

Type II Site Plan and Environmental Review Staff Report and Decision

Project Name: Hazel Dell Marketplace - East Phase 2

Case Number: PSR2015-00033; SEP2015-00038; BLA2015-00045; ENG2015-00064; VAR2015-00011

Location: 7901 NE 6th Street, Vancouver, WA 98665. The site is comprised of three (3) separate and contiguous lots, with a development envelope totaling approximately 1.74 acres, on parcel numbers 145358-000, 145361-000 & 145258-000. The site is located within the SE ¼ of Section 03, T2N, R1E of the Willamette Meridian.

Request: The applicant is requesting approval for the construction of three (3) new commercial/retail structures in two (2) phases, sized 11,500sf (Lot 1), 23,060sf (Lot 2), and 2,388sf on a portion of the northerly parcel. The request includes an application for Type 1 Administrative Variance to maximum lot coverage standards.

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Decision

Approved subject to Conditions of Approval

Administrative Services Mgr. initials: *AW/JS* Date issued: November 25, 2015

Revised 2/5/15



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For an alternate format,
contact the Clark County
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Comp Plan Designation: GC

Parcel Number(s): 145258-000, 145361-000 & 145258-000

Applicable Laws

Clark County Code: Title 15 (Fire Prevention), Chapter 40.200 (General Provisions), Section 40.230.010 (Commercial Districts), Chapter 40.310 (Signs), Chapter 40.320 (Landscaping), Chapter 40.330 (Crime Prevention and Safety), Chapter 40.340 (Parking and Loading), Chapter 40.350 (Transportation & Circulation), Section 40.350.020 (Transportation Concurrency), Chapter 40.360 (Solid Waste and Recycling), Chapter 40.370 (Sewer and Water), Chapter 40.385 (Storm Water & Erosion Control), Chapter 40.430 (Geologic Hazard Areas), Chapters 40.500 and 40.510 (Procedures), Section 40.520.010 (Legal Lot Determination), Section 40.520.040 (Site Plan Review), Chapter 40.540 (Boundary Line Adjustments & Land Divisions), Chapter 40.570 (SEPA), Section 40.570.080 (SEPA Archaeological), Chapter 40.610 (Impact Fees), Title 24 (Public Health), RCW 58.17, and the Clark County Comprehensive Plan.

Neighborhood Association and Contact

NE Hazel Dell Neighborhood Association
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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 March 19, 2015. The pre-application was determined contingently vested as of February 23, 2015, the date the fully complete pre-application was submitted.

The fully complete application was submitted on July 15, 2015, and determined to be fully complete on October 9, 2015. Given these facts, the application is vested on February 23, 2015.

There are no disputes regarding vesting.

Time Limits

The application was submitted July 15, 2015 and was determined counter complete on September 11, 2015. The application was subsequently determined to be fully complete on October 9, 2015. The counter and fully complete processes took an additional 85 days, therefore, the code requirement for issuing a decision within 78 days lapses on January 23, 2016. The state requirement for issuing a decision within 120 calendar days lapses on March 5, 2016.

Public Notice

Notice of application and likely SEPA Determination of Non-Significance (DNS) was mailed to the applicant, NE Hazel Dell Neighborhood Association and property owners within 300 feet of the site on October 20, 2015.

Public Comments

None received.

Project Overview

The subject site is located within the boundaries of the NE Hazel Dell Neighborhood Association, just west of Interstate-5. It is comprised of all or portions of three (3) contiguous parcels, numbered 145258-000, 145358-000 and 145361-000; and, is addressed at 7901 NE 6th Avenue. The development envelope is approximately 1.74 acres and is zoned GC which is intended for general commercial development.

The applicant requests approval for the construction of a 23,060sf retail building with three (2) tenant spaces, a zero lot line 11,500sf single-use building, and a 2,388sf small stand-alone retail building in two (2) phases. In conjunction with the application for site plan approval, the applicant requests approval of a Type I Administrative Variance and a boundary line adjustment that will adjust the boundary between parcel numbers 145361-000 and 145358-000, resulting in a two (2) –lot configuration. Future Lot A will contain the 15,500 sf building

on a 52, 164 sf lot, and the remaining two (2) commercial buildings will be located on Lot B at 39,537 sf.

The proposed development is an extension of the overall plan for redevelopment of the Hazel Dell Marketplace, and represents the fourth application in a series of five (5) land use approvals thus far submitted for redevelopment of this commercial center.

The subject site is served by Clark Regional Wastewater for sewer, Clark Public Utilities for potable water, Fire District 6, and is located within the UGA for the City of Vancouver.

Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use
Site	GC	GC	Commercial / Retail
North	GC	GC	Commercial / Retail (HD Marketplace)
East	GC	GC	Commercial / Retail (HD Marketplace)
South	GC	GC	Commercial / Retail
West	GC	GC	Commercial / Retail

Staff Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- | | |
|---------------------------------|--|
| 1. Earth | 9. Housing |
| 2. Air | 10. Aesthetics |
| 3. Water | 11. Light and Glare |
| 4. Plants | 12. Recreation |
| 5. Animals | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation |
| 7. Environmental Health | 15. Public Services |
| 8. Land and Shoreline Use | 16. Utilities |

Staff then reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts 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 Use

Finding 1 – Uses

Pursuant to Table 40.230.010-1, retail uses are permitted outright in the General Commercial (GC) zone.

Finding 2 – Development Standards

Lot Requirements and Setback standards are put forth in Tables 40.230.010-2 and 40.230.010-3 which provide standards for minimum setbacks, lot coverage and building height. For this development, the maximum lot coverage allowed is 85%, with a minimum overall landscaped area of not less than 15%. The applicant proposes an overall landscaping scheme for Lot 1 of 4,824sf or 19.7% and 3,345sf or 13.7% for Lot 2. As proposed, landscaping for Lot 1 meets requirement, but Lot 2 requires approval of a Type I Administrative Variance.

Primary pedestrian circulation routes connecting the street to the primary building entries is required and shall be a minimum of eleven (11) feet wide with landscaping on one side of the pedestrian route, planted within a minimum 3-foot area suitable for trees spaced a maximum of 24-feet apart. The revised landscape plan portrays the tree canopy for pedestrians along the primary route of travel as required.

