

## Notice to Parties of Record

**Project Name: Goshawk Hollow Subdivision**

**Case Number: PLD2015-00030; EVR2015-00033; SEP2015-00046**

The attached decision of the Land Use Hearing Examiner is final unless a motion for reconsideration is filed or an appeal is filed with Superior Court.

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

### **Motion for Reconsideration:**

Any party of record to the proceeding before the hearings 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 the rights of the moving party:

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

Mailed on: November 23, 2015

DS1333

Revised 7/15/13



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



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

**BEFORE THE LAND USE HEARINGS EXAMINER  
FOR CLARK COUNTY, WASHINGTON**

In the matter of a Type III application for a 29-lot residential subdivision on 3.92 acres zoned R-12 in unincorporated Clark County, Washington.

**FINAL ORDER**

**Goshawk Hollow Subdivision  
PLD2015-00030, EVR2015-00033 &  
SEP2015-00046**

**I. Summary:**

This Order is the decision of the Clark County Land Use Hearings Examiner approving with conditions this application for a 29-lot residential subdivision and related approvals (PLD2015-00030, EVR2015-00033 & SEP2015-00046) on approximately 4 acres zoned R-12.

**II. Introduction to the Property and Application:**

**Applicant/Owner** ..... Songbird Homes, Inc.  
Attn: Dan Wisner  
6204 NE 70<sup>th</sup> Court  
Vancouver, WA 98661

**Contact** ..... PLS Engineering, Inc.  
Attn: Andrew Gunther  
2008 C Street.  
Vancouver, WA 98663

**Property** ..... Legal Description: Tax Lot 67 (Parcel Number 160769), located in the NE ¼ quarter of Section 18, Township 2 North, Range 2 East of the Willamette Meridian, street address: 4910 NE 66<sup>th</sup> Avenue, Vancouver.

**Applicable Laws** ..... Clark County Code (CCC) Title 15 (Fire Prevention), Chapter 40.200 (General Provisions), Section 40.220.010 (Single-Family Residential District), Section 40.350, (Transportation), Section 40.350.020 (Transportation Concurrency), Chapter 40.370 (Sewer and Water), Chapter 40.385 (Storm Water Drainage and Erosion Control), Sections 40.500 and 40.510 (Procedures), Section 40.540 (Land Division Ordinance), Section 40.550.010 (Road Modifications), Section 40.570(SEPA), Section 40.570 (SEPA Archaeological), Section 40.610 (Impact Fees), Title 24 (Public Health), RCW 58.17 (State Land Division Laws), and the Clark County Comprehensive Plan).

The subject site consists of one parcel (Parcel Number 160769) totaling 3.92 acres, both zoned R-12, which allows single-family residential subdivisions outright on lots with a density range between 8 and 12 units per acre. With a gross site area of 4

acres, approximately 1.6 acres will be devoted to public rights-of-way, leaving 2.76 net developable acres, on which the R-12 zoning will allow a minimum of 23 lots and a maximum of 33 lots. This development proposes 29 lots, which falls within the allowed density range in the R-12 zone. The proposed preliminary plat (Ex. 1, tab 10) shows that all of the lots meet the required minimum lot sizes, and that the development area of each lot is sufficiently large to accommodate a home and still meet the required setbacks. The developer indicated that it may build townhomes on some or all of these lots, along with single-family detached homes.

This project is proposed in a single phase, and the site contains no critical or sensitive areas, wetlands, designated habitat or other protected resources. The site has a long and skinny shape, oriented along an east-west axis and is situated between NE 66<sup>th</sup> Avenue on the east, NE 63<sup>rd</sup> Avenue on the west. Internal access will be provided by a new segment of NE 49<sup>th</sup> Street, which will not, however, connect directly to NE 66<sup>th</sup> Avenue, a collector, due to access limitations on NE 66<sup>th</sup> Avenue and the inability of the access to meet minimum separation requirements along NE 66<sup>th</sup> Avenue. Therefore, this development will obtain access and achieve cross-circulation by the northward extensions of NE 64<sup>th</sup> Avenue and NE 63<sup>rd</sup> Avenue from the south. Those streets are already stubbed to this property's southern boundary. The lack of direct vehicular access onto NE 66<sup>th</sup> Avenue means that the project cannot meet maximum block length or block perimeter limits without a road modification, which the applicant has requested (Ex. 1, tab 22). The applicant offers a pedestrian access connection from NE 49<sup>th</sup> Street to NE 66<sup>th</sup> Avenue by way of mitigation. Engineering staff has recommended approval of the requested road modification as have County planning staff (Ex. 13).

The site is generally flat, but there appears to be a grade difference with the existing and established (~45 years old) development to the south. This will require careful planning and treatment as grading plans are produced. The site does not contain any environmentally sensitive lands, resources or critical areas. It is already served by needed public facilities and services. The long-established subdivision to the south is zoned R1-6 and is platted with lots much larger than those proposed in this R-12 subdivision. Land to the east is zoned R-30, and R-12 to the north and west. Despite those designations, the land north and west are currently in active agriculture (orchards), owned and operated by the Kunze Family Farms. Mr. Kunze testified in a neutral capacity at the November 12<sup>th</sup> hearing and expressed concerns about the inherent incompatibilities of dense urban scale subdivisions and active farm operations. Neighbors to the south testified in opposition to the project because of the changes it presents to their neighborhood and quiet dead-end streets that have existed this way for many decades and will now connect to serve this 29-lot subdivision. Some neighbors sent a form letter and signed onto a petition opposing this development (Exs. 4, 5, 6, 7 & 9).

The property is within Vancouver's UGA, Park Improvement District 7, Fire District 5, the South Orchards Transportation Subarea, the Vancouver School District, and the territory of the Roads End Neighborhood Association. The City of Vancouver provides water and sanitary sewer service to the area.

The application consists of a binder (Ex. 1) that includes set of full-sized plans (tab 10) a report on the September 25, 2014 pre-application conference (tab 4), a developer's GIS Packet (tab 5), project narrative (tab 6), Legal Lot Information (tab 7), a

Preliminary Boundary Survey (tab 9), a Soil Report, Preliminary Drainage Report and Stormwater Preliminary Development Plan (tabs 11, 12 & 13), a Circulation Plan & Traffic Study (tab 15), a SEPA checklist (tab 16, an Archaeological Pre-Determination (tab 17), Sewer & Water Utility Review letters (tab 18), Health Department Review letter (tab 19), a School District Letter (tab 21), and the applicant's Road Modification Request (tab 22).

### **III. Summary of the Local Proceeding and the Record:**

A preapplication conference for this subdivision was held September 25, 2014 (Ex. 1, tab 4). A fully complete application was submitted August 31, 2015 (Ex. 1), which was deemed fully complete on the date of submission. From this sequence, this development is deemed vested as of August 31, 2015. Notice of the Type III application and a November 12, 2015 public hearing on the application was mailed to property owners within 300 feet and to the Road's End Neighborhood Associations on September 28, 2015 (Exs. 2 & 3). Notices of the application and hearing were posted on the site by the applicant on October 12, 2015 (Ex. 11). The County received one comment on the SEPA checklist issued on this project from the Washington Department of Ecology (Ex 8) by the end of the October 12<sup>th</sup> comment and appeal period.

Staff issued a comprehensive report on the project dated October 28, 2015 (Ex. 13) recommending conditional approval. At the commencement of the November 12<sup>th</sup> hearing, the Examiner explained the procedure and disclaimed any ex parte contacts, bias, or conflicts of interest. No one objected to the proceeding, notice or procedure. No one raised any procedural objections or challenged the Examiner's jurisdiction or his ability to decide the matter impartially.

