

Appeal, Staff Report and Recommendation to the Hearing Examiner

Project Name:	GREEN MOUNTAIN AIRPORT
Case Number:	APL2018-00007
Request:	Appeal condition of approval from PSR2015-00011 requiring dedication of additional right of way along NE 199 th Avenue
Address:	5530 NE 199 th Avenue
Parcel number(s):	115374-000; 115375-000; 115384-000;115376-000
Appellant/Contact:	Jordan Ramis, PC Jamie Howsley 1499 SE Tech Center, Suite 380 Vancouver, WA 98683 (360)567-3913 Jamie.howsley@jordanramis.com
Staff contact:	Jan Bazala 564.397.4499

Neighborhood Association/Contact: Neighborhood Associations Council of Clark County (NACCC)
Christie BrownSilva, Chair
E-mail: naccc.chair@gmail.com
(360) 326-4353

Date of notice: September 12, 2018

Hearing Examiner: Joe Turner

Public hearing date: September 27, 2018

Revised 9/12/2018



Community Development
1300 Franklin Street, Vancouver, Washington
Phone: 564.397.2375 Fax: 564.397.2011
www.clark.wa.gov/development



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E-mail: ADA@clark.wa.gov

Recommendation**Uphold Planning Director's Determination**Development Engineering Supervisors initials: J.S. Date issued: 9/12/18**Legal description:** Portion of the NW ¼ of Section 17, T2N, R3E; Taxlots 115374-000; 115375-000; 115384-000; 115376-000**Comp plan designation:** Rural-5 & Airport**Applicable Laws**

Clark County Code: Section 40.350, (Transportation), Sections 40.500 and 40.510 (Procedures), and Section 40.520.040 (Site Plan Review)

Project description

The applicant is appealing a condition of site plan review approval for an existing private airport and structures. The site is located on approximately 24.37 acres in the Airport & R-5 zone districts.

This appeal is limited to one condition of approval, namely to dedicate 10 feet of additional right of way along NE 199th Avenue.

Background

In March of 2015 the applicant submitted a preliminary site plan review application. The site plan review for the 24 acre site was submitted to request approval of an existing private airport and associated structures that were developed over time beginning in approximately 1978. The site has been in code enforcement since 2005.

Along with the site plan review application the applicant submitted a road modification request to deviate from the county's transportation code that requires right-of-way dedication and construction of a minimum of a 20-foot paved width along NE Minneapolis Avenue from the subject site to State Route 500 (aka NE 58th Street).

In the road modification request, the applicant showed that required construction and dedication of associated right-of-way would negatively impact adjacent environmentally sensitive areas. The Road Modification Committee (RMC) reviewed the applicant's information and supported the applicant's conclusion that construction of additional roadway width, along with its associated right-of-way on NE Minneapolis Avenue, would cause negative impacts to an adjacent environmentally sensitive area. The applicant's road modification request was approved.

There was no road modification request to deviate from the code requirement to dedicate right-of-way along that portion of public frontage road, NE 199th Avenue, that abuts the subject parcels under site plan review, Clark County Code (CCC) 40.350.030(B)(5)(a). Because of this, staff applied code as written in CCC 40.350.030(B)(5)(a).

Subsequently the Green Mountain Airport Type II Site Plan and Environmental Review Staff Report and Decision PSR2015-00011; SEP2015-00014; BLA2015-00015; EVR2015-00011; HAB2016-00035; WET2016-00032, was issued with conditions on July 18, 2018.

On August 1, 2018 the county received an appeal of condition A-1.a of the decision as stated below:

“The applicant shall dedicate sufficient right-of-way to obtain a half-width right-of-way of 30 feet along the entire frontage of NE 199th Avenue.”

Appeal issues and staff response

The appellant states that the condition “does not satisfy the requirements of federal law because the decision neither performs the individualized determination analysis nor satisfies the rough proportionality test of *Dolan v City of Tigard*, 512 US 374 (1994). These errors violate the federal 5th Amendment.”

Issue #1: “...Condition A-1.a requires dedication of a 10 foot strip of property to widen the NE 199th Ave right-of-way. That condition does not satisfy the requirements of federal law, because the decision neither performs the individualized determination analysis nor satisfies the rough proportionality test of *Dolan v City of Tigard*...” excerpt from Letter dated August 1, 2018 prepared by Jordan Ramis PC Attorneys At Law.

Response to issue #1: Under CCC 40.350.030(B)(5)(a) it is a general requirement, unless already fully developed to the transportation standards, “a partial-width road shall be established and constructed to the applicable right-of-way or easement and improvement standards set out in Section 40.350.030 to that portion of a frontage public or private road which abuts a parcel being developed as a condition of development approval.” Furthermore the code states: The right-of-way or easement width shall be a minimum of one-half (1/2) of that specified in Tables 40.350.030-2 and 40.350.030-3 ...”. Frontage improvements are not required in rural areas outside of Rural Centers, however, dedication of right-of-way is required.

