR Type S waters, two hundred fifty (250) feet;
 - (b) DNR Type F waters, two hundred (200) feet;
 - (c) DNR Type Np waters, one hundred (100) feet; and
 - (d) DNR Type Ns waters, seventy-five (75) feet;
- (4) Other Priority Habitats and Species (PHS) Areas. Areas identified by and consistent with WDFW priority habitats and species criteria, including areas within one thousand (1,000) feet of individual species point sites. The county shall defer to WDFW in regards to classification, mapping and interpretation of priority habitat species.
- b. The above habitat areas are mapped on a countywide basis in the adopted "Priority Habitats and Species Map." Maps are on file with Clark County Environmental Services, except that maps of individual locations of sensitive, threatened, or endangered wildlife species are maintained separately to protect sensitive species.
 - c. In the event of inconsistencies, official habitat area definitions shall prevail over county-wide maps in determining applicability of this section. The county shall follow the recommendations of WDFW in the interpretation of site-specific conditions as they relate to the definition of priority habitat and species.
 - d. The portion of the riparian priority habitat area nearest to the OHWM shall be set aside for vegetation conservation and protection of the water body within the shoreline jurisdiction.
 - e. Where development proposals require a habitat review under Section 40.440.030, the review will be part of the approvals required under this Program.
 - f. The reasonable use provisions in Chapter 40.440 do not apply to habitat conservation areas regulated under this Program.

ANALYSIS

- Finding 10 - Fifth Plain Creek is designated by the Washington Department of Natural Resources as a Type S (Shoreline) stream. The applicant has provided a Wetland delineation and habitat assessment report by Cascadia Ecological Services (dated 4/1/2015) which provided the location of wetlands onsite and identified the Ordinary High Water Mark for Fifth Plain Creek. County staff reviewed this report and verified the findings during a July 7, 2015 site visit.
- Finding 11 - Per the Habitat Conservation Ordinance (40.440.010.C.1.a) a Type S stream is priority riparian habitat and is protected by a 250 foot riparian conservation zone. A 200 foot Shoreline Management Area setback exists off of the Ordinary High Water Mark; all impacts within the Shoreline Management Area are subject to the Shoreline Master Ordinance (40.460). The Shoreline has been designated as Urban Conservancy which has a 115 foot vegetation management setback. The proposed stormwater outfall, stormwater facility, pump house, and trails occur within the Shoreline setbacks.
- Finding 12 - The Washington Department of Fish and Wildlife have indicated that this parcel is mapped as occurring within a cave-rich area, which is a priority non-riparian habitat. These features are mapped at the Township level and may not actually occur on site. The applicant did not specifically mention caves in their report, however no caves or karst features were noted on the subject parcel by County staff during a site visit on July 7, 2015.
- Finding 13 - The Washington Department of Fish and Wildlife have indicated this section of Fifth Plain Creek has listed occurrences of Cutthroat Trout. There are occurrence/migration records for Resident Coastal Cutthroat Trout and Rainbow Trout. No in-stream work is proposed for the Fifth Plain Creek.
- Finding 14 - Exemptions and Reasonable Use Exceptions for the Habitat Conservation Ordinance do not apply in areas covered within Shoreline Jurisdiction.
- Finding 15 - The reasonable use provisions in Chapter 40.440 do not apply to habitat conservation areas regulated under Shoreline Jurisdiction.

2. Regulated Activities.

- a. All construction, development, earth movement, clearing, or other site disturbance proposals within a habitat area which require a permit, approval, or other authorization from the county shall be reviewed pursuant to Chapter 40.440 and shall comply with the requirements of this section.
- b. Proposed new single-family residential development occurring immediately outside but within three hundred (300) feet of designated priority species habitat polygons or within one hundred (100) feet of designated non-riparian priority habitat polygons shall require consultation with WDFW prior to issuance of a development permit. In such cases, further review under this section is not required unless WDFW finds that there are potential adverse impacts.
- c. Agricultural activities within designated riparian habitat areas are subject to the provisions of this section and Section 40.440.040(B).
- d. Class IV G forest practices (conversions) are regulated under this Program.

ANALYSIS

Finding 16 - Requirement met. The applicant has applied for a Habitat permit for impacts related to the construction of the stormwater facility, stormwater outfall, pump house, and trails.