Landscaping is required along the side of all buildings where the primary pedestrian access is provided. The landscape plan does not portray the required plantings along the edge of any of the proposed buildings. The applicant indicates in the narrative, that the trees would be unable to root adequately and have a poor survival rate. According to 40.230.010(D)(5)(b), this development would be required to provide a minimum of thirteen (13) trees alongside the proposed building. The applicant has provided ten (10) trees in the plaza area on Lot 3, and one (1) near the southerly property line of Lot 2. It appears that there may be additional space for two (2) trees with the construction of Phase 2, therefore, prior to final site plan approval, two (2) additional trees, of a suitable species shall be portrayed within the Phase 2 development envelope. [See Condition A-1]

Landscape buffering is required as follows: east boundary (L2, 10-foot buffer); south boundary (L1, 5-foot buffer); west boundary (no buffer); and, north boundary (no buffer required). However, pursuant to Table 40.320.010-1, for buildings constructed within ten (10) feet of a public right-of-way, the required buffer shall be L1 plantings within a five (5) foot buffer. The plans portray plantings within a five (5) –foot buffer along the easterly and southerly boundaries of the project area, with shrubbery, ground cover and trees planted every thirty (30) feet as required.

Finding 3 – Parking and Loading

The applicant has recorded a reciprocal access easement (EAS 5155577) between parcel numbers 145361-000, 145358-000, 145243-000, 145368-000 & 145258-000. [See Exhibit X] The lots share a combined 753 parking spaces. Based on an estimated 173,962 gfa, the development provides parking at a rate of 1 space / 231sf, which meets required parking standards for commercial retail and/or restaurants and drinking places.

Up to 30% of required parking spaces and all parking spaces proposed in excess of minimum requirements may comply with the standards for compact cars. For this development, based on the new 133 spaces proposed, up to 59 parking spaces may be compact. The plan portrays 42 compact parking spaces, which meets this standard.

Table 40.340.010-1 prescribes a requirement for one (1) loading berth for commercial uses with a gross floor area between 5,000sf and 25,000sf. Sheet C2.0 portrays one (1) loading berth for the 21,500sf building only. According to the applicant's narrative, all other loading and unloading activity for the remaining commercial uses will occur outside of business hours. In order to ensure that loading and unloading activity occurs as stated, a note has been placed on the face of the site plan which states, "All deliveries and truck loading and unloading activities shall occur before 8 a.m. and after 9 p.m."

As required by CCC 40.340.010(A)(11), parking and loading areas shall be maintained in good repair at all times. [See Condition G-5]

Finding 4 – Solid Waste & Recycling

Retail establishments are required to provide enclosed storage at a rate of 10sf plus 10sf/1,000sf of gross floor area. Based on the plan provided, Lot 1 is required to provide a minimum of 130sf of enclosed area; Lot 2 is required to provide a minimum of 280sf of enclosed area; and, Lot 3 requires 40sf of enclosed storage area for trash and recyclables. The applicant's narrative indicates that the trash compactor located to the west of the proposed loading space, will handle the majority of all trash for the new uses. Additionally, there is an enclosed storage area located within the existing Wendy's parking lot and an additional enclosed storage area on the northerly lot available for use by the smaller tenants as well.

Based on the plan which portrays enclosures sized at approximately 432sf on Lot 1 and 288sf on Lot 2, and the trash compactor, staff finds that the plan meets criteria contained within Section 40.360.

Finding 5 - Phasing

The applicant is proposing the subject development in two (2) phases. Phase one (1) proposes the construction of Lot 2 (which includes a 21,500sf/1,560sf zero lot line building) and the 2,388sf building on Lot 3. Phase 2 includes the 11,500sf building located on Lot 1; a curb cut, new drive aisle and ten (10) parking spaces; revised and new landscaping. In conjunction with the administrative variance to site landscaping, each phase of this development meets or will meet land use development criteria contained within Title 40.

The plans indicate the future construction on Lot 1 of a one (1) –story building, ten (10) parking spaces, and site landscaping. And, based on those plans, it appears that four (4) parking spaces constructed with Phase 1 will be removed in order to provide access to the future building. Pursuant to CCC 40.510.020(D)(3)(b), staff's Decision must find that the application does comply with each applicable approval criterion and must assure compliance with applicable standards. Each lot within the development consequently, must be able to meet criteria contained within Title 40. Therefore, Lot 1 shall not construct a building pad until such time as the applicant is ready to construct full site improvements. Additionally, prior to construction, the applicant shall submit for a Type I site plan review application that will assure compliance with Clark County Development Code. [See Conditions E-2 & G-6]

Please refer to Section 40.500.010(B)(2), for criteria related to extensions of phased development approvals.

Finding 6 – Boundary Line Adjustment

This application includes a request for boundary line adjustment. The applicant proposed to realign the existing north-south boundary between the existing Wendy's site and the neighboring vacant parcel. The proposed configuration will result in a 2.19 acre parcel, to contain the existing Wendy's building and the proposed commercial buildings at 21,500sf and 1,560sf. The smaller .56 acre lot will contain the 11,500sf building which is proposed for construction during phase 2 of this development.

The proposed configuration will be in compliance with applicable laws contained within Title 40, especially as they relate to minimum lot size and dimensional criteria. Therefore, prior to final site plan, the applicant will provide a copy of a recorded boundary line adjustment. [See Condition A-2]

Finding 7 – Administrative Variance

A variance to numerical standards including but not limited to: setbacks, buffers, building height, landscaping, width, lot area, lot coverage, lot dimensions and parking standards may be granted, subject to a Type I review if the variance(s) is for up to and including ten percent (10%) of the numerical standard(s) in question.

As discussed briefly in Finding 2, this application requests the approval of a Type I Administrative Variance. The requested deviation will vary the standard put forth in CCC 40.230.010(D)(4), from the prescribed minimum 15% site landscaping requirement to the proposed landscaping of 13.7% on Lot 2.