Because this code section is a direct requirement and there was no request for code deviation from the applicant, the code was applied as written. Further, since the submitted documents, both in the land use application and presumed in the appeal narrative, state that there are development related trips that use NE 199th Avenue to access the residential driveway for hanger rental payments and/or access to SR 500 and NE Minneapolis Avenue, the request for NE 199th Avenue right-of-way can be linked directly to development related trips.

Although the applicant has shown that the anticipated trip generation to the adjacent road network will not exceed 10 peak hour trips the statement made by the applicant; “...this site plan review does not provide an adequate factual basis for concluding that the airport and residential uses on the site would create a direct or cumulative burden on the NE 199th right-

of-way...” is not accurate. The trip generation of the subject development is added to the background growth, which represents a cumulative growth of small trip generators in the area. This cumulative growth creates burdens on regionally significant corridors and an intersection in the immediate area, i.e. the regionally significant corridors of SR 500 and NE 199th Street and the regionally significant intersection of SR 500/NE 199th Street.

Issue #2: “Conspicuously absent from this finding is the mandatory individualized determination required by Dolan. ...The absence of a review of the nature and extent of the traffic impact to NE 199th in this evidence and finding are a clear violation of Dolan. The county must quantify its finding beyond a conclusory statement that the half-width dedication is required by the county code. ...” excerpt from Letter dated August 1, 2018 prepared by Jordan Ramis PC Attorneys At Law.

Response to issue #2: CCC 40.350.030(B)(5)(a) states “General Requirement. Unless already fully developed to the transportation standards and subject to the limitations set forth in this section and in Sections 40.350.030(B)(15) and 40.550.010, a partial-width road shall be established and constructed to the applicable right-of-way or easement and improvement standards set out in Section 40.350.030 to that portion of a frontage public or private road which abuts a parcel being developed as a condition of development approval.” Because this project contributes trips to the county’s road system that have not been previously reviewed and accounted for through a prior land use approval, this code section requires dedication of right-of-way as a condition of development approval. Under these circumstances, county code does not require a proportionality analysis. However, the county code does allow the applicant to challenge nexus, rough proportionality, hardship, and constructability claims. This opportunity is found in CCC 40.550.010 – Road Modifications.

As a part of the application received in March of 2015 there was a road modification application received, EVR2015-00011. However, this road modification request deviation from code related to NE Minneapolis Avenue only, as discussed above. There was no request for code deviation related to proportionality regarding the dedication of right-of-way for NE 199th Avenue.

Conclusion

The applicant’s submittal did not provide discussion/justification/analysis, as a part of the road modification request in the land use application, to deviate from the county code requirement to dedicate right-of-way along the NE 199th Avenue frontage. Therefore, staff’s application of the county code to require right-of-way dedication along NE 199th Avenue is justified. County staff will perform nexus and rough proportionality analysis associated with the right-of-dedication, should the applicant decide to submit a road modification that requests waiver of the right-of-way dedication.

Recommendation

Based on the above findings and information in the record, the Development Services Manager recommends the Hearings Examiner DENY the appeal and uphold the Planning Director’s Determination.

Attachments

PSR2015-00011 decision, Attachment "A"

Type II Staff Report and Decision Notice to Parties of Record

Project Name: Green Mountain Airport

Case Number: PSR2015-00011

The attached decision is final unless an appeal is filed with the Department of Community Development.

An **appeal** of any aspect of this decision may be appealed to the Clark County Hearing Examiner by a party of record only. A Party of Record includes the applicant and those individuals who submitted written testimony or a written request to be a "party of record," prior to the issuance of the decision.

The appeal shall be filed with the Department of Community Development within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record.

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.

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

Mailed on: July 18, 2018

Attachment "A"

DS1334

Revised 7/15/13



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



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Type II Site Plan and Environmental Review Staff Report and Decision

Project Name: GREEN MOUNTAIN AIRPORT

Case Number: PSR2015-00011; SEP2015-00014; BLA2015-00015;
EVR2015-00011; HAB2016-00035; WET2016-00032

Location: 5530 NE 199th Avenue

Request: The applicant is requesting Site Plan Review approval for an existing private airport and structures. The site is located on approximately 24.37 acres in the Airport & R-5 zone districts.

Applicant: Jordan Ramis, PC
Jamie Howsley
1499 SE Tech Center, Suite 380
Vancouver, WA 98683
(360)567-3913
Jamie.howsley@jordanramis.com

Contact Person: Same as applicant

Property Owner: Sally Runyan
5530 NE 199th Avenue
Vancouver, WA 98682

Decision
Approved subject to Conditions

Land Use Review Manager's Initials: JE Date issued: 7/18/18



Community Development
1300 Franklin Street, Vancouver, Washington
Phone: 564.397.2375 Fax: 564.397.2011
www.clark.wa.gov/development

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Phone: 564.397.2322
Relay: 711 or 800.833.6384
E-mail: ADA@clark.wa.gov