3. Standards.

- a. Any alterations within designated habitat areas in shoreline jurisdiction require review and approval prior to clearing or development and prior to issuance of any County permit or statement of exemption.
- b. Alterations within the designated habitat areas shall:
 - (1) Avoid impacts to the habitat conservation areas during project planning and development to the extent possible;
 - (2) Substantially maintain the level of habitat functions and values as characterized and documented using best available science;
 - (3) Minimize habitat disruption or alteration beyond the extent required to undertake the proposal; and
 - (4) Compensate for impacts to the habitat conservation areas to meet the standard of no net loss of shoreline ecological functions. Mitigation measures and proposals must demonstrate use of best available science.
- c. In the event that impacts to habitat areas cannot be avoided, development and approval of a mitigation plan in accordance with the provisions of Sections 40.440.020(A)(3) through (8) is required.

ANALYSIS

Finding 17 - Requirement met. The applicant has not damaged the habitat conservation areas during planning and have minimized impacts to the extent possible for future development by placing structures within areas currently dominated by field grasses, weeds, and blackberries. The applicant has applied for a Habitat permit and Shoreline Conditional Use permit for impacts related to the construction of the stormwater facility, stormwater outfall, pump house, and trails.

Finding 18 - A total of 1.64 acres of riparian habitat and 0.19 acres of regulated wetland will be disturbed by the project. A Wetland and Habitat Mitigation plan, also by Cascadia Ecological Services (dated July 20, 2015), was included by the applicant. No mature trees are proposed to be removed within Shoreline Jurisdiction, however existing grass, shrubs, and blackberry will be impacted for development of a Stormwater pond, stormwater outfall, and pump house. This impact will have an effect on shoreline functions; however, the project proposes to mitigate for the loss of permanent riparian habitat at a 1:1 ratio. Approximately 1.64 acres of on-site mitigation are proposed to have non-native Himalayan blackberry removed and will be planted with native shrubs and trees along the east side of Fifth Plain Creek. Given the proximity of the impacts (within the inner 50% of the riparian habitat conservation zone) of the stormwater outfall (100 square feet) and stormwater pond (1,868 square feet) to Fifth Plain Creek, County environmental staff find that that these riparian impact should be mitigated at a 2:1 ratio. An additional 1,968 square feet (0.045 acres) of riparian habitat mitigation within Shoreline jurisdiction

will need to be accounted for. There appears to be ample room on the western side of Fifth Plain Creek between the Ordinary High Water Mark and the existing forest which is currently devoid of native forested vegetation. With the mitigation proposed by the applicant, and amended by County staff, the project is anticipated to have "no net loss" of shoreline habitat functions in the long-term.

Finding 19 -

The applicant has proposed the construction of a water and sanitary sewer line along the southern edge of the parcel where the proposed 78th Street corridor is located. The applicant proposes to use standard trenching methods except near Fifth Plain Creek where they will bore underneath the stream; the exact location of the bore entry and exit points is not currently known. Trenching is generally a temporary impact when grasses and pasture are impacted and can be replaced at a 1:1 ratio on-site if it is returned to a pre-construction grade and re-seeded with native grass seed; when shrubs and trees are impacted there is a temporal loss which must be accounted for at a higher rate depending on the maturity of the vegetation impacted. If trees and shrubs are proposed to be impacted as a result of these lines, their impacts (reported as canopy loss square footage) should be accounted for in the revised mitigation plan.