The administrative variance shall be approved if, based on substantial evidence in the record, the applicant has sustained the burden of proving that the variance requested complies with all of the following:

- a. Granting the variance(s) will not substantially detract from the livability or appearance of a residential area or from the desired character of a nonresidential area, or the variance(s) will substantially enhance the livability or appearance of a residential area or the desired character of a nonresidential area, such as by preserving or protecting significant natural, scenic, historic, cultural, open space or energy resources; and

Staff Response: *The subject parcel is considered part of the overall Hazel Dell Marketplace, which is comprised of approximately ten (10) separate lots and several commercial retail establishments. The proposed application proposes an overall landscaping ratio at fifteen percent (15%), at buildout of both phases of the development.*

- b. Adverse impacts resulting from the variance(s) are mitigated to the extent practical; and

Staff Response: *In order to off-set the short-fall in landscaping proposed on Lot 2, the plan portrays additional landscaping on Lot 1 (19.8%). The result is site landscaping meeting the prescribed fifteen percent (15%) minimum, averaged between the two (2) lots.*

- c. The variance(s) does not substantially impair or impede the availability or safety of access that would otherwise exist for vehicles or for pedestrians, or alternative access is provided.

Staff Response: *Site landscaping is not provided in the right-of-way, drive-aisles or encroaching on required walkways.*

Conclusion

Staff concludes that the application meets variance criteria contained within Section 40.550.020(A)(4) and the proposed preliminary plan, subject to conditions identified above, meets land use requirements of the Clark County Code.

Archaeology

Finding 6 – DAHP Review

The applicant submitted an archaeological pre-determination to the Washington State Department of Archaeology and Historic Preservation (DAHP) with the application for the Wendy's on parcel number 145361-000. That predetermination was performed on 3.4 acres that also included parcel number 145358-000 and a portion of 145258-000.

The DAHP concurred with the recommendation of the pre-determination that no additional studies are necessary; however, a note on the final construction plans will require that if resources are discovered during ground disturbance, work shall stop and DAHP and the county will be contacted. [See Condition A-3]

Conclusion (Land Use)

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

Transportation

Finding 7 – NE 81st Street and NE 6th Avenue

NE 81st Street and NE 6th Avenue are classified as Local Commercial/Industrial Roadway with Bike Lanes. These roadways are fully developed to the ultimate roadway section. Therefore, no conditions of approval are warranted for this finding.

Finding 8 – 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. Vegetation, utility poles, and miscellaneous structures will not be allowed to impede required sight distance requirements at all proposed intersections and driveway approaches.

The applicant's engineer shall delineate sight distance triangles on the final construction plans for both driveways in compliance with the Clark County sight distance requirements. [See Condition A-5.a]

Conclusion (Transportation)

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

Transportation Concurrency

Finding 9 – Traffic Study

The applicant provided a traffic study prepared by Kittelson & Associates Inc. dated June 25th 2015. This study evaluated transportation impacts for what the applicant called a masterplan of their development. However, the applicant subsequently submitted a land use application for only a portion of what the traffic study evaluated. Because of this, staff requested the applicant to submit a study that focused on the impacts of the development proposed.

The applicant submitted a supplemental memorandum dated July 14, 2015, prepared by Kittelson & Associates Inc.. This memorandum identified the specific trip generation proposed for the current land use application and indicated that “The conclusions and recommendations identified in the attached TIS [traffic study prepared by Kittelson & Associates Inc. dated June 25th 2015] are thus applicable and relevant to the proposed development ... as well as the Brecht Property redevelopment.”

For purposes of this review, Staff has used the July 2, 2015 memorandum and the July 14, 2015 memorandum along with the traffic study dated June 25, 2015 to evaluate the transportation impacts of this development proposal.

Finding 10 - Trip Generation

County concurrency staff has reviewed the proposed Hazel Dell Marketplace East Retail traffic study dated July 14, 2015, prepared by Kittelson & Associates Inc. The study was prepared to evaluate and document the traffic operational and safety conditions associated with a proposed multi-tenant retail building and a sit-down restaurant totaling 40,448 square feet. The applicant's traffic study has estimated the net new weekday a.m. peak-hour trip generation at 72 trips, a p.m. peak-hour trip generation at 220 trips and an average daily trip (ADT) generation of 2,566 trips.

The trip generation was estimated using the nationally accepted data published by the *Institute of Transportation Engineers Ninth Edition*.

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

Finding 11 - Site Access

Traffic conditions are usually expressed using a scale that quantifies the ability of a facility to meet the needs and expectations of the driver. This scale is graded from A to F and is referred to as level-of-service (LOS). A driver who experiences an LOS A condition would expect little delay. A driver who experiences an LOS E condition would expect significant delay, but the traffic facility

would be just within its capacity to serve the needs of the driver. A driver who experiences an LOS F condition would expect significant delay with traffic demand exceeding the capacity of the facility with the result being growing queues of traffic.

Level of service (LOS) standards are not applicable to access locations; 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 study indicates that there is currently one driveway that serves the site. The applicant's plan also shows that there is internal circulation which allows access to the project site through multiple offsite driveways.

The applicant's traffic study has analyzed NE 6th Avenue as an internal circulation road to the commercially developed area on both sides of the road. As such, the study shows that the intersections of NE 81st Street/NE Hazel Dell Avenue and NE 6th Avenue/NE 78th Street, which provide primary ingress and egress to this commercial area, will operate at a LOS B or better in the 2016 buildout horizon. The study also shows that this LOS was evaluated under the weekday a.m. and p.m. peak hour traffic conditions. County Staff concurs with the applicant's findings.

Finding 12 - Concurrency Compliance

The proposed development is required to meet the standards established in CCC 41.350.020(G) for corridors and intersections of regional significance within 1 miles of the proposed development. Typically, the County's transportation model is used to determine what urban area developments are currently being reviewed, approved, or are under construction and in the vicinity of the proposed development. The traffic these developments generate is referred to as "*in-process traffic*" and will ultimately contribute to the same roadway facilities as the proposed development. This "*in-process traffic*" is used to evaluate and anticipate area growth and its impact on intersection and roadway operating levels with and without the proposed development, helping to determine if roadway mitigation necessary to reduce transportation impacts.