Present at the hearing were Richard Daviau, County Planning staff, and David Jardine, Concurrency Engineer on the project, who provided verbal summaries of the project, the staff report and the various agency and public comments already in the record. The applicant (Dan Wisner of Songbird Homes, Inc.) and his design engineer (Andrew Gunther of PLS Engineering), were present to describe the project, explain details, respond to questions, and generally advocate for approval of the proposed development. Mr. Gunther expressed the applicant's general agreement with the proposed findings and conditions in the October 28<sup>th</sup> staff report (Ex. 13), but raised several points for correction and clarification. One person (Dan Kunze of Kunze Family Farms) spoke in a neutral capacity, expressing concerns about what buffering and design measures were proposed to prevent trespass onto his orchards and to prevent stormwater runoff onto his farm property. Four people spoke in opposition (Carol Richards, Dennis Kern, Peggy Kern and Karen Frangos) in addition to several form letters of opposition (Exs. 4, 5, 6, 7 & 9). These letters generally assert that the density allowed in the R-12 zone is not compatible with their established subdivision with much larger (R1-6) lots and object to the extension of NE 63<sup>rd</sup> and 64<sup>th</sup> Avenues to serve this development. As staff explained, the proposed preliminary plat complies with the density and dimensional requirements of the R-12 zone. The extension of NE 63<sup>rd</sup> and 64<sup>th</sup> Avenues from their current stubs north into this development is required by the County's cross-circulation and block length/perimeter requirements. Normally NE 49<sup>th</sup> Street would also be extended to connect with a street to the west (in this case NE 66<sup>th</sup> Avenue), but access limitations and minimum intersection spacing requirements prohibit that connection in this situation. There was no other public testimony on this proposal and no requests for a continuance or that the record be kept open. The Examiner

closed the record and took the matter under consideration at the conclusion of the November 12<sup>th</sup> hearing.

#### **IV. Findings:**

Only issues and approval criteria raised in the course of the application, during the hearing and before the close of the record are discussed in this section. All approval criteria not raised by staff, the applicant or a party to the proceeding have been waived as contested issues, and no argument with regard to these issues can be raised in any subsequent appeal. The Examiner finds those criteria to be met, even though they are not specifically addressed in these findings.

**A.** The Examiner adopts the following findings in response to arguments raised by opponents in writing (Exs. 4, 5, 6, 7 & 9) and at the hearing (Carol Richards, Dennis Kern, Peggy Kern and Karen Frangos):

1. R-12 lots are incompatible with the adjacent R1-6 lots – Most of the opponents live in the long and well-established subdivision south of the site, which is zoned and developed to R1-6 standards, *i.e.*, the lots are significantly larger than those proposed in this R-12 subdivision. The Examiner is sympathetic to this argument and it makes sense that there should be a transition zone between these two very different subdivisions. Unfortunately there is not. The proposal meets the dimensional and density standards of the R-12 zone, which is the limit of the Examiner's authority. Similarly, there is nothing the Examiner can do in response to the neighbors' undocumented assertions that this development is likely to reduce their property values.
2. Traffic impacts on the neighborhood to the south – Along the same lines, the near-by neighbors assert that the traffic generated by these 29 homes will negatively impact their neighborhood and quiet quality of life. This neighborhood has been in place for several decades, and many of those testifying have lived there for 40+ years. Again, the proposal before the Examiner is subject to the development standards adopted by the County Council, including the requirement to provide cross-circulation and to avoid direct access onto collector streets, such as NE 66<sup>th</sup> Avenue. Again, this development meets to the extent possible these cross-circulation and connectivity requirements, and the Examiner lacks the authority to exempt this development from them. In particular, the applicable connection and intersection spacing standards preclude direct connection of NE 49<sup>th</sup> Street with NE 66<sup>th</sup> Avenue as the neighbors wish. Also, the mitigation required to allow the road modification requires, at a minimum, pedestrian connectivity with NE 66<sup>th</sup> Avenue via a pedestrian path.

**B.** The Examiner adopts the following findings in response to the approval criteria addressed in the staff report:

#### **Land Use:**

Finding 1 – Density: The applicant proposes 29 lots on 3.92 acres, and the R-12 zone allows a density range between 8 and 12 units per acre. Densities are calculated based on the gross site area minus roads (public or private).

Approximately 1.16 acres of the site will be dedicated for roads, leaving a net developable area of 2.76, which permits between 23 and 33 lots on this site. The proposed 29 lots falls within this range and are therefore allowed.

Finding 2 - Dimensional Standards: CCC Tables 40.220.020-4 and 40.220.020-5 provide the dimensional standards for these R-12 zoned lots. All proposed lots are at least 3,340 sf in area, 42 feet wide, and 83 feet deep, with lot sizes ranging from 3,340 sf to 5,743 sf with an average lot size of 3,886 sf. The Examiner concludes that all lots in this plat can and shall comply with all of the applicable R-12 dimensional standards in CCC Tables 40.220.020-4 and 40.220.020-5. No lots in the proposed subdivision will be narrower than 40 feet in width; therefore, the Narrow Lots standards of CCC 40.260.155 do not apply.

Finding 3 – Setbacks: Although details of home construction on the proposed lots have not been provided, nor are they required, the following setbacks apply to, and shall be met for development on, all lots in this plat:

- 10 foot front setback
- 18 foot to garage
- 10 foot street side setback
- 5 foot side setback (0 setback for attached units)
- 5 foot rear setback (0 setback for attached units)

Finding 4 - Landscape/Screening: The site's southern property line abuts four developed R1-6 zoned properties in an old (~45 years old) and well-established subdivision. CCC Table 40.320.010-1 requires an L3 Landscape buffer along the south property line where it abuts a different (R1-6) zone and an L1 buffer along the other property lines that abut R-12 zoned land. The applicant's landscape plan (Ex. 1, tab 10) shows the L3 buffer along the south property line and a note that an F2 fence will be used. Staff points out that the required site-obscuring fence cannot be a chain link with slats, but may be a solid cedar fence. See Conditions A-6 & D-8.

Finding 5 - Manufactured Homes: The applicant has not indicated that manufactured homes will be placed on the lots in this plat. Therefore, pursuant to CCC 40.260.130, manufactured homes are prohibited on all lots in this plat. See Condition D-7c.

Finding 6 - State Platting Standards (RCW 58.17): With conditions of approval, the Examiner 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 are 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, and the applicant provided a letter from the district (Ex. 1, tab 21) indicating that students attending all three schools will be bussed. This addresses safe walking conditions for students who would only walk to school.

#### **Archeology:**

Finding 7: This site is in an area with a moderate to high probability for containing cultural resources. The applicant has submitted a predetermination report to the Washington State Department of Archaeology and Historic Preservation (DAHP). DAHP agrees that no further archaeological work is necessary at this time (Ex. 10). In the event that archaeological or historic materials are discovered during project

activities, work in the immediate vicinity must stop, the area secured, and the developer or contractor shall notify the concerned tribes cultural staff, cultural committee, and DAHP. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines. See Conditions A-7 & D-7d.

**Transportation Concurrency:**

Finding 8 - Trip Generation: County staff found a discrepancy in the applicant's traffic study (Ex. 1, tab 15) between the number of lots analyzed and the number of lots indicated on the plan and narrative. The applicant's plan and narrative indicates that the development will consist of 29 lots. The applicant's narrative further explains that the proposed 29 lots are within the allowed density requirements of the R-12 zone. It appears that the applicant's traffic study analyzed this development for the maximum allowable density according to the submitted calculation. For the purposes of plan review, County Concurrency staff used the submitted traffic analysis, showing 31 lots on 3.92 acres, which constitutes a worst case trip generation impact scenario. The applicant's traffic study estimates the a.m. and p.m. peak-hour trip generation at 23 and 31 trips respectively, and an average daily trip generation (ADT) of 295 trips. The trip generation was estimated using the nationally accepted data published by the *Institute of Transportation Engineers 9<sup>th</sup> Ed.* The applicant submitted its traffic study in partial fulfillment of the requirements of CCC 40.350.020 (D)(1).

