

Type II Staff Report and Decision

Project Name: GAUDET SHORT PLAT

Case Number: PLD2015-00018; HAB2015-00010

Location: The applicant is requesting short plat review approval to divide 3.49 acres into two single-family residential lots located in the R1-7.5 & R-22 zone districts.

Request: 2304 NE 144TH Street

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

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

Property Owner: Robert & Louise Gaudet
2304 NE 144th Street
Vancouver, WA 98686

Decision

Approved subject to Conditions

Land Use Review manager's initials: SE

Date issued: 12/3/15

County Review Staff

Department/Program	Name	Phone Ext.	Email Address
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Community Development			
Land Use Review Manager	Susan Ellinger	5122	Susan.ellinger@clark.wa.gov
Land Use Review Planner	Jan Bazala	4499	Jan.bazala@clark.wa.gov

Revised 7/16/13



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



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

Fire Marshal's Office	Curtis Eavenson	3320	Curtis.eavenson@clark.wa.gov
Environmental Services			
Biologist	Keith Radcliff	4180	Keith.radcliff@clark.wa.gov
Public Works			
Transportation and Stormwater Engineering Supervisor	Greg Shafer	4064	Greg.shafer@clark.wa.gov
Engineering Team Leader	Ali Safayi P.E.		ali.safayi@clark.wa.gov
Engineer	Brad Hazen	4346	Brad.hazen@clark.wa.gov
Concurrency Engineer	David Jardin	4354	david.jardin@clark.wa.gov

Comp Plan/ Zoning Designations: UM, UL/R-22, R1-7.5

Legal Description and Parcel Number(s): SE quarter of Section 23, T3N, R1E; taxlots 185711-000, 117895-141, 117895-151 and 117895-154

Applicable Laws

Clark County Code: Title 15 (Fire Prevention), Section 40.220.010 (Single-Family Residential District), Section 40.220.020 (Residential & Office 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 40.440 (Habitat Conservation), Sections 40.500 and 40.510 (Procedures), Section 40.540 (Land Division Ordinance), Section 40.610 (Impact Fees), Title 24 (Public Health), RCW 58.17, and the Clark County Comprehensive Plan.

Neighborhood Association and Contact

Fairgrounds Neighborhood Association
 Bridget Schwarz, President
 2110 NW 179th Street
 Ridgefield, WA 98642
 (360) 573-5873
 Email: bridget@bridge-i-t.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 January 22, 2015. The pre-application was determined contingently vested as of December 31, 2014, the date the fully complete pre-application was submitted.

Given these facts, the application is vested on December 31, 2014.

There are no disputes regarding vesting.

Time Limits

The application was determined to be fully complete on June 26, 2015. The applicant was asked to submit additional information which extended the deadline by 82 days. Therefore, the code requirement for issuing a decision within 78 days lapses on December 3, 2015.

Public Notice

Notice of application and likely SEPA Determination of Non-Significance (DNS) was mailed to the applicant, the Fairgrounds Neighborhood Association and property owners within 300feet of the site on July 10, 2015.

Public Comments

None

Project Overview

The project site consists of four taxlots totaling 3.49 acres. A residence, large shop and detached garage are located on taxlot 117895141. The rest of the parcels are vacant.

The site slopes steadily from the east down to the west, with a total difference in elevation of approximately 75 feet. Several large Oregon white oak trees are located on the western half of the site. The original application proposed to remove some of the trees; however, the mitigation involved was more than the applicant wished to undertake at this time. A revised application (Exhibit 8) was submitted that indicates the trees will remain.

To the east is the West Mt. Vista subdivision. To the northwest is the Vista View apartment complex. South of taxlot 185711-000 is the Vista Ridge townhome development.

The site is located in the following districts:

Water-Clark Public Utilities
Sewer-Clark Regional Wastewater
Transportation Impact-Mt. Vista
School- Vancouver
Fire -District 6

Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use
Site	UL/UM	R1-7.5/R-22	Single family residential
North	UL/UM	R1-7.5/R-22	Single family residential
East	UL	R1-7.5	Single family residential
South	UL/UM	R1-7.5/R-22	Townhomes and single family residences
West	UM	R/22	Single family residential

Staff Analysis

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

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

Major Issues

Only the major issues, errors in the development proposal, or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements and, therefore, are not discussed below.

Land UseFinding 1 – Legal lot status

The four taxlots were determined to be only one legal lot of record under SFR2007-00165, BLA2008-00014 and subsequent research in PIT2008-00073.