Signalized Intersections

The County's model was used to evaluate the operating levels, travel speeds and delay times for the regionally significant signalized intersections. This analysis showed that individual movements during peak hour traffic conditions had approach delays that did not exceed the maximum 240 seconds, or 2 cycles, of delay in the build-out year.

Therefore, County Staff has determined that this development will comply with adopted Concurrency standards for signalized intersections.

Unsignalized Intersections

County Staff has evaluated the operating levels and standard delays represented in the County's model. The County's model yielded operating levels and standard delay times with a LOS better than the minimum allowable LOS E for unsignalized intersections.

The County has determined that this development can comply with adopted Concurrency Standards for unsignalized intersections.

Concurrency Corridors

Evaluation of the concurrency corridor capacity levels represented in the County Code yielded capacity at acceptable levels, with the exception of the NE 78th Street corridor segment between NE 6th Avenue and I-5.

The County's Arterial Atlas shows this roadway segment with a classification of Principle Arterial (Pr-4cb). As a Pr-4cb, the Arterial Atlas also shows that the design volume of this roadway should be 24,000 vehicles per day. The applicant's report indicates that there are 33,662 vehicles per day over this segment of roadway, indicating that this roadway may be over capacity. The applicant's study also states that this segment of roadway is not constructed as a 4-lane principle arterial, rather it consists of an 8-lane cross section and is expected to carry a higher volume of traffic. Further, the applicant states that this road segment was observed to operate under capacity. Staff concurs with the applicant's findings.

Summary

The County has determined that this development can comply with adopted 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,
- crash history analysis,
- roadside safety (clear zone) evaluation,
- vehicle turning movements, and
- any other issues associated with highway safety.

Mitigation for off-site safety deficiencies may only be a condition of approval on development in accordance with CCC 40.350.030(B)(6) The code states that "nothing in this section shall be construed to preclude denial of a proposed development where off-site road conditions are inadequate to provide a minimum level of service as specified in Section 40.350.020 or a *significant* traffic or safety hazard *would be caused or materially aggravated* by the proposed development; provided, that the applicant may voluntarily agree to mitigate such direct impacts in accordance with the provisions of RCW 82.02.020."

Finding 13 - 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.

The applicant's traffic study showed that there is an existing two-way left-turn lane (TWLTL) on NE 6th Avenue at the proposed site access locations. Because the TWLTL exists on NE 6th Avenue, no further turn lane analysis was performed. Staff concurs with the applicant's findings.

Finding 14 - Historical Accident Situation

The applicant's traffic study analyzed the crash history as obtained from Washington State Department of Transportation (WSDOT) for the period January 1, 2010 through December 31, 2014.

The intersection crash rates, for the study intersections do not exceed thresholds that would

warrant additional analysis. Therefore, no additional mitigation is required.

Finding 15 - Vehicle Turning Movements

The applicant's study did not show turning movements or staging areas for delivery vehicles. Therefore, Staff could not determine if delivery vehicles could be accommodated within the proposed development site without impeding on and off-site traffic. Because of this, the turning movements and staging area of the delivery vehicles shall be a part of the site design. The applicant will need to submit construction plans that show the design of the site will accommodate all applicable design vehicles for review and approval. The plans will also need to show that all applicable design vehicles have the ability to enter and exit the development without swinging into adjacent or opposing travel lanes. [See Condition A-4]

Conclusion

Based upon the development site characteristics, the submitted traffic study dated June 25, 2015 and the subsequent memorandums dated July 2, 2015 and July 14, 2015, prepared by Kittelson & Associates Inc., the requirements of the County's transportation concurrency ordinance, and the findings above, staff concludes that the proposed preliminary transportation plan can meet the requirements of the county transportation concurrency ordinance, CCC 40.350.020.

Stormwater

Finding 16 - Stormwater Applicability

The provisions of Clark County Code Chapter 40.385 shall apply to all new development, redevelopment, and drainage projects consistent with the Stormwater Management Manual for Western Washington (SMMWW) as modified by CCC 40.385 and the county's stormwater manual. The proposed project triggers stormwater Minimum Requirements 1-10.

Finding 17 – Stormwater Proposal

The applicant's engineer has provided a technical information stormwater report, dated August 4, 2015 prepared by Cardno Inc. The report states that water quality and quantity control shall be accomplished by the porous concrete parking area on site. The porous concrete section is designed to detain/infiltrate the stormwater runoff. The infiltration rate through the existing soils is 0.1 inches per hour which meets the county code. Approximated depth to groundwater was determined to be 7 to 13 feet. The native soil is proposed to treat the stormwater runoff from pollution generating surfaces.

The applicant's Geotechnical engineer has tested the existing soil to ensure the soil meets the soil suitability criteria for treating the stormwater runoff from pollution generating surfaces. The geotechnical letter, dated December 10, 2014, states the cation-exchange-capacity (CEC) is 11.53 meq/100 g at the sample depth of 18 inches which is greater than 5 meq/100 g. which meets CEC soil suitability criterion for treatment. The applicant's engineer shall determine all other soil suitability criteria described in Chapter 3, Vol. III of SMMWW. [See Condition A-6.a]

Stormwater facilities will be privately owned and maintained.

Conclusion (Stormwater)

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

Fire Protection

Finding 18 – Building Construction

Building construction or alterations 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-3.a]

Finding 19 – Fire Flow

Fire flow in the amount of 1,500 gallons per minute supplied at 20 PSI for 2 hours duration is required for this application. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to the commencement of combustible building construction. This fire flow is applicable to the 2,388 sq. ft. type V-B constructed building without fire sprinklers. [See Conditions A-11.a, E-2.b]

Finding 20 – Fire Hydrants

Fire hydrants are required for this application. The indicated number and spacing of the fire hydrants is adequate.

