LEILANI RIDGE
APARTMENTS
EARLY GRADING
NARRATIVE

To
Clark County

Applicant
MAJ Development
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Dated
June 23, 2020
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Project Number
2180271.00
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A. Signed Application Forms
B. Proposed Early Grading Plans
C. Geotechnical Report (HartCrowser; January 6, 2020) including Addendum #1 (April 21, 2020)
E. SEPA Checklist
F. Archaeological Pre-Determination (WillametteCRA; October 2, 2018)
G. Arborist Report and Tree Removal Recommendation (Teragan & Associates; April 1, 2020)
H. Report Evaluating Snag Habitat Potential of Deceased Domestic Pine (ELS; February 3, 2020)
I. Email from DAHP confirming receipt of Archaeological Report (October 12, 2018)
J. Email providing written concurrence of Report Evaluating Snag Habitat (WDFW, July 13, 2020).
I. PROJECT SUMMARY

Owner: Leilani Ridge LLC
300 West 15th Street, Suite 200
Vancouver, WA 98660

DEA Properties-7 LLC ET AL
16420 SE McGillivray BV PMB 364
VANCOUVER WA, 98683

Applicant: MAJ Development
300 West 15th Street, Suite 200
Vancouver, WA 98660

Site Address: 14118 NE 35th Avenue
Vancouver, WA 98686

Assessor Site Acreage: Total acreage: 2.88 Acres

Zoning: Office Residential – 30 (OR-30)
University - U

Comprehensive Plan: Urban High Density Residential (UH)
Public Facility (PF)

Adjacent Zoning: Single Family Residential (R1-10) to the north and west. University (U) to the east and Office Residential (OR-30) to the south.

Existing Structures: The site has two existing residential structures and associated outbuildings – these include a single-family house in the approximately center of the site and a manufactured home on the northerly side.

Request: Grading permit with concurrent critical areas permits (Geologic and Habitat), and SEPA.

Project Contact: John Floyd
Mackenzie
101 E 6th Street, #200
Vancouver, WA 98660
(360) 787-7360
jfloyd@mcknze.com
II. INTRODUCTION

Description of Request

Demolition, grading, and construction of retaining walls to prepare an approximately 2.99 acre site located at 14118 NE 35th Avenue for future redevelopment. Associated with the grading and building permits is a critical area permit for development within a geologic hazard (liquification). Existing habitat on site associated with an Oregon white oak will be avoided during grading activities and any ground-disturbing activities will proceed under future permits.

Existing Site & Surrounding Land Use

The project site is approximately 2.88 acres in size. Improvements on the site include a single-family house, a manufactured home, and multiple accessory buildings. Primary access is currently obtained from NE Salmon Creek Avenue. In general, vegetation includes a mix of trees, shrubs and grasses. Species of note on or immediately adjacent to the project site include a 38-inch diameter Oregon white oak in the southeast corner of the site.

The site fronts two public streets, NE 35th Avenue to the North (presently barricaded) and NE Salmon Creek Avenue to the South. The site also includes land that was previously within the right-of-way of NE 35th Avenue. On January 21, 2020, the Clark County Council approved a Final Order of Vacation for the adjoining segment of NE 35th Avenue with one-half of the right-of-way transferred to the applicant and the other half to Washington State University (WSU). Subsequent to the street vacation, WSU quit-claimed their half of the right-of-way to the applicant, placing the entirety of the former roadway within a single ownership. As a result of these actions, the site has approximately 57’ of frontage on NE 35th Avenue, which is classified as a local access road and presently terminated at a barricade. To the south, the site has approximately 98 feet of frontage along NE Salmon Creek, a collector/minor arterial possessing a 60-foot roadway right-of-way improved with a three-lane road and eight-foot sidewalk on both sides of the street. As part of the street vacation, the County reserved easements for utilities and a continuous walkway and biking connection from the terminus of NE 35th Avenue to NE Salmon Creek Parkway.

<table>
<thead>
<tr>
<th>TABLE II-1. SURROUNDING ZONING AND LAND USE</th>
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<tbody>
<tr>
<td>Zone</td>
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<tr>
<td>----------------------------------------</td>
</tr>
<tr>
<td>Site: OR-30 Office Residential / U University</td>
</tr>
<tr>
<td>South: OR-30 Office Residential</td>
</tr>
<tr>
<td>North: R1-10 Single Family Residential</td>
</tr>
<tr>
<td>West: R1-10 Single Family Residential</td>
</tr>
<tr>
<td>East: U University</td>
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</tbody>
</table>

Clark County GIS indicates slopes exceeding 15% along the south boundary of the property. Clark County GIS has labeled an area running from the southwest to northeast as a Severe Erosion Hazard area. Finally, 62% of site is designated as moderate in the archaeological predictive model and 38% of the site is designated as moderate to high.
Description of Proposed Development

The proposed development generally consists of the following scope of work:

- Demolition of all existing structures and asphalt.
- Grading and stabilization of the site consisting of approximately 2,730 cubic yards of soil.
- Critical areas review to authorize work within the dripline of an Oregon white oak (Garry oak), necessary to protect life and property and the health of the oak tree.
- Critical areas review to authorize work within a geologic hazard area.
- Construction of three retaining walls (under separate permit).
Aerial Image – Project Site

185961000
2.88 AC
Net dev'l: 2.34 AC
III. NARRATIVE & COMPLIANCE

Title: 14 BUILDINGS AND STRUCTURES
Response: The applicant will submit building plans for the proposed retaining walls, and the plans will be reviewed for compliance with the applicable standards by County officials prior to beginning construction. With approval of the building plans, these standards will be met.

