

Notice to Parties of Record

Project Name: Marbella Townhome Project

Case Number: PLD2015-00033, SEP2015-00048, EVR2015-00037

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 hearing examiner may file with the responsible official a motion for reconsideration of an examiner's decision within fourteen (14) calendar days of written notice of the decision. A **party of record** includes the applicant and those individuals who signed the sign-in sheet or presented oral testimony at the public hearing, and/or submitted written testimony prior to or at the Public Hearing on this matter.

The motion must be accompanied by the applicable fee and identify the specific authority within the Clark County Code or other applicable laws, and/or specific evidence, in support of reconsideration. A motion may be granted for any one of the following causes that materially affects the rights of the moving party:

- a. Procedural irregularity or error, clarification, or scrivener's error, for which not 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: December 11, 2015

DS1333

Revised 7/15/13



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E-mail: ADA@clark.wa.gov

Role	Company Name	Name	Address 1	Address 2	City	State	Zip Code	Email Address
Planner	Clark County	Amy Wooten						
Applicant	Harb Engineering, Inc	Gus Harb	701 Columbia St	Ste 111	Vancouver	WA	98660	guss@harbengineering.com
Owner		Scott & Carla Beckstrom	12432 NE 114th St		Vancouver	WA	98682	sbeckstrom@aol.com
N/H Association								
Contact Person	Same as applicant							
Utility Contact								
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**BEFORE THE LAND USE HEARINGS EXAMINER
OF CLARK COUNTY, WASHINGTON**

Regarding an application by Harb Engineering, Inc.,) **FINAL ORDER**
for approval of a preliminary plat to divide 5-acres)
into 65 lots in the R-30 zone at 12432 NE 114th) **PLD2015-00033¹**
Road in unincorporated Clark County, Washington) **(Marbella Townhomes)**

A. SUMMARY

1. The applicant, Harb Engineering, Inc., requests approval to divide the roughly 5-acre site into 65 lots subject to the County's narrow lot development standards. The site is located 12432 NE 114th Street; also known as Parcel No. 200196-000 (the "site"). The site and surrounding properties to the east, west and north are zoned R-30 (Low Density Residential, 6,000 square foot minimum lot size). Properties to the south are zoned R1-5 (Residential, 30 units per acre). The site is currently developed with a single-family residence and accessory structures. The applicant proposes to remove all existing structures on the site and construct a new a single-family attached dwelling each of the proposed lots. All proposed lots will comply with the minimum dimensional standards for the R-30 zone. Clark Public Utilities and Clark Regional Wastewater will supply domestic water and sanitary sewer service respectively to the site. The applicant will dedicate right-of-way and construct half-width frontage improvements along the site's north (NE 116th Street), south (NE 114th Street and west (NE 124th Avenue) frontages. The applicant will extend a new public street, proposed NE 125th Avenue, into the site from NE 116th Street. Proposed NE 125th Avenue will become NE 114th Way near the south end of the site and intersect a proposed half-width public street abutting the east boundary of the site, NE 126th Avenue. Stormwater runoff from public impervious area will be collected and treated in a StormFilter Drywell located within the proposed development. Once treated, the stormwater will be conveyed to infiltration trenches within the public road rights of way. Proposed homes on the site will dispose of roof runoff in individual infiltration trenches.

2. Clark County Hearing Examiner Joe Turner (the "examiner") conducted a public hearing about the application. County staff recommended that the examiner approve the application subject to conditions. See the Type III Land Division and Environmental Review Staff Report and Recommendation to the Hearing Examiner dated November 18, 2015 (the "Staff Report") as modified at the hearing. The applicant accepted the findings and conditions in the Staff Report, as modified, without exceptions. One person testified orally and in writing with questions about the application.

3. Based on the findings provided or incorporated herein, the examiner approves the preliminary plat subject to the conditions at the end of this final order.

B. HEARING AND RECORD HIGHLIGHTS

¹ This decision also addresses SEP2015-00018 AND EVR2015-00037.

1. The examiner received testimony at a public hearing about this application on December 3, 2015. That testimony and evidence, including a video recording of the public hearing and the casefile maintained by the Department of Community Development (“DCD”), are included herein as exhibits, and they are filed at DCD. The following is a summary by the examiner of selected testimony and evidence offered at the hearing.

2. County planner Amy Wooten summarized the Staff Report and showed photographs of the site.

a. She noted that the property west of the site is currently being developed as Rock Creek Townhomes. The Rock Creek Apartments were recently completed on the property northwest of the site.

b. The applicant proposed to construct single-family attached homes on each lot in groups of two connected structures, with the exception of the homes on proposed lots 9 through 11, which will be in a group of three connected structures.

c. The applicant cannot change the address of Ms. Tauscher’s property without her permission.

c. She noted that the proposed plat complies with the corner lot dimensional standards, based on the plans in Exhibit 27. Therefore she requested the examiner modify Finding 2 of the Staff Report consistent with Exhibit 27 and delete proposed condition D-1.

3. County Transportation Concurrency engineer David Jardin noted that the applicant revised the proposed development to increase the number of lots proposed. The applicant’s traffic analysis was based on 60 townhome lots. The applicant is now proposing 65 lots. However the additional lots will have a negligible impact on traffic and will not require additional analysis.

a. He requested the examiner modify Finding 18 on p 15 of the Staff Report to note that turn lanes are not warranted at any intersections within the analysis area.

4. Engineer Gus Harb appeared on behalf of the applicant and accepted the findings and conditions in the Staff Report, as modified at the hearing, without exceptions. He noted that the applicant has surveyed the site. The existing fence along the east boundary of the site, between the site and Ms. Tauscher’s property, encroaches into the site by a few inches. However the proposed development will not impact the existing fence. The improvements for proposed NE 126th Avenue will be setback roughly two feet from the east boundary of the site.