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 fire district chief approves the exact locations of fire hydrants. Contact Fire District 6 at 360-576-1195 to arrange for location approval. [See Condition A-11.b]

Finding 21 – Fire Apparatus Access

The roadways and maneuvering areas as indicated in the application appear to be adequate to provide required fire apparatus access. Ensure that fire apparatus access roads maintain an unobstructed width of not less than 20 feet to within 150 feet of all exterior points of all buildings. Maintain access roads with an unobstructed vertical clearance of not less than 13.5 feet, with an all-weather driving surface and capable of supporting the imposed loads of fire apparatus. [See Conditions A-11.c & G-7]

Finding 22 – Fire Sprinklers

An automatic fire sprinkler system is required at the time of construction for buildings greater than 12,000 SF and for A-2 occupancies with an occupant load of 100 or more. Such systems require separate reviews, permits and approvals issued by the Fire Marshal's Office. [See Condition E-2.c]

Buildings provided with automatic fire sprinkler systems require a minimum of two fire hydrants. One fire hydrant shall be within 100 feet of approved fire department connections to the sprinkler systems. [See Condition E-2.d]

An approved fire sprinkler monitoring system with occupant notification is required for buildings with fire sprinkler systems. Such systems require separate reviews, permits and approvals issued by the Fire Marshal's Office. [See Condition E-2.e]

Finding 23 – Fire Department Connections

Fire department connections (FDC) shall be located remote from the building a minimum distance equal to the height of the building at the FDC. [See Condition E-2.f]

Conclusion (Fire Protection)

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

Sewer and Water Service**Finding 24 – Sewer & Water**

The site will be served by the Clark Public Utilities Water District and Clark Regional Wastewater District. Letters from the above districts confirm that services are available to the site.

According to RUR 2015-046, all water mains needed for this site have been installed and further engineering review by Clark Public Utilities is not required. However, construction of a new sewer lateral for the subject development is required. Therefore, prior to completion of construction of the development, the applicant shall procure all required approvals and permits and pay all related fees to Clark Regional Wastewater District. [See Conditions C-1]

Finding 25 – Public Health Evaluation

The application also includes a letter from the Clark County Public Health department. The letter indicates that there is no evidence of septic or well systems on the site, and exempts the project from further health department review. However, if (during construction) a well or septic system is found, they shall be properly decommissioned or abandoned.

Conclusion (Sewer and Water)

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

Building Safety**Finding 26 – Detectable Warning**

Detectable warning shall be portrayed on the final site plan and installed at the head of the concrete ADA aisle between all ADA parking spaces. [See Conditions A-12.a & F-1.a]

Detectable warning shall be portrayed on the final site plan installed at each end of the crossing leading from the smaller 2,388sf (proposed) building to the existing building to the north. [See Conditions A-12.b & F-1.b]

Conclusion (Building Safety)

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

Impact Fees

Finding 28 – Traffic Impact Fees

The proposed development will have an impact on traffic in the area and is subject to Traffic Impact Fees (TIF) in accordance with CCC 40.610. The site is located within the Hazel Dell TIF Sub-area with a fee rate of \$375 per new trip.

Prior to issuance of the building permit for each building, the applicant shall pay Traffic Impact fees to Clark County in the amount of:

Land Use Code:	Building Size:	Use Fee:
Retail (Code 820)	2,388sf	12,583.66
Retail (Code 820)	1,560sf	8,220.49
Retail (Code 820)	21,500sf	113,295.17
Retail (Code 820)	11,500sf	60,599.75
Total:		\$194,699.07

SEPA Determination

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

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

The likely SEPA determination of Non-Significance (DNS) in the Notice of Development Review Application issued on October 20, 2015 is hereby final.

SEPA Appeal Process

An **appeal** of this SEPA determination and any required mitigation must be filed with the Department of Community Development within fourteen (14) calendar days from the date of this notice.

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

SEPA Appeals must be in writing and contain the following information:

1. The case number designated by the county and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Community Development Director. All contact with the Community Development Director regarding the petition, including notice, shall be with this contact person;
3. A brief statement describing why the SEPA determination is in error.

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

The decision of the Hearing Examiner is final unless there is:

- A motion is filed for reconsideration within fourteen (14) days of written notice of the decision, as provided under Clark County Code, Section 2.51.160; or,
- An appeal with Clark County Superior Court.

Staff Contact Person: Amy Wooten, (360) 397-2375, ext. 5683.

Responsible Official: Marty Snell, Community Development Director

Decision

Based upon the proposed plan attached hereto, and the findings and conclusions stated above and within the attached reports and decisions, the Land Use Review Manager hereby **APPROVES** this request, subject to the following conditions of approval.

Conditions of Approval

Note: The Conditions of Approval below include those identified above and those contained within Attachments A, B, and C. The letters or numbers may have changed from those in the attachments.

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

- A-1** It appears that there may be additional space for two (2) trees with the construction of Phase 2, therefore two (2) additional trees, of a suitable species shall be portrayed within the Phase 2 development envelope. [See Finding 2]
- A-2** The applicant will provide a copy of a recorded boundary line adjustment. [See Finding 5]
- A-3** A note shall be placed on the face of the final construction plans as follows:
"If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Department of Archaeology and Historic Preservation in Olympia shall be notified. Failure to comply with these state requirements may constitute a Class C Felony, subject to imprisonment and/or fines."
[See Finding 6]
- A-4** **Final Transportation Plan/Off Site (Concurrency)** – The applicant shall submit construction plans that show the design of the site will accommodate all applicable design vehicles for review and approval. The plans shall also show that all applicable design vehicles have the ability to enter and exit the development without swinging into adjacent or opposing travel lanes, unless modified by the County Engineer. [See Finding 15]
- A-5** **Final Transportation Plan/On-Site** - The applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350 and the following conditions of approval:
- a.** The applicant's engineer shall delineate sight distance triangles on the final construction plans for both driveways in compliance with the Clark County sight distance requirements. [See Finding 8]
- A-6** **Final Stormwater Plan** - The applicant shall submit and obtain County approval of a final stormwater plan designed in conformance to CCC 40.385 and the following conditions of approval:
- a.** The final stormwater plan shall be prepared in compliance with stormwater Minimum Requirements 1 through 10. The applicant's engineer shall determine that all soil suitability criteria for treatment, as described in Chapter 3, Vol. III of SMMWW, are met. [See Finding 17]
- A-7** **Excavation and Grading** – Final excavation/grading plan shall be in compliance with CCC14.07.
- A-8** **Erosion Control Plan** - The applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.385.
- A-9** **Other Required Documents:** – The following documents shall be submitted with the Final Construction/Site Plan:
- a.** Developer's Covenant: - A "Developer Covenant to Clark County" shall be submitted for recording that specifies the following Responsibility for