County Review Staff

Department/Program	Name	Phone Ext.	Email Address
Community Development			
Land Use Review Manager	Susan Ellinger	5122	susan.ellinger@clark.wa.gov
Land Use Review Planner	Jan Bazala	4499	Jan.bazala@clark.wa.gov
Fire Marshal's Office	Dan Young	3318	Dan.young@clark.wa.gov
Environmental Services			
Biologist	Brent Davis	4152	brent.davis@clark.wa.gov
Public Works			
Transportation and Stormwater Engineering Supervisor	Greg Shafer	4064	Greg.shafer@clark.wa.gov
Engineering Team Leader	Ali Safayi P.E.	4102	ali.safayi@clark.wa.gov
Engineer	Ken Burgstahler	4346	Kenneth.burgstahler@clark.wa. gov
Concurrency Engineer	David Jardin	4354	david.jardin@clark.wa.gov

Comp Plan Designation: Rural-5 & Airport

Parcel Number(s): 115374-000; 115375-000; 115384-000; 115376-000

Applicable Laws

Clark County Code: Title 15 (Fire Prevention), Section 40.210.020 (Rural Residential Zoning District), Section 40.230.060 (Airport District), Section 40.320 (Landscaping), Section 40.350, (Transportation), Section 40.350.020 (Transportation Concurrency), Section 40.360 (Solid Waste and Recycling), Chapter 40.386 (Storm Water Drainage and Erosion Control), Section 40.410 (Critical Aquifer Recharge Area), Section 40.440 (Habitat Conservation), Section 40.450 (Wetland Protection Ordinance), Sections 40.500 and 40.510 (Procedures), Section 40.520.040 (Site Plan Review), Section 40.540.010 (Boundary Line Adjustments), Section 40.550.010 (Road Modifications), Section 40.570 (SEPA), Section 40.570 (SEPA Archaeological), Section 40.610 (Impact Fees), Title 24 (Public Health), RCW 58.17, and the Clark County Comprehensive Plan.

Neighborhood Association and Contact

Neighborhood Associations Council of Clark County (NACCC)

Christie BrownSilva, Chair
E-mail: nacc.chair@gmail.com
(360) 326-4353

Stephan Abramson, Vice Chair
Email: abramson@lifescipartners.net
(360) 574-3363

Sue Lintz, Secretary
Email: tonysuel@aol.com
(360) 693-9153

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. Contingent vesting does not apply to stormwater or concurrency standards.

Pre-application conferences on this matter was held in 2008, 2009, 2013, with subsequent pre-application waivers issued in 2015, and lastly on February 15, 2017.

The fully complete application was submitted on May 1, 2017, and determined to be fully complete on May 15, 2017. Given these facts, the application is vested on May 1, 2017. This vesting does not apply to stormwater or concurrency standards.

There are no disputes regarding vesting.

Time Limits

The application was determined to be fully complete on May 15, 2017. The applicant was asked to submit additional information which extended the deadline by 309 days. Therefore, the code requirement for issuing a decision within 78 days lapsed on July 6, 2018.

Public Notice

Notice of application and likely SEPA Determination of Non-Significance (DNS) was mailed to the applicant, the Neighborhood Associations Council of Clark County (NACCC) and property owners within 500 feet of the site on June 27, 2017.

(Note: This site is not located within the boundaries of a recognized neighborhood association.)

Public Comments

Department of Ecology letter via email dated July 12, 2017 (Exhibit 6). The letter notes that erosion control measures will be needed for any site work, and that coverage under a state Construction Stormwater General permit may be needed.

Staff response: See condition A-7

Southwest Clean Air Agency (SWCAA) letter via email dated June 30, 2017 (Exhibit 8). The letter notes that prior to demolition an asbestos inspection is required and SWCAA must be notified.

Staff response: A Clark County demolition permit is required (see condition G-2), and the applicant is notified that the applicant must comply with applicable requirements of SWCAA.

Project Overview

The 24 acre site was developed over time as a private airport beginning in approximately 1978. No building permits or site plan review have been applied for and the site has been in code enforcement since 2005.

The landing strip, which is located on the proposed Parcel 3, appears to have evolved from a grass strip established in approximately 1964. The airstrip was paved at some point between 1978 and 1990. The first of the three main hangars was constructed between 1998 and 2000, and all existing buildings on the site appeared by 2005.

Three large hangars, a 2,720 square foot repair shop, and a 2,522 square foot upholstery shop are located on the proposed Parcel 2.

Parcel 1 contains the main two story residence, a 2,670 square foot hangar, a 2,520 storage garage, a 15,680 square foot pole barn, a medical hardship mobile home, and (according to assessor’s information but not shown on the plans), a 1,440 square foot loft barn with two attached lean-tos, and a 1,200 square foot pole barn, both of which are located southwest of the main residence. The 2,670 square foot hangar and 2,520 storage garage on Parcel 1 are located in the Airport zone. The remainder of the buildings on the proposed Parcel 1 are either wholly or partly located in the R-5 zone and are not considered part of the airport for the purposes of this site plan approval.

Permit history for the site includes residential remodel permits for the main two story residence, and a placement permit for the mobile home. None of the structures associated with the airport use were constructed with building permits, although the 2,520 square foot storage garage appears to have been constructed prior to the need for building permits.