5. Carol Tauscher questioned how the proposed development may impact her property abutting the east boundary of the site including her address, existing fence and future development of her property.

6. County engineer Brad Hazen noted that the applicant will be required to survey the site prior to final plat approval. The applicant will be required to resolve any discrepancies between the survey and the location of existing or proposed improvements. The County intends for NE 116th Street to extend east to intersect NE 128th Street in the future as properties east of the site redevelop. The County will also require abutting properties east of the site to construct the remainder of NE 126th Avenue when they redevelop. In the interim, the half-width improvements provided by this development will accommodate two-way traffic.

7. The examiner closed the record at the end of the hearing and announced his intention to approve the proposed subdivision subject to the conditions of approval in the Staff Report.

C. FINDINGS:

Only issues and approval criteria raised in the course of the application, during the hearing or 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. The following issues relate to the mandatory applicable approval criteria for this proposal and were addressed by County staff in their reports, by agency comments, by the applicant and others. The examiner adopts the following findings with regard to each:

Land Use

Finding 1 – Uses

According to Table 40.220.020-1, single-family detached residential uses are permitted subject to review and approval (CCC 40.260.155) in the R-30 zone. Single family detached dwellings are not permitted. Therefore, a note shall be added to the face of the plat which state, “Pursuant to Table 40.220.020-1, single family detached residential uses are not permitted within the bounds of this plat.” [See Condition D-9.g]

The proposed plan indicates that the existing home will be removed. A condition will be imposed to ensure all buildings are removed, with the necessary permits, prior to the completion of civil improvements. [See Condition C-1] It should be noted that, as part of these demolition permits, the applicant will be required to comply with standards and practices noted in the comment letter provided by the Washington State Department of Ecology. [See Exhibit 8]

Finding 2 – Lot Requirements

Table 40.220.020-4 prescribes lot requirements for the R-30 zone. Minimum density is established at 18 units/acre with maximum density established at 30 units/acre. Additional dimensional standards are prescribed as follows:

R-30 Zone Lot Requirements, Setbacks, Lot Coverage and Building Height Standards					
Minimum Lot Area	Min – Max Residential Density			Minimum Lot Width	Maximum Lot Depth
1,200sf	18 – 30 (du/acre)			18 feet ²	50 feet
Minimum Setbacks (feet)				Maximum Lot Coverage	Maximum Building Height
Front	Side		Rear		
	Street	Interior			
10 ³	10	0 or 5 ^{4,5,6}	5	75%	45 feet ⁷

This application proposes overall density at 19 dwelling units per acre, an average lot size of 2,093 square feet with a minimum lot width of 26.3 feet and a minimum lot depth of 75 feet. For a corner lot, the lot width shall be the average distance of the narrower dimension of the lot. Based on the proposed plat and Exhibit 56, all proposed lots meet minimum dimensional requirements of the Code.

The preliminary plat, therefore, meets lot requirements for the R1-6 zone.

Finding 3 – Site Plan

All townhome developments shall require submittal of a site plan that shows proposed building envelopes and driveway locations.

Sheet PRLMN-03 of the applicant’s plan set provides the required site plan. According to CCC 40.100.070, the front setback is calculated from the front lot line (which is defined as the edge of a street right-of-way, street easement, street tract, or private driveway easement); and, according to the plans provided, lots 9, 10 and 11 do not meet the minimum prescribed 18-foot garage setback pursuant to Table 40.220.020-4. Therefore, prior to final plat approval, a revised site plan shall be provided which portrays the required 18-foot minimum garage setback for lots 9, 10 and 11. [See Condition D-1]

Finding 4 – Landscaping

In accordance with CCC 40.220.020(C)(8), a minimum of twenty percent (20%) of the site shall be landscaped to an L1 standard. At approximately 217,800 square feet, the subject site requires a minimum of 43,560 square feet of overall site landscaping. The applicant included a landscape plan (Sheet PRLMN-08) which indicates landscape buffering only, and there are no landscape calculations included in the plan set. Therefore,

² Applies to interior lots only – corner lots shall be of sufficient width so that sight distance and driveway spacing requirements are met.

³ The minimum front setback to the garage door is 18 feet.

⁴ If not sharing a common wall, the setback shall be five (5) feet.

⁵ No portion of any structure (including eaves, gutters, etc.) may extend across a property line unless such encroachments are authorized by a plat note or approved final site plan. Such authorization may require special fire-resistant construction standards.

⁶ Additional requirements may apply, based on building and fire codes.

⁷ The maximum building height for a detached garage is 18 feet.

prior to final plat approval, the plans shall be revised to indicate how the development will meet the required minimum twenty percent (20%) site landscaping. [See Condition D-2]

Finding 5 – Pedestrian Facilities

According to state platting laws (RCW 58.17.110) and CCC 40.220.020(C)(10), appropriate provisions shall be made to assure safe walking conditions for students who only walk to and from school.

The subject development is located within the Battle Ground School District, and specifically within 1 mile of Prairie High School.

The applicant provided a letter from the Director of Operations for the Battle Ground School District. The letter indicates that all students from this development will be bussed, with specific bus stop locations to be determined in the future. Therefore, no 'safe-walking' conditions are warranted.

Finding 6 – Narrow Lot Development Standards

Narrow Lot Development Standards apply to newly platted residential land divisions having lots less than forty (40) feet wide as measured at the front building setback line. All of the lots proposed within the development meet applicability standards put forth in CCC 40.260.155(B).