Title 15: FIRE PREVENTION
Response: Building plans will be reviewed for compliance with the applicable standards by County officials, including the fire marshal, prior to beginning construction on the project. These standards are met.

Title 40: Clark County, Washington, Unified Development Code [Land Use]

40.320 LANDSCAPING AND SCREENING

40.320.010 Landscaping and Screening on Private Property

F. Establishing Setback Standards for Retaining Walls and Fences.

1. This section regulates the height of retaining walls and fences along the perimeter of sites. Building codes specify the circumstances under which retaining walls and fences require building and grading permits. Changes to stormwater runoff resulting from construction of retaining walls are subject to Chapter 40.386.
Response: The proposal includes the use of retaining walls. These standards apply.

2. Construction of private retaining walls or fences within public rights-of-way is prohibited. Exceptions to this prohibition require approval of the Public Works Director.
Response: The proposed retaining walls are not located within a public right-of-way. This standard is met.

3. The construction of retaining walls four (4) feet or less in height and fences seven (7) feet or less in height may be constructed within easements. This subsection does not exempt retaining walls or fences from otherwise applicable easement provisions.
Response: The proposed development does not include the construction of retaining walls within easements. This standard does not apply.

4. The construction of retaining walls in excess of four (4) feet in height and fences in excess of seven (7) feet in height shall meet the setback requirements of the underlying zone, except as authorized below. The height of a fence on top of retaining walls shall be measured to the grade at the bottom of the wall. Each of the following is an exception to the height and setback requirements of Section 40.320.010(F)(4):

   a. Retaining walls taller than four (4) feet may be placed within setbacks by using a series of retaining walls four (4) feet high or less that are separated a minimum of eight (8) feet, provided the area between walls is maintained in ground cover or shrubs. The total height of a series of walls within the building setback shall not exceed eight (8) feet. Landscaping shall be maintained consistent with
Section 40.320.010(G)(6). Fences are allowed on top of such walls consistent with Section 40.320.010(F)(4)(h) and Figure 40.320.010-8;

b. The exposed faces of retaining walls over four (4) feet in height must be directed toward the interior of the lot;

c. The retaining walls and/or fences are constructed as part of the site improvements prior to a final plat, and located between lots within the development. Retaining walls on the perimeter of the plat may not use this exception, except as allowed under subsection (F)(4)(d) of this section;

d. Retaining walls and/or fences abutting a road right-of-way or road easement; subject to the following:
   (1) The wall or fence does not block required sight distance;
   (2) Walls and/or fences over twelve (12) feet in height will be reviewed for potential shading and visual impacts beyond the right-of-way or easement.
      The Community Development Director may impose conditions on the design and setbacks of such walls if needed to mitigate impacts;

e. The retaining wall and/or fence is constructed between lots under the same ownership;

f. Permission to exceed the height limits within the setback is granted in writing from the abutting property owner;

g. The retaining wall and/or fence is abutting commercial or industrial zoned property or legally permitted nonresidential uses;

h. Non-sight-obscuring fences such as chain link or wrought iron seven (7) feet high or less and sight-obscuring fences forty-two (42) inches high on top of retaining walls no greater than four (4) feet tall are allowed within setbacks per Figure 40.320.010-8.

Response: The proposed development includes one retaining wall that will be located within a setback. The exposed face of the wall is no greater than 4 feet in height and is directed inward towards future building pads. One retaining wall exceeds 4 feet in height but is located within the approximate center of the site and faces the interior of the site. These standards are met.

5. Building codes for retaining walls may require setbacks that are greater than those required by Section 40.320.010(F)(4).

Response: Proposed retaining walls are not anticipated to require setbacks beyond those listed in Clark County Code 40.320.010(F)(4). This standard does not apply.

6. These height and setback limitations do not apply to fences required by state law to enclose public utilities, or to chain link fences enclosing school grounds or public recreation areas.

Response: The proposed development does not include fences required by state law to enclose public utilities, or to chain link fences enclosing school grounds or public recreation area. This standard does not apply.

40.386 STORMWATER AND EROSION CONTROL PLAN

40.386.020 Standards – Stormwater Control
A. The Clark County Stormwater Manual is adopted by reference, and the requirements contained therein will be the minimum standards for this chapter except as modified in this chapter.
B. Where provisions of this chapter conflict with other Title 40 requirements, the more stringent shall apply.
40.386.030 Administration

A. General.
   1. An applicant proposing any new development, redevelopment, land-disturbing activity or drainage project governed by this chapter shall submit to Clark County the plans, studies, and information described in the Clark County Stormwater Manual. The purpose of the stormwater plan is to determine whether a proposal can meet the requirements set forth in this chapter.
   2. All plans, studies, and reports submitted pursuant to this chapter must be stamped, signed and dated by an engineer, and other licensed professionals if appropriate, responsible for their preparation.
   3. Stormwater site plans are exempt from the requirement to be prepared by an engineer for projects that only apply minimum requirements No. 1 through No. 5 for construction of agricultural or residential buildings and their appurtenances on an existing lot. Alterations to an existing site plan prepared by a licensed engineer are not exempt.