Finding 9 - 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 delays, 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 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 applicant's plan shows the construction of an interior public road network to serve as access for the proposed subdivision and will extend NE 63<sup>rd</sup> and NE 64<sup>th</sup> Avenues that are stubbed to the southern property line. NE 63<sup>rd</sup> Avenue will be extended to the north along the western property line. NE 63<sup>rd</sup> Avenue will be constructed as a half-street improvement that will facilitate the completion of a full width road with the development of adjacent properties west of the site. NE 64<sup>th</sup> Avenue will be extended north into the site and will intersect with a proposed east/west roadway (NE 49<sup>th</sup> Street). NE 49<sup>th</sup> Street will extend from NE 63<sup>rd</sup> Avenue, east through the middle of the development, and terminate in a cul-de-sac near the east property line. The applicant's narrative indicates that NE 63<sup>rd</sup> Avenue, NE 64<sup>th</sup> Avenue and NE 49<sup>th</sup> Street, will be constructed to Clark County's Urban Local Residential Access standards. This interior public road network will include frontage improvements on NE 66<sup>th</sup> Avenue along the east property line. NE 66<sup>th</sup> Avenue is classified as an Urban Collector (C-2). The applicant proposes to construct C-2 frontage improvements, on NE 66<sup>th</sup> Avenue and that no direct access onto NE 66<sup>th</sup> Avenue. The applicant's study evaluated the level of service and found that all impacted intersections analyzed will have an estimated LOS B or better, in the 2018 build-out horizon during a.m. and p.m. peak hour traffic conditions in existing and build-

out scenarios. Based on Staff's review and favorable recommendation, the Examiner concurs with the traffic study findings.

Finding 10 - Clark County Concurrency: This development is required to meet the standards in CCC 40.350.020.G for corridors and intersections of regional significance within 2 miles of the development site. Typically, the County's transportation model is used to determine what urban area developments are currently being reviewed, approved or under construction in the vicinity of the proposed development. The traffic these developments will generate is referred to as "in-process traffic" and ultimately will 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. From this, County staff determined that the development would or could comply with adopted Concurrency standards for signalized intersections under County jurisdiction. On this basis, the Examiner agrees.

*Unsignalized Intersections.* County staff 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 an LOS better than the minimum allowable LOS E for unsignalized intersections. County staff determined that this development would or could comply with adopted Concurrency Standards for unsignalized intersections under County jurisdiction. On this basis, the Examiner agrees.

*Concurrency Corridors.* Staff reported that an evaluation of the concurrency corridor operating levels and travel speeds in the County's model yielded operating levels and travel speeds within acceptable levels of service. No further analysis or mitigation is needed on this issue.

*Conclusion.* Based on staff's favorable review, the Examiner concludes that this development can comply with the County's concurrency standards for corridors, signalized and unsignalized intersections under County jurisdiction.

*Safety.* Where applicable, a traffic study shall address the following safety issues:

- traffic signal warrant analysis,
- turn lane warrant analysis,
- accident analysis, and
- any other issues associated with highway safety.

Mitigation for off-site safety deficiencies may only be a condition of development approval pursuant to CCC 40.350.030.B.6, which provides that "nothing in this section shall be construed to preclude denial of a proposed development where off-site road conditions are inadequate to provide a minimum level of service as

specified in Section 40.350.020 or a significant traffic or safety hazard would be caused or materially aggravated by the proposed development; provided, that the applicant may voluntarily agree to mitigate such direct impacts in accordance with the provisions of RCW 82.02.020.”

Finding 11 - City of Vancouver - Concurrency Corridors: The City of Vancouver provided findings and conditions for the proposed Goshawk Hollow Subdivision on October 20, 2015 (Ex. 12). Vancouver incurred costs to run its concurrency model and analyze the proposed development’s impacts, which the applicant shall reimburse in the amount of \$791.86. The developer shall pay this to the City and provide a receipt to Clark County prior to final construction plan approval. See Condition A-2a. The City also incurred costs performing a review of the project’s traffic report and impacts to the City’s transportation system and to prepare a staff report. The applicant shall reimburse the City for the normal traffic review fee for this activity in the amount of \$315. The developer shall provide proof of payment to Clark County prior to final construction plan approval. See Condition A-2b. Finally, the City incurs costs for performing a review of the project’s public transportation improvements and preparation of a staff report. The applicant shall reimburse the City for the transportation plan review in the amount of \$3,221 and shall provide proof of payment to Clark County prior to final construction plan approval. See Condition A-2c.

Finding 12 - 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 were not warranted. Based on Staff’s review and favorable recommendation, the Examiner concurs with the applicant’s findings.

Finding 13 - Historical Accident Situation: The applicant’s traffic study (Ex. 1, Tab 10) analyzed the crash history from data from Clark County for the period January 1, 2010 to December 31, 2014 at the following intersections affected by this development – all within a 2-mile radius of the site:

- NE Andresen Road/NE 58<sup>th</sup> Street
- NE Andresen Road/NE 42<sup>nd</sup> Street
- NE Andresen Road/NE 40<sup>th</sup> Street
- NE 66<sup>th</sup> Avenue/NE 58<sup>th</sup> Street
- NE 66<sup>th</sup> Avenue/NE 47<sup>th</sup> Street
- NE 66<sup>th</sup> Avenue/NE 42<sup>nd</sup> Street
- NE 66<sup>th</sup> Avenue/NE 40<sup>th</sup> Street
- NE 64<sup>th</sup> Avenue/NE 47<sup>th</sup> Street
- NE 63<sup>rd</sup> Avenue/NE 47<sup>th</sup> Street

Neither applicant’s study nor staff recommended any safety mitigation as a part of this development. Therefore, the Examiner concurs with the applicant’s finding in this regard.

Finding 14 - Roadside Safety (Clear Zone) Evaluation: The Institute of Transportation Engineers (ITE) Traffic Engineering Handbook 6<sup>th</sup> Ed, states that “[t]he clear roadside concept...is applied to improve safety by providing an un-encumbered roadside recovery area that is as wide as practical...” 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.” Clark County has adopted these

requirements in CCC 40.350.030(C)(1)(b) by incorporation of the Washington State Department of Transportation (WSDOT) Design Manual, Chapter 1600, which 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, trashcans, landscaping and transit shelters along the roadside.”*

*“For projects on city streets as state highways that include work in those areas that are the City’s responsibility and jurisdiction, design the project using the city’s Development/Design Standards. The standards adopted by the city must meet the requirements set by the Design Standards Committee for all projects on arterial, bike projects, and all federal-aid projects.”*

The applicant shall consider the WSDOT Design Manual – Roadside Safety Mitigation Guidance (Sec. 1600.04) in the final engineering design of all roadways and frontage improvements. See Condition A-2e.

Finding 15 - Vehicle Turning Movements: The applicant’s narrative does not indicate the types of vehicles that may serve the proposed development. The curb return radii listed in CCC 40.350.030(C)(3) are the minimum criteria intended for normal conditions, and “[t]he responsible official may require higher standards for unusual site conditions.” The applicant shall submit for county review and approval construction plans that show that the intersection geometry will accommodate all applicable design vehicles. The plans shall also 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 areas of no on-street parking on the local residential access roads, at and near the NE 63<sup>rd</sup> Avenue/NE 49<sup>th</sup> Street and NE 63<sup>rd</sup> Avenue/NE 47<sup>th</sup> Street and NE 64<sup>th</sup> Avenue/NE 47<sup>th</sup> Street intersections. See Condition A-2f.

**Transportation:**

Finding 16 – Pedestrian/Bicycle Circulation Plan: CCC 40.350.010 requires pedestrian circulation facilities that comply with the Americans with Disabilities Act. In addition to ADA compliant sidewalks along all public roads in this development, the applicant proposes a 6-foot wide sidewalk extending from the cul-de-sac at the east end of NE 49<sup>th</sup> Street to NE 66<sup>th</sup> Avenue. This pedestrian connection helps the development achieve compliance with the County’s cross-circulation requirements and is suitable mitigation for the requested road modification. See Condition A-1a.