40.460. 530.G. Wetlands

1. General Provisions.

- a. Where development proposals require a wetlands review under Section 40.450.030, the review will be part of the approvals required under this Program. Such review is required for any development activity that is within wetlands and wetland buffers subject to this Program, unless specifically authorized by a statement of exemption. Requirements for wetland permit applications are provided in Sections 40.450.040(B), (C), and (D).
- b. This section shall not apply to wetlands created from nonwetland sites including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, stormwater facilities, farm ponds, landscape amenities and unintentionally created wetlands created as a result of the construction of a public or private road, street, or highway after July 1, 1990; provided, that wetlands created as mitigation shall not be exempt.
- c. A wetland determination is required in conjunction with the submittal of a development permit application. The Shoreline Administrator shall determine the probable existence of a wetland on the parcel involved in the development permit application. If wetlands or wetland buffers are found to exist on a parcel, wetland delineation is required.
- d. The location of a wetland and its boundary shall be determined through the performance of a field investigation utilizing the methodology contained in the Wetlands Delineation Manual and as specified in Chapter 40.450. If a wetland is located off site and is inaccessible, the best available information shall be used to determine the wetland boundary and category. Methodology is specified in Section 40.450.030(D).
- e. All buffers shall be measured horizontally outward from the delineated wetland boundary.
- f. Wetland buffer widths shall be determined by the Shoreline Administrator in accordance with the standards in Section 40.450.030.
- g. All wetland reviews require approval of a preliminary and a final enhancement/mitigation plan in accordance with the provisions of Section 40.450.040(E) unless the preliminary enhancement/mitigation plan requirement is waived under the provisions of Section 40.450.040(E)(2).
- h. Wetland reviews under this Program shall be according to the application, processing, preliminary approval, and final approval procedures set out in Section 40.450.040(F) through (I) and are part of the approvals required under this Program.
- i. Provisions for programmatic permits are included in Section 40.450.040(K).
- j. Provisions for emergency wetland permits are included in Section 40.450.040(L).
- k. The reasonable use provisions in Chapter 40.450 do not apply to wetlands regulated under this Program.

ANALYSIS

- Finding 20 - Clark County has modeled riverine wetlands and depressional wetlands along Fifth Plain Creek; hydric soils are also mapped within the vicinity of Fifth Plain Creek.
- Finding 21 - The applicant has provided a the Wetland delineation and habitat assessment report dated April 1, 2015 prepared by Cascadia Ecological Services which indicate that a Category III Riverine wetland was noted along the Fifth Plain Creek floodplain.
- Finding 22 - County staff conducted a site visit on July 7, 2015 and concur with the findings of the wetland delineation and find that there are no wetlands within Shoreline jurisdiction which occur above the indicated Ordinary High Water Mark. All wetlands observed are below the ordinary high water mark for Cedar Creek and the North Fork of the Lewis River. No further wetland review is required.

40.460.570 Vegetation Conservation

- A. Existing vegetation within shoreline jurisdiction shall be retained in the riparian area closest to the water body but landward from the OHWM as follows:
1. Type S waters in rural areas, one hundred fifty (150) feet;
 2. Type S waters in urban growth areas, one hundred fifteen (115) feet;
 3. Type F waters in rural areas, one hundred fifteen (115) feet;
 4. Type F waters in urban growth areas, one hundred (100) feet;
 5. Type Np waters, seventy-five (75) feet;
 6. Type Ns waters, fifty (50) feet;
 7. Lakes, one hundred (100) feet.
- B. Removal of native vegetation shall be avoided to the extent possible. Where removal of native vegetation cannot be avoided, it shall be minimized to protect shoreline ecological functions.
- C. If non-native vegetation is to be removed, then it shall be replaced with native vegetation within the shoreline jurisdiction.
- D. If vegetation removal cannot be avoided, it shall be minimized and then mitigated at a minimum ratio of one to one (1:1), and shall result in no net loss of shoreline ecological functions. Lost functions may be replaced by enhancing other functions; provided, that no net loss in overall functions is demonstrated and habitat connectivity is maintained. Mitigation shall be provided consistent with an approved mitigation plan.
- E. Development shall be located to avoid clearing and grading impacts to more mature or multistoried plant communities and to retain habitat connectivity.
- F. Developments shall include provisions to ensure preservation of native vegetation and control erosion during construction.
- G. Vegetation that cannot be replaced or restored within twenty (20) years shall be preserved.
- H. Clearing by hand-held equipment of invasive or non-native shoreline vegetation or plants listed on the State Noxious Weed List is permitted in shoreline locations if native vegetation is promptly re-established in the disturbed area.
- I. Topping trees is prohibited.
- J. Thinning of trees is limited, as follows:
1. Removal of no more than twenty-five percent (25%) of the canopy of any tree or group of trees (calculated based on the area of the crown, or upper portion(s) comprised of branches and leaves or as determined by a certified arborist) in any given five (5) year period;
 2. Pruning of trees that does not affect shoreline ecological functions. No more than twenty percent (20%) of the limbs on any single tree may be removed and no more than twenty percent (20%) of the canopy cover in any single stand of trees may be removed in a given five (5) year period. Pruning shall comply with the National Arborist Association pruning standards, unless the tree is a hazard tree as defined in Section 40.100.070.
- K. Native plant materials which are equivalent to those which would typically occur with respect to size, structure, and diversity at maturation shall be used in restoration, rehabilitation, or enhancement projects.