Land Use Finding 2 – Lot Size

40.220.010.C.2 allows “An exception to the maximum average lot size may be granted for a short plat creating lot(s) for an existing legal residence(s) and one (1) remainder lot subject to the following:

- a. For a two (2) lot short plat with one (1) existing residence, neither the lot with the residence nor the remainder lot must meet the maximum average lot area.
- b. When three (3) or more lots are created, only those lots with existing residences are exempted from maximum lot area average calculations.
- c. The resulting plat shall contain a plat note specifying that this exception may not be used for any further divisions of the subject lots.”

This application uses the above exemption and proposes only two lots; one of 59,616 square feet and one of 92,554 square feet. A note on the plat will be required that no further divisions will occur using this exemption. See Condition D-7.g.

Land Use Finding 2 - Zoning

The west portion of Lot 1 (taxlot 185711-000) is zoned R-22, so the proposed lot will have two different zoning designations. County code does not prohibit this. Future development will be subject to the applicable zoning of that portion of the site. See Conditions D-7.d and D-7.g.

Land Use Finding 3 – Setbacks

The existing house was built in 1937 and is thus legally non-conforming in regards to the setback to NE 144th St. An additional two feet of right of way is needed that will reduce the setback even further; however, no variance is required since the situation is not of the applicant's making.

Land Use Finding 4 – Access

Lot 2 will retain access onto NE 144th Street from at least one driveway. Lot 1 has legal access through the Vista Ridge Townhomes. A note on the Vista Ridge Townhomes plat (see Exhibit 9) states that access is provided to Taxlot 65, which is the R-22 zoned assessor's parcel number 185711-000.

Staff cannot assume that access rights were intended for the rest of Lot 1 of which Taxlot 65 is a part of; in fact, County legal staff has stated that there is case law that can restrict access to only the area of Taxlot 65. Therefore, a condition is warranted that will require future development on Lot 1 that uses this access through the Vista Ridge Townhomes to be limited to the area within the original Taxlot 65 (see Exhibit 10 for area of Taxlot 65) unless permission is granted from the Vista Ridge Townhomes homeowner's association. See Conditions D-7.c and D-7.e.

Lot 1 also has frontage on NE 144th Street via a 56 foot wide "panhandle" that may be able to be used for access. This potential access point is located on an area of slopes of approximately 12 percent; the feasibility of alternate or additional access at this location has not yet been determined. See Condition D-7.c.

Land Use Finding 5 - Future Uses

No development is proposed on either lot at this time, but after final plat Lot 1 will be eligible for construction of a single family residence. The access location for an additional single dwelling is subject to the following considerations:

- 1) If a single family home is proposed on the R1-7.5 portion of the lot, either a driveway location will need to be approved in the panhandle of Lot 1 where it abuts NE 144th Street, or permission will need to be granted for access through the Vista Ridge Townhomes plat. See Conditions D-7.c and E-6.
- 2) If a single family home is proposed on the R-22 portion of the site, a development plan will need to be submitted with the building permit application that shows how future development can occur that will meet the density requirements of the R-22 zone, per Section 40.220.020.C.5. See Conditions D-7.d and E-5.
- 3) The location of all structures and development will need to avoid all driplines of the protected Oregon white oaks on the property. Confirmation and approval of the

location of constructed improvements shall be required by Clark County Environmental Services. See Conditions D-7.f, D-8, and E-7.

Further land divisions of either lot will need to meet minimum and maximum density requirements of the respective zones as noted in Land Use Finding 2.

Conclusion

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

Habitat

A Habitat pre-determination (HAB2015-00010) was submitted for review. The locations of the Oak trees need to be mapped and building envelopes developed that show the subject oak trees will not be impacted or disturbed within the existing dripline. Any proposed clearing within the critical root zone of the Oaks will require a Habitat Permit and an oak protection plan prepared using recommendations from a certified arborist. A note to this effect will be required on the final plat. See Conditions D-7.f, and D-8.

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.

Transportation

Transportation Finding 1 – NE 144th Street

NE 144th Street is classified as an Urban Neighborhood Circulator roadway. The Clark County road standards require this roadway to have half-width right-of-way of 27 feet and half-width roadway of 18 feet with concrete curb and gutter and a 5-foot wide sidewalk.

The applicant shall dedicate 27-foot half-width right-of-way along the frontage of NE 144th Street prior to approval of the final plat. See Condition D-1.