Pursuant to Section 40.260.155(C), the applicant has submitted a preliminary site plan (See Sheet PRLMN-03) that portrays streets, driveways, and building envelopes. However, the plan does not adequately dimension driveway width. The application indicates that parking will be provided at a rate of 2.5 parking spaces per unit as required, with one (1) parking space located within a garage and two (2) parking spaces provided in each unit's driveway. Therefore, prior to final site plan approval, dimensions related to driveway width shall be added to the plan in order to demonstrate that off-street parking for two (2) vehicles will be provided in the driveway. [See Condition A-1.b]

Finding 7 - Parking

Pursuant to CCC 40.350.030(B)(5)(a)(5), parking shall be prohibited along partial-width roads, with signs and pavement markings being the responsibility of the developer unless the partial-width road is at least twenty-four (24) feet wide to provide a clear sixteen (16) foot wide travel way in addition to an eight (8) foot wide parking lane. Northeast 126th Avenue is proposed with a 20-foot roadway within a 31-foot right-of-way, therefore parking along the eastern edge of the roadway shall be prohibited. Signs and pavement markings shall be detailed in final construction plans, and shall be placed prior to final construction approval. [See Conditions A-1.a & C-2]

Finding 8 – County/State Platting Standards

With conditions of approval, staff finds the proposed short plat will make appropriate provisions for the public health, safety and general welfare of the community. Connection to public water and sewer facilities, as well as treatment of any future stormwater runoff will be provided to protect groundwater supply and integrity. Impact fees will also be

required to ensure that the development will contribute a proportionate share toward the costs of school, park and transportation facilities, maintenance and services.

Conclusion (Land Use)

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

Archaeology

Finding 9 – DAHP Concurrence

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

The DAHP concurs with the recommendation of the pre-determination that no additional studies are necessary; however, a note on the final construction plans will require that if resources are discovered during ground disturbance, work shall stop and DAHP and the county will be contacted. [See Conditions A-2 & D-9.b]

Conclusion (Archaeology)

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

Transportation

Finding 10 – Pedestrian/Bicycle Circulation Plan

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

Finding 11 – Cross Circulation Standards

The applicant’s proposed road network does not comply with the roadway circulation requirements of section CCC 40.350.030(4)(B)(2). The applicant has requested a technical road modification. (See Road Modification Finding 13 below)

Finding 12 – Roads

NE 124th 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. [See Condition A-3.a]

NE 116th Street and NE 126th Avenue are classified as Urban Local Residential Access roadways. The applicant is responsible for a minimum of 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-3.b]

NE 114th Street is classified as Urban Neighborhood Circulator roadway. The applicant is responsible for 27 feet of half width right-of-way dedication and construction of an 18-foot half-width roadway with curb/gutter and sidewalk per Standard Drawing 12. [See Condition A-3.c]

The rest of the internal roads 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-3.d]

Road Modification

Finding #13 – Technical Road Modification (EVR2015-00037)

The applicant is asking for relief from the cross-circulation standards found in CCC 40.350.020(8)(B)(2).

Approval Criteria

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

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

Applicant's Discussion

The applicant states: "This memorandum is a request for a technical road modification for not connecting the North /South Road (NE 126th Ave) to NE 114th Street. Please refer to the attached Exhibits for reference.

I. Introduction

As shown herein, County staff should grant a modification to its block length requirements and recognize that we are proposing an alternative plan for cross-circulation in the area that is at least equal to a plan strictly meeting the 800-foot minimum block length standard.

II. Facts

We are proposing a 65 lot townhome project at the NE quadrant of the intersection of NE 124th Ave and NE 114th St.

The preliminary plan includes widening of NE 124th Ave (a collector) to a full width street along the west side frontage of the site. In addition, NE 116th Street (East/West Rd) will be extended with a minimum half width Street with a potential of a full width street along the north frontage of our site. Also, a proposed interior loop road system will be constructed to provide adequate circulation and access to the proposed lots. The interior loop system has been designed to allow potential road widening to the east and an adequate access for any future developments. Please refer to the attached Exhibit for reference.

County Staff member has indicated the desire to have the north/south road (NE 126th Ave) connect to NE 114th Street to provide a future north south circulation within an 800 foot block length along NE 114th Street. The connection of NE 1126th Ave to NE 114th Street will create a safety hazard at the entrance of the site. In addition, the connection will not satisfy the requirements of circulation since it will not be able to be extended to the north as intended and connect to NE 119th Street north of our site due to inadequate intersection spacing. Therefore, as analyzed below, the connection will not be adequate and a better alternative for a north/south connection can be made in the future approximately 200 feet east of our site and will be able to connect to NE 119th Street as intended and still be within an 800 feet block length. Please refer to the analysis below.

III. Analysis

A connection of NE 126th Ave to NE 114th Street via a half-width street will not be feasible and will create a hazardous entrance to the subdivision. In addition, it will not serve the intended circulation to north of our site due to limited connectivity to NE 119th Street (An arterial Rd). Instead, an alternative location for a north /south connection can be better located approximately 200 feet east of our site which will be approximately half-way between NE 124th Ave and 128th Ave and will be able to provide a future connection to NE 119th Street (Minor Arterial) and meet the intersection separation distance as discussed below:

- NE 119th Street on the north is classified as a Minor Arterial (M2c-b) with a minimum required separation distance for a full intersection not less than 500 feet. NE 126th Avenue cannot be extended to the north and be able to connect to NE 119th Street since it will not meet the required intersection separation distance from NE 124th Avenue. Please note that the distance between NE 124th Ave and NE 126th Ave is 351 feet thus, making it not feasible for future extension. Also, the 5 acre parcel directly north of us will have a preliminary site plan that does not include a north/south road since a connection cannot be made to NE 119th Street.