- L. Natural features such as snags, stumps, logs or uprooted trees, which support fish and other aquatic systems, and which do not intrude on the navigational channel or threaten agricultural land, existing structures and facilities, or public safety shall be left undisturbed.
- M. Unless otherwise stated, the vegetation conservation regulations of this Program do not apply to commercial forest practices as defined by this Program when such activities are covered under the Washington State Forest Practices Act (Chapter 76.09 RCW), except where such activities are associated with a conversion to other uses or other forest practice activities over which local governments have authority, or with flood control levees required to be kept free of vegetation that damages their structural integrity. For the purposes of this Program, preparatory work associated with the conversion of land to nonforestry uses and/or developments shall not be considered a forest practice and shall be reviewed in accordance with the provisions for the proposed nonforestry use, the general provisions of this Program, and shall be limited to the minimum necessary to accommodate an approved use.
- N. Aquatic weed control shall only occur to protect native plant communities and associated habitats or where an existing water-dependent use is restricted by the presence of weeds. Aquatic weed control shall occur in compliance with all other applicable laws and standards and shall be done by a qualified professional.

ANALYSIS

Finding 23 - The Vegetation Conservation Setback in an Urban setting is 115 feet from the Ordinary High Water Mark.

Finding 24 - No mature trees are proposed to be removed within Shoreline Jurisdiction. The proposed project will incur the following permanent impacts within shoreline jurisdiction: construction of a storm water facility, stormwater facility outflow, a pump house, and a 4 foot wide wood chip trail. The impacts have been minimized to the extent possible to impact areas which are currently grass, pasture, or Himalayan blackberry. The trail will be field staked to avoid tree removal and minimize significant native vegetation removal. Native vegetation will be compensated for within the proposed 1.64 acre native planting area.

Finding 25 - Himalayan blackberry and reed canary grass were noted on site. These shall be removed when encountered and replaced with native vegetation.

Finding 26 - The applicant shall utilize best management practices to prevent sediment and erosion from entering Fifth Plain Creek.

Finding 27 - A total of 1.64 acres of riparian habitat and 0.19 acres of regulated wetland will be disturbed by the project. A Wetland and Habitat Mitigation plan, also by Cascadia Ecological Services (dated July 20, 2015), was included by the applicant. No mature trees are proposed to be removed within Shoreline Jurisdiction, however existing grass, shrubs, and blackberry will be impacted for development of a Stormwater pond, stormwater outfall, and pump house. This impact will have an effect on shoreline functions; however, the project proposes to mitigate for the loss of permanent riparian habitat at a 1:1 ratio. Approximately 1.64 acres of on-site mitigation are proposed to have non-native Himalayan blackberry removed and will be planted with native shrubs and trees along the east side of Fifth Plain Creek. Given the proximity of the impacts (within the inner 50% of the riparian habitat conservation zone) of the stormwater outfall (100 square feet) and stormwater pond (1,868 square feet) to Fifth Plain Creek, County environmental staff find that that these riparian impact should be mitigated at a 2:1 ratio. An additional 1,968 square feet (0.045 acres) of riparian habitat mitigation within Shoreline jurisdiction will need to be accounted for. There appears to be ample room on the western side of Fifth Plain Creek between the Ordinary High Water Mark and the existing forest which is currently devoid of native forested vegetation. With the mitigation proposed by the applicant, and amended by County staff, the project is anticipated to have "no net loss" of shoreline habitat functions in the long-term.