Response: As required for land-disturbing activity, a stormwater development plan and stormwater technical information report have been prepared according to the standards of the Clark County Stormwater Manual and signed by an engineer licensed in the State of Washington. This standard is met.

B. Preliminary Stormwater Plan.
   1. As part of a land use application, the applicant shall submit a preliminary stormwater plan meeting the requirements of the Clark County Stormwater Manual for all new development, redevelopment, land-disturbing activities or drainage projects not exempted by Section 40.386.010(C).
   2. A preliminary stormwater plan submittal shall consist of a preliminary development plan and a preliminary technical information report (TIR). The engineer shall include a statement that all required information is included and that the proposed stormwater facilities are feasible.

Response: A Stormwater TIR with the required statement of feasibility has been prepared according to the standards of the Clark County Stormwater Manual. This standard is met.

C. Final Stormwater Plan.
   1. The applicant shall submit a final stormwater plan and shall obtain approval of the final stormwater plan from the responsible official prior to beginning construction related to any new development, redevelopment, land-disturbing activity or drainage project not exempted by Section 40.386.010(C). The final stormwater plan provides final engineering design and construction drawings in accordance with the Clark County Stormwater Manual.

Response: A Final Stormwater TIR with the final engineering and construction drawings will be submitted for approval prior to any construction related development. This standard will be met.

   2. The final stormwater plan must include a construction stormwater pollution prevention plan (SWPPP) prepared in accordance with the Clark County Stormwater Manual for any new development, redevelopment, land-disturbing activity or drainage project not exempted by Section 40.386.010(C).

Response: A final stormwater plan containing a SWPPP has been prepared in accordance with the Clark County Stormwater Manual. This standard will be met.
3. If a final stormwater plan differs from the approved preliminary stormwater plan in a manner that, in the opinion of the responsible official, raises significant water quality or quantity control issues, it shall require another SEPA determination (if subject to the State Environmental Policy Act (SEPA)) and a post-decision review, in accordance with Section 40.520.060.

Response: This provision guides post-land use approval implementation and review of construction permit submittals. Additionally, a final stormwater plan has been submitted with this application. No evidence, submittal or response from the applicant is required.

   1. For a land use application requiring a public hearing, the Hearings Examiner shall consider the preliminary stormwater plan in accordance with the procedures applicable to the land use application. All other preliminary stormwater plans shall be acted on by the responsible official within the timeline for the preliminary land use decision.

Response: A public hearing is not required for this application. This standard does not apply.

E. Inspection. The responsible official shall inspect all new development, redevelopment and drainage projects to ensure compliance with this chapter and the standards of the Clark County Stormwater Manual.
   1. The project applicant must schedule a preconstruction conference and preconstruction inspection to ensure that stormwater and erosion control BMPs are in place and access to public right-of-way is properly installed.
   2. The project applicant shall obtain approval on all inspections necessary to manage the project and comply with the Clark County Stormwater Manual.
   3. The project applicant shall inspect all temporary erosion and sedimentation BMPs throughout construction to verify proper installation and maintenance of required soil erosion and sediment controls.
   4. The responsible official shall inspect new development, redevelopment and drainage projects sites upon completion of construction and before final approval/occupancy to verify proper installation of permanent erosion controls, stormwater facilities, and BMPs and compliance with Chapter 40.386 and the Clark County Stormwater Manual.

Response: The requirement for a preconstruction conference and inspection is noted and will be requested by the applicant. All necessary inspections shall be requested, and approval obtained necessary to manage the project. All BMPs will be properly installed and maintained. These standards will be met.

F. Acceptance. When the project applicant requests construction acceptance of stormwater facilities the applicant shall follow the procedures set forth in the Clark County Stormwater Manual.

Response: The applicant will follow the procedures of the Clark County Stormwater Manual. This standard will be met.

G. Record Drawings.
   1. Upon completion of the construction of conveyance systems, stormwater treatment facilities, flow control facilities and structural source control BMPs (excluding the construction of on-site stormwater management BMPs) and prior to final inspection approval, the applicant shall submit to Clark County record drawings of the full stormwater plan prepared and stamped by a licensed engineer.
   2. The drawings must accurately represent the project as constructed. They must depict the actual vertical and horizontal locations of roads and drainage facilities constructed on and
off site as part of the development, redevelopment, land-disturbing activity or drainage project. Record drawings must be stamped, signed and dated by an engineer and must meet the standards contained in the Clark County Stormwater Manual.

Response: Record drawings accurately representing the project will be submitted for all required locations, and will be stamped, signed, and dated by an engineer. This standard will be met.

40.430 GEOLOGIC HAZARD AREAS

40.430.010 Introduction

B. Applicability and Exemptions.
1. Applicability. This chapter applies to all construction, development, earth movement, clearing, or other site disturbance which requires a permit, approval or authorization from the county in or within one hundred (100) feet of a geologic hazard area except for exempt activities listed in Section 40.430.010(B)(3). Regulated geologic hazards include steep slope hazard areas, landslide hazard areas, seismic hazard areas, and volcanic hazard areas.