Finding 17 - Cross Circulation Standards: The applicant's proposed road network does not comply with the roadway cross-circulation requirements of CCC 40.350.030(B)(2), which would ordinarily require connection of NE 49<sup>th</sup> Street with NE 66<sup>th</sup> Avenue. For this, the applicant has requested a minor deviation road modification. See Road Modification Finding 19. In all other respects this proposal meets the County's cross-circulation requirements.

Finding 18 – Roads: NE 66<sup>th</sup> Avenue is classified as an Urban Collector roadway, C-2. The applicant is responsible for 30 feet of half-width right-of-way dedication and construction of a 19-foot half-width roadway with curb/gutter and sidewalk per Standard Drawing 6. The existing half-width right-of-way is 30 feet according to the applicant's engineering drawings. The applicant is also responsible for the off-site south bound taper on NE 66<sup>th</sup> Avenue. See Condition A-1b. NE 49<sup>th</sup> Street and NE 64<sup>th</sup> Avenue are classified as Urban Local Residential Access roadways. The applicant is responsible for 46 feet of full width right-of-way dedication and construction of a 28-foot full-width roadway with curb/gutter and sidewalk on both sides of the roadway per Standard Drawing 13. See Condition A-1c. NE 63<sup>rd</sup> Avenue is classified as Urban Local Residential Access roadway. The applicant is responsible for a minimum 29 feet of half-width right-of-way dedication and construction of a 20-foot half-width roadway with curb/gutter and sidewalk per Standard Drawing 13. See Condition A-1d.

Finding 19 - Minor Deviation Road Modification (EVR2015-00033): The applicant seeks relief from the cross-circulation standards in CCC 40.350.030B(2)(c) with regard to both block length and block perimeter through the minor road modification process (Ex. 1, tab 22). Modifications to the standards in Chapter 40.350 may be granted when the applicant demonstrates at least one of the following circumstances exists:

- 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.*

The applicant requests relief from the cross-circulation standards in CCC 40.350.030B(2)(c) with regard to both block length and block perimeter. CCC 40.350.030B(2)(c) requires block lengths between public road intersections to be 100-800 feet and block perimeters shall not exceed 3,200 feet unless access ways for pedestrian or bicycle circulation are provided or where topographic or other physical constraints preclude achieving the block length standard. The applicant asserts that, as proposed, this project will provide adequate north-south connections by extending NE 63<sup>rd</sup> Avenue along the site's west boundary. The distance between

existing NE 66<sup>th</sup> Avenue and proposed NE 63<sup>rd</sup> Avenue will be approximately 800 feet. However, the layout does not provide for the desired maximum 800 foot roadway spacing in the east-west direction. Currently the spacing between NE 47<sup>th</sup> Street and NE 52<sup>nd</sup> Street, the two nearest east-west roadway corridors north and south of the site connecting NE 63<sup>rd</sup> Avenue and NE 66<sup>th</sup> Avenue, is approximately 1,350 feet. Including NE 48<sup>th</sup> Circle to the south of the site (which is not a through road), spacing between east-west roadways is approximately 950 feet, which exceeds the standard.

The application does not include a new intersection of NE 49<sup>th</sup> Street with NE 66<sup>th</sup> Avenue due to access limitations on NE 66<sup>th</sup> Avenue and the inability of a new NE 49<sup>th</sup> Street intersection to meet the minimum 275-foot intersection spacing requirement relative to the proposed Vancouver Mall Drive extension on the other side of NE 66<sup>th</sup> Avenue. The applicant discussed the lay-out extensively with County and Vancouver transportation planning staff because of the City's jurisdiction over lands east of NE 66<sup>th</sup> Avenue. The proposed site layout is the result, and it includes some mitigation to limit the impacts of not providing a new east-west vehicular connection to NE 66<sup>th</sup> Avenue. This mitigation includes a pedestrian pathway connecting the cul-de-sac bulb at the east end of NE 49<sup>th</sup> Street with NE 66<sup>th</sup> Avenue, which will create direct pedestrian access for all lots in the new subdivision to NE 66<sup>th</sup> Avenue. Once Vancouver Mall Drive has been extended from Andresen Road to NE 66<sup>th</sup> Avenue, it will result in pedestrian access to the existing bus routes on Andresen Road. This will create a significant improvement in the area's pedestrian opportunities.

The applicant justifies its road modification request on criterion a and b because compliance with the standards would enact an unusual hardship on the applicant due to circumstances beyond its control. County staff reviewed the road modification request in consultation with Vancouver City staff and concluded that it qualified for approval under criteria (a) and (b). The Examiner agrees, based on the justification provided by the application, and this road modification request is approved as proposed.

Finding 20 - Sight Distance: This development is required to achieve the minimum sight distance standards for intersections and driveways in CCC 40.350.030.B.8. The final engineering plans shall show sight distance triangles for all intersections. Landscaping, trees, utility poles, and miscellaneous structures will not be allowed to impede required sight distance requirements at any of the proposed driveway approaches and intersections. Additional building setbacks may be required for corner lots in order to maintain adequate sight distance. The sight distance triangles shall be delineated to scale on the final construction plans and the final plat. See Condition A-1e.

**Stormwater:**

Finding 21 - Stormwater Applicability: CCC chapter 40.385 applies to all new development, redevelopment, and drainage projects consistent with the Stormwater Management Manual for Western Washington (SMMWW) as modified by CCC chapter 40.385 and the county's stormwater manual. This project adds more than 5,000 sf of new impervious surface. Therefore, the applicant is subject to and shall comply with Minimum Requirements 1 through 10 in CCC 40.385.020.A.4. The applicant shall submit final construction plans and a final Technical Information

Report for review and approval that demonstrates compliance with these requirements. See Condition A-3a.

Finding 22 - Stormwater Proposal: The application includes a stormwater technical information report dated August 10, 2015 and associated plans (Ex. 1, Tab 12) and a soils report (Ex. 1, Tab 11). The applicant proposes a combination of bioretention and stormwater filter treatment catch basins. Water quantity control will be managed by a combination of bioretention facilities and infiltration systems consisting of drywells and/or underground drain rock trenches under the roadways. The infiltration rate was measured at 30 inches per hour. Engineering staff reviewed these reports and concurred with the applicant's conclusions. See Condition C-1. CCC 40.385.020 (C)(3)(c) requires the applicant to demonstrate that the seasonal high groundwater level is at least 15 feet below the bottom of proposed infiltration systems. To this end, the applicant submitted a ground water monitoring report prepared by GE Services Inc. (August 3, 2015) indicating that ground water is 17 feet below the surface. See Condition C-2. The proposed bioretention facilities and the public roadway stormwater systems will be publicly owned and maintained. The homeowner's roof infiltration system will be privately owned and maintained. CCC 40.380.020(C)(1)(a) prohibits this project from materially increasing or concentrating stormwater runoff onto an adjacent property or block existing drainage from adjacent lots. See Condition A-3b.

#### **Fire Protection:**

Finding 23 – Fire Flow and Hydrants: Fire flow in the amount of 1,000 gallons per minute supplied for 1 hour duration is required for this development. The City of Vancouver is the water purveyor for this project and indicated that the required fire flow is available at the site (Ex. 1, Tab 18). The applicant shall install water mains supplying fire flow and fire hydrants and shall obtain approval prior to the commencement of combustible building construction. Fire flow is based upon a 3,600 sf type V-B constructed building. 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 (Vancouver Fire Department) shall approve the exact locations of fire hydrants. See Conditions D-1 & D-2.

Finding 24 – 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 and provide fire apparatus access. The applicant shall ensure that fire apparatus access roads maintain an unobstructed width of not less than 20 feet to within 150 feet of all lots and parcels. The applicant shall 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. An approved fire department turnaround is required for NE 64<sup>th</sup> Avenue and shall comply with the Clark County Road Standards. The turnaround shall be posted "NO PARKING –FIRE LANE". Parking is prohibited on fire department access roads that are less than 24 feet wide. Roads that are less than 24 feet wide shall be posted "NO PARKING –FIRE LANE". See Condition D-3.