Per CCC 40.350.030(B)(5)(c)(2), the development approval authority may defer frontage road improvements, in whole or in part, where the current development proposal is for lots in the R1-5, R1-6, R1-7.5, R1-10 or R1-20 zoning districts larger than one (1) acre and a covenant running with the land is recorded requiring such improvements to be undertaken when re-division is proposed at an urban density.

The applicant's project complies with the deferral code as stated above, therefore, the applicant shall establish a covenant running with the land that is recorded requiring such half-width frontage improvements according to Clark County Standard Drawing number 12 for Urban Neighborhood Circulator to be undertaken when further re-division is proposed at an urban density.

There shall be a covenant established for each property. The following method shall be used to determine the amount of frontage the developer of each lot is responsible for when

constructing the frontage on NE 144th Street: The applicant shall determine the total developable density of Lot 1 and Lot 2, and the developer of each lot shall perform the proportionate share of frontage improvements along NE 144th Street based on the developable density for Lot 1 or Lot 2 when re-division is proposed at an urban density for Lot 1 or Lot 2. See Condition D-2.

Transportation Finding 2 – Number of Driveways per lot

Clark County Code only allows two residential driveways per lot. The proposed Lot 2 has 3 existing driveways that access NE 144th Street. Prior to final plat approval, one of the existing driveways and the existing culvert shall be removed from the County right-of-way. See Condition D-4.

Transportation Finding 3 – Driveway spacing on NE 144th Street

Clark County Code only allows two residential driveways per lot spaced a minimum of 50 feet measured near edge of driveway to near edge of driveway. Two of the existing driveways are closer than 50 feet. Prior to final plat the applicant shall move one of the existing driveways to a location that is a minimum of 50 feet from the other driveway. The new driveway shall be constructed to Standard Detail Drawing F-20. See Condition D-5.

Transportation Finding 4 – Sight Distance

The approval criteria for sight distances are found in CCC 40.350.030(B)(8). This section establishes minimum sight distances at intersections and driveways. Additional building setbacks may be required for corner lots in order to maintain adequate sight distance. Landscaping, trees, utility poles, and miscellaneous structures will not be allowed to impede required sight distance requirements.

Prior to final plat, the applicant's engineer shall certify that the 2 driveways for Lot 2 meet the County sight distance standards. See Condition D-6.

Conclusion (Transportation):

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

Transportation Concurrency

County concurrency staff has reviewed the proposed Gaudet Short Plat. The proposed development site is located on parcels numbered 185711-000; 117895-154; 117895-141 and 117895-151. The applicant has submitted a traffic profile under the provisions of Clark County Code section 40.350.020 (D)(1).

The traffic profile submitted indicates that the proposed development will short plat 3.49 acres into two single family residential lots. The applicant's traffic study has estimated the PM peak hour trip generation at one trip and an average daily trip generation of 10 at buildout.

No conditions of approval are warranted.

Conclusion

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

Stormwater

Stormwater Finding 1 - Storm water Applicability

The provisions of Clark County Code Chapter 40.385 shall apply to all new development, redevelopment, and drainage projects consistent with the Storm water Management Manual for Western Washington (SMMWW) as modified by CCC 40.385 and the county's Stormwater Manual.

The applicant's engineer has submitted a preliminary stormwater plan dated June 2015. The engineer states for Lot 1 "stormwater quality and quantity control for Lot 1 will be reviewed and approved through a residential stormwater application process at time of home construction with building permit". See Condition E-2.

For Lot 2 the engineer states "no additional impervious surface is proposed to be constructed on Lot 2"

For NE 144th Street, the engineer states "no frontage improvements are proposed with this development, and no new stormwater facilities are proposed at time of short plat approval" Therefore, stormwater will be deferred until home construction or further development of the proposed lots when future land development is proposed on Lot 1 or Lot 2.

Conclusion (Stormwater):

Staff concludes that the proposed preliminary storm water 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 – Fire Marshal Review

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

Fire Protection Finding 2 – Building Construction

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. See Condition E- 8.

Fire Protection Finding 3 – Fire Flow

Fire flow in the amount of 1000 gallons per minute supplied at 20 psi for 60 minutes duration is required for this application. Prior to final approval submit proof from the water purveyor indicating if fire flow is available at the site. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval. Required fire flow is based upon a single family home with up to 3,600 sq. ft. of inhabitable area. See Condition D-10.