A demolition permit (DMO2016-00069) to remove the 2,522 square foot upholstery shop (Building “G”) has been applied for, but as of November, 2017 the building had not been removed.

Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use
Site	Airport & R-5	Airport & R-5	Airport and residence
North	R-5 & Heavy Industrial	R-5 & Heavy Industrial	Residence, home business, and wrecking yard
East	R-5	R-5	Agricultural use
South	AG & R-10	AG-20 & R-10	Agricultural use and single family residences

West	AG	AG-20	Agricultural use
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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

Land Use Finding 1 – Scope of review

The applicant's narrative is not explicit as to which buildings are proposed to be approved for airport use. The 2,670 square foot hangar and the 2,520 square foot storage building on Parcel 1 have driveways that provide direct access to the runway, and are located in the Airport zone. Thus, these two buildings can be considered for the airport use.

The 15,680 square foot pole barn appears to have no building permits, and most of that building is located in the R-5 zone. Airport uses in the R-5 zone are a conditional use, and since no conditional use permit was applied for, this building, is not approved for airport use.

A summary of buildings on the site and their eligibility for airport use is as follows:

Building Description	Building Identifier	Zoning of building location	Eligible for airport use with building permit?	Permit status	Located on Proposed Parcel
2,670 sf hangar	A	Airport	Yes	No permit	1
2,520 sf storage garage	B	Airport	Yes	Legal non-conforming (pre 1968)	1
5,484 sf hangar	C	Airport	Yes	No permit	2
11,097 sf hangar	D	Airport	Yes	No permit	2
15,652 sf hangar	E	Airport	Yes	No permit	2
2,720 airplane repair building	F	Airport	Yes	No permit	2
2,522 sf upholstery shop	G	Airport	No, does not meet setbacks	No permit (will be removed)	2
Main two story residence	H	R-5	No	Permit for remodel	1
Mobile home	I	R-5	No	Permit for hardship placement	1
1,40 Loft Barn	J	R-5	No	No permit	1
1,200 sf pole barn	K	R-5	No	No permit	1
15,680 sf pole barn	L	R-5/Airport	No	No permit	1

The application narrative proposed to convert the existing hardship mobile home into a guest house. As this mobile home is located in the R-5 zone, it will not be considered part of the site plan review

Land Use Finding 2 – Uses

Private airport.

The application is for a private airport. Lines 6.d and 6.h of Table 40.230.060-1 list “repair, service and storage of aircraft” and “Uses necessary for airport operation such as runways, hangars, fuel storage facilities, control towers, etc.” as Permitted uses.

Airport office.

Section II of the applicant’s narrative references two office buildings, however Section III of the narrative notes that business is conducted out of the main residence and not in a specific space in the applicant’s home, and that all rents are mailed or put in a drop box on the applicant’s home.

In order to segregate airport business uses out of the R-5 zone and to comply with ADA standards, the hangar rent drop box will need to be relocated to Building “F”, so that there will be ADA parking available for the occasional drop off of rental fees. See Condition E-6.

Aircraft repair shop.

As of the fall of 2017, an aircraft restoration shop was occupying the 2,720 square foot building (Building F) on Parcel 2. Repair of aircraft is an allowed use per line 6.d of Table 40.230.060-1.

Storage garage.

The 2,520 square foot storage building (Building "B") is to be limited to storage for items only associated with a permitted use in the Airport zone. See Condition E-16.

Aviation clubs and schools.

Aviation clubs and schools require a conditional use permit in the Airport zone, per Table 40.230.060-1, lines 4 and 5. The narrative states that neither activity occurs on the site or is proposed. See Condition E-16.

Land Use Finding 3 – Setbacks

Setbacks for structures in the Airport zone are 20 feet to the front line, and 50 feet to residential districts for side and rear lot lines. A zero foot setback applies to buildings that do not abut residential districts. The 2,670 square foot hangar (Building "A") on Parcel 1 is within 5 feet of the proposed north property line. While the setback is not a problem in regards to zoning, it may complicate building construction. See Land Use Finding 4 below for more information.

Setbacks for structures in the R-5 zone are 50 feet to the front line, and 20 feet to side and rear lot lines.

Building "G", located in the R-5 zone does not meet the 20 foot setback to its east side property line. It is proposed to be removed and the slab to be re-used for an extension of the parking area.

Buildings "E" and "F" were formerly located in unused right of way of Minneapolis Avenue. The applicant vacated the southern portion of right of way, thus these buildings now meet the setbacks of the Airport zone.

Land Use Finding 4 - Lot Line Adjustment, BLA2015-00015

The site currently consists of four taxlots:

115374-000-21.29 acres per assessor, zoned Airport

115384-000-1.4 acres, zoned R-5

115375-000 -1 acre, zoned R-5

115376-000 – 1 acre, zoned R-5

Total of 24.69 acres

The acreage of the original application was noted as 24.37, but did not reflect the addition of approximately .3 acres that was subsequently gained with the vacation of Minneapolis Boulevard.