Stormwater Facility Maintenance: For stormwater facilities for which the county will not provide long-term maintenance, the developer shall make arrangements with the existing or future (as appropriate) occupants or owners of the subject property for assumption of maintenance to the county's Stormwater Facilities Maintenance Manual as adopted by Chapter 13.26A. The responsible official prior to county approval of the final stormwater plan shall approve such arrangements. The county may inspect privately maintained facilities for compliance with the requirements of this chapter. An access easement to the private facilities for the purpose of inspection shall be granted to the county. If the parties responsible for long-term maintenance fail to maintain their facilities to acceptable standards, the county shall issue a written notice specifying required actions to be taken in order to bring the facilities into compliance. If these actions are not performed in a timely manner, the county shall take enforcement action and recover from parties responsible for the maintenance in accordance with Section 32.04.060.

A-10 Final Landscape Plan - The applicant shall submit and obtain county approval of final landscape plan consistent with the approved preliminary landscape plan and conditions listed below (CCC 40.320). The landscape plan shall include landscaping within the public right-of-ways and on-site, if applicable.

A-11 Fire Marshal Requirements

- a. Fire flow in the amount of 1500 gallons per minute supplied at 20 PSI for 2 hours duration is required for this application. [See Finding 19]
- b. Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. A 3-foot clear space shall be maintained around the circumference of all fire hydrants. The local fire district chief approves the exact locations of fire hydrants. Contact Fire District 6 at 360-576-1195 to arrange for location approval. [See Finding 20]
- c. Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application appear to be adequate to provide required fire apparatus access. Ensure that fire apparatus access roads maintain an unobstructed width of not less than 20 feet to within 150 feet of all exterior points of all buildings. Maintain access roads with an unobstructed vertical clearance of not less than 13.5 feet, with an all-weather driving surface and capable of supporting the imposed loads of fire apparatus. [See Finding 21]

A-12 ADA Compliance -

- a. Detectable warning shall be portrayed on the final site plan at the head of the concrete ADA aisle between all ADA parking spaces. [See Finding 26]
- b. Detectable warning shall be portrayed on the final site plan at each end of the crossing leading from the smaller 2,388sf (proposed) building to the existing building to the north. [See Finding 26]

- A-13** Revise final site plan sheets to indicate that Lot 1 improvements are proposed as 'Phase 2' instead of 'Future Bldg' for additional clarity.

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

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

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

- C-1** The applicant shall procure all required approvals and permits and pay all related fees to Clark Regional Wastewater District. [See Finding 24]

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

- D-1 Not applicable**

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

- E-1 Impact Fees** - Prior to issuance of a building permit, the applicant shall pay Traffic Impact fees to Clark County in the amount of:

Land Use Code:	Building Size:	Use Fee:
Retail (Code 820)	2,388sf	12,583.66
Retail (Code 820)	1,560sf	8,220.49
Retail (Code 820)	21,500sf	113,295.17

Retail (Code 820)	11,500sf	60,599.75
Total:		\$194,699.07

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

E-2 Prior to issuance of commercial building permits on Lot 1, the applicant shall submit for a Type I site plan review application that will assure compliance with Clark County Development Code. [See Finding 5]

E-3 Fire Marshal Requirements

- a. Building construction or alterations 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 Finding 18]
- b. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to the commencement of combustible building construction. Fire flow is based upon a 2388 sq. ft. type V-B constructed building without fire sprinklers. [See Finding 19]
- c. An automatic fire sprinkler system is required at the time of construction for buildings greater than 12,000 SF and for A-2 occupancies with an occupant load of 100 or more. Such systems require separate reviews, permits and approvals issued by the Fire Marshal's Office. [See Finding 22]
- d. Buildings provided with automatic fire sprinkler systems require a minimum of two fire hydrants. One fire hydrant shall be within 100 feet of approved fire department connections to the sprinkler systems. [See Finding 22]
- e. An approved fire sprinkler monitoring system with occupant notification is required for buildings with fire sprinkler systems. Such systems require separate reviews, permits and approvals issued by the Fire Marshal's Office. [See Finding 22]
- f. Fire department connections (FDC) shall be located remote from the building a minimum distance equal to the height of the building at the FDC. [See Finding 22]

**F Occupancy Permits
Review and Approval Authority: Building**

Prior to issuance of an occupancy permit, the following conditions shall be met:

F-1 ADA Compliance -

- a. Detectable warning shall be installed at the head of the concrete ADA aisle between all ADA parking spaces. [See Finding 26]
- b. Detectable warning shall be installed at each end of the crossing leading from the smaller 2,388sf (proposed) building to the existing building to the north. [See Finding 26]

G	Development Review Timelines & Advisory Information Review and Approval Authority: None - Advisory to Applicant
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- G-1 Site Plans and Other Land Use Approvals** - Within seven (7) years of preliminary plan approval, a Fully Complete application for a building permit shall be submitted.
- G-2 Department of Ecology Permit for Construction Stormwater** - A permit from the Department of Ecology (DOE) is required if:
- The construction project disturbs one or more acres of land through clearing, grading, excavating, or stockpiling of fill material; **AND**
 - There is a possibility that stormwater could run off the development site during construction and into surface waters or conveyance systems leading to surface waters of the state.

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

G-3 Building and Fire Safety

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

- G-4 Building Elevation Approvals** – Approval of building elevations submitted for preliminary plan review does not ensure compliance with other requirements (such as building setbacks) under other construction codes. Compliance with other construction codes is the responsibility of the applicant at the time of building permit issuance.