Response: The project will result in construction, development, clearing, and earth movement within geologic hazard area. A Geotechnical report submitted with this application concluded there are no areas on the project site that meet the definition of steep slope hazard areas or landslide hazard areas. The site is, however, susceptible to liquefaction. Therefore, these standards apply.

40.430.020 Standards

A. General.

The following requirements for development activities in geologic hazard areas list prohibited activities, buffer requirements, and setback requirements. The following section describes required buffers and setbacks, and general requirements for development activities in geologic hazard areas.

1. Development on steep slope hazard areas is regulated to prevent potential landslide damage by placing improvements away from steep slopes and leaving steep slopes in natural vegetation.

2. Development in landslide hazard areas is generally not allowed, and requires buffers that keep vegetation in a natural state on and around the landslide hazard area.

3. Seismic hazards due to liquefaction, ground shaking amplification and landslides exist for large areas of the county. Only detailed site analysis can determine how soils and structures will respond at a particular site. Site investigation requirements of the International Building Code are used to ensure that structures are built to minimum safety standards based on existing knowledge of earthquake hazard. Section 40.430.020(F) provides additional guidelines describing where site investigations should be required for seismic design.

4. If an applicant wishes to perform development activities not allowed by Sections 40.430.020(D) and (E), a geologic hazard area study meeting the requirements of Section 40.430.030(C)(5) must be completed. The development proposal may be approved, approved with conditions, or denied based on the responsible official’s evaluation of the suitability of the mitigation measures proposed by the geologic hazard area study to protect life, safety, and slope stability on abutting properties.

Response: A geologic hazard study has been completed and submitted with this application. As previously noted, the report concluded there are no areas on the project site that meet the definition of steep slope
hazard areas or landslide hazard areas. The site is, however, susceptible to liquefaction and the report included site specific recommendations to mitigate for this hazard. This standard is met.

B. Erosion Requirements.

All activities on hillsides subject to severe erosion hazard must minimize erosion by following management practices prescribed by the erosion control standards of Chapter 40.386.

Response: The stormwater and erosion control standards required in Chapter 40.386 will be followed. These standards will be met.

C. Stormwater Requirements.

For projects within one hundred (100) feet of steep slope hazard areas or landslide hazard areas, runoff shall not be infiltrated into the ground. Runoff should be directed through a water-tight pipe beyond the base of the slope or landslide area and discharged to a suitable drainage way. An energy dissipating device shall be placed at the discharge point.

Response: All stormwater runoff will be directed off-site to a public storm drain system with no proposed infiltration on site. This standard is met.

D. Steep Slope Hazard Areas.

1. Except for mineral extraction practices, development activity on or within one hundred (100) feet of slopes steeper than forty percent (40%) that do not have a mapped or designated landslide hazard shall comply with the requirements of this section.

2. Buffer and Setback Distances.

a. Activities at the base of ascending slopes (building at the bottom of a steep slope):
(1) For slopes greater than or equal to forty percent (40%) and less than one hundred percent (100%), buffers shall extend a distance away from the toe of the slope that is equal to the vertical height of the slope divided by two, but not to exceed fifteen (15) feet (Figure 40.430.020-1). For slopes less than one hundred percent (100%), the toe of the slope is defined as a distinct break in slope at the base of a steep slope.
(2) For slopes greater than one hundred percent (100%), the buffer shall extend a distance back from the toe of the slope equal to the height of the slope divided by two, not to exceed fifteen (15) feet. The buffer shall be measured horizontally from a plane drawn tangent to the top of the slope at an angle of forty-five (45) degrees to the proposed structure (Figure 40.430.020-3).
(3) The setback shall be eight (8) feet beyond the buffer.

b. Activities at the tops of descending slopes (building at the top of a steep slope):
(1) For slopes greater than or equal to forty percent (40%) and less than one hundred percent (100%), buffers shall extend a distance back from the top of the slope equal to the vertical height of the slope divided by three (3), but not to exceed forty (40) feet. The top of the slope is defined as a distinct break in slope at the top of a steep slope (Figure 40.430.020-1).
(2) For slopes greater than one hundred percent (100%), the buffer shall extend a distance back from the top of the slope equal to the height of the slope divided by three (3), but not to exceed forty (40) feet. The buffer shall be measured horizontally from a plane drawn at forty-five (45) degrees (one hundred percent
An (100%) slope) from the toe of the slope to the proposed structure (Figure 40.430.020-2).

3. The setback shall be eight (8) feet beyond the buffer.

For projects not required to have a landslide protection area under Section 40.430.030(B), the setback from the steep slope shall be equal to the buffer distance set in this subsection.

3. The responsible official may approve buffers and setbacks which differ from those required by Section 40.430.020(D)(1) if the applicant submits a geologic hazard area study described in Section 40.430.030(C), which technically demonstrates and illustrates that the alternative buffer provides protection which is greater than or equal to that provided by the buffer required in Section 40.430.020(D)(1).

4. The responsible official may increase buffers or setbacks where necessary to meet requirements of the International Building Code.

5. All portions of steep slope hazard areas and steep slope buffers on the site which are planned to be undisturbed by permitted development activities shall be designated as landslide protection areas in accordance with Section 40.430.030(B).