Finding 28 - The applicant has proposed the construction of a water and sanitary sewer line along the southern edge of the parcel where the proposed 78th Street corridor is located. The applicant proposes to use standard trenching methods except near Fifth Plain Creek where they will bore underneath the stream; the exact location of the bore entry and exit points is not currently known. Trenching is generally a temporary impact when grasses and pasture are impacted and can be replaced at a 1:1 ratio on-site if it is returned to a pre-construction grade and re-seeded with native grass seed; when shrubs and trees are impacted there is a temporal loss which must be accounted for at a higher rate depending on the maturity of the vegetation impacted. If trees and shrubs are proposed to be impacted as a result of these lines, their impacts (reported as canopy loss square footage) should be accounted for in the revised mitigation plan.

Shoreline Conclusion

Based upon the development site characteristics and the proposed development plan, staff concludes that the proposed Shoreline Permit application complies with the Habitat, Wetland, and vegetation Conservation requirements of Shoreline Master Program PROVIDED that certain conditions (listed below) are met.

Conclusion

Based upon the development site characteristics and the proposed development plan, staff concludes that the proposed Development applications complies with the requirements of Chapters 40.440, 40.450, the Wetland Protection and Habitat Conservation standards 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 22), 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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These are conditions that are not specifically tied to subsequent review and approval processes that may need to be met at a time specified in each condition or apply generally as described.

1. The applicant shall only impact areas indicated on the provided plans during construction of this project. Any clearing or disturbance beyond that indicated on the plans and narrative provided would require additional habitat and shoreline review by County staff and may include additional permit and mitigation requirements.
2. The applicant shall implement the Wetland and Habitat Mitigation Plan by Cascadia Environmental Services (dated July 20, 2015), except as amended below.
3. The applicant shall utilize best management practices to control erosion and prevent sediment from entering adjacent streams and riparian habitat, non-riparian habitat (Waterfowl concentrations, oak woodland), wetlands, and wetland buffers.
4. The applicant shall grade all temporary impacts to pre-disturbance grades. These areas shall be replanted with native grass and herbaceous vegetation to maintain and enhance shoreline habitat ecological functions as currently exist on site at a 1:1 ratio for areas currently in grass, weeds, or blackberries; when shrubs and trees are impacted there is a temporal loss which must be accounted for at a higher rate depending on the maturity of the vegetation impacted. If trees and shrubs are proposed to be impacted as a result of these lines, their impacts (reported as canopy loss square footage) should be accounted for in the revised mitigation plan.

5. The applicant shall re-seed all temporarily impacted disturbed areas which were previously grass with a native grass/vegetation seed mixture. These areas shall be maintained and monitored for 1 year to ensure grass cover has been established and covers 95% of the temporarily disturbed area. Any areas which do not meet this condition shall be replanted and monitored until conditions are met.
6. Non-native vegetation and noxious weeds shall be removed and replanted with native vegetation (where encountered) within the temporarily disturbed areas and mitigation areas.
7. Any unforeseen disturbance to the indicated riparian buffers not mentioned as a part of this permit shall be replanted with native vegetation. DES shall be notified of any additional impacts and the replanted area shall be included with the permitted restoration areas and maintained and monitored accordingly.
8. The area where the 78th Street Corridor is proposed shall not be used for mitigation purposes.

CONDITIONS ASSOCIATED WITH SUBSEQUENT DEVELOPMENT REVIEW AND APPROVAL TIMELINES:

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

A-1 Final Wetland Permit approval shall be required

- a. The applicant shall provide financial assurances for the construction, monitoring, and maintenance of the off-site wetland mitigation.

A-2 Habitat Plan:

