

## Notice to Parties of Record

**Project Name:** NE 152<sup>nd</sup> Avenue Subdivision

**Case Number:** PLD-2020-00054

The attached decision of the Land Use Hearing Examiner is final unless a motion for reconsideration is filed or an appeal is filed with Superior Court.

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

### **Motion for Reconsideration:**

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

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

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

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

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

Mailed on: September 24, 2020

DS1333

Revised 7/15/13



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contact the Clark County  
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**BEFORE THE LAND USE HEARINGS EXAMINER  
OF CLARK COUNTY, WASHINGTON**

Regarding an application by TSR Investments LLC ) **FINAL ORDER**  
for preliminary plat approval to divide 7.1-acres into )  
34 lots in the R1-6 and CC zones at 9000 NE 152nd ) **PLD-2020-00054**  
Ave. in unincorporated Clark County, Washington ) **(NE 152nd Avenue Subdivision)**

**A. SUMMARY**

1. The applicant, TSR Investments LLC, requests approval to divide the roughly 7.1-acre parcel into 34 lots for single-family dwellings and one lot for future commercial development.

a. The subdivision parcel is located at approximately 9000 NE 152nd Avenue, known as tax assessor Parcel 186313-000 (the "site"). The northern portion of the site and properties to the west and southeast are zoned R1-6 (Residential, 6 units per acre). The southern portion of the site is zoned CC (Community Commercial). Properties to the south are zoned "A" (Airport) and developed as the Fly for Fun Airport. Properties to the north and northwest are zoned R1-10 (Residential, 10 units per acre). Properties to the northeast, across NE 152nd Avenue, are zoned PF (Public Facility) and developed with the York Elementary School.

b. The site is currently vacant. The topography of the site is flat with a single tree on the east boundary of the site. The applicant must remove the tree in order to construct required frontage improvements.

c. The applicant proposed to construct a single-family attached dwelling on each of the proposed lots. All proposed lots will comply with the minimum dimensional standards for the R1-6 zone. The City of Vancouver will provide water and sewer service to the site.

d. The applicant will dedicate right-of-way as necessary and construct half-width street improvements on the site's NE 150th and 152nd Avenue and NE 93rd Street frontages. The applicant will extend a new public street, proposed NE 91st Street, through the site to align with the existing NE 91st Street intersections on NE 150th and 152nd Avenues. The applicant will extend a dead-end private street, proposed NE 151st Street, north of the on-site section of NE 91st Street, terminating in a hammerhead turnaround.

e. The applicant proposed to infiltrate stormwater runoff from roof downspouts. The applicant will collect stormwater runoff from roads, driveways, and other pollution generating impervious areas on the site and convey it to underground stormwater facilities for treatment and infiltration within the public street rights-of-way.

2. The County issued a Determination of Nonsignificance ("DNS") for the subdivision pursuant to the State Environmental Policy Act ("SEPA") on July 20, 2020. That determination was not appealed and is now final.

3. Clark County Hearing Examiner Joe Turner (the "examiner") conducted an online public hearing about the application. County staff recommended that the examiner approve the application subject to conditions. See the Type III Land Division and Environmental Review Staff Report and Recommendation to the Hearing Examiner dated August 13, 2020 (the "Staff Report"). The applicant accepted the findings and conditions in the Staff Report without exceptions. One person testified in writing during the open record period (Exhibit 22). Contested issues in this case include:

a. Whether traffic from this development will exceed the capacity of area streets or create a hazard, especially for students and other pedestrians crossing NE 152<sup>nd</sup> Avenue;

b. Whether the applicant can be required to install additional enhanced pedestrian crossings on NE 152<sup>nd</sup> Avenue north of the site; and

b. Whether construction traffic and activities will have a significant impact on surrounding properties and roadways.

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

#### **B. HEARING AND RECORD HIGHLIGHTS**

1. The examiner received testimony at a public hearing about this application on August 27, 2020. That testimony and evidence, including a video recording of the public hearing and the casefile maintained by the Department of Community Development ("DCD"), are included herein as exhibits, and they are filed at DCD. The following is a summary by the examiner of selected testimony and evidence offered at the hearing.

2. County planner Bryan Mattson summarized the Staff Report and showed photographs of the site. He noted that the County recently rezoned the northern portion of the property from CC to R1-6. The County has a road improvement project planned for NE 152<sup>nd</sup> Avenue that will construct a center turn lane along the site frontage.