6. Other than for exemptions listed in Sections 40.430.010(B)(3) and 40.430.030(B), vegetation removal is not allowed on slopes over forty percent (40%) without an approved geologic hazard area study described in Section 40.430.030(C)(5).

Response: A geologic hazard study has been completed and submitted with this application. As previously noted, the report concluded there are no areas on the project site that meet the definition of steep slope hazard area. These standards do not apply.

E. Landslide Hazard Areas.

1. A development proposal on a site containing a landslide hazard area shall meet the following requirements:
   a. A minimum buffer of fifty (50) feet shall be established from all edges of the landslide hazard area. The buffer shall be extended as required to mitigate a steep slope or erosion hazard or as otherwise necessary to protect the public health, safety and welfare. In cases where the diameter of the landslide area is smaller than fifty (50) feet, the buffer width may be reduced to less than fifty (50) feet at the discretion of the department;
   b. All portions of landslide hazard areas and buffers shall be designated as landslide protection areas in accordance with Section 40.430.030(B).

2. Other than exempt activities, clearing or alteration of a landslide is allowed only if the following are met:
   a. A development proposal does not decrease slope stability on contiguous properties;
   b. Mitigation is based on best available engineering and geological practice and is described in an approved geologic hazard area study as specified in Section 40.430.030(C)(5);
   c. Such clearing or alteration of a landslide is certified safe as designed and under anticipated conditions by a registered geotechnical engineer or geologist licensed in the state of Washington.
3. Neither buffers nor a landslide protection area will be required if the activity meets the requirements of Section 40.430.020(E)(2).

Response: A geologic hazard study has been completed and submitted with this application. As previously noted, the report concluded there are no areas on the project site that meet the definition of a landslide hazard area. This standard does not apply.

F. Seismic Hazard Areas.

1. Development activity in a seismic hazard area shall meet all applicable provisions of the most recently adopted version of the International Building Code, as adopted by the county.

2. Buffers are not required for seismic hazard areas, except for fault rupture hazard areas where the buffer will be a minimum of fifty (50) feet and shall be one hundred (100) feet for critical facilities.

Response: The site contains areas prone to liquefaction which are included in the definition of a seismic hazard area. Development on the site will meet the most recently adopted version of the IBC. A fault rupture hazard area is not located on the site, nor is a critical facility. These standards are met.

40.430.030 Administration

A. Binding Pre-Determination.

Prior to submittal of a triggering application, a person may request from the responsible official, through a Type II application process described in Section 40.510.020, a written binding pre-determination of whether a probable regulated geologic hazard area exists on or within one hundred (100) feet of any parcel less than forty (40) acres. The pre-determination shall be binding on the responsible official for a period of three (3) years; provided, that such pre-determination shall be subject to administrative appeal upon its application in conjunction with a triggering application. The fee for a pre-determination is set forth in Chapter 6.110A. A complete pre-determination shall include a list of the submittal requirements for a site description under Section 40.430.030(C)(4). Additional submittal requirements may later be required as a part of a geologic hazard area study under Section 40.430.030(C)(5) if the proposal intends to develop within a steep slope or landslide hazard area, or their buffers.

Response: This is an optional process that has not been requested.

B. Establishment of Landslide Protection Areas.

1. Steep slope hazard areas and landslide hazard areas and buffers for which permanent protection is required pursuant to Sections 40.430.020(D) and (E) shall be designated landslide protection areas.

2. Landslide protection area requirements apply only to site plans and land divisions.

3. For all development activities subject to this section, landslide protection areas shall be delineated on binding site plans and plots which shall be recorded with the County Auditor.

4. A conservation covenant applicable to the designated landslide protection area shall be recorded in a form approved by the Prosecuting Attorney as adequate to incorporate the restrictions of this chapter.

5. Prior to any site development activity, the applicant shall mark with temporary markers in the field the boundary of all landslide protection areas required by this chapter, or the limits of the proposed site disturbance outside of the landslide protection areas, using methods and materials acceptable to the county.
6. Landslide protection area boundaries shall be permanently marked on the site prior to final inspection by the county using methods and materials acceptable to the county.

7. Vegetation clearing requirements for development in landslide protection areas, steep slope hazard areas and landslide hazard areas.
   a. Clearing or vegetation removal in landslide protection areas, steep slope hazard areas or landslide hazard areas or their buffers is prohibited except for:
      (1) Activities included in an approved geologic hazard area study as defined in Section 40.430.030(C)(5);
      (2) Limited vegetation removal for surveying and testing necessary for development approvals;
      (3) Emergency or fire hazard removal authorized by the fire marshal;
      (4) Removal of nuisance vegetation using methods which minimize disruption of soil and non-nuisance vegetation;
      (5) Clearing necessary for placement or maintenance of fencing;
      (6) Clearing necessary for hillside vegetation restoration;
      (7) Clearing necessary for vegetation or resource conservation projects authorized by a public agency; and
      (8) Clearing for three (3) foot wide or narrower foot paths surfaced with wood, soil or gravel.
   b. Proposals for clearing may also be subject to other critical areas regulations. Wildlife habitat near streams, which have clearing requirements under the habitat conservation regulations, often overlap with steep slopes included in geologic hazard areas.