The legal lot determination found that the two one-acre lots, and the 21.29 acre lots are legal lots; however the 1.4 acre taxlot 115384-000 was illegally divided from the IH-zoned 5.08 acre taxlot 115378-000, and thus is not a separate legal lot. Thus the site consists of three legal lots.

The proposed boundary line adjustment proposes 3 lots. The illegal taxlot 115384-000 is being integrated into Parcel 2. Since the Heavy Industrial zone has no minimum lot area, taxlot 115384-000 does not need to be re-attached to 115378-000.

Parcels 1 and 2 will be split zoned, which the code does not prevent. Parcel 3 will be entirely Airport zoned. All three parcels will meet the 140 foot lot width of the R-5 zone as applicable, and the 100 foot depth requirement of the Airport zone as applicable.

As noted in Land Use Finding 3, Building "A" is located within a few feet of its north (side) property line. Building "B", located to the east of Building "A" appears to be 10 feet from the north property line (dimensions to the property line are not provided on the plan for these buildings). Since the abutting Parcel 3 is zoned Airport, and the buildings themselves are located in the Airport zone, no setback is required; however, for the purposes of obtaining building permits, a 10 foot setback from the shared property line with Parcel 3 is required to avoid the need for fire resistive construction. See Condition E-12.

If Building "L" is to qualify as an agricultural building for the purposes of not needing a building permit, it will need to be set back 50 feet from all property lines. See Condition E-13.

This BLA approval does not accomplish the adjustment; the applicant must record a boundary line adjustment with the Clark County Auditor's office. See Condition E-1. Prior to issuance of building permits, the property lines in the vicinity of buildings "A", "B" and "L" shall be surveyed and staked so that building inspection staff can locate the property lines in relation to these buildings. See Condition E-2.

Land Use Finding 5 – Parking

The applicant originally proposed informal parking areas at the rear of hangars. Such informal areas do not meet code requirements. In Exhibit 16 the applicant provided evidence to demonstrate that 7 spaces are sufficient for the limited use of the airport.

The 2,720 square foot airplane repair shop requires one space per 750 square feet per Table 40.340.010-4 for a total of 4 spaces for that use, which leaves one parking space per large hangar.

In the revised plan (Exhibit 17, Detail A) the applicant proposed 10 spaces near Building "F", including an ADA space with an accessible route to the repair shop.

Staff finds that the 10 spaces proposed in Exhibit 17 are sufficient.

Per the applicant's proposal (Exhibit 15, approved by the Chief Building Official), one additional ADA parking space is to be provided in a hangar. Provision of this separate ADA space alleviates the need to provide an accessible route between all buildings on the site. See condition F-1.

Land Use Finding 6 – Building Permits

Commercial building permits shall be obtained for all structures used for airport use. In order to convert Building "I" (the expired hardship mobile home) to a guest house, a separate building permit shall be obtained.

Permits for un-permitted non-airport uses (Buildings J, K and L) shall be required at the discretion of code enforcement staff.

Land Use Finding 7 – Landscaping

According to Table 40.320.010-1, a 10 foot wide L-3 buffer is required along the majority of the airport perimeter, with the exception of the border with the Heavy Industrially-zoned taxlot 115378-000 (which requires no buffer) and a 5 foot L-1 buffer abutting the agriculturally-zoned parcel 115510-000 on the west portion of the site.

Most of the site's perimeter already has adequate vegetation to screen the airport uses. Notable exceptions are the areas along the border with the industrial zoned parcel to the north which does not require a buffer, and both ends of the runway.

Staff concurs with the applicant that requiring additional landscaping at the ends of the runway would present a safety issue, and that the existing vegetation around the site is sufficient.

Land Use Finding 8 – Solid Waste

Storage areas for solid waste and recyclables are required in accordance with CCC 40.360. A general location at the southwest corner of Building "F" is indicated on the site plan for solid waste storage.

40,149 square feet of buildings are proposed for airport use. 10 square feet plus four square feet per 1,000 square feet of building equates to an area of 170 square feet of storage that is needed for the airport use. The storage area must be covered and meet the stormwater requirements of 40.360.030.B.3. See Condition E-4.d.

Conclusion (Land Use): Staff concludes that the proposed preliminary plan, subject to conditions identified above, meets land use requirements of the Clark County Code.

Archaeology

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

Archaeological resources were identified in the western part of Parcel 1, and the limits of the site were determined. Because no construction activities are currently proposed, no further archaeological work was required by DAHP at this time. See Exhibit 13. However, in the event that infiltration tests are required to fulfill stormwater conditions, or if other work is proposed on the western half of Parcel 1, a permit will be required from DAHP. See Condition A-2.d.

Conclusion (Archaeology):

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

Habitat and Wetlands

Wetland and Habitat Review staff concurs with the findings in the applicant's wetland delineation report and habitat assessment dated March 2015. Habitat restoration for unpermitted clearing was completed prior to the application becoming Fully Complete and no wetland impacts are proposed or have occurred since CCC 40.450 or its predecessors were initially adopted. All development being permitted is within existing development envelopes that avoid wetlands and wetland buffers, therefore the standard conditions in CCC 40.450.030.F can be waived.