- A half-width street connecting to NE 114th Street will create a hazardous entrance to the subdivision for multiple reasons (See attached Map):
 - A. NE 114th Street is expected to have a lot of traffic due to multiple residential projects being currently developed along that street & in the near vicinity. It is much more logical and safer to route the traffic entering our proposed subdivision from the east through a proposed full width intersection of NE 124th Ave and NE 114th Street which will be fully developed with controlled access. Please note that there will be a stop sign on 114th Street intersecting with 124th Ave. Therefore, making it much safer for right turn movements verses right turn movements onto a half-width street which will create potential hazards for accidents.
 - B. The completion of a half-width street into a full-width street will most likely never happen since the adjacent parcel (Parcel# 200101-000) is only 0.51 acre in size and will have to do street improvements along the north, south & west. In addition, it has an existing private road easement on the east side of it. This will definitely make this parcel not feasible for development especially that the zoning is R-30 with a minimum density of 18. The parcel will not be able to meet the density nor will it be financially feasible for development. Future right-of-way will take up to half of that parcel thus making it impossible to be developed into high density as it is intended in the R-30 Zoning District.
 - C. There is an existing big tree that is located on the southwest corner of the neighboring property. (Please see attached pictures) The tree will obstruct the corner sight distance looking west onto NE 114th Street and will prevent us from having a safe turn movement access to the west.
 - D. Also, note that the existing driveway to the adjacent parcel lies within few feet from any future half-width street which makes it a hazard for right turn movements as shown on the attached exhibit.
 - E. Vehicular access turning left from NE 114th Street onto the subdivision via NE 126th Avenue will create a safety hazard since it is close to the NE 124th Intersection and cars accelerating after making the right turn movement from NE 124th Ave onto 114th street will create a hazard to any car that is waiting to make a left turn movement onto 126th Ave.
 - F. With the development of this parcel and eventually the parcel to the north, it is much safer to direct traffic heading south or north to use a future full width improved intersection onto NE 124th Ave intersecting NE 116th and NE 114th Street. Eventually, the parcel to the north will have a direct access onto NE 124th Ave that will align with the existing access directly on the west side of that street (As shown on the attached map). Any traffic heading south will be using NE 124th Ave and not our subdivision

to get in or out. Therefore, a north/south street connection to NE 114th Street using NE 126th Ave cannot be served as an alternative to NE 124th Ave.

- G. Finally, as shown on the attached map, there is approximately 1,000 feet between NE 124th Ave and 128th Ave. An alternative location for a north/south road with connection to both NE 114th Street & NE 119th can be located about 200 feet east of our site. This will put the street half way between NE 124th Ave & 128th Ave and be within 500 feet from each road. Therefore, making a much better alternative and much safer with the potential of a better circulation and connection to NE 119th Street. In addition, this will make it safer for traffic turn movement by keeping it within a safe distance from NE 124th Ave as shown on the attached map.

Applicant's Conclusion:

The County should grant a road modification, without strict application of the County's block length standards, because the existing parcel configuration and designated land use impose an unusual hardship on this project and a superior alternative that can achieve the same design purpose and increase safety is available. Application of the standards would also be grossly disproportional to the impacts created by the project.

Road Modification Standards

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

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

As discussed above, an alternative design and location can be achieved by locating a north /south road approximately 200 feet east of our site; thus providing potential future connectivity between NE 114th Street & NE 119th Street. Also, intersecting with NE 119th Street will meet the required minimum intersection spacing on an arterial road. Thus providing a functionally superior (North/South) connection and increases safety Verses NE 126th Ave which cannot be extended beyond our site nor can it be connected to NE 119th Street. Also, a new alternative location will have a block length of approximately 500 feet which is well within the required 800 feet especially that it will be located half way between NE 124th Ave & NE 128th Ave.

Based on the analysis above, we kindly request that the County staff approve the proposed road modification and accept the proposed cross circulation plan as an alternative plan. We greatly appreciate your efforts & coordination on this process.”

Examiner Evaluation

The examiner finds that the applicant has met road modification criteria (c) and hereby approves of the road modification request.

Finding 14 – Sight Distance

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

Landscaping, trees, utility poles, and miscellaneous structures will not be allowed to impede required sight distance requirements at all proposed driveway approaches and intersections. The applicant shall submit a sight distance analysis and show the sight distance triangles on final construction plans. [See Condition A-3.e]

Conclusion (Transportation)

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

Transportation Concurrency

Finding 15 - Trip Generation

The traffic study submitted indicates that the proposed development will divide 5 acres into 65 single family residential attached units. The applicant’s traffic study has estimated the a.m. peak hour trip generation at 36, the p.m. peak-hour trip generation at 41 trips and an average daily trip generation (ADT) of 432 trips. The trip generation was estimated using the nationally accepted data published by the *Institute of Transportation Engineers Ninth Addition*. The proposed development site is located at 12432 NE 114th Street in Vancouver.

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

Finding 16 - Site Access

Traffic conditions are usually expressed using a scale that quantifies the ability of a facility to meet the needs and expectations of the driver. This scale is graded from A to F and is referred to as level-of-service (LOS). A driver who experiences an LOS A condition would expect little delay. A driver who experiences an LOS E condition would expect significant delay, but the traffic facility would be just within its capacity to serve the needs of the driver. A driver who experiences an LOS F condition would expect significant delay with traffic demand exceeding the capacity of the facility with the result being growing queues of traffic.

Congestion, or concurrency, level of service (LOS) standards are not applicable to accesses that are not regionally significant; however, the LOS analysis provides information on the potential congestion and safety problems that may occur in the vicinity of the site.

The traffic study indicates that the proposed subdivision will use NE 124th Avenue, an urban collector (C-2). NE 124th Avenue will provide access to the proposed interior public street network at NE 115th Street, a proposed urban local access road.

The applicant's study evaluated the level of service and found that the site access intersections analyzed will have an estimated LOS B or better, in the 2018 build-out horizon. The study also shows that the LOS was evaluated during the a.m. and p.m. peak hour traffic conditions in existing and build-out scenarios. County Staff concurs with the traffic study findings.