- a. The applicant shall account for the additional riparian habitat enhancement required for the impacts related to the stormwater pond and stormwater outfall within the inner 50% of the riparian habitat conservation zone at a 2:1 ratio. An additional 1,868 and 100 square feet, respectively, of mitigation is required; 1,968 square feet total. The applicant shall submit an updated mitigation plan for onsite mitigation within the Shoreline area to offset the impacts for approval to Clark County DES staff. The mitigation plan shall include standards for maintenance, monitoring, any adaptive management, contingency plans, and a Conservation Covenant to protect the mitigation area.
- b. The applicant shall account for the additional riparian habitat enhancement required for the impacts to the removal of mature trees within the riparian habitat conservation zone related to the Forest Practice Permit (FOR2012-00017) at a 4:1 ratio; an additional 28,746 square feet of mitigation are required. The applicant shall submit an updated mitigation plan for onsite mitigation within the Shoreline area to offset the impacts for approval to Clark County DES staff. The mitigation plan shall include standards for maintenance, monitoring, any adaptive management, and contingency plans.
- c. The Final Construction plan shall show location of the outer extent of the riparian habitat conservation zone, and Shoreline setbacks (Vegetation setback at 115 feet and Shoreline Area at 200 feet). Markings shall be installed prior to construction and maintained throughout the duration of construction.
- d. The location of the mitigation areas shall be indicated on the Final Construction plans.
- e. The location of all permanent and temporary impacts shall be delineated on the Final Construction Plans.
- f. The applicant shall provide financial assurances for the planting, monitoring, and maintenance of the onsite riparian habitat mitigation.
- g. The applicant shall indicate the location of the proposed trails on the plans and stake the location in the field prior to construction. Only the staked area for path construction should be disturbed during trail construction.
- h. A site plan note shall be added which states that "the four(4) foot wide wood chip trail will be field staked to avoid tree removal and minimize significant native vegetation removal."

- i. The exact location of the bore entry and exit points is not known at this time. A Habitat Permit with applicable mitigation shall be required if there are riparian habitat conservation zone impacts in relation to the water and sanitary sewer lines which were not accounted for in this preliminary review.

C	Provisional Acceptance of Development (Review & Approval Authority: Development Inspection)
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Prior to provisional acceptance of development improvements, construction shall be completed consistent with the approved final construction plans and final site plan. The following conditions of approval shall also be met:

- C-1** Permanent physical demarcation along the upland boundary of the riparian habitat conservation zone 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 an interval 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:

*Riparian Habitat Conservation Zone –
Please retain in a natural state*

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

D-1 Habitat:

- a. All Priority Habitat areas shall be delineated on the face of the Final Plat.
- b. All mitigation areas shall be delineated on the face of the Final Plat.
- c. The location of trail shall be delineated on the Final Plat.
- d. Signage shall be posted along the habitat boundaries at an interval of one (1) per lot or every one hundred (100) feet, whichever is less, and be perpetually maintained by the homeowners in such a manner so as to sufficiently identify and protect habitat functionality. Signs shall read "Habitat Conservation Area—please retain in a natural state. No dumping. No pet entry."
- e. A conservation covenant shall be recorded for the existing forest within the riparian habitat conservation zone and the riparian habitat conservation zone mitigation areas.

D-2 Wetlands:

- a. A conservation covenant shall be recorded for the offsite wetland mitigation site in a form approved by the Prosecuting Attorney as adequate to incorporate the other restrictions of Chapter 40.450 and to give notice of the requirement to obtain a wetland permit prior to engaging in regulated activities within a wetland or its buffer.

D-3 Plat Notes- The following notes shall be placed on the final plat:

- a. Riparian Habitat Conservation Zone Buffer- "Clearing native vegetation, planting non-native vegetation, construction or development of any kind, the dumping of yard wastes, entry by pets, and any other physical alteration of the land determined to be injurious is strictly prohibited as per the Conservation Covenant # _____ recorded with this plat."
- b. Covenants: "Per the Clark County Habitat Conservation Ordinance (CCC 40.440) riparian habitat conservation zones shall be maintained in a natural state. Refer to the Conservation Covenant recorded under Auditor's File Number _____ for limitations on the maintenance and use of the riparian habitat conservation zone areas identified on the face of this plat."