Response: A geologic hazard study has been completed and submitted with this application. As previously noted, the report concluded there are no areas on the project site that meet the definition of steep slope hazard areas or landslide hazard areas. These standards do not apply.

C. Submittal Requirements.

1. For development activity regulated by this chapter, submittal requirements will vary depending on the type of project and the type of hazard mitigations that are proposed. Pursuant to Section 40.500.010, a review of a geologic hazard area will be conducted in conjunction with the primary development application. Projects are required to submit a basic site description sufficient to verify that the location of proposed building and access road improvements comply with buffers, setbacks, and vegetation preservation required by Sections 40.430.020(D) and (E). If a regulated activity is proposed within a geologic hazard area, additional information in the form of a geologic hazard area study must be provided to assure the project is feasible and will not cause an increased geologic hazard. The information required for a site description is included in Section 40.430.030(C)(4). The requirements for a geologic hazard area study for projects wishing to build in a geologic hazard area are included in Section 40.430.030(C)(5). To avoid duplication, the information required by this section shall be coordinated by the county with the assessments and requirements for other associated permits.

Response: A geologic hazard study has been submitted in compliance with this section. This standard is met.

4. Site Description. As part of the development permit application, the following information describing the subject property and areas within twenty-five (25) feet of the property lines
or smaller area of concern as deemed appropriate by the responsible official, drawn to an engineering scale no larger than one (1) inch equals twenty (20) feet (1" = 20') and no smaller than one (1) inch equals one hundred (100) feet (1" = 100') as deemed appropriate by the responsible official:

a. The site boundary lines;
b. The topography at contour interval of no greater than five (5) feet;
c. The location and size of all existing and proposed site improvements including structures, wells, drainfields, drainfield reserve areas, public and private right-of-way easements, and utilities;
d. The location of all drainage-flow characteristics, streams, groundwater seeps, springs, and evidence of seasonal surface water runoff or groundwater;
e. The location and extent of all existing and proposed grading activities and existing natural or artificial drainage control facilities and systems;
f. The location and description of all geologic hazards located on the site and observed on properties within one hundred (100) feet of site boundaries;
g. The general location of all vegetation and the general location, number and description of all trees over six (6) inch diameter measured three (3) feet above the ground; and
h. The location of all proposed buffers and setbacks.

Response: The information requested above has been provided within the proposed plans and Geological Technical Report. This standard is met.

5. Geologic Hazard Area Study. A geologic hazard area study is required if the proposed development does not comply with requirements of Sections 40.430.020(D) and (E). Geologic investigation may also be required in some cases to meet International Building Code requirements for foundations and for seismic design. Geologic hazard area studies shall be prepared, stamped and signed by a registered geotechnical engineer or geologist who meets the requirements defined in Section 40.100.070. Based on the site characteristics and the information submitted by the applicant, the responsible official may require all or part of the following information to be included in a geotechnical report:

a. The requirements for the site description listed above in Section 40.430.030(C)(4);
b. Site geology information:
   (1) Topographic contours at two (2) foot intervals or as specified by the responsible official;
   (2) Subsurface data that includes the exploration method, location of soil borings, borings, logs, soil and rock stratigraphy and groundwater levels including seasonal changes;
   (3) The location of landslides, or down-slope soil movement, faults, and geologic contacts on the subject property and adjacent properties;
   (4) A site history that describes any prior grading, soil instability or slope failure; and
   (5) A description of the site vulnerability to seismic events;
c. Geotechnical Information and Plan Requirements.
   (1) A slope stability study and opinion of slope stability on the subject property and adjacent properties;
   (2) Grading plan;
   (3) Structural foundation requirements and estimated foundation settlements;
(4) Soil compaction criteria;
(5) Allowable soil-bearing pressure for foundations, minimum footing widths, piling recommendations for foundations, and design pressure for retaining walls;
(6) Laboratory data and soil index properties for soil samples;
(7) Suitability for fill;
(8) Lateral earth pressures;
(9) Description of erosion vulnerability and an erosion control plan as required in Chapter 40.386;
(10) An evaluation of proposed surface and subsurface drainage in a stormwater control plan as required in Chapter 40.386;
(11) Building limitations; and
(12) A vegetation management and restoration plan or other means for maintaining long-term stability of slopes;

d. A site evaluation that describes the suitability of the site to accommodate the proposed activity;
e. Such additional information describing existing physical features for the site and surrounding area as required by the responsible official to complete review of the project under standards of the International Building Code.

Response: A geotechnical report containing the information above has been prepared and submitted with this application. This standard is met.

40.440 HABITAT CONSERVATION

40.440.010 Introduction

A. Purpose.

The purpose of this chapter is to further the goal of no net loss of habitat functions and values within designated habitat areas by protecting environmentally distinct, fragile and valuable fish and wildlife habitat areas, as defined in Section 40.440.010(C), for present and future generations, while also allowing for reasonable use of private property. This chapter intends to conserve the functional integrity of the habitats needed to perpetually support fish and wildlife populations.

1. These purposes are to be carried out by reviewing impacts of proposed activities within designated habitat areas, and through the development of education, outreach and incentive programs. Review under this chapter shall be based on best available science and the mandates of the Washington Growth Management Act, and shall include consultation with the Washington Department of Fish and Wildlife (WDFW). The county shall emphasize education and voluntary conservation options prior to regulatory enforcement.