Finding 17 - Clark County Concurrency

The proposed development is required to meet the standards established in CCC 41.350.020(G) for corridors and intersections of regional significance within 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 evaluated the operating levels, travel speeds and delay times for the regionally significant signalized intersections. This analysis showed that individual movements during peak hour traffic conditions had approach delays that did not exceed the maximum 240 seconds, or 2 cycles, of delay in the build-out year.

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

Unsignalized Intersections

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

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

Concurrency Corridors

Evaluation of the concurrency corridor operating levels and travel speeds represented in the County's model yielded operating levels and travel speeds with an acceptable level of service.

Summary

The County has determined that this development can comply with adopted Concurrency Standards for corridors, signalized and unsignalized intersections under County jurisdiction.

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 18 - 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 engineer found that with the low right turning traffic volumes, good levels-of-service and no crash history, turn lanes would not be warranted.

Finding 19 - Historical Accident Situation

The applicant's traffic study analyzed the crash history as obtained from Clark County for

the period January 1, 2010 through July 1, 2015.

The studied intersections are as follows:

- NE 76th Street/NE 117th Avenue (SR 503);
- NE Padden Parkway/NE 117th Avenue (SR 503);
- NE 99th Street/NE 117th Avenue (SR 503);
- NE 119th Street/NE 117th Avenue (SR 503);
- NE 144th Street/NE 117th Avenue (SR 503);
- NE 99th Street/NE 124th Avenue;
- NE 119th Street/NE 124th Avenue;
- NE 119th Street/NE 132nd Avenue; and,
- NE 144th Street/NE 132nd Avenue.

The intersection crash rates, for the study intersections do not exceed thresholds that would warrant additional analysis. Staff concurs with the applicant's finding.

Finding 20 - Roadside Safety (Clear Zone) Evaluation

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

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

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

The applicant shall consider the WSDOT Design Manual – Roadside Safety Mitigation Guidance (Section 1600.04) in the final engineering design of all proposed roadways and frontage improvements. [See Condition A-5.a]

Finding 21 - Vehicle Turning Movements

The applicant's narrative does not indicate the types of vehicles that may serve the proposed development. Curb return radii will need to comply with County requirements.

It shall be noted that, the curb return radii listed in the Clark County Code are minimum criteria and are intended for normal conditions, per CCC 40.350.030 (C)(3). CCC 40.350.030 (C)(3) also states, “The responsible official may require higher standards for unusual site conditions.”

The applicant will need to submit construction plans that show the design of the intersection geometry will accommodate all applicable design vehicles for review and approval. The plans will also need to show that all applicable design vehicles have the ability to enter and exit the development without swinging into opposing or adjacent travel lanes, which may result in no on-street parking areas on the proposed local residential access road, NE 115th Street, at/near the NE 115th Street/NE 124th Avenue intersection. [See Condition A-5.b]

Finding 22 - Sight Distance

Sight distance issues are addressed by other Development Engineering Staff; therefore, this issue will not be addressed here.

Conclusion (Concurrency)

In summary, the examiner approves the development application, subject to the conditions contained herewith.

Stormwater

Finding 23 - Stormwater Applicability

The provisions of Clark County Code Chapter 40.385 shall apply to all new development, redevelopment, and drainage projects consistent with the Stormwater Management Manual for Western Washington (SMMWW) as modified by CCC 40.385 and the county's stormwater manual. The project adds more than 5,000 square feet or more of new impervious surface and therefore the applicant shall comply with Minimum Requirements 1 through 10 per CCC 40.385.020(A)(4). [See Condition A-7.a]

Finding 24 – Stormwater Proposal

The applicant provided a preliminary stormwater technical information report dated August 8, 2015, prepared by Harb Engineering Inc. Water quality is proposed to be managed through Stormwater Filter treatment cartridges. Water quantity control will be managed via infiltration systems consisting of drywells and/or drain rock trenches. The report states the roofs, lot area drains, and low point drains for the structures will be conveyed to individual private infiltration systems and roads, sidewalks, and driveways will be directed to publically maintained stormwater facilities.

Per CCC 40.385.020(C)(1)(a), no new development or redevelopment shall be allowed to materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots. [See Condition A-7.b]

Geo Pacific Engineering, Inc. preformed infiltration testing on October 5, 2015. Tested infiltration rates ranged from 25 to greater than 250 inches per hour. A design infiltration rate of 100 inches per hour with a factor of safety 4 was used for infiltration facility

sizing. Groundwater was not encountered in the test pits as deep as 14 feet below ground surface. Clark County GIS indicates the depth to groundwater is approximately 20 feet below ground surface. The report indicates that the sight investigation was conducted during a historically dry year in the pacific Northwest and additional groundwater information should be provided by installation of piezometers and long-term monitoring. Piezometers shall be installed at the site to monitor the groundwater in order to establish a seasonal high groundwater elevation. [See Conditions A-7.c, C-3.a & C-3.b]

Conclusion (Stormwater)

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

Fire Protection

Finding 25 – Building Construction

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

Finding 26 – Fire Flow

Fire flow in the amount of (1000) gallons per minute supplied for (60) minutes duration is required for this application. Prior to final approval submit proof from the water purveyor indicating that the required fire flow is available at the site. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval. [See Conditions A-12.a & D-6]

One and two family homes over 3,600 square feet (excluding attached garages) will have additional fire protection requirements. Contact the Clark County Fire Marshal's Office for additional information. [See Condition E-2.b]

Finding 27 – Fire Hydrants

Fire hydrants are required for this application. Either the indicated number or the spacing of the fire hydrants is inadequate. Provide fire hydrants such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads. Two (2) hydrants are required. [See Condition A-12.b]

Finding 28 – 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. 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. [See Condition A-12.c]

Finding 29 – Parking

Parking is prohibited on access roads that are less than twenty-four (24) feet wide. Roads that are less than twenty-four (24) feet wide shall be posted "NO PARKING-FIRE LANE". [See Condition C-5]

Conclusion

The examiner 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 29 – Service Availability

The site will be served by the Clark Regional Wastewater District for sewer and Clark Public Utilities for potable water. A letter from each of the purveyors confirms that services are available to the site.