- G-5** Parking and loading areas shall be maintained in good repair at all times. [See Finding 3]

- G-6** Lot 2 shall not construct a building pad until Type I Site Plan Approval is granted. [See Finding 5]

- G-7** Ensure fire apparatus access roads have an unobstructed width of not less than 20 feet to within 150 feet of all exterior points of all buildings and maintain access roads with an unobstructed vertical clearance of not less than 13.5 feet, with an all-weather driving surface capable of supporting the imposed loads of fire apparatus. [See Finding 21]

H	Post Development Requirements Review and Approval Authority: As specified below
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H-1 Outdoor Lighting – Exterior lighting shall be located, shielded, and directed to prevent significant off site glare, in accordance with CCC 40.340.010(A)(7) and RCW 47.36.180.

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

Decision Appeal Process

An **appeal** of any aspect of this decision may be appealed to the Clark County Hearing Examiner only by a party of record. 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, Permit Services Center, 1300 Franklin Street, Vancouver, Washington, 98660, 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 date November 25, 2015. Therefore any appeal must be received in this office by the close of business on December 9, 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

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

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 pursuant to Ordinance 10-19, adopted 10/27/2009 by the Board of County Councilors.

Attachments

- Copy of Proposed Preliminary Plan



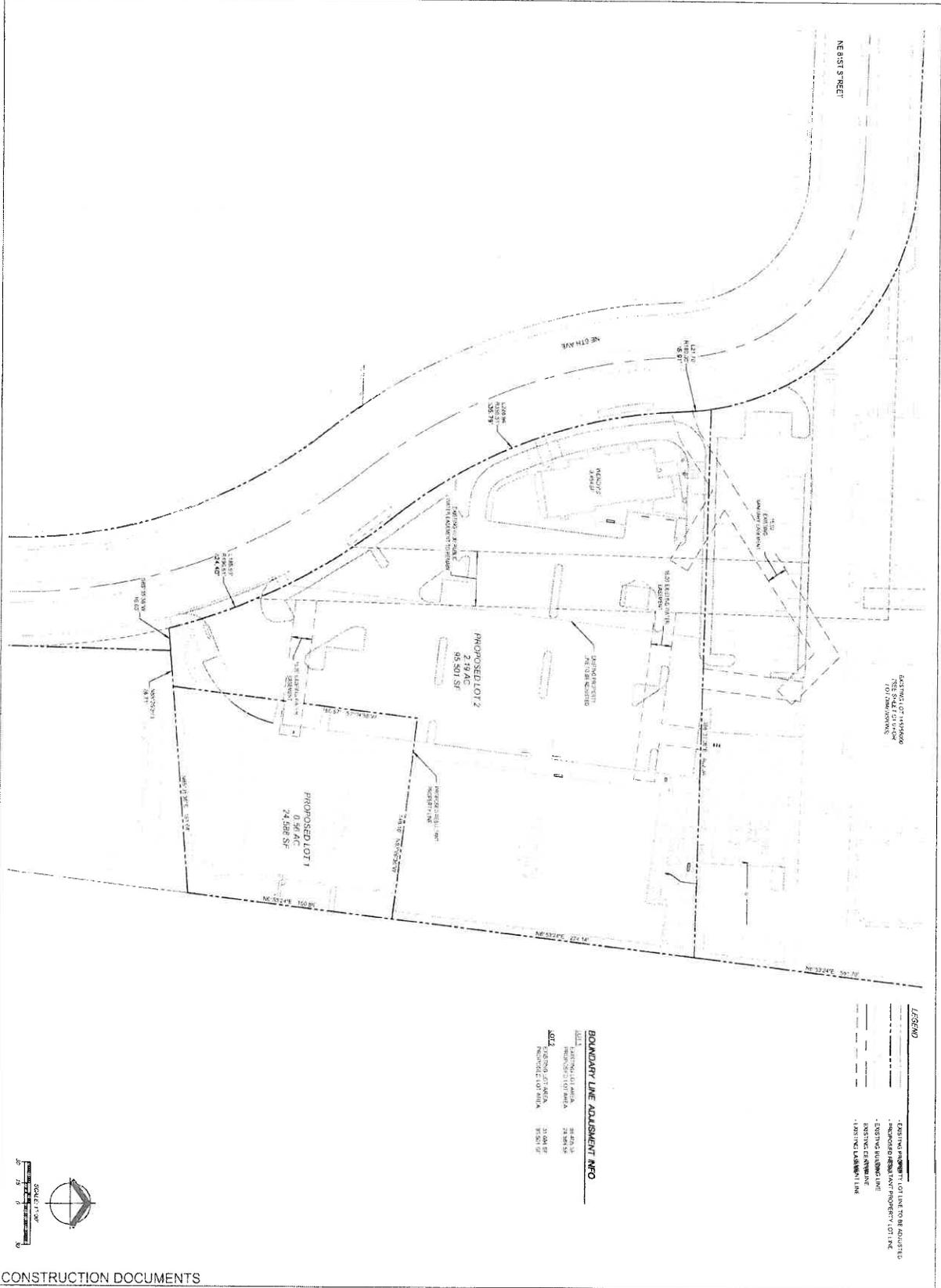
EXISTING LOT INFO

LOT	EXISTING LOT AREA	8/1/02/02
222	21,119 SQ. FT. (0.48 AC.)	7/1/02/02

- LEGEND**
- EXISTING PROPERTY LOT LINE
 - EXISTING BUILDING FOOTPRINT
 - EXISTING CURB/PAVEMENT LINE
 - EXISTING CONCRETE DRIVE

CONSTRUCTION DOCUMENTS

 <p>CLARK COUNTY CLARK COUNTY, WASHINGTON</p>	<p>EXISTING BOUNDARY CONDITIONS HAZEL DELL EAST RETAIL CE JOHN COMPANY, INC. CLARK COUNTY, WASHINGTON</p>	 <p>Cardno Shaping the Future</p> <p>PORTLAND 5410 SW WESTGATE DR. STE. 100, PORTLAND, OR 97221 TEL: 503-318-2300 FAX: 503-318-2302 www.cardno.com</p>
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CONSTRUCTION DOCUMENTS