#### **Water & Sewer Service:**

Finding 25: The applicant submitted a utility review from the City of Vancouver indicating that public water and sewer are available to the subject site (Ex. 1, tab 18). All lots in the proposed plat shall be connect to public water and sewer, and the developer shall provide a copy of the final acceptance letter from the sewer and water purveyor to the Health Department with the final plat mylar. The applicant shall comply with all purveyor requirements. See Conditions D-4 & D-5.

**Impact Fees:**

Finding 26 – Impact Fees: All new residential lots created by this plat will produce impacts on schools, parks, and traffic and related systems and facilities. The applicant requests impact fee credit for a house that previously existed on the property but was demolished between 2007 and 2009. However, the policy for impact fee reduction applies only for structures that qualify as a dwelling and have existed within the past 5 years. Absent credible evidence that a dwelling existed on the property within the past 5 years, the site is not eligible for a TIF reduction. Accordingly, the following School Impact Fees (SIF), Park Impact Fees (PIF), and Traffic Impact Fees (TIF) shall be assessed on all new dwellings constructed in this subdivision pursuant to CCC chapter 40.610 (29 new dwellings). For single-family detached dwellings, the following impact fees shall apply:

- \$3,164.32 TIF per house in the South Orchards Transportation Sub-area
- \$1,523 SIF per house in the Vancouver School District;
- \$1,885 PIF per house in Park District 7 (\$1,445 for acquisition & \$440 for development).

For townhomes, the following impact fees shall apply:

- \$1,921.08 TIF per townhome unit in the South Orchards Transportation Sub-area
- \$845 SIF per townhome unit in the Vancouver School District;
- \$1,377 PIF per townhome unit in Park District 7 (\$1,056 for acquisition & \$321 for development).

Impact fees shall be paid prior to issuance of a building permit for each new dwelling. If a building permit application is made more than three years following the date of preliminary plat approval, the impact fees shall be recalculated and assessed according to the then-current ordinance rate. See Conditions D-6c & E-1.

**SEPA DETERMINATION**

Staff determined that there were no probable significant adverse environmental impacts associated with this proposal that could not be avoided or mitigated through the conditions of approval and issued a Determination of Non-Significance (DNS) on September 28, 2015 (Ex. 2). Only one responsive SEPA comment was received during the comment period (ending October 12, 2015), which was from the Washington Department of Ecology (Ex. 8). The Examiner concludes that the SEPA checklist is compliant with the applicable state and County requirements, and the substantive comment from the Department of Ecology does not warrant a separate response. No appeal of the County’s DNS was filed, and therefore it is final.

**V. Decision and Conditions:**

Based on the foregoing findings and except as conditioned below, this application is approved in general conformance with the proposed preliminary plat and

supporting application materials (Ex. 1). This development application is approved as proposed, subject to the requirements that the developer, owner or subsequent developer (the “developer”) shall comply with all applicable code provisions, laws and standards and the following conditions of approval. The following conditions shall be interpreted and implemented consistently with the foregoing findings:

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

**A-1 Final Transportation Plan/On-Site** - The developer shall submit and obtain County approval of a final transportation plan designed in conformance with CCC chapter 40.350 and the following additional requirements:

- a. Pedestrian connection - The proposed sidewalk connection between NE 49<sup>th</sup> Street cul-de-sac and NE 66<sup>th</sup> Avenue shall be within a 10-foot public easement. See Finding 16.
- b. NE 66<sup>th</sup> Avenue - The developer shall construct a 19-foot half-width roadway with curb/gutter and sidewalk per Standard Drawing 6. The developer shall construct the south bound off site taper on NE 66<sup>th</sup> Avenue according to AASHTO guidelines. See Finding 18
- c. NE 49<sup>th</sup> Street and NE 64<sup>th</sup> Avenue - The developer shall dedicate 46-foot width right-of-way and construct a 28-foot width roadway with curb/gutter and sidewalk on both sides of the roadway per Standard Drawing 13. See Finding 18.
- d. NE 63<sup>rd</sup> Avenue - The developer shall dedicate a minimum 29-foot half-width right-of-way and construct a 20-foot width roadway with curb/gutter and sidewalk on the east side of the road per Standard Drawing 13. See Finding 18.
- e. The developer shall submit a sight distance analysis and show the sight distance triangles on the final construction plans for all public road intersections. See Finding 20.

**A-2 Transportation Concurrency:**

- a. Final Transportation Plan/Off Site (City of Vancouver Concurrency) - The developer shall reimburse the City for costs incurred in running their concurrency model in the amount of \$1,500, proof of which shall be provided to Clark County. See Finding 11.
- b. Final Transportation Plan/Off Site (City of Vancouver Concurrency) - The developer shall reimburse the City for the normal traffic review fee of \$315, proof of which shall be provided to Clark County. See Finding 11.
- c. Final Transportation Plan/Off Site (City of Vancouver Concurrency) - The developer shall be required to reimburse the City for the transportation plan review in the amount of \$3,221, proof of which shall be provided to Clark County. See Finding 11.

- d. Final Transportation Plan/Off Site (County Concurrence) - The developer 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 developer shall obtain a work order with Clark County to reimburse the County for required signing and striping.
- e. Final Transportation Plan/Off Site (County Concurrence) - The developer 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 Finding 14.
- f. Final Transportation Plan/Off Site (County Concurrence) - The developer shall submit for county review and approval construction plans that show that the intersection geometry will accommodate all applicable design vehicles. The plans shall also 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 areas of no on-street parking on the local residential access roads, at and near the following intersections: NE 63<sup>rd</sup> Avenue/NE 49<sup>th</sup> Street, NE 63<sup>rd</sup> Avenue/NE 47<sup>th</sup> Street and NE 64<sup>th</sup> Avenue/NE 47<sup>th</sup> Street. See Finding 15.

**A-3 Final Stormwater Plan** - The developer shall submit and obtain County approval of a final stormwater plan designed in conformance with CCC chapter 40.385 and the following additional requirements (see Findings 21 & 22):

- a. The developer shall comply with the Clark County Stormwater Manual minimum requirements 1-10.
- b. Per CCC 40.385.020(C)(1)(a), no new development or redevelopment shall be allowed to materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots.

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

**A-5 Excavation and Grading** – All excavation and grading shall be performed in compliance with CCC chapter 14.07.

**A-6 Landscape/Screening** - The proposed L3 buffer along the south property line cannot include a chain link with slats. A site-obscuring solid cedar fence is one option for meeting this requirement. See Finding 4.

**A-7 Archaeology** – The following note shall be placed on the face of the final construction plans:

“In the event that archaeological or historic materials (e.g. bones, shell, stone tools, beads, ceramics, old bottles, hearths, etc.) are observed during project activities, all work in the immediate vicinity should stop and the State Department of Archaeology and Historic Preservation (360-586-3065), the County planning office, and the affected Tribe(s) should be contacted immediately. If any human remains are observed, all work should cease and

the immediate area secured. Local law enforcement, the county medical examiner (360-397-8405), State Physical Anthropologist, Department of Archaeology and Historic Preservation (360-586-3534), the County planning office, and the affected Tribe(s) should be contacted immediately. Compliance with all applicable laws pertaining to archaeological resources (RCW 27.53, 27.44 and WAC 25-48) and human remains (RCW 68.50) is required. Failure to comply with these requirements could constitute a Class C Felony.”

<b>B</b>	<b>Prior to Construction of Development Review and Approval Authority: Development Inspection</b>
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Prior to construction, the following conditions shall be met:

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

<b>C</b>	<b>Provisional Acceptance of Development Review and Approval Authority: Development Inspection</b>
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Prior to provisional acceptance of development improvements, construction shall be completed consistent with the approved final construction / land division plan and the following conditions of approval:

- C-1 Stormwater** - In accordance with CCC 40.385.020(C)(3)(i), before acceptance of any infiltration facility by the county, the completed facility shall 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 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 developer 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.
- C-2 Stormwater** - During installation of the infiltration facility, the developer 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.