Finding 30 – Sewer Service

The applicant is required to connect to the existing 8-inch PVC sanitary mainline located in NE 124th Avenue. Therefore, prior to construction of the development, the applicant shall procure all required approvals and permits and pay all related fees to Clark Regional Wastewater District pursuant to utility review number 714657. [See Conditions B-4]

Finding 31 – Water Service

The applicant is required to connect to public water services. General requirements are put forth in the utility review letter provided by the Clark Public Utilities RUR #2015-035. Prior to construction of the development, the applicant shall procure all required approvals and permits and pay all related fees to Clark Public Utilities pursuant RUR #2015-035. [See Conditions B-5]

Finding 32 – Public Health Department Evaluation

According to available GIS information, the subject site contains both a septic tank and well which are required to be abandoned or decommissioned. Submittal of a *Public Health Evaluation Letter* is required as part of the Final Construction Plan Review application. If the evaluation letter specifies that an acceptable *Public Health Final Approval Letter* must be submitted, the evaluation letter will specify the timing of when the final approval letter must be submitted to the county such as at Final Construction Plan Review, Final Plat Review or prior to occupancy. The evaluation letter will serve as confirmation that Public Health staff conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer. The *Public Health Final Approval Letter* will confirm that all existing wells and/or septic systems have been abandoned, inspected and approved by Public Health staff, if applicable. [See Condition A-11]

Conclusion (Sewer and Water)

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

Impact Fees

Finding 33 – Impact Fees

The additional residential lots created by this plat will produce impacts on schools, parks, and traffic, and are subject to School (SIF), Park (PIF), and Traffic Impact Fees (TIF) in accordance with CCC 40.610.

- ✓ Orchards North sub-area with a TIF of \$2,730.99 per dwelling
- ✓ Battle Ground School District, with a SIF of \$ 2,469.00 per dwelling
- ✓ Park District #6, with a PIF of \$ 1,127.00 per dwelling (\$806.00 for park acquisition / \$321.00 for park development)

TIF is payable prior to issuance of building permits. If the building permit application is made more than three years following the date of preliminary land division plan approval, the impact fees shall be recalculated according to the then-current rate. [See Conditions D-6.c & E-1]

Finding 34 – Existing Residence

While the subdivision is proposed at 65 total lots, impact fees will be waived for the one (1) existing dwelling that will be removed from the site. Therefore, a note shall be added to the face of the plat which states, “Impact fees for Lot ‘X’ shall be waived at time of building permit application.” [See Condition D-9.h]

D. CONCLUSION

Based on the above findings and discussion, the examiner concludes that PLD2015-00033, SEP2015-00018 and EVR2015-00037 (Marbella Townhomes) should be approved, because it does or can comply with the applicable standards of the Clark County Code and the Revised Code of the State of Washington, subject to conditions of approval necessary to ensure the final plat and resulting development will comply with the Code.

E. DECISION

Based on the foregoing findings and except as conditioned below, the examiner hereby approves PLD2015-00033, SEP2015-00018 and EVR2015-00037 (Marbella Townhomes) in general conformance with the applicant's preliminary plat and the related plans, reports and proposal (Exhibit 1). The approval is granted subject to the requirements that the applicant, owner or subsequent developer (the “developer”) shall comply with all applicable code provisions, laws and standards and the following conditions. These conditions shall be interpreted and implemented consistently with the foregoing findings.

Conditions of Approval

A Final Construction Review for Land Division & Final Site Plan Review and Approval Authority: Development Engineering

Prior to construction, a Final Construction Plan shall be submitted for review and approval, consistent with the approved preliminary plan and the following conditions of approval:

A-1 Land Use –

- a. Parking along the eastern edge of the roadway shall be prohibited. Signs and pavement markings shall be detailed in final construction plans. [See Finding 7]
- b. Dimensions related to driveway width shall be added to the final site plan in order to demonstrate that off-street parking for two (2) vehicles will be provided in the driveway. [See Finding 6]

A-2 Archaeology - The applicant shall submit and obtain county approval of a final construction plan with the following note:
"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."

A-3 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. NE 124th Avenue - The applicant shall dedicate a 30 foot half-width right-of-way and construct a 19-foot half-width roadway with curb/gutter and sidewalk per Standard Drawing 6. [See Finding 12]
- b. NE 116th Street and NE 126th Avenue - The applicant shall dedicate a minimum 29-foot half-width right-of-way and construct a 20-foot width roadway with curb/gutter and sidewalk per Standard Drawing 13. [See Finding 12]
- c. NE 114th Street - The applicant shall dedicate 27-foot half-width right-of-way and construct an 18-foot half-width roadway with curb/gutter and sidewalk per Standard Drawing 12. [See Finding 12]
- d. The rest of the internal roads - The applicant shall dedicate 46-foot 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 12]

- e. The applicant shall submit a sight distance analysis and show the sight distance triangles on the final construction plans for all public road intersections. [See Finding 14]

A-4 Final Transportation Plan/Off Site (Concurrency) – The applicant shall submit a signing and striping plan for review and approval. This plan shall show signing and striping and all related features for required frontage improvements and any off-site improvements. The applicant shall obtain a work order with Clark County to reimburse the County for required signing and striping.