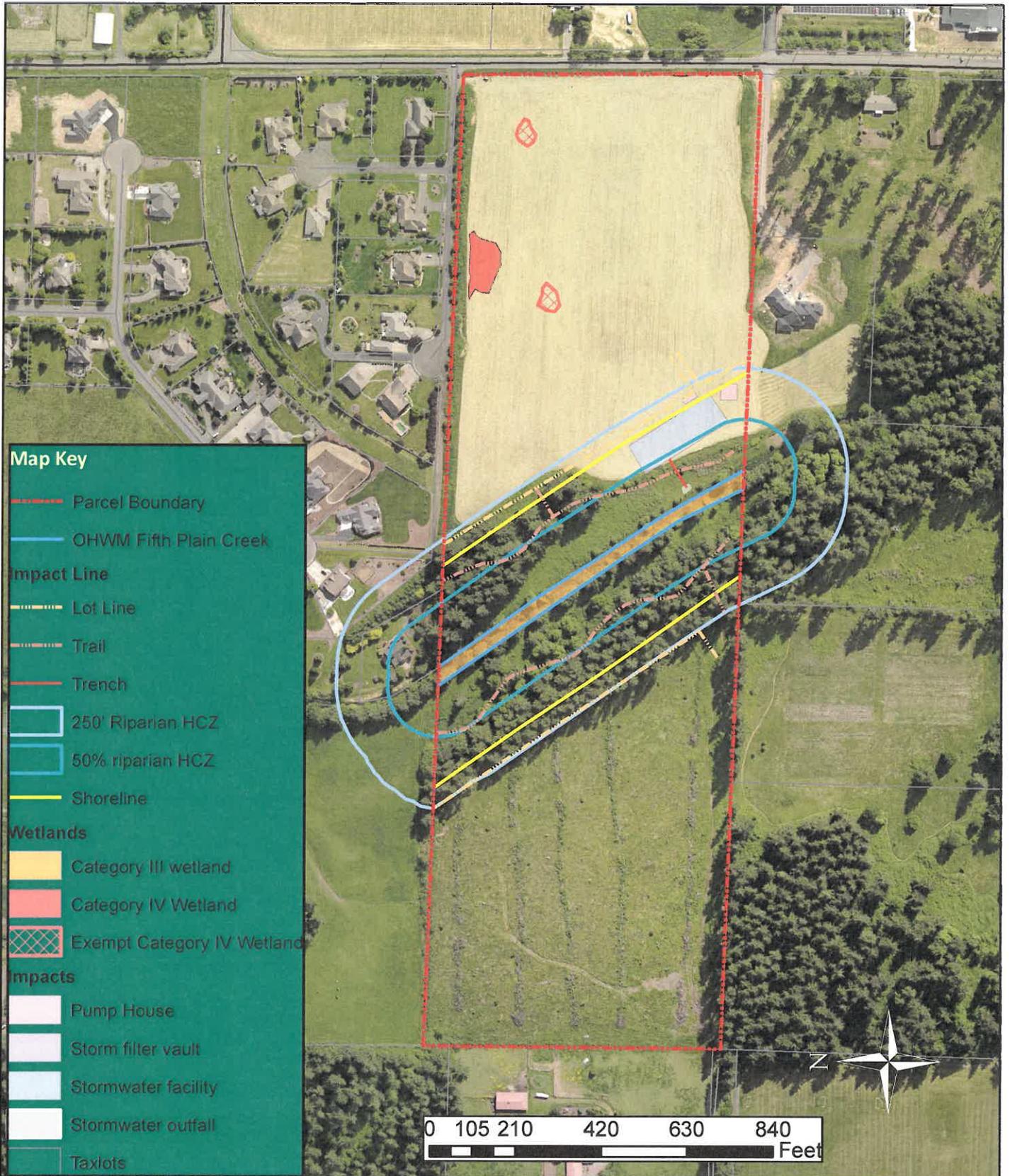
Attachments

1. map

H:\Enhancement and Permitting\ENVIRONMENTAL REVIEW\Shoreline Review\2015\SHL2015-00025 (Fifth Plain Creek Subdivision)\HAB2015-00057_WET2015-00037_SHL2015-00025 SR for CD.docx