Fire Protection Finding 4 – Fire Hydrants

Fire hydrants are required for this application. The number and spacing of the existing fire hydrant shown appears adequate for construction of homes that do not exceed 3600 square feet of inhabitable space.

One and two family homes over 3,600 square feet (excluding attached garages) will have additional fire protection requirements. Contact the Clark County Fire Marshal's Office for additional information. See Condition D-11.

Fire Protection Finding 5 – Fire Apparatus Access

Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standards. The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface capable of supporting the imposed loads of fire apparatus.

Fire Protection Finding 6 – Fire Apparatus Turnarounds

Approved fire apparatus turnarounds are required for this project. The provisions for turning around fire apparatus comply with the Clark County Road Standards.

Conclusion

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

Water and Sewer Service

Finding 1 - The existing home on Lot 2 is served by the Clark Public Utilities water district and the Clark Regional Wastewater sewer district. Letters from the above districts confirm that services are available to Lot 1 as well.

Both lots 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-9.

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 lot 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.

- Mt. Vista sub-area with a TIF of \$4,986.45 per dwelling
- Vancouver School District, with a SIF of \$1,523 per dwelling
- Park District #10, with a PIF of \$1,534 per dwelling (\$1,094 for park acquisition / \$440 for park development)

The existing residence will qualify for an exemption from impact fees for one lot, to be designated on the final plat.

TIF is payable prior to issuance of building permits. See Condition E-3.

Decision

Based upon the proposed plan known as Exhibit 8, and the findings and conclusions stated above and within the attached reports and decisions, the Community Development Director hereby **APPROVES** this request, subject to the following conditions of approval.

Conditions of Approval

**A Final Construction Review for Land Division
Review and Approval Authority: Development Engineering**

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:

Not applicable-no construction is required.

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

Prior to construction, the following conditions shall be met:

Not applicable

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

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

Not applicable

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

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

D-1 Right-of-Way Dedication – The applicant shall dedicate a 27-foot half-width right-of-way along the frontage of NE 144th Street. (See Finding 1)

- D-2** The applicant shall establish a covenant running with the land that is recorded requiring half-width frontage improvements according to Clark County Standard Drawing number 12 for Urban Neighborhood Circulator to be undertaken when further re-division of either one of the two lots in this short plat is proposed at an urban density. (See Finding 1)
- D-3 Developer Covenant** – A “Developer Covenant to Clark County” shall be submitted for recording to include the following:
- a. Critical Aquifer Recharge Areas - "The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."
 - b. Erosion Control - "Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."
- D-4 Removal of the existing 3rd driveway** – The applicant shall completely remove the 3rd existing driveway and culvert in County Right-of-Way. (See Finding 2)
- D-5** The applicant shall move one of the existing driveways, or remove it as required by Condition D-4, to assure the two remaining driveways have a minimum distance of 50 feet between them. If one of the driveways is relocated and reconstructed, it shall be constructed to Standard Detail Drawing F-20.
- D-6 Driveway Sight Distance Certification for lot 2** – The applicant’s engineer shall certify that the 2 driveways for Lot 2 after relocation comply with Clark County Sight Distance Code. (See Finding 4)
- D-7 Plat Notes** - The following notes shall be placed on the final plat:
- a. “There shall be a covenant established for each property in this plat. The following method shall be used to determine the amount of frontage improvements the developer of each lot is responsible for when constructing the frontage on NE 144th Street:
The applicant shall determine the total developable density of Lot 1 and Lot 2, and developer of each lot shall perform the proportionate share of frontage improvements along NE 144th Street based on the developable density for Lot 1 or Lot 2 when re-division is proposed at an urban density for Lot 1 or Lot 2. The future development within each lot will be subject to applicable transportation standards for providing cross circulation and constructing internal road systems.”
 - b. Archaeological (all plats): "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."