3. Planner Dave Weston appeared on behalf of the applicant, TSR Investments LLC. He noted that the applicant intends to seek Transportation Impact Fee ("TIF") credits for the cost of improvements to NE 152<sup>nd</sup> Avenue. He accepted the findings and conclusions in the Staff Report without objections.

4. No one else testified at the online hearing. At the conclusion of the hearing the examiner held the record open for two weeks, until September 10, 2020, for anyone to submit additional written testimony and evidence in this matter and for a third week, until September 17, 2020, for the applicant to submit a final argument. The following exhibits were submitted during the open record period:

a. Tim Linquist submitted a letter (Exhibit 22) expressing concern with the safety of pedestrians crossing NE 152<sup>nd</sup> Avenue and the impact of additional traffic on

this street, including the impacts of construction traffic from this development. He argued that the applicant or the County should install additional or upgraded crosswalks on NE 152<sup>nd</sup> Avenue and prohibit construction traffic on NE 152<sup>nd</sup> Avenue.

b. The applicant submitted a final argument on September 11, 2020, and requested the examiner close the record on that date. (Exhibit 23).

### **C. FINDINGS:**

Only issues and approval criteria raised in the course of the application, during the hearing or before the close of the record are discussed in this section. All approval criteria not raised by staff, the applicant, or a party to the proceeding have been waived as contested issues, and no argument with regard to these issues can be raised in any subsequent appeal. The Examiner finds those criteria to be met, even though they are not specifically addressed in these findings. The following issues relate to the mandatory applicable approval criteria for this proposal and were addressed by County staff in their reports, by agency comments, by the applicant and others. The Examiner adopts the following findings with regard to each:

#### **Land Use**

##### Finding 1 - Uses

According to Table 40.220.010-1, single-family residential dwellings are permitted outright in the R1-6 zone. No use has been proposed for the commercial lot but any future uses for this parcel will be required to comply with the underlying zoning.

##### Finding 2 – Lot Requirements

The residential lots will comply with the R1-6 zoning standards and the commercial lot will conform to the CC zoning standards.

Table 40.220.010-2 prescribes a minimum average lot area of 6,000 square feet and a maximum average lot area of 8,500 square feet for the R1-6 zone. The residential R1-6 parcels range in size from approximately 4,968 square feet to 9,910 square feet and propose an overall average lot size of approximately 6,257 square feet, 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. Because lots 20 and 24 are corner lots and have two street frontages that can be accessed and no driveway location is designated on the preliminary plat, a plat note has been added to ensure that these lots both access NE 151<sup>st</sup> Avenue in order to meet the 90-foot depth requirement, (*See Condition D-5.i*).<sup>3</sup> As conditioned, 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, which are depicted in the table below:

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<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> The applicant has designated driveway locations for the remaining corner lots.

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>4</sup>	Side		Rear (feet)		
		Street (feet)	Interior (feet)			
R1-6	10 <sup>5</sup>	10	5	10	50%	35

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

There are no width, depth, or area requirements for the CC zone; therefore, the proposed 62,298 square foot commercial lot complies with the standard.

Minimum setbacks for any future uses on the Commercial lot will be pursuant to screening and buffering standards contained in Chapter 40.320 and Table 40.320.010-1, [See also Finding 4 – Landscaping].

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 Evergreen School District, and specifically within the boundaries of York Elementary School, Frontier Middle School and Heritage High School.

The applicant provided a letter from the Director of Operations for the Evergreen School District, which indicates that Middle and High School students will be bused from the proposed development and that safe walking conditions exist with a crosswalk across NE 152<sup>nd</sup> Avenue for York Elementary School.

The proposed public roads and private street will provide sidewalks within the development; therefore, the proposed development complies with the ‘safe-walking’ requirement.

Mr. Linquist’s concerns about the safety of students and other pedestrians crossing NE 152<sup>nd</sup> Avenue are addressed in the Transportation Findings below.

Finding 4 –Landscaping

<sup>4</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>5</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.

Table 40.320.010-1 requires that a 10-foot wide L3 standard buffer shall be installed along the south property line of lots abutting the CC zone, (*See Conditions A-10 and D-9*). The L3 standard requires enough high shrubs to form a screen six (6) feet high and ninety-five percent (95%) opaque year-round. In addition, one (1) tree is required per thirty (30) lineal feet of landscaped area, or as appropriate to provide a tree canopy over the landscaped area. Groundcover plants must fully cover the remainder of the landscaped area with the exception of energy dissipation points at the locations of stormwater inlets. LID bioretention facility plantings may be used in combination with perimeter shrubs, provided a continuous screen six (6) feet high and ninety-five percent (95%) opaque year-round can be achieved within two (2) years of planting. A six (6) foot high wall or fence that complies with the F2 standard (Figure 40.320.010-7) with or without a berm may be substituted for shrubs, but the trees and groundcover plants are still required.