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

- D-1 Water mains supplying fire flow and fire hydrants shall be installed, approved and operational.
- D-2 The developer shall provide fire hydrants so that the maximum spacing between hydrants is not greater than 700 feet and no lot or parcel is farther than 500 feet from a fire hydrant as measured along approved fire apparatus access roads. 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 shall review and approve the exact locations of fire hydrants, contact Vancouver Fire Department at (360) 487-7260 for approval.
- D-3 The developer shall provide 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. An approved fire department turnaround is required for NE 64<sup>th</sup> Avenue and shall comply with the Clark County Road Standards. The turnaround shall be posted "NO PARKING –FIRE LANE". Parking is prohibited on fire department access roads that are less than 24 feet wide. Roads that are less than 24 feet wide shall be posted "NO PARKING – FIRE LANE"
- D-4 All lots in this plat shall be connected to an approved public sewer and water systems. A copy of the final acceptance letter from the sewer and water purveyor shall be submitted to the Health Department with the final plat mylar. The developer shall comply with all requirements of the purveyor.
- D-5 Submittal of a Health Department Evaluation Letter is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable Health Department Final Approval Letter must be submitted, the Evaluation Letter will specify the timing of when the Final Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy). The Evaluation Letter will serve as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer.
- D-6 **Developer Covenant** - A "Developer Covenant to Clark County" shall be submitted for recording that includes the following:
  - a. Critical Aquifer Recharge Areas - "The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."
  - b. Erosion Control - "Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."

- c. Impact Fees: "In accordance with CCC chapter 40.610, and except for two lots that are designated on the final plat as waived, the following School, Park and Traffic Impact Fees shall be paid for each new detached house and townhome unit in this subdivision at or prior to the time of building permit issuance (net 27 new dwellings). For Townhome units:

- \$845 SIF per townhome unit in Vancouver School District,
- \$1,799 PIF per townhome unit in Park District 7 (\$1,056 for acquisition and \$321 for development), and
- \$1,921.08 TIF per townhome unit in South Orchards TIF sub-area.

For detached homes:

- \$1,523 SIF per house in the Vancouver School District;
- \$1,885 PIF per house in Park District 7 (\$1,445 for acquisition & \$440 for development)
- \$3,164.32 TIF per house in the South Orchards TIF Sub-area.

These 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 November 23, 2015, and expiring on November 23, 2018. Impact fees for permits applied for after this expiration date shall be recalculated and assessed using the then-current regulations and fees schedule." See Finding 26.

**D-7 Plat Notes** - The following notes shall be placed on the final plat:

- a. Utilities: "An easement is hereby reserved under and upon the exterior 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 6 feet along the front boundary lines of all lots adjacent to public streets."
- b. Driveways: "All residential driveway approaches entering public roads are required to comply with CCC chapter 40.350. Direct driveway access to NE 66<sup>th</sup> Avenue is not allowed"
- c. Mobile Homes: "Mobile and manufactured homes are not permitted on any lot in this subdivision."
- d. Archaeology: "In the event that archaeological or historic materials (e.g. bones, shell, stone tools, beads, ceramics, old bottles, hearths, etc.) are observed during project activities, all work in the immediate vicinity should stop and the State Department of Archaeology and Historic Preservation (360-586-3065), the County planning office, and the affected Tribe(s) should be contacted immediately. If any human remains are observed, all work should cease and the immediate area secured. Local law enforcement, the county medical examiner (360-397-8405), State Physical Anthropologist, Department of Archaeology and Historic Preservation (360-586-3534), the County planning office, and the affected Tribe(s) should be contacted immediately. Compliance with all applicable laws pertaining to archaeological resources (RCW 27.53, 27.44 and WAC 25-48) and human remains (RCW 68.50) is required. Failure to comply with these requirements could constitute a Class C Felony."

- e. **Roof and Crawl Space Drains:** "Roof and crawl space drains shall be installed in accordance with the approved As-Built plans, unless a revised plan is approved by the county. These stormwater systems will be owned and maintained by the property owner on whose lot the stormwater system is located."

**D-8 Landscaping:** The required L1 and L3 Landscape buffers shall be installed in accordance with the applicable requirements of CCC chapter 40.320, the submitted Landscape plans and Condition A-6.

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

- E-1 Impact Fees** - The developer shall pay the following impact fees for each detached single-family home and townhome unit constructed on lots in this subdivision. For Townhome units:
- \$845 SIF per townhome unit in Vancouver School District,
  - \$1,799 PIF per townhome unit in Park District 7 (\$1,056 for acquisition and \$321 for development), and
  - \$1,921.08 TIF per townhome unit in South Orchards TIF sub-area.
- For detached homes:
- \$1,523 SIF per house in the Vancouver School District;
  - \$1,885 PIF per house in Park District 7 (\$1,445 for acquisition & \$440 for development)
  - \$3,164.32 TIF per house in the South Orchards TIF Sub-area.
- If a building permit application is made more than three years following the date of preliminary site plan approval, the impact fees shall be recalculated and assessed according to the then-current rate. See Finding 26.

<b>F</b>	<b>Development Review Timelines &amp; Advisory Information</b>
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**F-1 Land Division:** Within 7 years after the effective date of this decision, the developer shall submit to the Planning Director a fully complete final plat consistent with CCC 40.540.070 and the requirements of this preliminary plat approval. Otherwise, this preliminary plat approval shall automatically expire and become null and void.

**F-2 DOE Stormwater Permit:** A stormwater permit from the Department of Ecology (DOE) is required if both of the following conditions occur:

- a. The construction project disturbs one or more acres of land through clearing, grading, excavating, or stockpiling of fill material; AND
- b. 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 1-acre threshold. This applies even if the developer is responsible for only a small portion (less than one acre) of the

larger project planned over time. The developer shall Contact the DOE for further information.

**F-3 Building and Fire Safety:** Building and Fire, Life, and Safety requirements shall 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 developer 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.

**Date of Decision:** November 23, 2015.

By:   
\_\_\_\_\_  
Daniel Kearns,  
Land Use Hearings Examiner

**NOTE:** Only the Decision and Conditions of approval, if any, are binding on the applicant, owner or subsequent developer of the subject property as a result of this Order. Other parts of the final order are explanatory, illustrative or descriptive. There may be requirements of local, state or federal law or requirements which reflect the intent of the applicant, county staff, or the Hearings Examiner, but they are not binding on the applicant as a result of this final order unless included as a condition of approval.

#### Motion for Reconsideration

Any party of record to the proceeding before the hearings examiner may file with the responsible County official a motion for reconsideration of the Examiner's decision within 14 calendar days of written notice of this decision. A party of record includes the applicant and those individuals who signed the sign-in sheet, presented oral testimony at the public hearing, or submitted written testimony prior to or at the Public Hearing on this matter. Any motion for reconsideration must be accompanied by the applicable fee and identify the specific authority in the 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 the rights of the moving party:

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

Any party of record may file a written response to a Motion for Reconsideration if filed within 14 calendar days of the motion for reconsideration. In response to a timely Motion for Reconsideration, the Examiner will issue a decision on reconsideration within 28 calendar days of the date the motion was filed.

### Notice of Appeal Rights

This is the County's final decision on this application. Anyone with standing may appeal any aspect of the Hearings Examiner's decision, except the SEPA determination, to Clark County Superior Court pursuant to the Washington Land Use Petition Act, RCW chapter 36.70C.