Conclusion (Habitat and Wetlands) :

Habitat and Wetland review staff concludes that the proposed preliminary plan meets habitat and wetland requirements of the Clark County Code.

Transportation

Finding 1 – Circulation

Since frontage improvements or a traffic impact study is not required for this development, a circulation plan will not be required per CCC 40.350.030(B)(2)(a).

Finding 2 – Roads

This site fronts NE 58th Street, which is a state highway in this area (SR 500). Per CCC 40.350.030(B)(5)(b)(2)(a), developments in the rural area are exempt from frontage improvement requirements, but are subject to right-of-way requirements. CCC 40.350(B)(4)(e) states that the required dedication and/or improvements thereto must meet the requirements of the Washington State Department of Transportation (WSDOT). In no case may the requirements be less than the access requirements to be less than a...major collector in rural areas. The existing half-width right-of-way on NE 58th Street is 30 feet, meeting the standard. Additionally, WSDOT has indicated they will not require or accept any additional right-of-way.

This site also fronts NE 199th Avenue, which is classified as a Rural Minor Collector (Rm-2). As noted above, this development is exempt from frontage improvements, but subject to right-of-way requirements. Per CCC Table 40.350.030-2, the minimum half-width right-of-way for this classification of road is 30 feet. The applicant shall dedicate sufficient right-of-way to obtain this standard along the frontage to NE 199th Avenue. See Condition A-1.a.

NE Minneapolis Avenue extends into the site. Portions of this road have been vacated, but the northerly 292± feet remain. The requirements for this Rural Local Access Road include a right-of-way width of 50 feet and a roadway width of 24 feet per CCC Table 40.350.030-2. A turnaround is also required at the south end of the remaining portion of this road. The existing right-of-way is 60 feet, exceeding this standard. The applicant submitted a Road Modification request for relief from the roadway and turnaround improvement requirements. (See Transportation Finding 5, below)

Finding 3 – Access

An existing driveway accesses NE 199th Avenue. There is no posted speed limit on this road, so it is assumed to be 50 MPH per the "Basic Rule" under RCW 46.61.400. According to CCC Table 40.350.030-4, the minimum driveway spacing onto this Rural Minor Collector is 230 feet. The nearest existing driveway is approximately 240 feet to the south. Therefore, this standard is satisfied.

The driveway must be paved from the edge of NE 199th Avenue to the right-of-way, or to 20 feet from the edge, whichever is greater, to comply with CCC 40.350.030(B)(7)(c). This road approach must be constructed in compliance with Standard Drawing F20. The existing driveway meets these standards.

NE Minneapolis Avenue connects with NE 58th Avenue, which is a state highway (SR 500). This is an existing public roadway intersection. Therefore, per WSDOT, no additional permits are required.

Finding 4 – Sight Distance

The approval criteria for sight distances are found in CCC 40.350.030(B)(8). There is no posted speed limit on NE 199th Avenue, so it assumed to be 50 MPH per the “Basic Rule” under RCW 46.61.400. According to CCC Table 40.350.030-8, the required sight distance at the driveway intersection is 500 feet in both directions. The applicant must submit documentation, signed and stamped by an engineer licensed in the State of Washington indicating that this standard has been met. Sight distance must be measured in accordance with CCC 40.350.030(B)(8)(b). See Condition A-1.b.

Finding 5 – Technical Road Modification (EVR2015-00011)

The applicant has submitted a technical road modification (Exhibit #11) that requests relief from the rural local access road standards for NE Minneapolis Avenue and the turnaround at the southern terminus of NE Minneapolis Avenue.

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:

In a road modification narrative prepared by H. Lee & Associates, dated August 28, 2017, the applicant indicates that the primary justification to waive roadway improvements and turnaround along the NE Minneapolis Avenue right-of-way is the existence of wetlands within the right-of-way, as delineated by PBS Engineering and Environmental’s “Wetland Delineation & Habitat Assessment for Green Mountain Airpark.” The presence of a significant amount of wetlands within the NE Minneapolis Avenue right-of-way and required buffer is a physical and

geographic condition which makes roadway impractical for the circumstances, which satisfies criterion CCC 40.550.010(C)(2)(a). Furthermore, the low traffic generation of this private airport is the only traffic on this right-of-way. All other properties in the area have access to other public roads.

CCC 40.350.030(B)(4)(b)(5)(a) allows relief to the turnaround requirement “where it is impractical or excessively costly to meet these requirements due to topography, sensitive areas, natural features, or where application of these standards would be disproportional.” The documented sensitive areas make the installation of a turnaround both impractical and excessively costly.

If NE Minneapolis Avenue was required to be paved with a minimum of 20-foot cross section side slopes, a stormwater facility and a 45-foot radius rural turnaround, it would result impact approximately 16,000 square feet of a Type III wetland that would need to be mitigated. The cost of this mitigation is estimated at \$128,000, which is clearly excessive and grossly disproportional to improve an access that only has sporadic trips utilizing it. In addition, the engineering and construction cost of the roadway, turnaround and stormwater facility is estimated at approximately \$100,000, bringing the overall estimate for these improvements to \$228,000.