- c. "If a single family home is proposed on the R1-7.5 portion of the lot, either a driveway location will need to be approved in the panhandle of Lot 1 where it abuts NE 144th Street, or permission will need to be granted for access through the Vista Ridge Townhomes plat."
- d. "If a single family home is proposed on the R-22 portion of the site, a development plan will need to be submitted with the building permit application that shows how future development can occur that will meet the density requirements of the R-22 zone, per Section 40.220.020.C.5."
- e. "Future development on Lot 1 that obtains access through the Vista Ridge Townhomes subdivision shall be limited to the area within the original Taxlot 65 unless written permission is granted from the Vista Ridge Townhomes homeowner's association."
- f. "Any proposed clearing within the critical root zone of the oaks will require a Habitat Permit and an oak protection plan prepared using recommendations from a certified arborist."
- g. "All further land divisions of lots within this plat shall meet the minimum and maximum density requirements of the respective zone."
- h. Impact Fees: "In accordance with CCC 40.610, except for one lot designated on the final plat as waived, the School, Park and Traffic Impact Fees for each dwelling in this subdivision are: \$ 1,523 (Vancouver School District), \$1,534 (\$1,094 - Acquisition; \$440 - Development for Park District #10), and \$ 4,986.45 (Mt. Vista TIF sub-area) respectively. The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated _____, and expiring on _____. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule."

- D-8** The locations of the Oregon white oak trees on both lots shall be mapped and building envelopes developed that show the subject oak trees will not be impacted or disturbed within the existing dripline.
- D-9** Both 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-10** Fire flow in the amount of 1,000 gallons per minute supplied at 20 psi for 60 minutes duration is required for this application. Prior to final approval submit proof from the water purveyor indicating if fire flow is available at the site. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval. Required fire flow is based upon a single family home with up to 3,600 sq. ft. of inhabitable area.
- D-11** Fire hydrants are required for this application. The number and spacing of the existing fire hydrant shown appears adequate for construction of homes that do not exceed 3600

square feet of inhabitable space. One and two family homes over 3,600 square feet (excluding attached garages) will have additional fire protection requirements.

E	Building Permits Review and Approval Authority: Permit Services
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Prior to issuance of a building permit, the following conditions shall be met:

- E-1 Excavation and Grading** - Excavation/grading shall be performed in compliance with CCC14.07.
- E-2 Stormwater** - The owner of Lot 1 is responsible for obtaining approval of stormwater plan addressing applicable minimum requirements with the building permit and constructing the individual onsite stormwater system prior to occupancy of a home. The homeowner is responsible for long term maintenance of the drainage system serving this lot.
- E-3 Impact Fees** - The applicant shall pay impact fees based on the number of dwelling units in the building, as follows:
- \$1,523 per dwelling for School Impact Fees (Vancouver School Dist.)
 - \$1,534 per dwelling for Park Impact Fees (\$1,094 – Acquisition; \$440 – Development for Park District #10);
 - \$4,986.45 per dwelling for Traffic Impact Fees (Mt. Vista 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-4** If a single family home is proposed on the R1-7.5 portion of the lot, either a driveway location will need to be approved in the panhandle of Lot 1 where it abuts NE 144th Street, or permission will need to be granted for access through the Vista Ridge Townhomes plat.
- E-5** If a single family home is proposed on the R-22 portion of the site, a development plan will need to be submitted with the building permit application that shows how future development can occur that will meet the density requirements of the R-22 zone, per Section 40.220.020.C.5.
- E-6** Future development on Lot 1 that obtains access through the Vista Ridge Townhomes subdivision shall be limited to the area within the original Taxlot 65 unless written permission is granted from the Vista Ridge Townhomes homeowner's association.
- E-7** Any proposed clearing within the critical root zone of the Oaks will require a Habitat Permit and an oak protection plan prepared using recommendations from a certified arborist.

- E-8** Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process.

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

- F-1** None

G	Development Review Timelines & Advisory Information Review and Approval Authority: None - Advisory to Applicant
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- G-1** **Land Division** - Within seven (7) years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.

- G-2** **Department of Ecology Permit for Construction Stormwater** - A permit from the Department of Ecology (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

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

Appeal Process

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

The appeal shall be filed with the Department of Community Development within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record. This decision was mailed on December 3, 2015. Therefore any appeal must be received in this office by the close of business on December 17, 2015.

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

- Case number designated by the county;
- Name of the applicant;
- Name of each petitioner;
- Signature of each petitioner or his or her duly authorized representative;
- A statement showing the following:
 - That each petitioner is entitled to file the appeal as an interested party in accordance with CCC 40.510.030(H);
 - The specific aspect(s) of the decision being appealed;
 - The reasons why each aspect is in error as a matter of fact or law;
 - The evidence relied on to prove the error; and,
- The appeal fee.

An appeal of any aspect of the Hearing Examiner's decision, except the SEPA determination (i.e., procedural issues), may be appealed to the Superior Court or reconsidered by the Hearing Examiner only by a party of record.

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

Attachments

- Copy of Proposed Preliminary Plan