A 10-foot wide L4 or 15-foot wide L5 landscape buffer will be required along the northerly side of the commercial lot abutting the R1-6 zone. Because the tenant and the future use of this commercial lot is unknown at this time, the installation of this landscape buffer is deferred to the future site plan review requirements for the commercial parcel. An advisory condition has been added to notify future owners or tenants of the commercial parcel of this requirement, (*See Condition G-5*).

NE 152<sup>nd</sup> Avenue is classified as a 2-Lane Urban Collector (C-2). In accordance with Section 40.320.020(H), landscaping between the back of the sidewalk and the right-of-way and between the back of curb and sidewalk shall utilize drought-resistant plants. The applicant shall submit and obtain county approval of a final landscape plan prior to final construction plan approval, (*See Conditions A- 10 and D-9*).

Maintenance of landscaped areas is the ongoing responsibility of the property owner. Required landscaping must be continuously maintained in a healthy manner. Plants that die must be replaced with in-kind materials unless otherwise authorized by the responsible official. Vegetation shall be controlled by pruning, trimming or otherwise so that it will not interfere with the maintenance or repair of any public utility, restrict pedestrian or vehicular access, or obstruct sight distance at intersections as provided in Section 40.320.020, (*See Condition H-2*).

#### Finding 5 - Previous Site Plan Approval

This site was previously conditionally approved to develop as a self-storage facility by Site Plan Review case PSR2017-00038. Subsequently, the Comprehensive Plan Designation was changed on the northern portion of the site from Commercial (CC) to Urban Low Density (R1-6) by Ordinance No. 2020-02-12. Because the previous site plan approval is still valid, prior to final plat approval, the applicant shall provide a letter from the property owner abandoning the option to develop the parcel as a self-storage facility as approved under PSR2017-00038, (*See Condition D-10*).

#### Finding 6 - County/State Platting Standards

With conditions of approval, the examiner 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)**

The examiner 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 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-9.a*). In addition, a similar note shall be placed on the final plat, (*See Condition D-5.a*).

### **Conclusion (Archaeology)**

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

### **Transportation and 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 streets of the development. The proposed plan indicates that five-foot detached sidewalks will be constructed along all roads fronting and within the development. The applicant will be required to construct curb ramps at all street intersections; dual curb ramps are required at intersections with NE 152<sup>nd</sup> Avenue, as it is classified as a Collector. All proposed pedestrian facilities shall be constructed to comply with ADA standards, (*See Conditions A-1.a and A-1.b*). The applicant will also construct a new marked pedestrian crossing on the north leg of the NE 91<sup>st</sup> Street/NE 152<sup>nd</sup> Avenue intersection, which will facilitate pedestrian access.

Mr. Linqvist expressed concerns with the safety of school children and other pedestrians crossing NE 152<sup>nd</sup> Avenue due to speeding, aggressive driving, drivers texting, and other issues, based on his experience as a school crossing guard. This development will generate additional traffic volume in the area, which may contribute to these issues. Reasonably prudent drivers will observe the posted speed limits, traffic controls, and other applicable regulations. Unfortunately not all drivers are prudent. However there is

no evidence that the development proposed in this application will contribute a disproportionate share of imprudent drivers. The County can address the issues noted by Mr. Linquist through increased enforcement in this area. The applicant cannot construct physical improvements to address drivers texting, failing to yield, and other driver behaviors. These can only be addressed through enforcement.

As discussed in Exhibit 23, the extension of NE 91<sup>st</sup> Street proposed by this development will provide an alternate route to NE 152<sup>nd</sup> Avenue for vehicles traveling from the site and areas to the north and west, allowing such traffic to enter NE 152<sup>nd</sup> Avenue south of the school and school crosswalks, which may reduce congestion on the section of NE 152<sup>nd</sup> Avenue near the school. The applicant will also relocate the existing C-TRAN bus stop to the south of NE 91<sup>st</sup> Street.

Mr. Linquist argued that additional enhanced crosswalks are needed at intersections on NE 152<sup>nd</sup> Avenue north and south of the site. However, the County has no authority to require this applicant to provide such improvements, The applicant is not required to remedy all existing and perceived deficiencies in the area. The Code requires an applicant to mitigate impacts a development causes or to which it contributes significantly. It would be inequitable to require an applicant to bear the full burden of improvements where the proposed development is only responsible for a portion of the problem.

#### Finding 2 - Circulation Plan

Cross-circulation is required by CCC 40.350.030(B)(2). The proposal includes extending NE 91<sup>st</sup> Street through the site. Cross-circulation is met by this proposal.

#### Finding 3 –Roads

Road improvements and design are required to comply with Table 40.350.030-2.

##### *NE 152nd Avenue*

NE 152nd Avenue is classified as an Urban Collector (C-2). Half-width improvements include a 30-foot half-width right-of-way, a 19-foot half-width paved roadway, curb and gutter, and a five-foot detached sidewalk per Clark County Standard Detail Drawing #6. The proposal includes half-width improvements to centerline.

Additional right-of-way dedication (or public easement) is required at the intersections of NE 152<sup>nd</sup> Avenue/NE 93<sup>rd</sup> Street and NE 152<sup>nd</sup> Avenue/NE 91<sup>st</sup> Street for the chord of the right-of-way radii, (*See Condition A-1.c*).

##### *NE 150<sup>th</sup> Avenue*

NE 150<sup>th</sup> Avenue is classified as an Urban Neighborhood Circulator. Half-width improvements are required per Standard Detail Drawing #12. The proposal includes partial-width improvements for a total half-width of 27 feet right-of-way, 18 feet paved travel way, curb gutter and five-foot sidewalk.

##### *NE 91<sup>st</sup> Street*

NE 91<sup>st</sup> Street is classified as an Urban Neighborhood Circulator. The proposal includes a right-of-way of 54 feet, a paved roadway width of 36 feet, curb and gutter, and five-foot sidewalks on both sides per Clark County Standard Detail Drawing #12.

*NE 93<sup>rd</sup> Street*

NE 93<sup>rd</sup> Street is classified as an Urban Local Residential Access. Half-width improvements are required per Standard Detail Drawing #13. The proposal includes partial-width improvements for a total half-width of 23 feet right-of-way, 14 feet of paved travel way, curb/gutter and five-foot sidewalk.

*NE 151<sup>st</sup> Avenue*

NE 151<sup>st</sup> Avenue is proposed as an Urban Private Road with parking. Full-width improvements are per Standard Detail Drawing #16. The proposal includes a 30-foot easement containing a 24-foot paved width and five-foot sidewalk on one side.

All right-of-way dedications must be conveyed to the county with the final plat, (*See Condition D-7*).

Where frontage improvements are required, the county will perform pavement deflection testing to determine the adequacy of the existing pavement. Where remaining life of the pavement is less than five (5) years, the developer shall construct the roadway to current standards to the centerline or twenty-two (22) feet, whichever is less. If remaining life is greater than five (5) years, the road shall be cut back to a location where the structure is sound, and the widening constructed. However, in no case shall the reconstruction be less than four (4) feet in width from the existing edge of pavement to the new edge of pavement or face of curb. The county may require reconstruction to the centerline or twenty-two (22) feet, whichever is less, if the review authority determines the geometrics or other existing features are inadequate.

The applicant proposes to reconstruct to centerline on NE 152<sup>nd</sup> Avenue and reconstruct on NE 150<sup>th</sup> Avenue and NE 93<sup>rd</sup> Street to a minimum of four feet up to centerline or 22 feet depending on pavement deflection results, (*See Condition A-1.d*).

Finding 4 - Urban Transit

This development will impact an existing C-TRAN bus stop. The applicant proposes to relocate the bus stop south of the proposed intersection of NE 91<sup>st</sup> Street/NE 152<sup>nd</sup> Avenue and pave the planter strip for a minimum of 28 feet at the bus stop, (*See Condition A-1.e*).

Finding 5 - Access Management

Per CCC 40.350.030(B)(4)(b)(1)(b), corner lot driveways (on local access roads) 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 that all applicable corner lot driveways comply with this standard on the final engineering plans, (*See Condition A-1.f*).

Per CCC 40.350.030(B)(4)(c)(2)(f), to provide adequate corner clearance, the tangent curb length between the nearest edge of a driveway on an intersecting side street and a collector roadway, or a driveway on a collector roadway and an intersection with a cross street, shall be fifty (50) feet. The applicant shall show that all applicable corner lot

driveways comply with this standard on the final engineering plans, *(See Condition A-1.f)*.