The applicant also notes that the driveway serving the easternmost hanger loops at the building and already serves as an adequate turnaround for NE Minneapolis Avenue. This existing gravel turnaround is functionally equivalent for the nominal traffic generated by the hangars and private airport and therefore is a sufficient alternative which satisfies CCC 40.550.010(C)(2)(c) and supports waiver of the turnaround requirement.

Staff's Evaluation:

Staff reviewed both requests. The presence of wetlands in this area and the need to mitigate for any impact to them would be grossly disproportional to the traffic normally generated on this road.

Staff's Recommendation:

Staff recommends APPROVAL of the following Road Modification requests per approval criteria CCC 40.550.010(C)(2) (a) & (d):

- Waiver of the rural local access road standards for NE Minneapolis Avenue (Tables 40.350.030-2 and 40.350.030-3).
- Waiver of the turnaround at the southern terminus of NE Minneapolis Avenue (CCC 40.350.030.B.4.b.(3)(b))

The Development Engineering Division Manager concurs with staff's recommendation.

Conclusion (Transportation):

Staff concludes that the proposed preliminary plan, subject to conditions identified above, is feasible and meets the transportation requirements of the Clark County Code. Therefore, the requirements of the preliminary plan review criteria are satisfied.

Transportation Concurrency

The applicant submitted traffic information under the provisions of Clark County Code section 40.350.020. This application is proposing to permit 30 hanger spaces at the Green Mountain Airport. The applicant's traffic information has estimated the trip generation at less than 10 peak hour trips. Staff concurs with the applicant's findings. Therefore, no additional traffic information is required, and no conditions of approval are warranted.

Conclusion (Transportation Concurrency):

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

Stormwater

Finding 1 – Stormwater Applicability

The provisions of Clark County Code Chapter 40.386 shall apply to all new development, redevelopment and drainage projects consistent with the Stormwater Management Manual for Western Washington (SMMWW) as modified by CCC 40.386 and the county's stormwater manual. This project adds more than 5,000 square feet of new impervious surface. Therefore, the applicant shall comply with Minimum Requirements #1 through #9 per Section 1.4, Book 1 of the Clark County Stormwater Manual 2015. See Condition A-2.a.

Finding 2 – Stormwater Proposal

The applicant provided a preliminary stormwater Technical Information Report (TIR) prepared by PBS Engineering + Environmental, and supporting information, dated June, 2016. This report addresses Minimum Requirements 1 – 9 of the Clark County Stormwater Manual 2015. As this site is developed, the report discusses how stormwater is currently handled.

The roof runoff from the three existing "new" hangars in the northwesterly portion of the site is collected via downspouts and discharged onto splash blocks for dispersion north and south through basic filter strips (BMP T9.40) and discharged onto adjacent vegetation for infiltration.

The applicant did not submit infiltration test results with the submitted TIR, as required by Book 1, Section 2.3 of the Clark County Stormwater Manual. Therefore, the applicant shall provide the required tests, as outlined in Section 2.3. See Condition A-2.b.

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 Condition C-1.

During installation of the infiltration facility, the applicant shall demonstrate that the 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 Condition C-2.

The TIR states that there are existing drainage ditches and culverts in the central part of the site that route runoff from north to south into an existing pond that is part of a seasonal stream that flows onto the site via a culvert under NE 199th Avenue and drains west along the southeast boundary of the site into the existing pond. However, no explanation is given as to how this stormwater system conforms to the requirements of the stormwater code. Therefore, the TIR shall address this onsite drainage system. If necessary, this system shall be modified to meet the provisions of Clark County Code Chapter 40.386 and consistent with the Stormwater Management Manual for Western Washington (SMMWW) as modified by CCC 40.386 and the county's stormwater manual. See Condition A-2.c.

Erosion control is not shown on the preliminary stormwater plan. The erosion control measures will be designed during final engineering. See Condition A-3.

The existing properties do not appear to have an adverse impact to the existing site. The north, west and south is bordered with undeveloped land. The east is bordered by NE 199th Avenue.

The stormwater facilities are to be privately owned and maintained. See Condition A-4.a.

Conclusion (Stormwater):

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

Finding 1 – Critical Aquifer Recharge Area Applicability

The CARA ordinance applies to all critical aquifer recharge areas as defined in Section 40.410.010(C). Based on the county GIS mapping, the proposed project is located in the area of a CARA Category II. Therefore, it is subject to the provisions of the CARA ordinance. The intent is to protect groundwater that may be used in the future for drinking water or business purposes.

The applicant provided documentation indicating that no fueling is done on this site. No fueling or maintenance will be permitted on this site, unless a CARA permit is obtained. (See Conditions A-4.b and E-8)

The proposed infiltration systems are Class V injection wells and require a CARA permit per Section 40.410.020(B). (See Condition A-5)

Conclusion (CARA):

Staff concludes that the proposed Class V injection wells on the property can be approved provided that the applicant submit an Environmental Assessment report to support a conclusion of no degradation to groundwater.