2. Within areas designated by this chapter, development or clearing activities which degrade habitat should generally be avoided where possible. However, activities listed as exempt in this chapter can be undertaken in habitat areas without additional review. Activities not listed as exempt can be undertaken following county review if they do not substantially diminish the habitat functions and values present.

3. It is the intent of the board that this chapter be administered with flexibility and attention to site-specific characteristics.
4. The provisions of this chapter dealing with existing agricultural activities are designed to balance conflicting Growth Management Act goals to preserve both agricultural uses and habitat areas, and recognize:

a. That the maintenance and enhancement of natural resource-based industries, including agriculture, is a goal of the state Growth Management Act;

b. That any regulation should be consistent with the “right to farm” provisions in Chapter 9.26 of this code;

c. That agricultural lands can provide habitat;

d. That habitat protection must relate to the baseline of existing functions and values given historic agricultural practices, rather than seeking to restore pre-agricultural conditions;

e. That since agricultural activities are dynamic, habitat functions and values can be expected to fluctuate during the course of an agricultural cycle, which fluctuation must be considered in identifying existing functions and values; and

f. That it is expected that continuation of existing agriculture will not degrade existing functions and values unless sediment, nutrients, or chemicals are allowed to enter streams, or existing beneficial canopy in close proximity to streams is significantly degraded.

Response: Clark County GIS does not indicate any habitat areas on the subject parcel; however, there is a 38” Oregon White Oak located in the southerly portion of the site. This species of tree is considered a priority non-riparian habitat by the Washington Department of Fish and Wildlife. No development, vegetation removal, or other ground disturbing activities are proposed within the dripline of the Oak tree, thereby avoiding any impacts. Additionally, during the pre-application meeting, County staff flagged the potential presence of snag habitat on the property. A qualified biologist conducted a survey of the tree and found the tree in question did not have habitat value. WDFW provided a concurrence of this option in an email dated July 13, 2020. Therefore, the project is consistent with the purpose of this chapter.

B. Applicability.

1. General. Review under the standards of this chapter shall apply to any proposed development or non-development clearing activities within designated habitat areas, defined in Section 40.440.010(C), which are not listed as exempt, pursuant to Table 40.440.010-1.

a. Development activities are those proposals already subject to existing county land division, building, grading or other review processes.

b. Non-development clearing activities are proposals which are not otherwise subject to county review, but involve the alteration or removal of vegetation in designated habitat areas.

Response: As previously noted, the project site contains an Oregon white oak. This species of tree is considered a priority non-riparian habitat by the Washington Department of Fish and Wildlife. No development or clearing activities are proposed within the dripline of the tree. Therefore, this chapter does not apply.

2. Shoreline Master Program. Within shoreline jurisdiction, development may be allowed for those uses in the Shoreline Master Program (Chapter 40.460) either through a statement of exemption or through an application with a habitat review as part of the shoreline permit process.
Response: The project is not within a shoreline area. These standards do not apply.

3. Activities Adjacent to Certain Designated Habitat Areas. Proposed new single-family residential development occurring immediately outside but within three hundred (300) feet of designated priority species polygons or within one hundred (100) feet of designated non-riparian priority habitat polygons shall require consultation with WDFW prior to issuance of a development permit. In such cases, further review under this chapter is not required unless WDFW finds that there are potential adverse impacts. Agricultural activities adjacent to designated agricultural riparian areas are subject to Section 40.440.040(B). Other proposed land divisions and nonresidential development adjacent to designated wildlife sites shall be subject to SEPA as normally required by Chapter 40.570 (State Environmental Policy Act), and mitigative measures established if there are adverse impacts to the adjacent designated habitat areas.

Response: The project does not include single-family residential development, agricultural activity, a land division, or non-residential development. Therefore, this standard does not apply.

C. Habitat Areas Covered by This Chapter.

1. Categories. This chapter shall apply to nonexempt activities as defined in Table 40.440.010-1 that are proposed within the following habitat areas:

   a. Riparian Priority Habitat. Areas extending outward on each side of the stream (as defined in Section 40.100.070, Definitions) from the ordinary high water mark to the edge of the one hundred (100) year floodplain, or the following distances, if greater:
      (1) DNR Type S waters, two hundred fifty (250) feet;
      (2) DNR Type F waters, two hundred (200) feet;
      (3) DNR Type Np waters, one hundred (100) feet;
      (4) DNR Type Ns waters, seventy-five (75) feet.

   Water types are defined and mapped based on WAC 222-16-030, (Forest Practices Rules). Type S streams include shorelines of the state and have flows averaging twenty (20) or more cubic feet per second; Type F streams are those that are not Type S but still provide fish habitat; and Type N streams do not have fish habitat and are either perennial (Np) or seasonal (Ns). All streams are those areas where surface waters flow sufficiently to produce a defined channel or bed as indicated by hydraulically sorted sediments or the removal of vegetative litter or loosely rooted vegetation by the action of moving water. Ns streams must connect to another stream above ground. Seasonal or intermittent streams are surface streams with no measurable flow during thirty (30) consecutive days in a normal water year.