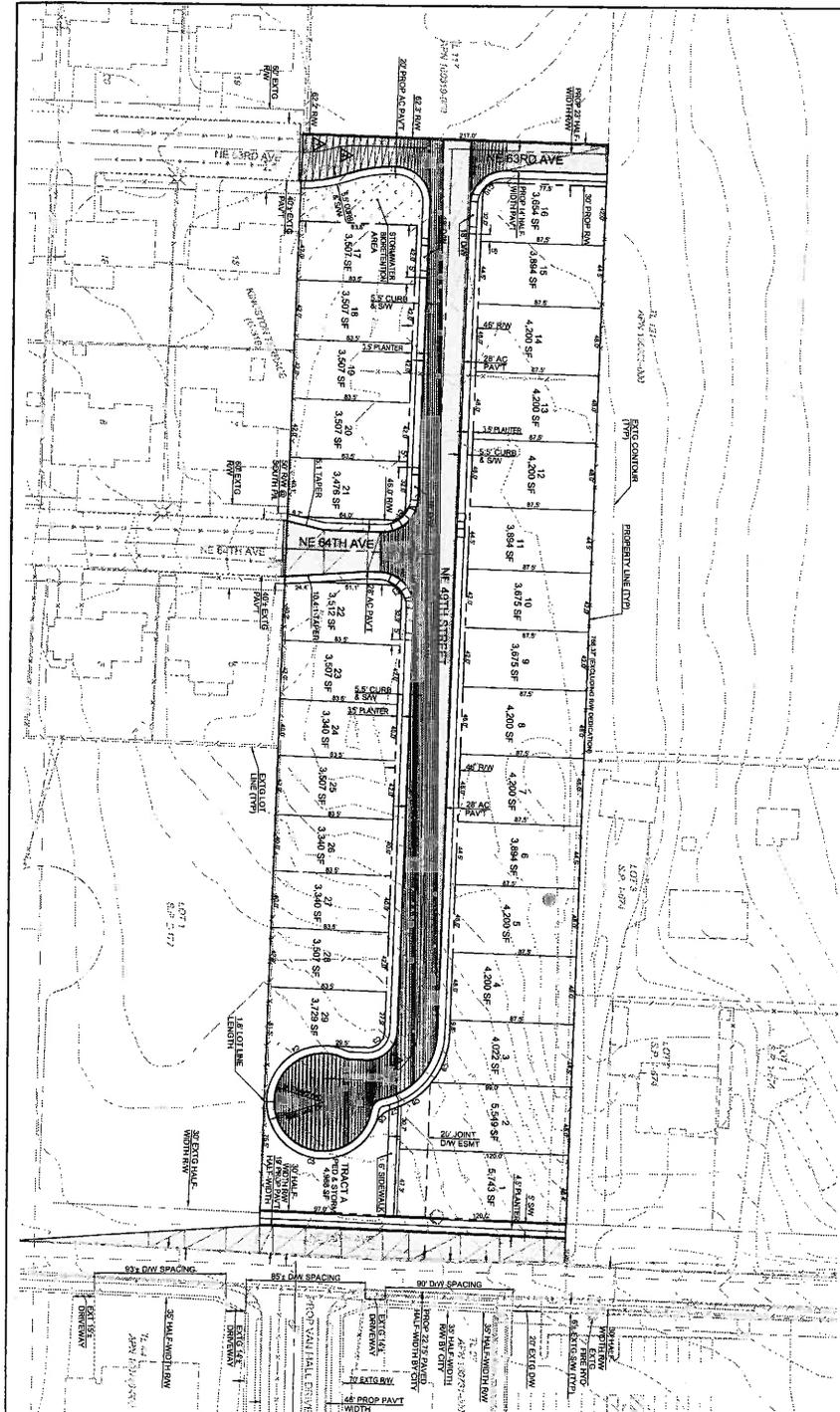
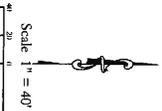
# Goshawk Hollow Subdivision

Located in the NE 1/4 of Section 18 T2N, R2E, W.M.  
Clark County, Washington

## GENERAL INFORMATION

**Applicant & Owner:**  
Simplified Homes, Inc.  
2008 C Street  
Vancouver, WA 98681  
Phone: 360-597-7548  
Email: vancouver@spmail.com

**Contact/Project Engineer & Engineer:**  
P.L.S. Engineering  
2008 C Street  
Vancouver, WA 98681  
Phone: 360-544-8518  
Email: andrew@plsengineering.com



**Existing Curbside Information:**  
There may be a septic system on this site but there are no known wells on the property. The septic system may have been abandoned with the demolition of a former house on the site. Any wells or septic systems on the site will be generally abandoned in accordance with State and local requirements. The contractor shall be responsible for determining the location of any existing wells or septic systems. The contractor system includes any local documentation that the septic system has already been properly abandoned.

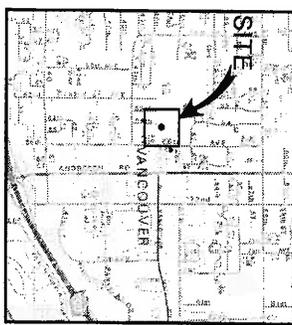
**C-100 The septic tank:** 30' long south from Vancouver Mall Drive along NE Anderson Road and Route 79 north from Vancouver Mall Drive. The septic tank is located on the west side of Anderson and the Anderson Road is about 600 feet west of Goshawk Hollow's southeast property corner. The nearest lot to Route 32 is approximately 200 feet south of Vancouver Mall Drive on the west side of Anderson and the Anderson Road is approximately 100 feet north of Vancouver Mall Drive on the east side of Anderson.

According to CTR data, there are no areas marked for landslides, hydrogeological or excavation areas on the site. The property is not mapped in any Clark County Residential Hazard Potential maps. The project is not mapped as having moderate probability for hydrogeological findings with the southeast corner of the site identified as a year flood plain, flood fringe boundary, or areas prone to flooding based on County GIS mapping. There are no wetlands or water bodies on the site.

Existing conditions shown are based on a topographic and boundary survey by KCF Surveying and of-site information from City of Vancouver GIS data and previous surveys of the site.

Right-of-Way Curve Radius Data	Delta	R	L
C1	88.250'	10'	15.89'
C2	88.250'	10'	15.89'
C3	90.710'	12'	16.82'
C4	90.710'	12'	16.82'
C5	157.228'	40'	100.84'
C6	467.511'	30'	172.81'
C7	467.511'	30'	172.81'
C8	307.730'	20'	177.48'
C9	307.730'	20'	177.48'
C10	494.644'	10'	154.82'

Containing Curve Radius Data	Delta	R	L
A	177.254'	10'	21.82'
B	177.254'	10'	21.82'
C	107.810'	30'	55.47'



- Sheet Index**
- 1 Proposed Development Plan
  - 2 Preliminary Stormwater Development Plan & Typical Street Cross-sections

**Project Description:** The P-12 zone of Clark County is a medium density residential zone. The project is proposed for the site in LRM urban medium density residential. The project is proposed for lot and single family detached lots.

**Parcel number:** 180788-000, Tax Lot 67.

**Public Water Purveyor:** City of Vancouver

**Project Area:** ±3.92 acres (168,272 sq ft) within existing and 69th Ave, right-of-way, (172,812 sq ft) including to centerline of 69th Ave.)

**Total Number of Lots:** 32

**Minimum Lot Size:** 3,246 sq ft

**Maximum Lot Size:** 5,743 sq ft

**Average lot size:** 3,588 sq ft

**Proposed right-of-way dedication to Clark County:** 1.16 acres (50,597 sq ft)

**Single Family Attached Zoning Requirements:**  
Min. Lot Area = 2,800 sq. ft. Depth = 70'  
Setback: Front = 10', Rear = 10', Side = 10', Street Side = 10', Side - 0-5', Rear - 0-5'

**Single Family Detached Zoning Requirements:**  
Min. Lot Area = 2,800 sq. ft. Depth = 70'  
Setback: Front = 10', Rear = 10', Side = 10', Street Side = 10', Side - 0-5', Rear - 0-5'

**Max. Lot Coverage:** 50%, Max. Bldg. Height = 35'

**Min. Allowable Density Calculations:**  
Min. allowable = 8 dwelling units per acre resulting in 12 dwelling units per acre. Minimum density based on site area resulting in 12 dwelling units per acre. Minimum density based on gross site area excluding public right-of-way or street easements. For density calculation, area used is 2.59 acres. The density is 4.63 dwelling units per acre. The minimum density calculation, but it has been exceeded for simplicity.