Fire Protection

Finding 1 – Building Construction

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. See Condition E-5.a.

Finding 2 – Fire Flow

There are two options to mitigate the required fire flow and thereby providing adequate fire protection on this site.

Option 1 (preferred)

1. All of the involved buildings would require fire sprinklers.
2. Water for the sprinklers would come from the pond, but first would need to be pumped into storage tanks equipped with the necessary pumping and straining equipment.
3. The quantity of stored water is to be determined based on the sprinkler design area, additional hose line requirements, and fire department needs.
4. The fire protection system would need to be monitored off-site as required by NFPA guidelines.

Option 2

1. Water from the pond would be pumped into storage tanks for fire flow use, which would then supply hydrants via a pump system.
2. The buildings would need to be separated into smaller compartments with construction of fire walls (details to be determined).
3. Each building would have a monitored automatic fire alarm system.

The Fire Marshal recognizes there may be other acceptable solutions to provide fire flow.

The exact fire flow required for each of the buildings, and the number and location of fire hydrants to adequately protect the site have yet to be determined. See Condition E-5.b.

Finding 3 – Fire Hydrants

Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. The local fire district chief approves the exact locations of fire hydrants. The applicant shall provide and maintain a six-foot clear space completely around every fire hydrant. See conditions E-5.c, F-3, and H-2.

Finding 4 – Fire Apparatus Access

Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application adequately 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 capable of supporting the imposed loads of fire apparatus. See Condition H-2.

Finding 5 – Fire Apparatus Turnarounds

Provisions for turning around fire apparatus are adequate.

Finding 6

Buildings provided with automatic fire sprinkler systems shall be provided with a minimum of two fire hydrants. One fire hydrant shall be within 100 feet of approved fire department connections to the fire sprinkler systems. See Conditions E-5.e and F-3.

Finding 7

Fire department connections (FDC) shall be located remote from the building a distance equal to the height of the building at the FDC. See Conditions E-5.f and F-3.

Conclusion

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

Water and Sewer Service

Finding 1 – Provision On-site Sewage

Neither public water nor sewer is available to the site.

A Clark County Public Health Development Review Evaluation dated 6/15/2015 is included in the application. Since that time, a verification of the existing OSS for the airplane repair shop (Building “F”) was found to be inadequate for the proposed use.

A new on-site sewage system will be required for the restroom for this building. The soil logs from the verification were 13 and 27 inches to the restrictive layer which indicates an approved on-site sewage system could possibly be designed for the site. See Conditions E-7.a and F-2.

Finding 2 – Provision of Water

A well exists on Parcel 1 that serves the existing home and the expired hardship mobile home. Either a new well will be required on Parcel 2 for the restroom for Building “F”, or a small public water system approval from CCPH will be required, with a water line easement across Parcel 3. See conditions E-7.b and F-2.

Finding 3 – Water Right for Fire Suppression

The applicant provided an email from Opal Smitherman at the Department of Ecology stating that a water right is not needed for the purposes of fire suppression; however, staff clarified with Ms. Smitherman that water can only be withdrawn for immediate use to fight a fire. Water cannot be withdrawn from a surface water body and stored in a tank for future use without a water right. A subsequent email from Ms. Smitherman notes that groundwater can be withdrawn to fill a water tank provided that the amount withdrawn (including any other water uses provided by the well) does not exceed 5,000 gallons per day. See Condition E-3

Conclusion (Water and Sewer):

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

1. ADA parking spaces off load aisles shall be not less than 8 feet wide.

2. Detectable warning shall be provided where the accessible route on site is flush to the vehicle movement area.
3. Where crossing a vehicular movement area the crossing of such shall be marked with a crosswalk and have detectable warning on each end of the crossing.
4. No less than one parking space shall be van accessible parking.
5. Portable toilets are not allowed per building code. Permanent facilities shall be provided.
6. Proposal of an aircraft repair shop shall be provided with a foam sprinkler system and permitted by both building and fire. Repair shop also required oil separator installation.
8. ADA parking signs are required at head of each ADA parking space and not less than 60-inches to bottom of the sign from grade or finished surfaces.
9. Use of the International Symbol within a parking space shall be 'white on blue'.
10. Storage of other than aircraft within hangers shall be approved by the fire marshal.
11. Building permits shall be obtained for all buildings proposed for airport use.

Conclusion

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

Impact Fees

Finding 1 – Impact Fees

Approval of the airport use will result in impacts to traffic, and is subject to Traffic Impact Fees (TIF) in accordance with CCC 40.610.

The site is in the Rural Traffic Impact Fee area. Based on 30 airplanes, the amount at the time of issuance of this staff report is \$14,266.74

The TIF amounts listed above are an estimate using the current impact fee rates and are subject to change. As found in CCC 40.610.040, impact fees are calculated using the rates in effect at the time of building permit issuance. See condition E-9.

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: