

# Type III Land Division and Environmental Review Staff Report and Recommendation

**Project Name:** 124<sup>th</sup> Street Properties

**Case Number:** PLD-2020-00045

**Location:** 6300 NE 124<sup>th</sup> Street

**Parcel Numbers:** 198788-000, 198800-000, 198834-000, & 198934-000, located in the SE ¼ of Section 30, Township 3 North, Range 2 East, Willamette Meridian

**Request:** The applicant is requesting Subdivision approval to subdivide 4 parcels totaling 17.03 acres into 86 lots in the R1-6 zoning district.

**Applicant:** Aho Construction I, LLC  
5512 NE 109<sup>th</sup> Court #101  
Vancouver, WA 98662  
[houstona@ahoconstruction.com](mailto:houstona@ahoconstruction.com)

**Owner(s):** Byron & Neomi Hegstad  
6330 NE 124<sup>th</sup> Street  
Vancouver, WA 98686  
[Spiderr351@gmail.com](mailto:Spiderr351@gmail.com)

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**Contact:** Seth Halling  
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Vancouver, WA 98682  
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Revised 2/5/15



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



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

**Recommendation**

Approve, Subject to Conditions

BDM FOR  
SUSAN ELLINGER

Land Use Review Manager's Initials: \_\_\_\_\_ Date issued: 8/3/2020

Public Hearing date: 8/13/2020

**County Review Staff**

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Engineer	Jennifer Reynolds P.E.	4630	<a href="mailto:Jennifer.reynolds@clark.wa.gov">Jennifer.reynolds@clark.wa.gov</a>
Concurrency Engineer	David Jardin	4354	<a href="mailto:David.jardin@clark.wa.gov">David.jardin@clark.wa.gov</a>
Forester	Hunter Decker	4852	<a href="mailto:Hunter.decker@clark.wa.gov">Hunter.decker@clark.wa.gov</a>
Biologist	Ariel Whitacre	4714	<a href="mailto:Ariel.whitacre@clark.wa.gov">Ariel.whitacre@clark.wa.gov</a>

**Comp Plan Designation:** Urban Low Density Residential (UL)**Applicable Laws**

Clark County Code: Title 14 (Building Safety), Title 15 (Fire Prevention), Chapter 40.200 (General Provisions), Section 40.220.010 (Single-Family Residential District), Section 40.260.080 (Forest Practices), Chapter 40.340 (Parking and Loading), Chapter 40.350 (Transportation & Circulation), Section 40.350.020 (Transportation Concurrency), Chapter 40.370 (Sewer and Water), Chapter 40.386 (Storm Water & Erosion Control), Chapter 40.340 (Geologic Hazard Areas), Chapter 40.430 (Geologic Hazard Areas), Chapter 40.450 (Wetland Protection), Chapters 40.500 and 40.510 (Procedures), Section 40.520.010 (Legal Lot Determination), Section 40.550.010 (Road Modifications), Chapter 40.570 (SEPA), Section 40.570.080 (SEPA Archaeological), Chapter 40.610 (Impact Fees), Title 24 (Public Health), RCW 58.17, and the Clark County Comprehensive Plan.

**Neighborhood Association and Contact**

Pleasant Highlands

Stephan B. Abramson

Email: [abramson@lifescipartners.net](mailto:abramson@lifescipartners.net)**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.

A pre-application conference on this matter was held on 10/31/2019. The pre-application was determined contingently vested as of 10/9/2019, the date the fully complete pre-application was submitted. However, a fully complete application was not submitted prior to the 180-calendar day deadline of 5/11/2020; therefore, this application does not vest to the standards in place at the time of the pre-application contingent vesting.

The fully complete application was submitted on 5/13/2020 and determined to be fully complete on 6/3/2020. Given these facts, the application is vested on 5/13/2020, the date the fully complete application was submitted. It is important to note that this vesting does not apply to stormwater standards. There are no disputes regarding vesting.

### **Time Limits**

The application was determined to be fully complete on 6/3/2020. Therefore, the code requirement for issuing a decision within 92 days lapses on 9/3/2020. The state requirement for issuing a decision within 120 calendar days, lapses on 10/1/2020.

### **Public Notice**

A Revised Notice of Application and public hearing was mailed to the applicant, the Pleasant Highlands Neighborhood Association and property owners within 300 feet of the site on 7/20/2020. A sign was posted on the subject property on 7/7/2020.

### **Public Comments**

#### ***Comment Submitted by***

*State of Washington Department of Ecology  
PO Box 47775  
Olympia, WA 98504*

*The Department of Ecology discussed hazardous waste & toxics reduction, solid waste management, toxics cleanup, and water quality (and listed construction activities that require coverage under the Department of Ecology Construction Stormwater General Permit), [See Exhibit 17].*

#### ***Date Received***

*7/22/2020*

### **Staff Response**

*Staff made Ecology's comments advisory conditions of approval. The applicant has been provided a copy of the Ecology letter, and will be required to obtain any permits required, (See Condition G-2).*

#### ***Comment Submitted by***

*Southwest Clean Air Agency, (SWCAA)  
11815 NE 99<sup>th</sup> Street, Ste. 1294*

#### ***Date Received***

*7/20/2020*

Vancouver, WA 98682  
 The SWCAA discussed requirements related to  
 Demolition/Asbestos and Construction Dust, [See Exhibit 16].

**Staff Response**

Staff made SWCAA's comments advisory conditions of approval. The applicant has been provided a copy of the SWCAA letter, and will be required to obtain any permits required, (See Condition G-4).

**Comment Submitted by**

Brenda & Chester Tallent  
 6502 NE 124<sup>th</sup> Street  
 Vancouver, WA 98686

**Date Received**

7/19/2020

(1) The Tallent's indicated concern for construction dust and noise,  
 (2) the effect on the existing view from their property,  
 (3) improvements to NE 124<sup>th</sup> Street and NE 66<sup>th</sup> Avenue, (4) the  
 possibility of parcels outside of the site connecting to utilities  
 without upgrading the road, and (5) the ability to retain their  
 current address, [See Exhibit 15].

**Staff Response**

(1) If dust is a problem during construction, the applicant should contact the SWCAA and file a complaint. The SWCAA investigates such claims and if the contractor is in violation, may impose fines to gain compliance. Per Section 9.14.010 Public Disturbance Noises, construction activity is allowed between the hours of 7:00AM and 10:00PM. Noise outside of these hours should be reported to the Clark County Sheriff's non-emergency line. (2) In regard to the impact on existing views from the Tallent parcel, staff cannot comment on issues that are not based in the development code. The impact of a proposed development on an existing home's view is not an issue discussed by the code. (3) No improvement is being proposed to NE 129<sup>th</sup> Street besides the frontage improvements required along the lots 22-27 on the north edge of the site. No access east or west of the site is being proposed. Likewise, no proposed improvement or access is being proposed to NE 66<sup>th</sup> Avenue. Lots accessing NE 124<sup>th</sup> Street will be able to eventually access NE 50<sup>th</sup> Avenue and NE 72<sup>nd</sup> Avenue as this is an existing public right of way. (4) The Connection to utilities by parcels outside of this development will not trigger any road frontage improvements from Clark County Community Development but the sewer and water purveyors may have their own connection requirements. It would be best to contact them directly for this information. (5) Lastly, there is no plan to change the addresses for existing homes accessing NE 66<sup>th</sup> Avenue.

**Comment Submitted by**

Jim Crouch  
 6614 NE 129<sup>th</sup> Street  
 Vancouver, WA 98686

**Date Received**

7/22/2020

Mr. Crouch indicated concern regarding (1) allowing this project to access NE 129<sup>th</sup> Street and NE 66<sup>th</sup> Avenue, (2) that the 300' notice radius was not sufficient to inform all neighbors who could be impacted, and (3) that another existing development under

*construction nearby is resulting in many instances of vehicles trespassing on their private road, [See Exhibit 19].*

**Staff Response**

*(1) No improvement is being proposed to NE 129<sup>th</sup> Street besides the frontage improvements required along the lots 22-27 on the north edge of the site. No access east or west of the site is being proposed. Likewise, no proposed improvement or access is being proposed to NE 66<sup>th</sup> Avenue. (2) The code requires a 300' notice radius for parcels in the urban area. However, staff sent an electronic copy of the notice to Mr. Crouch encouraging him to share it with other neighbors that would like to comment. (5) Staff has recommended that the applicant shall place a physical barrier on the property line between the private and public section of NE 129<sup>th</sup> Street to prevent access from one road to the other. Additionally, a temporary street barricade shall be placed at each end of the public portion of NE 129<sup>th</sup> Street, (See Transportation & Circulation Finding 3 and Conditions A-1.d and A-1.e). While staff has tried to address unauthorized access to NE 129<sup>th</sup> Street and NE 66<sup>th</sup> avenue, staff also cannot comment on issues that are not discussed in code. Trespassing onto private roads is not something that is addressed. However, if vehicles are continuously trespassing on private roads surrounding this site Mr. Crouch is encouraged to call the Clark County Sheriff non-emergency line.*

**Comment Submitted by**

*Dave Galanter*

*15640 NE Fourth Plain Blvd, Suite 106*

*Vancouver, WA 98682*

*Mr. Galanter indicated concern with allowing this project to access NE 129<sup>th</sup> Street and NE 66<sup>th</sup> Avenue, [See Exhibit 25].*

**Date Received**

*7/24/2020*

**Staff Response**

*No improvement is being proposed to NE 129<sup>th</sup> Street besides the frontage improvements required along the lots 22-27 on the north edge of the site and no access east or west of the site is being proposed. See also the staff response to Jim Crouch's public comments above.*

**Comment Submitted by**

*Katherine Twiss*

*13009 NE 66<sup>th</sup> Avenue*

*Vancouver, WA 98686*

*Ms. Twiss expressed concern for additional access to NE 129<sup>th</sup> Street, a stand of fir trees near the intersection of NE 66<sup>th</sup> Avenue and NE 129<sup>th</sup> Street, and Construction dust, [See Exhibit 26].*

**Date Received**

*7/29/2020*

**Staff Response**

*No improvement is being proposed to NE 129<sup>th</sup> Street besides the frontage improvements required along the lots 22-27 on the north edge of the site and no access east or west of the site is being proposed. If the stand of fir trees is on the subject parcel it is up to the discretion of the developer as to whether they will stay or be cut down as they are not identified as protected habitat or wetland. As for construction dust, staff has made SWCAA's comments advisory conditions of approval. The applicant has been provided a copy of the SWCAA letter, and will be required to obtain any permits required, (See Condition G-4).*

***Applicant Response to Public Comments, [Exhibit 24]***

*The public comments refer to concerns over construction impacts, stormwater runoff, quality of life, road improvements, traffic, and utility services. The proposed development is located within the Urban Growth Boundary (UGB) for Clark County and is zoned for urban development. The development is a low-density urban subdivision and proposed at a density less than what is allowed by code. The Applicant has designed the development to meet the requirements of Clark County and provide an affordable housing product for residents of the County. The Applicant understands the concerns related to views, however, as stated above, the site is within the UGB and the development will meet all applicable requirements, including density, building heights, lot coverages, and fence heights. Clark County Code requires that all construction activities occur during specific hours of the day and that erosion control measures, including dust abatement, be in place before and during construction. The contractor will comply with all County requirements during construction.*

*The Applicant is only required to provide frontage improvements to roads fronting the site, including NE 124th Street, NE 129th Street, and NE 61st Place. These improvements will include half-width pavement, sidewalks, and bike lanes that will provide connections as the surrounding areas develop. A traffic study included in the application material shows that the roads from the development to NE 72nd Avenue will operate at acceptable levels, as required by Clark County Code, after the development is complete. Therefore, the Applicant is not required to provide additional off-site roadway improvements. The halfwidth improvements for NE 129th Street will only occur within the currently existing property boundary, and the existing private portion of NE 129th Street will not be impacted. Unfortunately, the Applicant cannot control the actions of the public as related to traveling around barricades. However, there will be no physical connection between the public portion of NE 129th Street constructed with the development and the private section of NE 129th Street that will remain. Until future development occurs surrounding the site, traffic from the development will travel east and west on NE 124th Avenue when accessing the development and surrounding area.*

*The Applicant will provide for the extension of public utilities in the future. Stubs for water and sanitary sewer are proposed at the site boundary in NE 126th Street, NE 127th Street, and NE 129th Street. There is an existing water main in NE 124th Street that will serve future surrounding developments, and a sanitary sewer manhole is proposed in NE 124th Street at the NE 65th Avenue intersection that can allow for sanitary sewer expansion to the east if necessary.*

*Stormwater runoff has been designed to meet the requirements of the Clark County Code and the Washington Department of Ecology Stormwater Management Manual for Western Washington. With the development, runoff within the site will be collected, treated, and infiltrated on site. Through meeting these requirements, it is not anticipated that the development will have any adverse effects on neighboring properties due to stormwater runoff.*

**Project Overview**

The applicant is proposing to subdivide 4 separate parcels totaling approximately 17.03 acres into eighty-six (86) new lots for single family residential construction in the R1-6 zone. The site is generally located on the north side of NE 124<sup>th</sup> Street, south of NE 129<sup>th</sup> Street, East of

NE 59<sup>th</sup> Avenue, and west of NE 66<sup>th</sup> Avenue. Homes on over-sized lots about the site on all sides and areas are currently developing nearby to the north, west, and south. Currently, the site has 3 existing residences and several outbuildings which will all be demolished during construction, (See *Land Use Finding 4 & Conditions B-5 & G-4*).

Topographically, the project has rolling terrain with multiple hills and depressions across the site. The site slopes in all directions, both onto and off the site. According to County Geographic Information services (GIS), portions of the site have slopes greater than 15%, identified as possible landslide hazards. GIS also shows the presence of wetland signatures on the site, however, the applicant’s wetland biologist concluded in the Critical Areas Determination that there are no wetlands on site, (See *Wetland Finding 1*). The existing vegetation consists of evergreen and deciduous trees and shrubs, turfgrass, and field grass.

The subject site is serviced by Fire District #5, Battle Ground School District, Clark Regional Waster Water sewer, and Clark Public Utility water systems.

The applicant submitted application materials including preliminary plans, Project Narrative, a Stormwater Technical Information Report (TIR), Geotechnical Site Investigation Report, Traffic Report, Road Modification Request, an Archaeological Predetermination, Wetland and Habitat Memo, and a State Environmental Policy Act (SEPA) checklist.

Comprehensive Plan, Zoning and Current Land Use

<b>Compass</b>	<b>Comp Plan</b>	<b>Zoning</b>	<b>Current Land Use</b>
Site	UL	R1-6	Single Family Residences
North	UL	R1-6	Single Family Residence
East	UL	R1-6	Single Family Residence
South	UL	R1-6	Single Family Residences
West	UL	R1-6	Single Family Residences

**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 could 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, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposal not discussed below comply with the applicable code requirements.

**Land Use**

**Finding 1 - Uses**

According to Table 40.220.010-1, single-family residential dwellings are permitted outright in the R1-6 zone.

**Finding 2 - Lot Requirements**

Table 40.220.010-2 prescribes a minimum average lot area of 6,000sf and a maximum average lot area of 8,500sf for the R1-6 zone. Parcels range in size from approximately 5,000sf to 11,979sf and proposes an overall average lot size of approximately 6,522sf, which meets average lot area standards.

Average lot width<sup>1</sup> and depth<sup>2</sup> minimums are put forth in Table 40.220.010-2 and are established for each individual lot at 50 feet and 90 feet respectively. All proposed lots comply with the minimum width and depth standards. A condition has been added to ensure continued compliance, *(See Condition D-1)*.

Table 40.220.010-3 prescribes setbacks, lot coverage and building height standards for the R1-6 zone, and are depicted in the table below:

Table 40.220.010-3. Setbacks, Lot Coverage and Building Height						
Zoning District	Minimum Setbacks				Maximum Lot Coverage	Maximum Building Height (feet)
	Front (feet) <sup>3</sup>	Side		Rear (feet)		
		Street (feet)	Interior (feet)			
R1-6	10 <sup>4</sup>	10	5	10	50%	35

Any future construction on the newly created lots shall meet setback standards prescribed for the R1-6 zone, *(See Condition E-1)*.

**Finding 3 - Safe Walking Conditions**

According to state platting laws (RCW 58.17.110) appropriate provisions shall be made to assure safe walking conditions for students who only walk to and from school. The subject development is located within the Battle Ground School District, and specifically within the boundaries of Pleasant Valley Primary School, Pleasant Valley Middle School and Prairie High School.

<sup>1</sup> Average "Lot Width" is the average of the front and rear lot lines.

<sup>2</sup> Average "Lot depth" is the average length of the side lot lines.

<sup>3</sup> Front setbacks shall be measured from the edge of any street right-of-way, street tract, street easement, or driveway easement that provides access to the lot, including any separate pedestrian easement that may exist between a street and the front setback line.

<sup>4</sup> Front setbacks for garage fronts in these zones shall be a minimum of eighteen (18) feet. Sides and rear of garages that have no driveway access may use the ten (10) foot living space setback.

The applicant provided a letter from the Director of Operations for the Battle Ground School District. The letter indicates that all students will be bused from the proposed development.

The proposed public road and temporary turnaround cul-de-sac will provide sidewalks within the development; therefore, staff finds that no 'safe-walking' conditions are warranted.

#### Finding 4 - Existing Structures

The site includes 3 separate residences and several outbuildings. A demolition permit will be required prior to removing the structures, (*See Conditions B-5 & G-4*).

#### Finding 5 - County/State Platting Standards

With conditions of approval, staff finds the proposed subdivision will make appropriate provisions for the public health, safety and general welfare of the community. Connection to public water and sewer facilities, as well as treatment of any future stormwater runoff will be provided to protect groundwater supply and integrity. Impact fees will also be required to ensure that the development will contribute a proportionate share toward the costs of school, park and transportation facilities, maintenance and services.

#### **Conclusion (Land Use)**

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

#### **Archaeology**

##### Finding 1 - Applicability

The development site is located within a high to moderate-high probability area for the discovery of archaeological resources, as designated on the Archaeological Predictive Model Map of the Clark County. Also, because a SEPA was triggered, an Archaeological Predetermination was required.

##### Finding 2 - Pre-determination

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. DAHP was mailed the public notice along with a copy of the SEPA checklist and has not provided comment. Therefore, a note will be required on the final engineering plans that if resources are discovered during ground disturbance, work shall stop and both DAHP and the county shall be notified, (*See Condition A-10-a*). In addition, a similar note shall be placed on the final plat, (*See Condition D-6-a*).

#### **Conclusion (Archaeology)**

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

#### **Transportation & Circulation**

##### Finding 1 - Pedestrian/Bicycle Circulation Plan

Pedestrian circulation facilities in compliance with the Americans with Disabilities Act (ADA) are required for this development. Bike lanes are not required along the roads of this development.

The proposed plan indicates that 5-foot sidewalks will be constructed along the NE 129<sup>th</sup> Street, NE 124<sup>th</sup> Street and NE 61<sup>st</sup> Place frontages and along all internal roadways within the development. The proposed pedestrian circulation plan complies with the provisions of CCC 40.350.015. The applicant will be required to show that all proposed pedestrian facilities, including all corner ramps, will be constructed to comply with ADA standards on the final construction plans, (*See Condition A-1.a*).

### Finding 2 - Circulation Plan

The proposed development is bordered by NE 129<sup>th</sup> Street to the north, NE 124<sup>th</sup> Street to the south, NE 66<sup>th</sup> Avenue to the northwest, NE 61<sup>st</sup> Place to the southwest and developable R1-6 residential zoned properties to the northwest and southeast. The applicant has proposed to construct public partial-width street improvements along NE 129<sup>th</sup> Street, 124<sup>th</sup> Street, and NE 61<sup>st</sup> Place. Additionally, NE 65<sup>th</sup> Avenue will be constructed through the site to connect NE 124<sup>th</sup> Street to NE 129<sup>th</sup> Street. NE 126<sup>th</sup> Street & NE 127<sup>th</sup> Street have been stubbed to the applicant's east and west property lines to provide additional circulation. The applicant's circulation plan demonstrates the maximum block length and block perimeters are not exceeded. Staff finds that the project complies with the circulation plan standards.

### Finding 3 – Frontage Roads/Improvements

NE 124<sup>th</sup> Street is classified as Neighborhood Circulator and is currently improved with an 18-foot pavement width within a varying 30 to 60-foot right-of-way. Code requires a half-width right-of-way of 27 feet, a paved roadway half-width of 18 feet, curb, and a 5-foot sidewalk per Clark County Standard Drawing 12. The applicant is proposing half-width street improvements that meet the minimum standards and will facilitate a 20-foot wide pavement width. The applicant intends to grind and overlay the existing 18-feet of pavement width when expanding the roadway width to 20-feet. The county's Preservation Group will need to perform pavement deflection testing to determine the adequacy of the existing pavement, including subgrade, (*See Condition A-1.b*).

NE 129<sup>th</sup> Street is currently classified as a Private Road and is improved with a 9-foot pavement width within a 30-foot access easement. The applicant intends to construct partial-width frontage improvements along the south side of this roadway next to the existing private road to meet the Urban Local Residential Access standard per Clark County Standard Drawing 13 to include a 30-foot right-of-way, a 20-foot paved roadway width and curb and a 5-foot sidewalk. However, the applicant is not proposing frontage improvements along a 30-foot portion of NE 129<sup>th</sup> Street adjacent to Tract A. The applicant is required to do so, (*See Condition A-1.c*).

As mentioned, the public portion of NE 129<sup>th</sup> Street will be constructed next to the private portion. The private portion on NE 129<sup>th</sup> Street will remain in a 30-foot private access easement. NE 129<sup>th</sup> Street will remain private beyond the east and west stubs of this roadway constructed by the development. The applicant shall place a physical barrier on the property line between the private and public section of NE 129<sup>th</sup> Street to prevent access from one road to the other. A temporary street barricade shall be placed at each end of the public portion of NE 129<sup>th</sup> Street, (*See Conditions A-1.d & A-1.e*).

NE 61<sup>st</sup> Place is currently classified as a Private Road and is improved with a 16-foot pavement width within a 60-foot access easement. The applicant intends to construct partial-width

frontage improvements along the east side of this roadway to meet the Urban Local Residential Access standard per Clark County Standard Drawing 13 to include a 31-foot right-of-way, a 20-foot paved roadway width, curb and a 5-foot sidewalk.

NE 66<sup>th</sup> Avenue is currently classified as Private Road and is improved with a 12-foot pavement width within a 60-foot access easement. Code requires an easement width of 26 feet, a paved roadway width of 20 feet and a curb and a 5-foot sidewalk on one side of the road per Clark County Standard Drawing 15. The applicant does not intend to improve this road as prescribe by code and rather will place their 30-foot portion of the 60-foot access easement within a tract that will be retained by the developer. The applicant has submitted a technical road modification request to not construct NE 66<sup>th</sup> Avenue to the current roadway standards, (*See Transportation Finding 7 – Technical Road Modifications, Request 1*).

All other proposed streets are classified as Urban Local Residential Access roadways and are required to have a 46-foot total right-of-way width, a 28-foot paved roadway width and curb and a 5-foot sidewalk along both sides of the roadway per Clark County Standard Drawing 13. The applicant is proposing the minimum standard.

The right-of-way dedications for all public roadways must be conveyed to the county with the final plat, (*See Condition D-8*).

#### Finding 4 - Access Management

For all corner lots at the intersection of two urban local access, per CCC 40.350.030 (B)(4)(b)(1)(b), the driveways shall be a minimum of 40 feet from the projected curb line or edge of pavement, as measured to the nearest edge of the driveway, as long as the parked cars in the driveway are outside of the sight distance triangle. The applicant shall show the driveways for all corner lots on the final engineering plans to comply with the applicable corner lot driveway standards, (*See Condition A-1.f*).

A joint driveway will serve Lots 55, 56, 57 & 58. The driveway is required to have a minimum width of 12 feet of clear unobstructed all-weather driving surface within a 20-foot easement. A developer's covenant that establishes maintenance responsibility for the joint driveway will be required, (*See Conditions A-1.g & D-5.e*).

#### Finding 5 - Sight Distance

The approval criteria for sight distances are found in CCC 40.350.030(B)(8). This section establishes minimum sight distances at intersections and driveways. Landscaping, trees, utility poles, and miscellaneous structures will not be allowed to impede required sight distance requirements at all proposed driveway approaches and intersections. Additional building setbacks may be required for corner lots in order to maintain adequate sight distance. All intersections created with this development will be uncontrolled intersections.

The applicant's engineer, AKS Engineering & Forestry, provided a Sight Distance Certification Letter [Exhibit 10] dated July 15, 2020. The engineer states, "*The purpose of this letter is to address the sight distance at the proposed intersections of NE 129<sup>th</sup> Street and NE 65<sup>th</sup> Avenue, NE 124<sup>th</sup> Street and NE 65<sup>th</sup> Avenue and NE 124<sup>th</sup> Avenue and NE 61<sup>st</sup> Place. Per Clark County Code Section 40.350.030(B)(8)(d) the sight distance for uncontrolled intersections abutting corner lots in an urban residential subdivision is 80 feet. The sight*

*distance at the proposed access points meets or exceeds the 80-foot uncontrolled urban sight distance requirement set forth in Clark County Code Section 40.350.030(8)(d). A site visit was conducted on March 9th, 2020 to confirm sight distance at the proposed intersections meets/exceeds the required 80 feet for an uncontrolled intersection. The intersection sight distance shall be measured along the lines four feet from the roadway center, in driver's direction, for both approaches. Based on the information provided above, sight distance will be achieved at the proposed intersections for the proposed development."*

The final engineering plans and final plat shall show sight distance triangles at all intersections, (See *Conditions A-1.h, D-9, & D-6.e*).

#### Finding 6 - Street Extension

NE 61<sup>st</sup> Place is longer than 150 feet and will temporarily terminate at the development's north property line. Per CCC 40.350.030(B)(9)(b)(2), if a road more than 150 feet in length temporarily terminates at a property boundary, a temporary turnaround cul-de-sac bulb consistent with this standard shall be constructed near the plat boundary. The bulb shall be paved and shall be 80 feet in diameter, which may include the width of the roadway with sidewalks, where required, terminating at the point where the bulb radius begins. Unless the applicant obtains an approval of a road modification, a temporary turnaround shall be constructed at the north end of NE 61<sup>st</sup> Place consistent with Clark County Standard Drawing 26, (See *Conditions A-1.i*).

The applicant has proposed to end the roadway construction of NE 127<sup>th</sup> Street, NE 61<sup>st</sup> Place, and NE 129<sup>th</sup> Street between 5.5 to 16.5 feet short of the property boundary. Code requires that these roadways be extended to the edge of the property. The applicant has submitted technical road modification requests to address this issue, (See *Finding 7 – Technical Road Modifications, Request 2, 3 & 4*).

#### Finding 7 – Technical Road Modification

In a technical road modification narrative [*Exhibit 1, Tab 19*] prepared by AKS Engineering & Forestry dated April 14, 2020 and a subsequent Early Issues response Memo dated July 15, 2020, the applicant is requesting the following technical road modifications:

1. Relief from the construction of frontage road improvements along NE 66<sup>th</sup> Avenue (Private).
2. Termination of the NE 127<sup>th</sup> Street (Local Access) stub approximately 9 feet from the west property line.
3. Termination of the NE 61<sup>st</sup> Place (Local Access) stub approximately 16.5 feet from north property line.
4. Termination of the NE 129<sup>th</sup> Street (Local Access) stub approximately 5.5 feet from the west property line.

#### ***Approval Criteria:***

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

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

***Applicant's Discussion:***

The applicant has submitted a technical road modification narrative [Exhibit 1, Tab 19] prepared by AKS Engineering & Forestry dated April 14, 2020 and a subsequent Early Issues response Memo [Exhibit 9] dated July 15, 2020 providing justification for the requests.

***Staff's Evaluation:*****Request 1**

Per CCC 40.350.030(B)(5)(a), 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.

NE 66<sup>th</sup> Avenue lies within a 60-foot wide private road and utility easement along the applicant's northeast property line. Code requires the developer to improve this road to the Urban Private Road standard. Staff is supportive of the applicant request to not construct the required roadway improvements for this road and believes the applicant has demonstrated approval criteria 2.d considering that the roadway is not needed to meet public circulation requirements and the lots of the development will not take access from this roadway. Tract A will be created to preserve the 30-foot wide portion of the easement that lies within the boundary of the development to allow for continued access of this road for the parcels to the east. Notes to this effect shall be placed on the face of the plat, (*See Condition D-6.i*).

**Requests 2, 3 & 4**

Per CCC 40.350.030(B)(9)(b)(1), Provisions for Future Extensions. Any street within the urban area for which an extension in the future is planned shall be extended to the edge of the property being developed through the plat, short plat or site plan approval process, unless otherwise approved by the review authority. The street stub shall be a full street section, including sidewalks.

Staff is not supportive of the applicant's request to end the construction of NE 127<sup>th</sup> Street, NE 61<sup>st</sup> Place, or NE 129<sup>th</sup> Street short of the property line at this time. If there is an issue at final construction plan review that would preclude the required roadway construction, the applicant may, at that time, apply for a standalone road modification to address any topography issue, (*See Condition A-1.j*).

**Recommendation:**

Staff's recommendation is Approval of Road Modification Request 1 and Denial of Road Modification Requests 2, 3 & 4. The Development Engineering Division Manager concurs with staff, [*See Exhibit 21*].

**Conclusion (Transportation & Circulation)**

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

**Transportation Concurrency**Finding 1 - Trip Generation

The traffic study submitted indicates that the proposed development will divide 17 acres into 86 single family residential lots. The applicant's traffic study has estimated the a.m. peak-hour trip generation at 62 trips, a p.m. peak-hour trip generation at 82 trips and an average daily trip (ADT) generation of 784. The trip generation was estimated using the nationally accepted data published by the *Institute of Transportation Engineers 10th Edition*. The proposed development site is located on parcels 198788- 000; 198800-000; 198834-000; and 198934-000 in Vancouver.

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

Finding 2 - Site Access

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

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

The traffic study indicates that the proposed subdivision will use a proposed new, public, local street network. This network will provide access to the existing street network at the proposed connection to the existing NE 124<sup>th</sup> Street.

The submitted plan shows that there will be other streets and intersections within the subdivision for the purpose of setting up a road infrastructure for circulation to adjacent underdeveloped parcels.

The applicant's analysis shows that the local access intersections of NE 123rd Street/NE 72nd Avenue, NE 119th Street/NE 56th Avenue and NE 119th Street/NE 58th Avenue are estimated to operate at a LOS C or better in the 2022 build-out horizon. The study also shows that the LOS was evaluated during AM and PM peak hour traffic conditions in existing and build-out scenarios. County Staff concurs with the traffic study findings.

### Finding 3 - Clark County Concurrency

The proposed development is required to meet the standards established in CCC 40.350.020(G) for corridors and intersections of regional significance within 2 miles of the proposed development.

#### Signalized Intersections

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

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

#### Unsignalized Intersections

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

The applicant has submitted a traffic study that reports anticipated levels-of-service on individual intersection approaches. This approach was reported to have a level-of-service "F" in the 2022 evaluation year with the proposed development. This intersection approach is the westbound approach of NE 72nd Avenue/NE 88th Street.

The applicant's traffic study has analyzed the impacts of the proposed development on the intersection approach, listed above, to determine if mitigation requirements would be warranted per CCC 40.350.020 (G)(1)(c), which states:

"All unsignalized intersections of regional significance in the unincorporated county shall achieve LOS E standards or better (if warrants are not met). If warrants are met, unsignalized intersections of regional significance shall achieve LOS D standards or better. Intersection control or mitigation of unsignalized intersections shall be at the discretion of the Public Works Director and shall not obligate the county to meet this LOS standard. However, proposed developments shall not be required to mitigate their impacts in order to obtain a concurrency approval unless:

- (1) The proposed development adds at least five (5) peak period trips to a failing intersection approach; and
- (2) The worst movement on the failing approach is worsened by the proposed development. In determining whether the movement is worsened, the Public Works Director shall consider trip volume, delay, and any other relevant factors."

The applicant's analysis compared the anticipated impacts against the criteria in the code section listed above and found that none of the criterion was met. Staff concurs with the applicant's findings.

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

#### Concurrency Corridors

Evaluation of the concurrency corridor capacity levels represented in the County Code yielded capacity at acceptable levels.

#### Summary

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

#### **SAFETY:**

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

- traffic signal warrant analysis,
- turn lane warrant analysis,
- crash history analysis,
- roadside safety (clear zone) evaluation,
- vehicle turning movements, and
- any other issues associated with highway safety.

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

#### Finding 4 - Turn Lane Warrants

Turn lane warrants are evaluated at unsignalized intersections to determine if a separate left or right turn lane is needed on the uncontrolled roadway.

The applicant's traffic study information found that with the low right and left turning traffic volumes, turn lanes would not be warranted at the public road intersection entering the proposed development. Staff concurs with the applicant's findings.

#### Finding 5 - Historical Accident Situation

The applicant's traffic study analyzed the crash history as obtained from Washington State Department of Transportation (WSDOT) for the period December 2014 through December 2019.

The intersection crash rates, for the study intersections do not exceed thresholds that would warrant additional analysis. The applicant's study did not recommend any safety mitigations as a part of this development. Staff concurs with the applicant's finding.

#### Finding 6 - Roadside Safety (Clear Zone) Evaluation

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

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

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

The applicant shall consider the WSDOT Design Manual – Roadside Safety Mitigation Guidance (Section 1600.04) in the final engineering design of all proposed roadways and frontage improvements, (*See Condition A-4.b*).

#### Finding 7 - Vehicle Turning Movements

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

The applicant will need to submit construction plans that show the design of the intersection geometry will accommodate all applicable design vehicles for review and approval. The plans will also need to show that all applicable design vehicles have the ability to enter and exit the development minimizing the turning movement impact to opposing or adjacent travel lanes, which may result in no on-street parking areas on local residential access roads, at/near public road intersections. (*See Condition A-4.c*).

#### Finding 8 - Sight Distance

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

**Conclusion (Concurrency)**

Staff finds that the proposed preliminary plan, subject to the conditions identified above, meets 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, land disturbing activities, and drainage projects consistent with the Stormwater Management Manual for Western Washington (SMMWW) and the Clark County Stormwater Manual (CCSM) 2015. The project adds more than 5,000 square feet of new hard surface; therefore, the applicant shall comply with Minimum Requirements (MR) #1 through #9 per Section 1.4, Book 1 of the CCSM 2015, (*See Condition A-3.a*).

No new development shall be allowed to materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots, (*See Condition A-3.b*).

**Finding 2 - Stormwater Proposal**

The 17.03-acre project site currently contains three existing houses and several outbuildings that will all be removed. The site is mostly a pasture grass field with areas of trees in the middle and northeast corner of the site. Stormwater runoff currently disperses through vegetation and infiltrates on site. On-site soils are classified as Hillsboro Loam (HLB) and Hillsboro Silt Loam (HoB & HoC), which has a hydrologic soil group classification of "B" and a Clark County WWHM soil group classification of "SG 2" & "SG 3", respectively.

The applicant provided a Preliminary *Stormwater Technical Information Report* prepared by AKS Engineering & Forestry, Inc. dated April 2020. Proposed site improvements include the construction of public roads and 86 residential structures and driveways for a total of approximately 9.47 acres of new/replaced hard surface.

On-site stormwater management (MR #5) and flow control (MR #7) requirements are met utilizing public and private infiltration trenches. Nine public infiltration trenches will be located in the flex zone (under the planter strip and sidewalk) of the public streets. The trenches will manage runoff from the public street improvements, driveway, and approximately 30 of the roofs (Lots 9, 27-55). Private infiltration trench will be located in the rear of the remaining 56 lots. A HydroCAD analysis was completed showing that the proposed stormwater facilities infiltrate 100% of the 100-year storm event. The applicant shall be aware that direct or indirect conveyance of roof runoff to a public infiltration trench under the paved section of the road is not permitted. Additionally, conveying runoff to the weep holes to be mixed with the road surface runoff which requires treatment via treatment filter system is not allowed. Due to the increased costs of the filter systems over time, the county is making efforts to reduce the flow through the filter systems which will result in less frequent replacement of the filters by not mixing the roof runoff with the polluted water and conveyed to the filter systems. The roof runoff from the lots must either be directed to a separate infiltration system outside of the public road paved section or be accommodated with a separate private facility, (*See Condition A-3.c*).

Basic runoff treatment (MR#6) is met for all pollution generating surfaces with 12 Old Castle® PerkFilter™ catch basins with a total of 45 single and stacked cartridges. The catch basins will

all be located within the public streets. The applicant will be required to submit documentation from the stormwater treatment system manufacturer indicating that the stormwater treatment devices were sited and sized appropriately, (*See Condition A-3.d*).

The stormwater facilities located within the public right-of-way shall be owned and maintained by the county. Stormwater facilities located on individual lots shall be owned and maintained by the homeowners, (*See Conditions A-3.e, D-5.c, D-6.f, D-6.g, & E-3*).

### **Finding 3 - Infiltration and Groundwater**

Columbia West Engineering, Inc. preformed single-ring, falling head infiltration tests on October 1, 2019 in seven test pits. The tested rate of infiltration was recorded as 6 to 100 inches per hour at depths of 6 and 11 feet below grade. The engineer has applied a factor of safety of 4 for a design infiltration rate of 3.75 to 10 inches per hour when sizing the infiltration trenches based on the location of the test pits and the infiltration facilities. The applicant will be required to demonstrate that the tested infiltration rate determined at the time of construction of the infiltration facilities is at least 95 percent of the uncorrected tested infiltration rate used to determine the design rate, (*See Conditions A-3.f & C-1.a*).

Groundwater was not encountered in the test pit explorations conducted at the site in October to a maximum depth of approximately 15 feet below ground surface. Two groundwater monitoring piezometers were installed at the site on December 18, 2019 to a depth of 30 feet. Groundwater elevation data was collected from the piezometers on January 2020 and no groundwater was encountered. Clark County GIS estimates the groundwater at the site to be between 0 and 25 feet below ground. The applicant shall provide additional piezometer reading for the remaining 2019-2020 wet season (October 1 – April 30) with the final TIR, (*See Condition A-3.g*).

The public infiltration trenches must achieve a 5-foot separation between the bottom of the facility and the seasonal high groundwater level. The applicant will be required to demonstrate that the infiltration trenches can achieve the groundwater separation during construction, (*See Conditions A-3.h & C-1.b*).

### **Conclusion (Stormwater)**

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

### **Geologic Hazard Areas**

#### **Finding 1 – Geologic Hazard Areas Applicability & Assessment**

Clark County GIS indicates that portions of the development are located in a regulated geologic hazard area. More specifically, small areas of a steep slope hazard are mapped on parcel 198788-000. All development activities in or adjacent (within 100 feet) to geologic hazard areas shall comply with the provisions of CCC 40.430.

The applicant's geotechnical engineer, Columbia West Engineering, Inc., provided a geologic hazard review in their *Geotechnical Site Investigation*, dated November 12, 2019 for the proposed development. The geologic hazard review was based upon physical and visual reconnaissance, subsurface exploration, laboratory analysis of collected soil samples, and

review of maps and other published technical literature. Their findings concluded that the on-site slopes and other field conditions do not meet the definition of steep slope hazards or landslide hazards as defined by the CCC 40.430(C)(1) or 40.430(C)(2)(b). The applicant shall adhere to the design recommendations in the *Geotechnical Site Investigation*, (See Condition A-7).

The topography of the site may rely on the construction of retaining walls to accommodate the slopes on the site. A building permit is required for retaining walls greater than 4 feet tall or when the wall is surcharged. All retaining walls shall be shown in sufficient detail on the engineering plans for staff to assess their impact on adjacent roads, structures, and public and private utilities, (See Condition A-8).

### **Conclusion (Geologic Hazard Area)**

Staff believes that the applicant has shown compliance with CCC 40.430 by submitting the *Geotechnical Site Investigation*. Therefore, the requirements of the preliminary plan review criteria are satisfied.

### **Forest Practices**

#### Finding 1 – Forest Excise Tax

If the Landowner or Operator plans to dispose of residual forest products as a result of this clearing, the landowner or operator shall first secure an Forest Tax Reporting Account number from the WA State Dept. of Revenue., (See Condition C-2.a). The person who owns the timber at the time of harvest is responsible for paying forest tax. Contractors performing labor and services for the timber owner are not responsible for the forest tax. When the owner of the timber cannot be determined, the landowner at the time of harvest will be responsible for the tax.

#### Finding 2 - Operations

Per RCW 7.48.305, Forest Practices are intended to protect the safety and welfare of the citizens of Clark County and are not presumed a nuisance. This timber harvest shall be executed in substantial conformance of the information as presented in the application package with any modifications found in findings and conditions as a result of this review.

Felling of Timber within 1 Tree Length of overhead power lines requires a 24-hour advance notification of Clark PUD prior to operations.

Motorized equipment operating hours will be limited to between 7AM and 10 PM Mondays to Saturdays.

Applicant is responsible for any and all damage occurring to neighboring properties as a result of this tree removal.

Log hauling from this site shall avoid the hours of 0700 to 0800 hours in the morning and 1500 to 1630 hours in the afternoon on days in which school bus activity is anticipated.

Log hauling must abide to all posted speed limits and rules of the road, the use of unmuffled "jake brakes" will not be permitted adjacent to private residences, (See Condition C-2.b).

**Finding 3 – Conversion of Use**

CCC 40.260.080(A)(2)(d)(1) - Class IV general, as defined by WAC 222-16-050(2) are those forest practices on lands which are being converted to a use other than commercial timber production. Examples of Class IV general forest practices include harvest of timber and conversion of land to agricultural, residential or commercial uses, and forest practices which would otherwise be Class III, but which are taking place on lands which are not to be reforested because of the likelihood of future conversion to urban development. Reforestation is not required under a Class IV general forest practices permit as the property subject to the permit is being converted to a non-forestry use.

**Finding 4 – Forest Practice Impact on Stormwater, Erosion & Grading**

Prior to harvest, any site prep such as stump pulling and grading may be subject to a Clark County grading permit. This includes forest practices (including, but not limited to, class IV conversions) that are part of a construction activity that will result in the disturbance of one (1) or more acres, and discharge to surface waters of the State (that is, forest practices that prepare a site for construction activities). The harvest operator is responsible for providing all Stormwater and erosion control requirements in accordance with Chapter 40.386 (Storm Water and Erosion Control) for Forest Practices for the entire project site.

**Finding 5 - Forest Practice Roads & Impacts**

Forest Practice Roads, per WAC 222-24-026, are approved on a temporary basis. Therefore, these roads may not meet Clark County codes and standards for Single Family Residences or future developments. Contact Clark County Development Engineering team (360) 397-6118 for further information.

- Damage to the Public Roads or Right of Way shall be the sole responsibilities of the Applicant and underlying Property Owner. Any such damage shall be corrected to the satisfaction of Clark County Public Works Dept. within 24 hours.
- Tracking on to county roads is prohibited under CCC 40.386 and 13.26A, (*See Condition C-2.c*).

**Finding 6 – Slash Piles and Burning**

Per RCW 76.04 & WAC 332-24, Slash Piles are an additional fire hazard meaning a condition existing on any land in the state which is covered wholly or in part by forest debris which is likely to further the spread of fire and thereby endanger life or property.

This is a NO Burning Zone. All slash shall be chipped or removed to an approved off-site within 6 months of cutting, (*See Condition C-2.d*).

**Conclusion (Forest Practices)**

Staff finds that the proposed preliminary plan, subject to conditions contained herein, meets the forest practices requirements of the Clark County Code.

**Wetland Protection****Finding 1 – Wetland Presence**

Wetland and Habitat Review Staff visited the site on June 11th, 2020 and concurs with the critical areas report '124th Street Properties Subdivision Clark County, Washington Critical

Areas Determination' prepared by AKS Engineering. The site does not contain any wetlands. Therefore, no further wetland review is required for the proposed development.

### **Conclusion (Wetland Protection)**

Staff finds that the proposed preliminary plan meets the wetland protection requirements of the Clark County Code.

### **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 G-3)*.

#### Finding 2 - Fire Flow

Fire flow in the amount of 1,000 gallons per minute supplied at 20 psi for 60 minutes duration is required for this application. Prior to final approval submit proof from the water purveyor indicating that the required fire flow remains available at the site. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval. A water review letter from the Clark Public Utilities dated 5/18/2020 indicates 1000 gpm at 20 psi can be supplied, *(See Conditions A-9.a, D-2.a, & D-2.b)*.

#### Finding 3 - Fire Hydrants

Fire hydrants are required for this application. The indicated number and spacing of the fire hydrants is inadequate. Provide fire hydrants such that the maximum spacing between hydrants does not exceed 700' and such that no lot or parcel is in excess of 500' from a fire hydrant as measured along approved fire apparatus access roads, *(See Condition A-9.a)*.

The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact Fire District # 5 via the Vancouver Fire Department at (360) 487-7260 to arrange for location approval, *(See Condition A-9.a)*. Unless waived by the fire district chief fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection, *(See Condition A-9.d)*. Provide and maintain a three (3) -foot clear space completely around every fire hydrant, *(See Conditions A-9.c & H-1-a)*.

#### 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. Provide fire apparatus access roads with an unobstructed width of not less than 20 feet, an unobstructed vertical clearance of not less than 13.5 feet, with an all-weather driving surface and capable of supporting the imposed loads of fire apparatus, *(See Conditions A-9-b & H-1-b)*.

Approved fire apparatus turnarounds are required for this project. The indicated provisions for turning around fire apparatus are adequate.

**Finding 5 - Residential Fire Sprinklers**

Homes exceeding 3600 square feet including attached garages will require additional fire protection features up to and including a residential fire sprinkler system when adequate public water and a hydrant is not within required distances, *(See Condition E-4)*.

If an automatic fire sprinkler is required at the time of construction for buildings subject to this application, such systems require separate reviews, permits, and approvals issued by the Clark County Fire Marshal's office.

**Finding 6 – Parking**

Parking is prohibited on access roads that are less than twenty-four (24) feet wide. Roads that are less than twenty-four (24) feet wide shall be posted "NO PARKING-FIRE LANE", *(See Conditions A-9.e & D-2.c)*.

**Conclusion (Fire Protection)**

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

**Water and Sewer Service****Finding 1 - Service Availability**

The site will be served by the Clark Public Utilities water system and Clark Regional Wastewater District. Letters from the above districts confirm that services are available to the site. Prior to final plat approval, documentation is required from CRWWD and Clark Public Utilities that utilities have been installed and approved, *(See Conditions D-7-a and D-7-b)*.

**Finding 2 - Public Health Site Evaluation**

A Development Review Evaluation Letter (DRE) was submitted as part of the preliminary review application. The DRE confirms that the existing residences are served by separate private, on-site septic systems as follows:

- Parcel # 198788000, 6300 NE 124<sup>th</sup> Street: ON0042238, located southwest of the existing residence according to the existing conditions site map and CCPH site inspection.
- Parcel # 198934000, 6330 NE 124<sup>th</sup> Street: ON0042198, located northeast of the existing residence according to the existing conditions site map and CCPH site inspection.
- Parcel # 198834000, 6410 NE 124<sup>th</sup> Street: ON0015699, located northeast of the existing residence, according to the existing conditions site map and CCPH site inspection.

These systems and any additional sewage systems located during development of this plat shall be properly abandoned with documentation submitted to CCPH prior to final plat approval, *(See Condition B-6)*. Proper abandonment of the systems requires tank pumping by a licensed pumper, breaking in the tank lids, and filling the cavities with compacted soil. Any cesspools, drywells, or pump chambers discovered on the site must also be abandoned in this manner and locations shown on the final plat, *(See Condition D-7.c)*.

The proposed development must connect to an approved public sewer system. A copy of the final acceptance letter from the sanitary sewer purveyor or the equivalent must be submitted with the Mylar, *(See Condition D-7.d)*.

The letter also confirms multiple wells are on site. County records document that there are 2 active wells on the parcels proposed for development as follows:

- Parcel# 198788000, 6300 NE 124<sup>th</sup> Street: A pump house with a well (WP0012496) was located southeast of the existing residence, according to the existing conditions site map and CCPH site inspection.
- Parcel # 198934000, 6330 NE 124<sup>th</sup> Street: An active well (WP0012497) was located southeast of the existing residence, according to the existing conditions site map and CCPH site inspection.

These wells and any additional wells located during development of this plat shall be properly decommissioned by a licensed well driller with documentation submitted to CCPH prior to final plat approval and all decommissioned wells must be shown on the final plat, (*See Conditions B-6 & D-7.c*).

The proposed development must connect to an approved public water system. A copy of the final acceptance letter from the purveyor or the equivalent must be submitted with the Mylar, (*See Condition D-7.d*).

### **Conclusion (Sewer & Water)**

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

### **Impact Fees**

#### Finding 1 - Applicability & Assessment

With the exception of three lots to be determined by the developer, (credit for the three existing single-family residences onsite), the additional residential lots created by this plat will produce impacts on schools, parks, and traffic, and are subject to School (SIF), Park (PIF), and Traffic Impact Fees (TIF) in accordance with CCC 40.610. A condition has been added to ensure that the three lots that are granted impact fee credits will be listed on the face of the plat, (*See Condition D-6.j*).

#### Finding 2 - TIF Estimate

The following fees have been estimated for this development based on current applicable fee districts:

- ✓ Mt. Vista sub-area with a TIF of \$7,525.56 per dwelling
- ✓ Battle Ground School District, with a SIF of \$6,397.00 per dwelling
- ✓ Park District #8, with a PIF of \$3,959.00 per dwelling.

#### Finding 3 - Assessment

The amounts listed above are *estimated* using the current impact fee rates and are subject to change. As found in CCC40.610.040, impact fees are calculated using the rates in effect at the time of building permit issuance, (*See Conditions D-5-d, D-6-h, and E-2*).

### **Conclusion (Impact Fees)**

Staff finds that the proposed preliminary plan, subject to conditions contained herein, meets impact fee requirements of the Clark County Code.

## SEPA Determination

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

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

The likely SEPA determination of Non-Significance (DNS) in the Revised Notice of Development Review Application issued on 7/20/2020 is hereby final.

## SEPA Appeal Process

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

The hearing examiner shall hear appeals in a public hearing. Notice of the appeal hearing shall be mailed to parties of record, but shall not be posted or published.

A **procedural SEPA appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance).

A **substantive SEPA appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing Clark County Code or other law.

Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.

A **procedural or substantive appeal** must be filed within fourteen (14) calendar days of this determination, together with the appeal fee. Such appeals will be considered at a scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

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

- 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 40.510.020(H) or 40.510.030(H)
- The reasons why the SEPA determination is in error
- The appeal fee

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

The decision of the Hearing Examiner is final unless:

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

**Staff Contact Person:** Bryan Mattson, Project Planner, 564.397.5683

**Responsible Official:** Dan Young, Community Development Director

**Recommendation**

Based upon the proposed development plans known as Exhibit 1, Tab 6, and the findings and conclusions stated above, staff recommends the Hearing Examiner **APPROVES** this request, subject to the understanding that the application is required to adhere to all applicable codes and laws, and is subject to the following conditions of approval.

**Conditions of Approval**

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

- A-1 Final Transportation Plan/On-Site** - The applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350 and the following conditions of approval:
- a.** The applicant shall show on the final construction plans that all proposed pedestrian facilities, including corner ramps, will be constructed to comply with ADA standards, *(See Transportation Finding 1).*
  - b.** The applicant shall show on the final construction plans a pavement section for NE 124<sup>th</sup> Street that is in compliance with the results of pavement deflection testing as prescribed by CCC 40.350.030(B)(5)(a)(6), *(See Transportation Finding 3).*
  - c.** The applicant shall show on the final construction plans that the frontage improvements required along NE 129<sup>th</sup> Street are built adjacent to Tract A. Improvements shall be built to accommodate a private road/driveway approach at this location associated with NE 66<sup>th</sup> Avenue, *(See Transportation Finding 3).*

- d. The applicant shall show on the final construction plans a physical barrier on the property line between NE 129<sup>th</sup> Street (private) and NE 129<sup>th</sup> Street (public) to prevent access from one road to the other, *(See Transportation Finding 3)*.
- e. The applicant shall show on the final construction plans temporary street barricades on each end of NE 129<sup>th</sup> Street in compliance with CCC 40.350.030(C)(4)(f), *(See Transportation Finding 3)*.
- f. The applicant shall show on the final construction plans the driveways for all corner lots and that they comply with CCC 40.350.030(B)(4)(b)(1)(b), *(See Transportation Finding 4)*.
- g. The applicant shall show on the final construction plans that the joint driveway will comply with CCC 40.350.030(B)(4)(b)(2). The lot numbers who have access to the joint driveway easement shall also be labeled, *(See Transportation Finding 4)*.
- h. The applicant shall show on the final construction plans the sight distance triangles at all street intersections, *(See Transportation Finding 5)*.
- i. Unless the applicant obtains an approval of a road modification, a temporary turnaround at the north end of NE 61<sup>st</sup> Place consistent with Clark County Standard Drawing 26 shall be shown on the final construction plans, *(See Transportation Finding 6)*.
- j. The applicant shall show on the final construction plans that the street stub for any proposed road, most notably NE 127<sup>th</sup> Street, NE 61<sup>st</sup> Place, and NE 129<sup>th</sup> Street, is constructed to the property boundary OR if able to show the extension is beyond the developer's control, submit a technical road modification request with the final engineering application, *(See Transportation Finding 7)*.

**A-2 Transportation (Signing and Striping)** - The applicant shall submit a signing and striping plan and a reimbursable work order, authorizing County Road Operations to perform any signing and pavement striping required within the County right-of-way. This plan and work order shall be approved by the Department of Public Works prior to final plat or final site plan approval.

**A-3 Final Stormwater Plan** - The applicant shall submit and obtain County approval of a final stormwater plan designed in conformance to CCC 40.386 and the following conditions of approval:

- a. The applicant shall submit final construction plans and a final Technical Information Report (TIR) that addresses Minimum Requirements #1 through #9, *(See Stormwater Finding 1)*.
- b. The applicant shall demonstrate that the development will not materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots, *(See Stormwater Finding 1)*.

- c. The applicant shall show on the final construction plans that the roof drain for each lot is routed to separate private infiltration facilities. Alternatively, the applicant may propose to convey the roof runoff to infiltration systems within the public right-of-way outside of the paved road section. Connection of roof and crawl space drains directly into a public infiltration trench under the roadway is prohibited, (*See Stormwater Finding 2*).
- d. The applicant shall submit documentation from the stormwater treatment system manufacturer indicating that the stormwater treatment devices were sited and sized appropriately, (*See Stormwater Finding 2*).
- e. The applicant shall identify on the final construction plans ownership responsibilities for each of the proposed stormwater facilities, (*See Stormwater Finding 2*).
- f. The tested and design infiltration rates shall be identified on the final construction plans, (*See Stormwater Finding 3*).
- g. The applicant shall submit additional groundwater monitoring data with the final TIR. The data should be provided for at least one complete wet season (October 1 – April 30), (*See Stormwater Finding 3*).
- h. The groundwater elevation and minimum separation from the bottom of the infiltration trenches to the seasonal high-groundwater elevation shall be identified on the final construction plans, (*See Stormwater Finding 3*).

**A-4 Final Transportation Plan (Concurrency)** - The applicant shall submit a Final Construction Plan for review and approval to Development Engineering, consistent with the approved preliminary plan and the following conditions of approval:

- a. The applicant shall submit a signing and striping plan for review and approval. This plan shall show signing and striping and all related features for required frontage improvements and any off-site improvements. The applicant shall obtain a work order with Clark County to reimburse the County for required signing and striping.
- b. The applicant shall consider the WSDOT Design Manual – Roadside Safety Mitigation Guidance (Section 1600.04) in the final engineering design of all proposed roadways and frontage improvements, (*See Concurrency Finding 6*).
- c. The applicant shall submit construction plans that show all applicable design vehicles have the ability to enter and exit the development minimizing impact to opposing travel lanes. This may result in no on-street parking areas on local residential access roads, at/near public intersections, (*See Transportation Concurrency Finding 7*).

**A-5 Erosion Control Plan** - The applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.386.

- A-6 Excavation and Grading** - Excavation/grading shall be performed in compliance with CCC14.07.
- A-7 Geological Hazard Areas** - The applicant shall adhere to the recommendations set forth in the *Geotechnical Site Investigation*, prepared by Columbia West Engineering, Inc., dated November 12, 2019 unless further studies present new or different facts, (*See Geohazard Finding 1*).
- A-8 Retaining Walls** - A building permit is required for all retaining walls taller than 4 feet and for walls supporting a surcharge. The applicant shall show on the final construction plans all retaining walls in sufficient detail for staff to assess their impact on adjacent roads, structures, and public and private utilities. (*See Geohazard Finding 1*).
- A-9 Fire Marshal Requirements:**
- a. The applicant shall submit plans showing the location of water lines and hydrants for review and approval by the Fire District Chief, (*See Fire Protection Finding 2*).
  - b. Access roads shall have an unobstructed width of not less than 20 feet and 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 Fire Protection Finding 4*).
  - c. A 3-foot clear space needs to be provided around every fire hydrant, (*See Fire Protection Finding 3*).
  - d. Unless waived by the fire district chief, hydrants shall be provided with appropriate “storz” adapters for the pumper connection, (*See Fire Protection Finding 3*).
  - e. Parking is prohibited on access roads that are less than twenty-four (24) feet wide. Roads that are less than 24 feet wide shall be posted, “NO PARKING – FIRE LANE”, (*See Fire Protection Finding 6*).
- A-10 Final Construction Plan (Archaeology)** - The applicant shall submit and obtain county approval of a final construction plan with the following (Archaeology):
- a. A note shall be placed on the face of the final construction plans as follows: "If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Department of Archaeology and Historic Preservation in Olympia, the Cowlitz Indian Tribe, and Clark County shall be notified. Failure to comply with these state requirements may constitute a Class C Felony, subject to imprisonment and/or fines", (*See Archaeological Finding 2*).

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

- B-1 Pre-Construction Conference** - Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the county.
- B-2 Traffic Control Plan** - Prior to issuance of any building or grading permits for the development site, the applicant shall obtain written approval from Clark County Department of Public Works of the applicant's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system.
- B-3 Erosion Control** - Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.
- B-4 Erosion Control** - Erosion control facilities shall not be removed without county approval.
- B-5 Demolition Permits** - All existing structures will require a demolition permit prior to removal, (*See Land Use Finding 4*).
- B-6 Septic Tank and Well Decommissioning:**  
Prior to provisional acceptance, abandonment of septic systems, water wells and underground tanks shall be decommissioned in accordance with the procedures of the Clark County Public Health, (*See Water and Sewer Finding 2*).

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

- C-1 Stormwater:**
- a. In accordance with Section 5.1.2, Book 2 of the Clark County Stormwater Manual 2015, if the tested coefficient of permeability determined at the time of construction is at least 95 percent of the uncorrected coefficient of permeability used to determine the design rate, construction may proceed. If the tested rate does not meet this requirement, the applicant shall submit a plan to Clark County that follows the requirements in Book 1, Section 1.8.5. This plan shall address steps to correct the problem, including additional testing and/or resizing of the facilities to ensure that the system will meet the minimum requirements of the stormwater manual, (*See Stormwater Finding 3*).
  - b. During installation of the infiltration galleries, the applicant shall demonstrate that the required minimum vertical separation to the seasonal high water table for each facility as shown on the final construction plans shall be met. The systems shall be redesigned if the required separation is not achieved, (*See Stormwater Finding 3*).

**C-2 Forest Practice Requirements:**

- a. Logging:** If the Landowner or Operator plans to dispose of residual forest products as a result of this clearing, the landowner or operator shall first secure a Forest Tax Reporting Account number from the WA State Dept. of Revenue, *(See Forest Practice Finding 1)*.
- b. Operations:**
- Felling of Timber within 1 Tree Length of overhead power lines requires a 24-hour advance notification of Clark PUD prior to operations.
  - Motorized equipment operating hours will be limited to between 7AM and 10 PM Mondays to Saturdays.
  - Applicant is responsible for any and all damage occurring to neighboring properties as a result of this tree removal.
  - Log hauling from this site shall avoid the hours of 0700 to 0800 hours in the morning and 1500 to 1630 hours in the afternoon on days in which school bus activity is anticipated.
  - Log hauling must abide to all posted speed limits and rules of the road, the use of unmuffled "jake brakes" will not be permitted adjacent to private residences, *(See Forest Practice Finding 2)*.
- c. Roads & Impacts:**
- Damage to Public Roads or Right of Way shall be the sole responsibilities of the Applicant and underlying Property Owner. Any such damage shall be corrected to the satisfaction of Clark County Public Works Dept. within 24 hours.
  - Tracking on to county roads is prohibited under CCC 40.386 and 13.26A, *(See Forest Practice Finding 5)*.
- d. Slash Piles and Burning:**
- All slash shall be chipped or removed to an approved off-site within 6 months of cutting, *(See Forest Practice 6)*.

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

**D-1 Land Use** - All lots must meet minimum dimensional standards of the R1-6 zone, *(See Land Use Finding 2)*.

**D-2 Fire Marshal Requirements:**

- a.** The applicant shall demonstrate that water mains supplying fire flow have been installed and approved, *(See Fire Protection Finding 2)*.
- b.** The applicant shall submit a current utility review letter from the water purveyor indicating required fire flow remains available at the site, *(See Fire Protection Finding 2)*.

- c. Parking is prohibited on access roads that are less than twenty-four (24) feet wide. Roads that are less than 24 feet wide shall be posted, "NO PARKING – FIRE LANE", (*See Fire Protection Finding 6*).

**D-3 Public Health Signature Requirement** - Public Health is required to sign the final plat.

**D-4 Abandonment of On-Site Water Wells and Sewage Systems** - The location of abandoned septic tanks and decommissioned wells shall be shown on the face of the final plat, (*See Water and Sewer Service Finding 2*).

**D-5 Developer Covenant** - A *Developer Covenant to Clark County* shall be submitted for recording to include the following:

- a. Critical Aquifer Recharge Areas: "The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."
- b. Erosion Control: "Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."
- c. Responsibility for Stormwater Facility Maintenance: If applicable, for stormwater facilities for which the county will not provide long-term maintenance, the developer shall make arrangements with the existing or future (as appropriate) occupants or owners of the subject property for assumption of maintenance to the county's Stormwater Facilities Maintenance Manual as adopted by Chapter 13.26A. The responsible official prior to county approval of the final stormwater plan shall approve such arrangements. The county may inspect privately maintained facilities for compliance with the requirements of this chapter. If the parties responsible for long-term maintenance fail to maintain their facilities to acceptable standards, the county shall issue a written notice specifying required actions to be taken in order to bring the facilities into compliance. If these actions are not performed in a timely manner, the county shall take enforcement action and recover from parties responsible for the maintenance in accordance with Section 32.04.060.
- d. Impact Fees: "In accordance with CCC 40.610, except for (3 lots to be designated on the face of the plat), impact fees for each dwelling in this subdivision shall be assessed for impacts on schools, parks and transportation facilities based for the following districts: Battle Ground School District (SIF), Park District 8 (PIF) and Mt. Vista Transportation Sub-area (TIF). As found in CCC40.610.040, impact fees are calculated using the rates in effect at the time of building permit issuance."

- e. Joint Driveway Maintenance Covenant: A private joint driveway maintenance covenant shall be submitted to the responsible official for approval and recorded with the County Auditor. The covenant shall set out the terms and conditions of responsibility for maintenance, maintenance methods, standards, distribution of expenses, remedies for noncompliance with the terms of the agreement, right of use easements, and other considerations, as required under 40.350.030(C)(4)(g).

**D-6 Plat Notes** - The following notes shall be placed on the final plat:

- a. Archaeological: "If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Department of Archaeology and Historic Preservation in Olympia, the Cowlitz Indian Tribe, and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."
- b. Sidewalks: "Prior to issuance of occupancy permits, sidewalks shall be constructed along all the respective lot frontages."
- c. Utilities: "An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."
- d. Driveways: "All residential driveway approaches entering public roads are required to comply with CCC 40.350."
- e. Sight Distance: "All sight distance triangles shall be maintained."
- f. Privately Owned Stormwater Facilities: "The following party is responsible for long-term maintenance of the privately owned stormwater facilities: \_\_\_\_\_."
- g. Roof and Crawl Space Drains: "Roof and crawl space drains shall be installed in accordance with the approved As-Built plans, unless a revised plan is approved by the county. These stormwater systems will be owned and maintained by the property owner on whose lot the stormwater system is located."
- h. Impact Fees: "In accordance with CCC 40.610, except for (3 lots to be identified on the face of the plat), impact fees for each dwelling in this subdivision shall be assessed for impacts on schools, parks and transportation facilities based for the following districts: Battle Ground School District (SIF), Park District 8 (PIF) and Mt. Vista Transportation Sub-area (TIF). As found in CCC40.610.040, impact fees are calculated using the rates in effect at the time of building permit issuance."

- i. **Tract "A"**: "Tract "A" shall retain the access and utility easement rights for properties east of NE 66<sup>th</sup> Avenue as identified in Short Plat Book 1, Pg 555. Also, no access to Tract A is allowed for any lots within the subdivision."
- j. The developer shall identify which 3 lots are exempt from impact fees on the face of the plat, (*See Impact Fee Finding 1*).

**D-7 Sewer and Water Requirements:**

- a. The applicant shall produce documentation from Clark Regional Waste Water district that sewer has been installed and approved, (*See Water and Sewer Finding 1*).
- b. The applicant shall produce documentation from Clark Public Utilities that water has been installed and approved, (*See Water and Sewer Finding 1*).
- c. The locations of all decommissioned wells, septic systems, cesspools, drywells, or pump chambers discovered on site shall be decommissioned and locations shown on the face of the plat, (*See Water and Sewer Finding 2*).
- d. A copy of the final acceptance letter from CRWWD and CPU must be submitted with the Mylar, (*See Water and Sewer Finding 2*).

**D-8 Right-of-way Dedication** - The required right-of-way along NE 129<sup>th</sup> Street, NE 124<sup>th</sup> Street and NE 61<sup>st</sup> Place, along with all new road internal to the development must be conveyed to the county with the final plat, (*See Transportation Finding 3*).

**D-9 Sight Distance** - The sight distance triangles shall be delineated on the final plat, (*See Transportation Finding 5*).

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

- E-1 Land Use** - Any future construction on the newly created lots shall meet setback standards prescribed for the R1-6 zone, (*See Land Use Finding 2*).
- E-2 Impact Fees** - Except for 3 lots that will be identified on the face of the plat, impact fees shall be assessed for impacts on schools, parks and transportation facilities based for the following districts: Battle Ground School District (SIF), Park District 8 (PIF) and Mt Vista Transportation Sub-area (TIF). As found in CCC40.610.040, impact fees are calculated using the rates in effect at the time of building permit issuance", (*See Impact Fee Finding 3*).
- E-3 Roof and Crawl Space Drains** - Roof and crawl space drains shall be installed in accordance with the approved As-Built plans, unless a revised plan is approved by the county. These stormwater systems will be owned and maintained by the property owner on whose lot the stormwater system is located, (*See Stormwater Finding 2*).

**E-4 Fire Marshal Requirements** - Homes exceeding 3600 square feet including attached garages will require additional fire protection features up to and including a residential fire sprinkler system when adequate public water and a hydrant is not within required distances, *(See Fire Protection Finding 5)*.

**E-5 Excavation and Grading** - Excavation and grading shall be performed in compliance with CCC 14.07.

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

**F-1 None**

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

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

- The construction project disturbs one or more acres of land through clearing, grading, excavating, or stockpiling of fill material; **AND**
- There is a possibility that stormwater could run off the development site during construction and into surface waters or conveyance systems leading to surface waters of the state.

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

**Solid Waste Management - Derek Rockett (360) 407-6287**

All grading and filling of land must utilize only clean fill. All other materials may be considered solid waste and permit approval may be required from your local jurisdictional health department prior to filling. All removed debris resulting from this project must be disposed of at an approved site. Contact the local jurisdictional health department for proper management of these materials.

**HAZARDOUS WASTE & TOXICS REDUCTION: Tara Davis (360) 407-6275**

Demolition: The applicant proposes to demolish an existing structure(s). In addition to any required asbestos abatement procedures, the applicant should ensure that any other potentially dangerous or hazardous materials present, such as PCB-containing lamp ballasts, fluorescent lamps, and wall thermostats containing mercury, are removed prior to demolition. Also, be aware that PCBs are increasingly being found in caulking and paint. It is important that these materials and wastes are removed and appropriately

managed prior to demolition. It is equally important that demolition debris is also safely managed, especially if it contains painted wood or concrete, treated wood, or other possibly dangerous materials.

Please review the “Dangerous Waste Rules for Demolition, Construction, and Renovation Wastes,” on Ecology’s website at: <https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Dangerous-waste-guidance/Common-dangerous-waste/Construction-and-demolition>. The applicant may also contact Robert Rieck with Ecology’s Hazardous Waste and Toxics Reduction program (HWTR) at (360) 407-6751 for more information about safely handling dangerous wastes and demolition debris

**TOXICS CLEANUP: Jackson Barnes (360) 407-6248**

If contamination is suspected, discovered, or occurs during the development, testing of the potentially contaminated media must be conducted. If contamination of soil or groundwater is readily apparent, or is revealed by testing, the Department of Ecology must be notified. Contact the Environmental Report Tracking System Coordinator at the Southwest Regional Office at (360) 407-6300. For assistance and information about subsequent cleanup and to identify the type of testing that will be required, contact Andrew Smith with the Toxics Cleanup Program at the Southwest Regional Office at (360) 407-6316.

**TOXICS CLEANUP: Craig Rankine (360) 690-4795**

There are known contaminated site(s) within approximately half-a-mile of the proposed SEPA action. The site(s) include, but may not be limited to following, see Ecology Facility Site ID No’s, site name and project manager:

- 36151 Clark County Public Works 119th Street (no project manager assigned, contact Craig Rankine [360] 690-4795)
- 90752948 American RV Storage (no project manager assigned, contact Craig Rankine [360] 690-4795)
- 3780556 Manor Highway Auto Sales (no project manager assigned, contact Craig Rankine [360] 690-4795)

If environmental contamination is discovered at the site of the proposed action, it must be reported to Ecology’s Southwest Regional Office by contacting the Environmental Report Tracking System Coordinator at (360) 407-6300. For assistance regarding cleanup information on sites listed above contact the Ecology project manager. The applicant should make sure only clean soil is used as fill. Provisions and equipment should be on hand to contain and cleanup a release of oil or fuel from heavy equipment operation.

**WATER QUALITY/WATERSHED RESOURCES UNIT: Greg Bengé (360) 690-4787**

Erosion control measures must be in place prior to any clearing, grading, or construction. These control measures must be effective to prevent stormwater runoff

from carrying soil and other pollutants into surface water or stormdrains that lead to waters of the state. Sand, silt, clay particles, and soil will damage aquatic habitat and are considered to be pollutants.

Any discharge of sediment-laden runoff or other pollutants to waters of the state is in violation of Chapter 90.48 RCW, Water Pollution Control, and WAC 173-201A, Water Quality Standards for Surface Waters of the State of Washington, and is subject to enforcement action.

Section A #10 of the SEPA checklist does not reflect the need for coverage under the Construction Stormwater General Permit (CSWGP), which may be required for the proposed project. If construction stormwater leaves the site (common examples include bioretention facility overflows and/or turbid stormwater created by trackout entering inlets) and discharges to Waters of the State, a CSWGP is required. Coverage under the CSWGP is highly recommended if there's any chance of discharge occurring.

**G-3 Building and Fire Safety** - Building and fire, life, and safety requirements must be addressed through specific approvals and permits. This decision may reference general and specific items related to structures and fire, life, and safety conditions, but they are only for reference in regards to land use conditions. It is the responsibility of the owner, agent, tenant, or applicant to insure that Building Safety and Fire Marshal requirements are in compliance or brought into compliance. Land use decisions do not waive any building or fire code requirements, (*See Fire Protection Finding 1*).

**G-4 SWCAA Requirements:**

Demolition / Asbestos [SWCAA 476] - Prior to demolition or renovation of a structure, a thorough asbestos inspection must be conducted by an AHERA-certified inspector in order to determine the presence of asbestos containing material (ACM) in all affected structure(s) or area(s). A copy of the AHERA asbestos inspection report must be posted for viewing at the project site. See Exhibit 16 for more details.

Construction Dust [SWCAA 400: General Regulations for Air Pollution Sources]:

- Construction and earthmoving activities have the potential to generate excessive dust emissions if reasonable control measures are not implemented. SWCAA Regulation 400-040(2) requires that “no person shall cause or permit the emission of particulate matter from any stationary source to be deposited beyond the property under direct control of the owner or operator of the stationary source in sufficient quantity to interfere unreasonably with the use and enjoyment of the property upon which the material is deposited”. Furthermore, SWCAA Regulation 400-040(8)(a) requires that “the owner or operator of any source of fugitive dust shall take reasonable precautions to prevent fugitive dust from becoming airborne and shall maintain and operate the source to minimize emissions”.
- Common control measures to mitigate the emission of dust from construction and earthmoving activities include: application of water before and during

- earthmoving operations, application of water to disturbed surface areas (including access roads and staging areas) after earthmoving operations, application of chemical dust control products and/or surfactants, limiting access to open/disturbed areas, reducing equipment/vehicle speeds, establishing vegetative cover on inactive areas and ceasing operations altogether during high wind events.
- Violations of SWCAA Regulation 400-040 may result in civil penalties being assessed against the project operator and/or property owner.

The proponent of this project may contact SWCAA at 360-574-3058 for more information regarding the agency's requirements. Notification forms, permit applications, air quality regulations and other information are available on the internet at <http://www.swcleanair.org>.

<b>H</b>	<b>Post Development Requirements Review and Approval Authority: As specified below</b>
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#### **H-1 Fire Marshal Requirements:**

- a. A three (3) –foot clear spaces shall be maintained around the circumference of all fire hydrants, *(See Fire Protection Finding 3)*.
- b. Access roads shall maintain an unobstructed width of not less than 20 feet and 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 Fire Protection Finding 4)*.

<p><b>Note: Any additional information submitted by the applicant within fourteen (14) calendar days prior to or after issuance of this report, may not be considered due to time constraints. In order for such additional information to be considered, the applicant may be required to request a “hearing extension” or “open record” and shall pay the associated fee.</b></p>
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#### **Hearing Examiner Decision and Appeal Process**

This report to the Hearing Examiner is a recommendation from the Land Use Review program of Clark County, Washington.

The examiner may adopt, modify or reject this recommendation. The examiner will render a decision within 14 calendar days of closing the public hearing. Clark County will mail a copy of the decision to the applicant and neighborhood association within 7 days of receipt from the Hearing Examiner. All parties of record will receive a notice of the final decision within 7 days of receipt from the Hearing Examiner.

#### **Motion for Reconsideration**

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

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

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

Any party of record may file a written response to the motion if filed within fourteen (14) calendar days of filing a motion for reconsideration.

The examiner will issue a decision on the motion for reconsideration within twenty-eight (28) calendar days of filing of a motion for reconsideration.

### **Appeal Rights**

Any party of record to the proceeding before the hearing examiner may appeal any aspect of the Hearing Examiner's decision, except the SEPA determination (i.e., procedural issues), to the Superior Court.

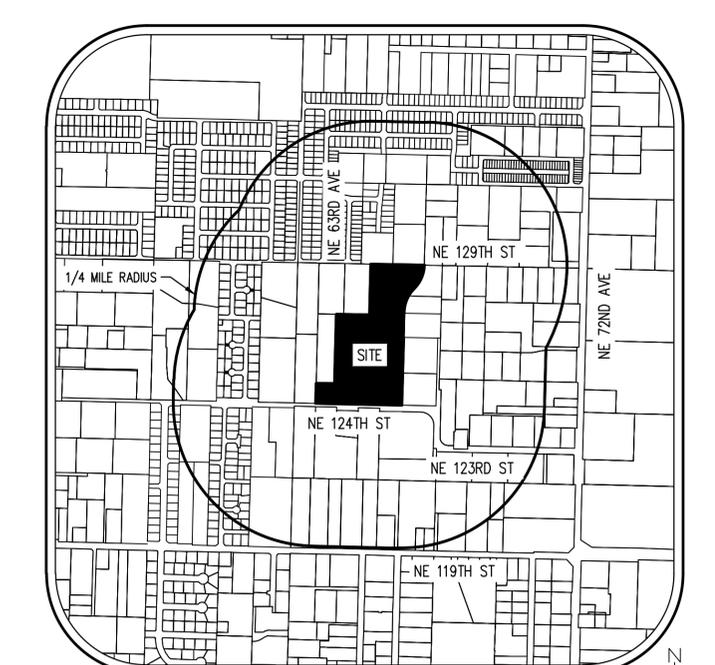
See the *Appeals* handout for more information and fees.

### **Attachments**

- Copy of Preliminary Plan



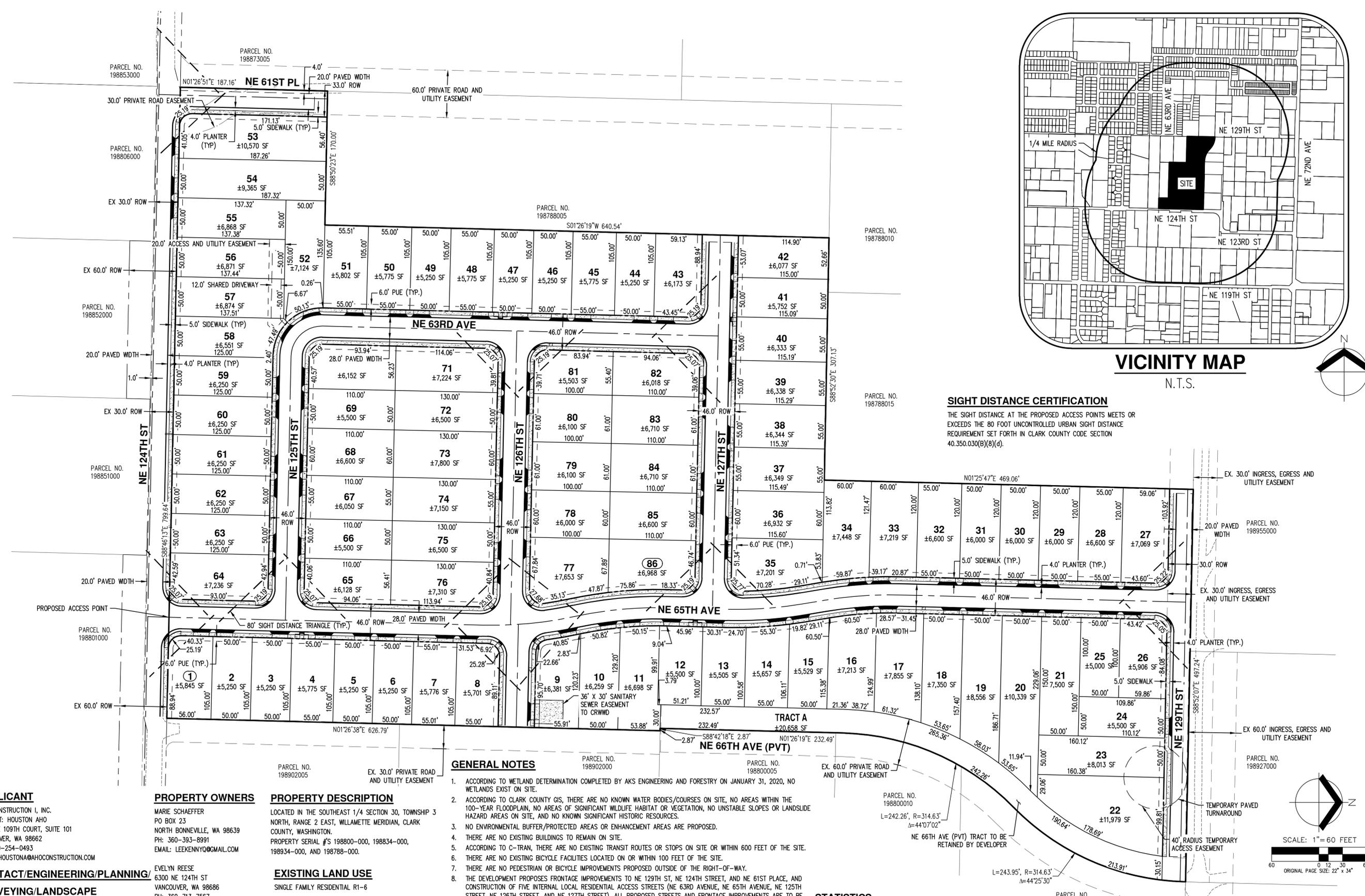
JOB NUMBER:	7670
DATE:	5/13/2020
DESIGNED BY:	KWA
DRAWN BY:	MRS
CHECKED BY:	SMH



**VICINITY MAP**  
 N.T.S.

**SIGHT DISTANCE CERTIFICATION**

THE SIGHT DISTANCE AT THE PROPOSED ACCESS POINTS MEETS OR EXCEEDS THE 80 FOOT UNCONTROLLED URBAN SIGHT DISTANCE REQUIREMENT SET FORTH IN CLARK COUNTY CODE SECTION 40.350.030(B)(8)(d).



**GENERAL NOTES**

- ACCORDING TO WETLAND DETERMINATION COMPLETED BY AKS ENGINEERING AND FORESTRY ON JANUARY 31, 2020, NO WETLANDS EXIST ON SITE.
- ACCORDING TO CLARK COUNTY GIS, THERE ARE NO KNOWN WATER BODIES/COURSES ON SITE, NO AREAS WITHIN THE 100-YEAR FLOODPLAIN, NO AREAS OF SIGNIFICANT WILDLIFE HABITAT OR VEGETATION, NO UNSTABLE SLOPES OR LANDSLIDE HAZARD AREAS ON SITE, AND NO KNOWN SIGNIFICANT HISTORIC RESOURCES.
- NO ENVIRONMENTAL BUFFER/PROTECTED AREAS OR ENHANCEMENT AREAS ARE PROPOSED.
- THERE ARE NO EXISTING BUILDINGS TO REMAIN ON SITE.
- ACCORDING TO C-TRAN, THERE ARE NO EXISTING TRANSIT ROUTES OR STOPS ON SITE OR WITHIN 600 FEET OF THE SITE.
- THERE ARE NO EXISTING BICYCLE FACILITIES LOCATED ON OR WITHIN 100 FEET OF THE SITE.
- THERE ARE NO PEDESTRIAN OR BICYCLE IMPROVEMENTS PROPOSED OUTSIDE OF THE RIGHT-OF-WAY.
- THE DEVELOPMENT PROPOSES FRONTAGE IMPROVEMENTS TO NE 129TH ST, NE 124TH STREET, AND NE 61ST PLACE, AND CONSTRUCTION OF FIVE INTERNAL LOCAL RESIDENTIAL ACCESS STREETS (NE 63RD AVENUE, NE 65TH AVENUE, NE 125TH STREET, NE 126TH STREET, AND NE 127TH STREET). ALL PROPOSED STREETS AND FRONTAGE IMPROVEMENTS ARE TO BE PAVED WITH ASPHALT.
- NO STREETS IN EXCESS OF 15 PERCENT GRADE ARE EITHER ON THE SITE OR WITHIN 500 FEET OF THE SITE.
- ALL OFF-SITE ROADS (NE 124TH ST AND NE 66TH AVE) THAT PROVIDE ACCESS TO THE SITE WITHIN 500 FEET OF THE SITE ARE ASPHALT. NE 66TH AVE HAS A PAVED WIDTH OF ±25 FEET. THE EXISTING PAVED WIDTH ALONG NE 124TH ST IS ±20 FEET.
- PROPOSED DRIVEWAYS ON THE CORNER LOTS WILL BE LOCATED A MINIMUM 5' FROM THE PROPERTY LINES FURTHEST FROM THE INTERSECTION AND ARE 20' WIDE.
- THERE IS NO HARD LANDSCAPING FEATURES PROPOSED.
- SEE SHEET P3.1 FOR TYPICAL STREET CROSS SECTIONS.
- ALL ONE-STORY AND TWO-STORY HOMES WILL BE WOOD FRAMED.

**STATISTICS**

TOTAL GROSS AREA: 741,950 SF (17.03 AC)  
 TOTAL RIGHT-OF-WAY AREA: 181,070 SF (4.16 AC)  
 TOTAL NET AREA: 560,880 SF (12.87 AC)  
 MINIMUM AVERAGE LOT AREA ZONE R1-6: 6,000 SF  
 MAXIMUM AVERAGE LOT AREA ZONE R1-6: 8,500 SF  
 PROPOSED AVERAGE LOT AREA: 6,522 SF  
 MINIMUM DENSITY: 66 DU  
 MAXIMUM DENSITY: 94 DU  
 PROPOSED LOTS: 86 LOTS

741,950 SF (17.03 AC)  
 181,070 SF (4.16 AC)  
 560,880 SF (12.87 AC)  
 6,000 SF  
 8,500 SF  
 6,522 SF  
 66 DU  
 94 DU  
 86 LOTS

**THE PURPOSE OF THIS PRELIMINARY PLAT IS TO SHOW THE PROPOSED LOT DIMENSIONS AND AREAS FOR PLANNING PURPOSES. THIS IS NOT AN OFFICIAL PLAT AND IS NOT TO BE USED FOR SURVEY PURPOSES.**

**SANITARY SEWER EASEMENT NOTE**

- LOT 9 SHALL CONTAIN AN EASEMENT TO CLARK REGIONAL WASTEWATER DISTRICT FOR A TEMPORARY SANITARY SEWER PUMP STATION. UPON REMOVAL OF THE TEMPORARY SANITARY SEWER PUMP STATION, THE EASEMENT SHALL BE RELINQUISHED.

**APPLICANT**

AHO CONSTRUCTION I, INC.  
 CONTACT: HOUSTON AHO  
 5512 NE 109TH COURT, SUITE 101  
 VANCOUVER, WA 98682  
 PH: 360-254-0493  
 EMAIL: HOUSTONA@AHOCONSTRUCTION.COM

**CONTACT/ENGINEERING/PLANNING/  
 SURVEYING/LANDSCAPE**

AKS ENGINEERING & FORESTRY, LLC.  
 CONTACT: SETH HALLING, P.E.  
 9600 NE 126TH AVENUE, SUITE 2520  
 VANCOUVER, WA 98682  
 PH: 360-882-0419  
 FAX: 360-882-0426  
 E-MAIL: SETHH@AKS-ENG.COM

**PROPERTY OWNERS**

MARIE SCHAEFFER  
 PO BOX 23  
 NORTH BONNEVILLE, WA 98639  
 PH: 360-393-8991  
 EMAIL: LEEKENNYO@GMAIL.COM

EVELYN REESE  
 6300 NE 124TH ST  
 VANCOUVER, WA 98686  
 PH: 360-713-7567  
 EMAIL: REESESEVE2@GMAIL.COM

BYRON AND NEOMI HEGSTAD  
 6330 NE 124TH ST  
 VANCOUVER, WA 98686  
 PH: 360-635-8604

**PROPERTY DESCRIPTION**

LOCATED IN THE SOUTHEAST 1/4 SECTION 30, TOWNSHIP 3 NORTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, CLARK COUNTY, WASHINGTON.  
 PROPERTY SERIAL #'S 198800-000, 198834-000, 198934-000, AND 198788-000.

**EXISTING LAND USE**

SINGLE FAMILY RESIDENTIAL R1-6

**PROJECT PURPOSE**

86 LOT SUBDIVISION

**SITE AREA**

17.03 AC (741,950 SF)