A-5 Final Transportation Plan/Off Site (County Concurrency) –

- a. The applicant shall consider the WSDOT Design Manual – Roadside Safety Mitigation Guidance (Section 1600.04) in the final engineering design of all proposed roadways and frontage improvements. [See Finding 20]
- b. The applicant shall submit construction plans that show the design of the intersection geometry will accommodate all applicable design vehicles for review and approval, unless modified by the County Engineer. The plans will also need to show that all applicable design vehicles have the ability to enter and exit the development without swinging into opposing travel lanes, which may result in no on-street parking areas on the proposed local residential access road, NE 115th Street, at/near the NE 115th Street/NE 124th Avenue intersection. [See Finding 21]

A-6 Transportation –

- a. Signing and Striping Plan: The applicant shall submit a signing and striping plan and a reimbursable work order, authorizing County Road Operations to perform any signing and pavement striping required within the County right-of-way. This plan and work order shall be approved by the Department of Public Works prior to final plat or final site plan approval.
- b. Traffic Control Plan: Prior to issuance of any building or grading permits for the development site, the applicant shall obtain written approval from Clark County Department of Public Works of the applicant's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system.

A-7 Final Stormwater Plan - The applicant shall submit and obtain County approval of a final stormwater plan designed in conformance to CCC 40.385 and the following conditions of approval:

- a. The applicant shall comply with the Clark County Stormwater Manual minimum requirements 1-10. [Finding 23]
- 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.
[Finding 24]

- c. The applicant shall perform groundwater monitoring for at least (1) one wet weather season within three (3) years prior to the date of final approval. [See Finding 24]

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

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.

A-11 Public Health Review - Submittal of a *Public Health Evaluation Letter* is required as part of the Final Construction Plan Review or early grading application. If the evaluation letter specifies that certain actions are required, the evaluation letter will specify the timing of when those activities must be completed, such as prior to Final Construction Plan Review, construction, Provisional Acceptance, Final Plat Review, building permit issuance, or occupancy, and approved by Public Health.

A-12 Fire Marshal Requirements

- a. Fire flow in the amount of (1000) gallons per minute supplied for (60) minutes duration is required for this application. Prior to final approval submit proof from the water purveyor indicating that the required fire flow is available at the site. [See Finding 26]
- b. Fire hydrants are required for this application. Either the indicated number or the spacing of the fire hydrants is inadequate. Provide fire hydrants such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads. Two (2) hydrants are required. [See Finding 27]
- c. 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. 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. [See Finding 28]

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.
- B-4 Sewer** - The applicant shall procure all required approvals and permits and pay all related fees to Clark Regional Wastewater District pursuant to utility review number 714657. [See Finding 30]
- B-5 Water** - The applicant shall procure all required approvals and permits and pay all related fees to Clark Public Utilities pursuant RUR #2015-035. [See Finding 31]

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

- C-1 Land Use** - All buildings shall be removed, with the necessary permits, prior to the completion of civil improvements. [See Finding 1]
- C-2 Parking** - Signs and pavement markings shall be detailed in final construction plans, and shall be placed prior to final construction approval. [See Finding 7]
- C-3 Stormwater** –
 - a. In accordance with CCC 40.385.020(C)(3)(i), before acceptance of any infiltration facility by the county, the completed facility must be tested and monitored to demonstrate that the facility performs as designed. If the tested coefficient of permeability determined at the time of construction is at least ninety-five percent (95%) of the uncorrected coefficient of permeability used to determine the design rate, construction shall be allowed to proceed. If the tested rate does not meet this requirement, the applicant shall submit an additional testing plan to Clark County that

follows the requirements in Chapter 2 of the Stormwater Manual. This plan shall address steps to correct the problem, including additional testing and/or resizing of the facility to ensure that the system complies with the provisions of this chapter. [See Finding 24]

- b. During installation of the infiltration facility, the applicant shall demonstrate that groundwater table is at least 5 feet below the designed elevation of the bottom of the proposed infiltration facility. The system shall be redesigned if the required separation is not achieved. [See Finding 24]

C-4 Verification of the Installation of Required Landscape - The applicant shall provide verification in accordance with CCC 40.320.030(B) that the required landscaping has been installed in accordance with the approved landscape plan.

C-5 Fire Marshal Requirements - Parking is prohibited on access roads that are less than twenty-four (24) feet wide. Roads that are less than twenty-four (24) feet wide shall be posted "NO PARKING-FIRE LANE". [See Finding 29]

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 Setbacks and Building Envelopes - A revised site plan shall be provided which portrays the required 18-foot minimum garage setback for lots 9, 10 and 11. [See Finding 3]

D-2 The plans shall be revised to indicate the required minimum twenty percent (20%) site landscaping. [See Finding 4]

D-3 Abandonment of On-Site Water Wells and Sewage Systems - The location of abandoned septic tanks and decommissioned wells shall be shown on the face of the final plat.

D-4 On-Site Water Wells and Sewage System Requirements - For on-site water wells and sewage system, the following requirements shall be completed:

- a. A 100-foot radius of protection for any wells shall be shown on the final plat map and be located within the boundaries of the land division;
- b. The location of all existing wells (in use, not in use, or abandoned) shall be indicated on the final plat map;
- c. Each on-site sewage system shall be on the same lot it serves;
- d. Test hole locations corresponding to the designated treatment sites shall be surveyed and indicated on the final plat map;

- e. No public or private easements or rights-of-way shall be extended through the approved reserve or existing on-site sewage system sites;
- f. Provisions shall be made to prevent flow or accumulation of surface water over the area where an on-site sewage system is located;
- g. A copy of the county approved final drainage plan shall be submitted for review; and,
- h. All proposed lots shall have a current approved septic system site evaluation or septic system permit. Should either be allowed to expire, subsequent approval of an on-site sewage treatment system cannot be assured and, therefore, Public Health will not sign the final plat.

D-5 Fire Marshal Requirements – Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval. [See Finding 26]

D-6 Developer Covenant - A *Developer Covenant to Clark County* shall be submitted for recording to include the following:

- a. Critical Aquifer Recharge Areas - "The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."
- b. Erosion Control - "Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."
- c. Impact Fees: "In accordance with CCC 40.610, except for one (1) lot designated on the final plat as waived, the School, Park and Traffic Impact Fees for each dwelling in this subdivision are: \$ 2,469.00 (Battle Ground School District), \$ 1,127.00 (\$ 806.00 - Acquisition; \$ 321.00 - Development for Park District #6), and \$ 2,730.99 (North Orchards TIF sub-area) respectively. The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated _____, and expiring on _____. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule."

D-7 Addressing –

- a. At the time of final plat, existing residence(s) that will remain may be subject to an address change. Addressing will be determined based on point of access.
- b. Pursuant to CCC 14.16.030, any renaming of the neighboring street system will require a Type I application, submitted prior to final plat, which must

be accompanied by a petition in support of the name change and signed by one hundred percent (100%) of the property owners with access rights to the existing NE 126th Avenue. [See Public Comments]

D-8 Verification of Landscape Installation - The applicant shall provide verification in accordance with CCC 40.320.030(B) that the required landscape has been installed in accordance with the approved landscape plan. Note: Verification of required right-of-way landscape is listed under "Provisional Acceptance" above.

D-9 Plat Notes - The following notes shall be placed on the final plat:

- a. Mobile Homes: "Mobile homes are not permitted on all lots subject to the requirements of CCC 40.260.130."
- b. Archaeological (all plats): "If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Department of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."
- c. Utilities: "An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."
- d. Driveways: "All residential driveway approaches entering public roads are required to comply with CCC 40.350."
- e. Driveways: "No direct access onto NE 124th Avenue and NE 114th Street is permitted."
- f. 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."
- g. Land Use: "Pursuant to Table 40.220.020-1, single family detached residential uses are not permitted within the bounds of this plat." [See Finding 1]
- h. Impact Fees: "Impact fees for Lot 'X' shall be waived at time of building permit application." [See Finding 34]

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

- E-1 Impact Fees** - The applicant shall pay impact fees based on the number of dwelling units in the building, as follows:
- a. \$ 2,469.00 per dwelling for School Impact Fees (Battle Ground School Dist.)
 - b. \$ 1,127.00 per dwelling for Park Impact Fees (\$ 806.00 – Acquisition; \$ 320.00 – Development for Park District #6);
 - c. \$ 2,730.99 per dwelling for Traffic Impact Fees (North Orchards TIF Sub-area)

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

E-2 Fire Marshal Requirements -

- a. Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. [See Finding 25]
- b. One and two family homes over 3,600 square feet (excluding attached garages) will have additional fire protection requirements. Contact the Clark County Fire Marshal's Office for additional information. [See Finding 26]

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

F-1 None

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

G-2 Department of Ecology Permit for Construction Stormwater - A permit from the Department of Ecology (DOE) is required if:

- The construction project disturbs one or more acres of land through clearing, grading, excavating, or stockpiling of fill material; **AND**

- There is a possibility that stormwater could run off the development site during construction and into surface waters or conveyance systems leading to surface waters of the state.

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

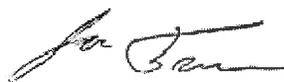
G-3 Building and Fire Safety - Building and fire, life, and safety requirements must be addressed through specific approvals and permits. This decision may reference general and specific items related to structures and fire, life, and safety conditions, but they are only for reference in regards to land use conditions. It is the responsibility of the owner, agent, tenant, or applicant to insure that Building Safety and Fire Marshal requirements are in compliance or brought into compliance. Land use decisions do not waive any building or fire code requirements.

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.

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

DATED this 11th day of December 2015.



Joe Turner, AICP, Hearings Examiner



EXHIBIT LIST

Project Name: Marbella Townhome Project

Case Number: PLD2015-00033

EXHIBIT NO.	DATE	SUBMITTED BY	DESCRIPTION
1	08/20/15	Applicant	Application package
2	09/01/05	CC Land use	Legal Lot Determination
3	09/10/15	CC Land Use	FC Determination Letter
4	9/24/15	CC Land Use	Notice of Type III Application and Hearing
5	9/24/15	CC Land Use	Affidavit of Mailing – Exhibit 4
6	10/05/15	CC Land Use	PCL – Payer & Payer-Tauscher
7	10/08/15	CC Land Use	DAHP Letter
8	10/09/15	CC Land Use	Ecology Letter
9	10/19/15	CC Development Engineering	Road Modification Letter
10	10/19/15	CC Development Engineering	Technical Road Modification Application
11	10/20/15	CC Land Use	Early Issues Email
12	11/03/15	Applicant	Affidavit of Posting Sign
13	11/16/15	CC Land Use	Short Plat 1-663
14	11/17/15	CC Land Use	Emails: Gus Harb
15	11/17/15	Applicant	Revised Development Plans
16	11/17/15	Applicant	Revised Preliminary Stormwater Report
17	11/17/15	Applicant	Circulation Exhibit
18	11/17/15	Applicant	Neighboring Property Constraints
19	11/17/15	Applicant	Revised Narrative
20	11/17/15	Applicant	Revised SEPA
21	11/17/15	Applicant	Revised Road Modification

22	11/17/15	Applicant	Response to PCL
23	11/17/15	CC Land Use	Email: Tauscher
24	11/18/15	CC Land Use	Staff Report and Recommendation
25	11/18/15	CC Land Use	Affidavit of Mailing – Exhibit 24
26	12/3/15	CC Land Use	Corner Lot Dimensions Exhibit
27	12/3/15	CC Land Use	Email to HE re: Condition D1
28	12/3/15	CC Development Engineering	Finding 1 Trip Generation

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