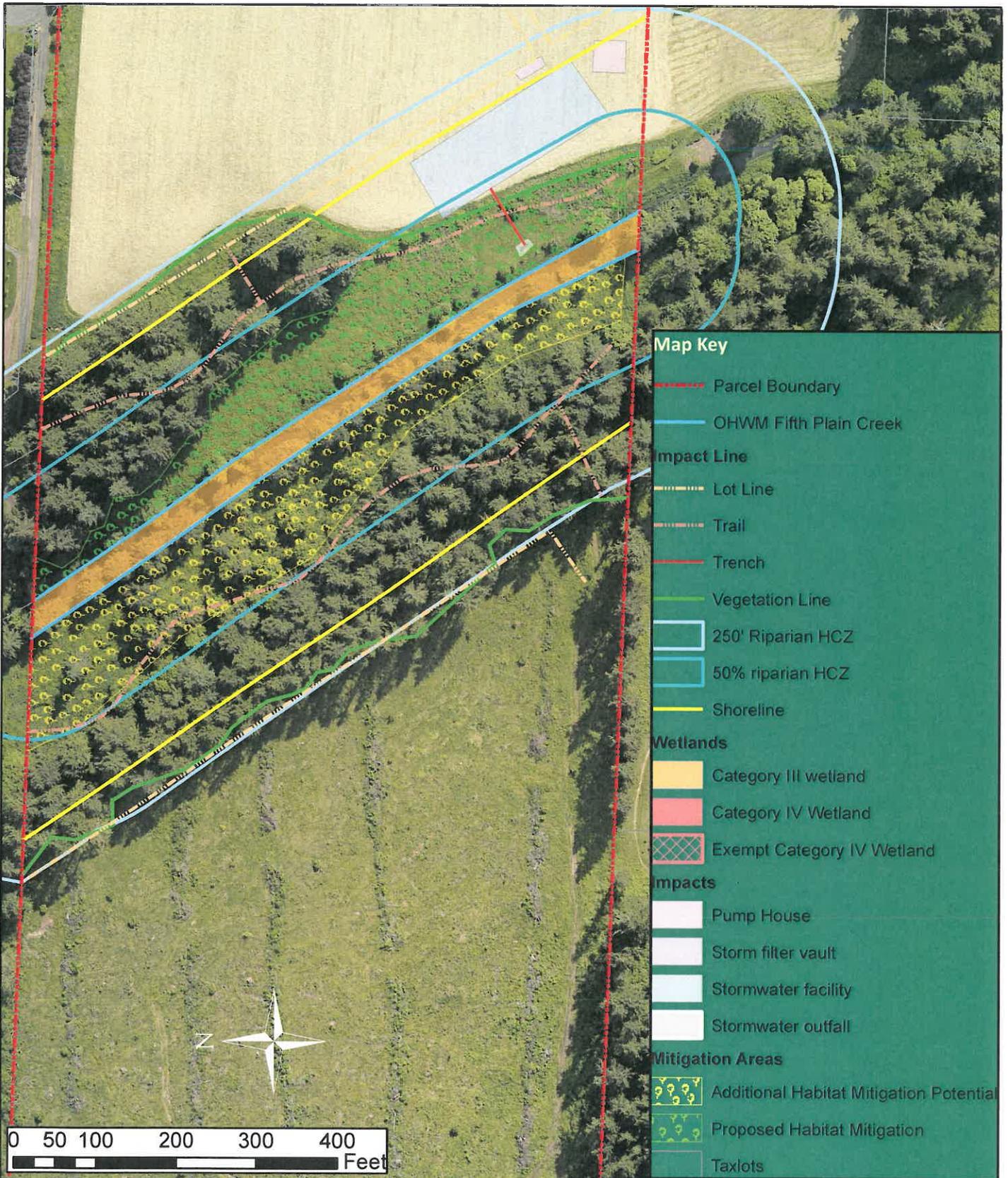


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Clark County Determination
Fifth Plain Creek Subdivision
 Parcel 168622-000
 CLARK COUNTY ENVIRONMENTAL SERVICES

Riparian,
 Wetlands,
 Shoreline
Sheet 1 of 1
 Drawn 10/21/2015 (LAW)



Map Key	
	Parcel Boundary
	OHWM Fifth Plain Creek
Impact Line	
	Lot Line
	Trail
	Trench
	Vegetation Line
	250' Riparian HCZ
	50% riparian HCZ
	Shoreline
Wetlands	
	Category III wetland
	Category IV Wetland
	Exempt Category IV Wetland
Impacts	
	Pump House
	Storm filter vault
	Stormwater facility
	Stormwater outfall
Mitigation Areas	
	Additional Habitat Mitigation Potential
	Proposed Habitat Mitigation
	Taxlots



Clark County Determination
Fifth Plain Creek Subdivision
 Parcel 168622-000
 CLARK COUNTY ENVIRONMENTAL SERVICES

Riparian,
 Shoreline,
 Mitigation
Sheet 1 of 1
 Drawn 10/21/2015 (LAW)