 C2.3 BNDY ADJ PLAN	BOUNDARY LINE ADJUSTMENT PLAN HAZEL DELL EAST RETAIL CE JOHN COMPANY, INC. CLARK COUNTY, WASHINGTON	 Cardinal Shaping the Future PORTLAND 8415 SW WEST GATE DR, STE 100, PORTLAND, OR 97221 TEL (503) 419-2500 FAX (503) 419-2675 WWW.CARDINAL.COM
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LEGEND:

- (2) LOT 1 BUILDING, (1) LOT 2 PROPOSED AND FUTURE BUILDINGS
- PEDESTRIAN ROUTE REQUIRED TREE
- (4) LOT 1 BUILDING, (16) LOT 2 PROPOSED AND FUTURE BUILDINGS

HAZEL DELL EAST PHASE 2 WITH WENDY'S SITE PLANTING PLAN



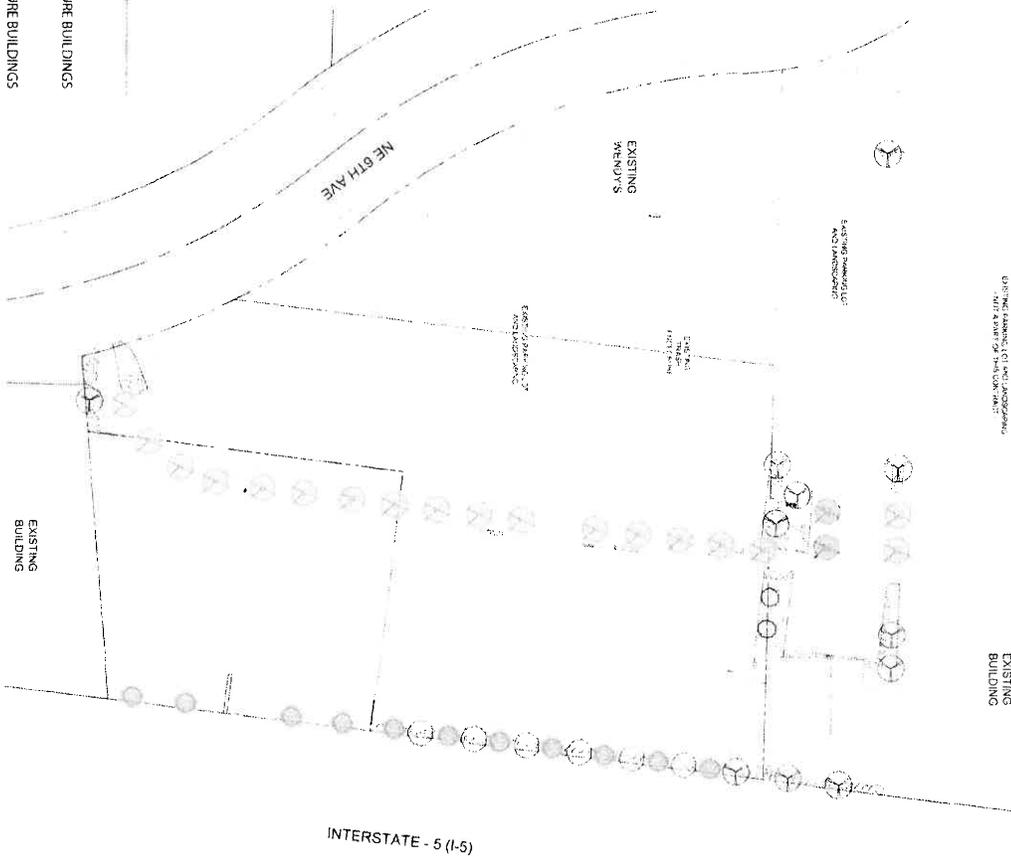
CONSTRUCTION DOCUMENTS

<p>FOR INFORMATION ONLY</p> <p>L1.2</p> <p>HAZEL DELL EAST PHASE 2 WITH WENDY'S SITE</p>	<p>LANDSCAPE PLANTING PLAN WITH WENDY'S SITE</p> <p>HAZEL DELL EAST PHASE 2</p> <p>CE JOHN COMPANY, INC.</p> <p>CLARK COUNTY, WASHINGTON</p>	<p>Cardno Shaping the Future</p> <p>PORTLAND 5455 SW INTERSTATE 5 STE 500 PORTLAND, OR 97207 TEL: (503) 438-7200 FAX: (503) 438-7200 www.cardno.com</p>
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LEGEND:

-  BUILDING FRONTAGE REQUIRED TREE
- (2) LOT 1 BUILDING, (1) LOT 2 PROPOSED AND FUTURE BUILDINGS
-  PEDESTRIAN ROUTE REQUIRED TREE
- (4) LOT 1 BUILDING, (1) LOT 2 PROPOSED AND FUTURE BUILDINGS

HAZEL DELL EAST PHASE 2 WITH WENDY'S SITE PLANTING PLAN



CONSTRUCTION DOCUMENTS

<p>DATE: 02/26/2016</p> <p>SCALE: AS SHOWN</p> <p>PROJECT: HAZEL DELL EAST PHASE 2 WITH WENDY'S SITE</p> <p>CLIENT: CE JOHN COMPANY, INC.</p> <p>LOCATION: CLARK COUNTY, WASHINGTON</p> <p>DESIGNER: CARDINO</p> <p>PROJECT NO: 15-00149-000</p> <p>DATE: 02/26/2016</p> <p>WWW.CARDINO.COM</p>	<p>LANDSCAPE PLANTING PLAN WITH WENDY'S SITE</p> <p>HAZEL DELL EAST PHASE 2</p> <p>CE JOHN COMPANY, INC.</p> <p>CLARK COUNTY, WASHINGTON</p>	 <p>Cardino Shaping the Future</p> <p>PORTLAND 5415 SW WESTGATE DR, SUITE 110, PORTLAND, OR 97221 TEL: 503.415.2000 FAX: 503.415.2000 www.cardino.com</p>
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FOR INFORMATION ONLY
 L1.2
 WITH WENDY'S SITE