**Min. allowable density = 8 DU/AC, 2.59 AC = 21 lots**  
**Min. allowable density = 12 DU/AC, 2.59 AC = 31 lots**

Revisions	
A	Submitted for agency review.
B	
C	
D	
E	

Proposed Development Plan for:  
**Goshawk Hollow Subdivision**  
A Subdivision in Clark County, Washington

1

3

Role	Company Name	Name	Address 1	Address 2	City	State	Zip Code	Email Address
Planner	Clark County	Richard Daviau						
Applicant	Same as owner							
Owner	Songbird Homes		6204 NE 70th Ct		Vancouver	WA	98661	WISNERDAN@GMAIL.COM
N/H Association	Roads End	Barbara Murray	5513 NE 40th St		Vancouver	WA	98661	bemur@comcast.net
Contact Person	Precision Land Services	Andrew Gunther	2008 C Street		Vancouver	WA	98663	andrew@plsengineering.com
Utility Contact								
	Clark County	Desiree DeMonye						<a href="mailto:Desiree.DeMonye@clark.wa.gov">Desiree.DeMonye@clark.wa.gov</a>
	City of Vancouver	Kristin Lehto						<a href="mailto:Kristin.Lehto@cityofvancouver.us">Kristin.Lehto@cityofvancouver.us</a>
		Jennifer Halleck						<a href="mailto:jennifer.halleck@vansd.org">jennifer.halleck@vansd.org</a>
		Jeff Roberts						<a href="mailto:jeff@crandallgroup.com">jeff@crandallgroup.com</a>
		Curtis Achziger						<a href="mailto:cbachziger45@centurylink.net">cbachziger45@centurylink.net</a>
		Travis and Nancy Berry	4805 NE 62nd Ave		Vancouver	WA	98661	
		James and Linda Hendry	4811 NE 62nd Ave		Vancouver	WA	98661	
		Courtney Jones	4818 NE 62nd Ave		Vancouver	WA	98661	
		Jennifer Kelly	4806 NE 62nd Ave		Vancouver	WA	98661	
		Scott and Lori Hegge	4720 NE 62nd Ave		Vancouver	WA	98661	
		Diana Stewart	4719 NE 62nd Ave		Vancouver	WA	98661	
		Janice Berry	5005 NE 56th Ave		Vancouver	WA	98661	
		Wendy Draper	8712 NE 103rd Ave		Vancouver	WA	98662	
		Sue Lintz	5914 NE 65th Ct		Vancouver	WA	98661	
		Laura Menard	8509 NE 62nd St		Vancouver	WA	98661	
		Kirsten Menard	3508 NE 109th Ave	Apt V7	Vancouver	WA	98682	
		Nina Turner	4015 NE 47th St		Vancouver	WA	98661	
		Robert Butler	6110 NE 56th St		Vancouver	WA	98661	
		Shaunna Jenks	4711 NE 62nd Ave		Vancouver	WA	98661	
		Dennis Kern	4818 NE 64th Ave		Vancouver	WA	98661	
		John and Laura Lanaghan	4814 NE 64th Ave		Vancouver	WA	98661	
		Daniel Center	4714 NE 63rd Ave		Vancouver	WA	98661	
		Hannah Boyse	4800 NE 63rd Ave		Vancouver	WA	98661	
		Karman DeVore	4814 NE 63rd Ave		Vancouver	WA	98661	
		Tyler Torrez	4814 NE 63rd Ave		Vancouver	WA	98661	
		John Lopuch	4819 NE 36rd Ave		Vancouver	WA	98661	
		Dennis Ford	6205 NE 47th St		Vancouver	WA	98661	
		Jackie Seeley	6403 NE 47th St		Vancouver	WA	98661	
		Ken and Brianna Birrel	6412 NE 47th St		Vancouver	WA	98661	
		Lane and Holly Karabaic	6500 NE 47th St		Vancouver	WA	98661	
		James and Bonnie King	6514 NE 47th St		Vancouver	WA	98661	

	Peggy Kern	4818 NE 64th Ave	Vancouver	WA	98661	
	Douglas Hendric	4707 NE 63rd Ave	Vancouver	WA	98661	
	Eldene Cook	4801 NE 63rd Ave	Vancouver	WA	98661	
	Cherie Elvestrom	4715 NE 63rd Ave	Vancouver	WA	98661	
	Myrna Boyse	4800 NE 63rd Ave	Vancouver	WA	98661	
	Patricia Waleske	4706 NE 63rd Ave	Vancouver	WA	98661	
	Dan Holter	4815 NE 64th Ave	Vancouver	WA	98661	
	Janell Holter	4815 NE 64th Ave	Vancouver	WA	98661	
	Richard, Clark and Steven Cole	4807 NE 64th Ave	Vancouver	WA	98661	
	Andrea Aitken	4806 NE 64th Ave	Vancouver	WA	98661	
	Sean Cannon	4806 NE 64th Ave	Vancouver	WA	98661	
	Carol Richards	4801 NE 64th Ave	Vancouver	WA	98661	
	Edward and Connie Lynn Hoy	4715 NE 64th Ave	Vancouver	WA	98661	
	Gordon and Kara Lee Knopp	4706 NE 64th Ave	Vancouver	WA	98661	
	Gary and Ella Lungwitz	6512 NE 48th Cr	Vancouver	WA	98661	
	Kate McCrave	4819 NE 64th Ave	Vancouver	WA	98661	
	Jeff Plummer	10310 NE 222nd Ave	Vancouver	WA	98682	<a href="mailto:enterpris4@yahoo.com">enterpris4@yahoo.com</a>
	Ryan Lopossa					<a href="mailto:ryan.lopossa@cityofvancouver.us">ryan.lopossa@cityofvancouver.us</a>
	Karen Frangos	5112 NE 63rd Ave	Vancouver	WA	98661	<a href="mailto:kfrangos@nextitle.com">kfrangos@nextitle.com</a>
	Zach Wisner	6204 NE 70th Ct	Vancouver	WA	98661	<a href="mailto:zwisner@hotmail.com">zwisner@hotmail.com</a>
	Dan Wisner	4913 NW 127th St	Vancouver	WA	98683	<a href="mailto:Dan@ospreyhomes.com">Dan@ospreyhomes.com</a>



# EXHIBIT LIST

**Project Name: GOSHAWK HOLLOW**

**Case Number: PLD2015-00030;**

EXHIBIT NO.	DATE	SUBMITTED BY	DESCRIPTION
1	8/11/15	Applicant	Application package
2	9/28/15	CC Land Use	Notice of Type III Application w/SEPA checklist
3	9/28/15	CC Land Use	Affidavit of Mailing – Exhibit 2
4	10/7/15	Gary Lungwitz	Comment letter
5	10/7/15	Multiple Neighbors	Petition signed by multiple neighbors
6	10/7/15	Ella Lungwitz	Comment letter
7	10/7/15	Kate McCrave	Comment letter
8	10/13/15	DOE	Letter from Department of Ecology
9	10/14/15	John Lopuch	Email
10	10/14/15	DAHP	Letter from Department of Archaeology & Historic Preservation
11	10/12/15	Applicant	Affidavit of Posting
12	10/20/15	City of Vancouver	Concurrency comments
13	10/28/15	CC Land Use	Staff Report and Recommendation
14	10/28/15	CC Land Use	Affidavit of Mailing – Exhibit 13
15	11/23/15	CC Land Use	Final Order
16	11/23/15	CC Land Use	Affidavit of Mailing – Exhibit 16
17			
18			

**Copies of these exhibits can be viewed at:  
 Department of Community Development  
 Development Services Division  
 1300 Franklin Street  
 Vancouver, WA 98666-9810**