   Response: The project is not within a riparian habitat area. These standards do not apply.

   b. Other Priority Habitats and Species (PHS). Areas identified by and consistent with WDFW priority habitats and species criteria, including areas within one thousand (1,000) feet of individual species point sites. The county shall defer to WDFW in regards to classification, mapping and interpretation of priority habitat species.

   c. Locally Important Habitats and Species. Areas legislatively designated and mapped by the county because of unusual or unique habitat warranting protection because of qualitative species diversity or habitat system health indicators. This subsection shall not apply to areas which have not been designated on official mapping. The criteria for
mapping of these areas are that they possess unusual or unique habitat warranting protection because of qualitative species diversity or habitat system health indicators. Recommendations for mapping areas meeting these criteria may be submitted by any person or group, and shall be reviewed annually by the county in conjunction with the plan amendments docket process as specified by Section 40.560.030 (Amendments Docket). Notice of any such recommendations deemed to merit formal consideration shall be provided to impacted property owners pursuant to Section 40.510.030(E)(3) (Type III Process). Such recommendations will not be reviewed as part of individual development requests.

Response: The only identified habitat on or adjacent to the site is the presence of an Oregon White Oak, which are considered priority non-riparian habitat by the Washington Department of Fish and Wildlife (WDFW). This tree is identified on the site plan and within a report by Teragan & Associates.

D. Activities Reviewed Under This Chapter.

This chapter applies to activities within designated priority and locally important habitat areas as described in Table 40.440.010-1.

<table>
<thead>
<tr>
<th>Proposal</th>
<th>Is a clearing review required?</th>
<th>Are any additional fees or review timelines required?</th>
</tr>
</thead>
<tbody>
<tr>
<td>New home or other construction in habitat areas</td>
<td>Review required</td>
<td>No additional timelines. Applicable review (building permit, etc.) must comply with ordinance standards. Fees pursuant to Title 6</td>
</tr>
</tbody>
</table>

Response: This project avoids any development or ground disturbance within the dripline of the Oregon White Oak. Therefore, this chapter does not apply.

40.440.020 Standards and Nonregulatory Measures

A. Approval Criteria.

Approval shall be granted for all proposals demonstrating compliance with the following criteria. Approval shall be required prior to clearing or development.

1. Intent. Designated habitats are to be protected through avoidance or reduction of the impacts of activities. This section provides standards for the review of proposed nonexempt activities within designated habitat areas.

2. Basic Criteria. Applicants proposing activities subject to this chapter shall demonstrate that the activity:
   a. Substantially maintains the level of habitat functions and values as characterized and documented using best available science; and
   b. Minimizes habitat disruption or alteration beyond the extent required to undertake the proposal.

   a. Mitigation measures may be established pursuant to the above basic criteria.
b. Disrupted functions and values shall be mitigated on-site as a first priority, and off-site thereafter.

c. An up-to-date science-based guide such as the “Clark County Guide to Best Management Practices for Permitted Development in Habitat Areas” should be used to guide on-site mitigation. Off-site mitigation should be guided by applicable watershed, fish recovery, sub-basin or other science-based plans. Any science used to guide mitigation actions, whether on-site or off-site, must meet the criteria and characteristics of best available science listed in WAC 365-195-905 (Criteria for determining which information is the “best available science”), or the state standards in effect at the time of application.

d. Subject to individual circumstances, potential mitigation measures may include, but are not limited to, the following:

(3) Preserving important vegetation and natural habitat features by establishing buffers or by limiting clearing or alteration;

(6) Enhancing, restoring or replacing vegetation or other habitat features and functions. In riparian areas, this may include riparian zone averaging as specified in Section 40.440.020(C)(3);

(8) Managing access to habitat areas, including exclusionary fencing for livestock if needed;

(11) Implementing best management practices and integrated management practices;

(15) Utilizing low impact development techniques;

(17) Avoiding topsoil removal and minimizing topsoil compaction;

Response: The project has been designed to prevent the removal or degradation of a 38” Oregon White Oak and ensure its long-term health and survival by avoiding any grading or other ground disturbing activities within the dripline and pushing buildings northerly of the tree. Therefore, no mitigation measures are necessary and this standard is met.

40.440.030 Administration

A. Coordination with Other Permits.

1. Development proposals requiring review under this chapter which involve other county permits shall be reviewed under the timelines of the existing review; provided, that application information required under this chapter (Section 40.440.030(C)) is submitted and approval criteria (Section 40.440.020(A)) are addressed.

Response: This permit is being requested concurrent with the site plan application and will be reviewed accordingly.

40.570 State Environmental Policy Act (SEPA)

Section 40.570.040 Threshold Determinations

B. Environmental Checklist.

1. A completed environmental checklist (or a copy), substantially in the form provided in WAC 197-11-960, shall be filed at the same time as an application for a permit, license, certificate, or other approval not specifically exempted in this chapter; except, a checklist is not needed if the county and applicant agree an EIS is required, SEPA compliance has been completed, or SEPA compliance has been initiated by another agency. The county shall use the environmental checklist to determine the lead agency and, if the county is
the lead agency, for determining the responsible official and for making the threshold determination.

Response: A completed environmental checklist is included with this application. This standard is met.

IV. CONCLUSION

This narrative and the included exhibits demonstrate that the proposed development is designed in compliance with the applicable standards; therefore, the applicant requests approval of the full set of requests for early grading and critical areas approval.