Per the applicant's preliminary plat, Lots 10, 11, 15, 16, and 17 will be served by joint driveways. These shared driveways shall be located within a minimum 20-foot access easement, *(See Condition D-4.e)*.

The applicant is proposing a Hammerhead Turnaround at the end of the onsite private road, NE 151<sup>st</sup> Avenue. This hammerhead shall be constructed to the specifications of Standard Detail Drawing #28 or #28A. No parking will be allowed within the hammerhead, *(See Condition A-1.g)*.

The access for the commercial remainder lot is not part of this review and is required to gain approval through a separate site plan review process, *(See Condition A-1.h)*.

#### Finding 6 - Sight Distance

The approval criteria for sight distances are found in CCC 40.350.030(B)(8). This section establishes minimum sight distances at intersections and driveways. Additional building setbacks may be required for corner lots in order to maintain adequate sight distance. The final engineering plans shall show sight distance triangles for driveways that are proposed to remain. Landscaping, trees, utility poles, and miscellaneous structures will not be allowed to impede required sight distance requirements at all proposed driveway approaches and intersections.

The applicant has submitted a traffic study prepared by Lancaster Mobley dated April 29, 2020. This traffic study has reported that all proposed and existing intersections meet the sight distance requirements.

The applicant will need to submit final construction drawings for review and approval showing sight distance triangles at all intersections of public roads and private/public roads on final construction plans and the final plat. The plans will also need to show objects that are within the sight distance triangle. Notes on the plans shall indicate the vegetation within the sight distance triangle that needs to be maintained, trimmed, or removed, *(See Condition A-1.i and D-8)*.

#### Finding 7 – Construction Traffic

Construction on this site will temporarily cause increased traffic and other impacts on area roads and adjacent properties. The County Code and state law regulate construction activities, including requirements for construction vehicle access, road closures etc., which will limit impacts on surrounding residents. The applicant is required to obtain County approval of a construction Traffic Control Plan ("TCP") prior to issuance of building or grading permits, which will govern all work within or impacting the public transportation system *(Condition B.2)*. The County will review construction vehicle access to the site through its review of the applicant's TCP. Compliance with these regulations will not eliminate all potential impacts. However, the examiner finds that, while such impacts may occur, they are not significant enough to require specific

limitations on construction other than those imposed by State law and the County Code. The examiner encourages residents to contact the County if excessive impacts occur.

**Conclusion (Transportation and Circulation)**

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

**Transportation Concurrency**

*As a result of the current school, service-oriented facility and other closures required by Washington State and Clark County officials due to COVID-19, there has been a noticeable decline in traffic volume on the road systems in Clark County. This reduced traffic volume is expected over an extended time frame with no end date certain. Even though there have been closures throughout the county and the reduced traffic volume is expected over a long duration, development applications are still being prepared for submittal.*

*The applicant's traffic engineer Lancaster-Mobley has used the county prepared document that provides guidance on traffic count data collection and processing during this unprecedented nationwide event. Staff has reviewed their methodology for traffic count data collection and processing and concurs with their process.*

**Finding 1 - Trip Generation**

The applicant has submitted a traffic study dated April 29, 2020, prepared by Lancaster-Mobley under the provisions of Clark County Code section 40.350.020 (D)(1) (Attachment 11 of the application, Exhibit 1). Concurrency staff has reviewed the traffic study. The applicant's traffic study estimated the total a.m. peak hour trip generation at 25 trips, the p.m. peak-hour trip generation at 34 trips, and an average daily trip generation (ADT) of 320 trips. 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 parcel number 154246-000 in Vancouver.

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

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

The applicant's plan shows that access to the development site will come from an extension of NE 91<sup>st</sup> Street, a public local residential access road, from NE 152<sup>nd</sup> Avenue,

on the east to NE 150<sup>th</sup> Avenue on the west. The applicant's plan shows that NE 151<sup>st</sup> Avenue will be constructed as a private road within the proposed development.

The applicant's plan shows the construction of an interior private road as well as a public road system will serve as access for the dwelling units within the proposed development. The interior private road will be constructed as an Urban Private Road (Clark County Standard Drawing 15).

The applicant's study evaluated the level of service and found that the site access onto the larger public road network, NE 93<sup>rd</sup> Street/NE 152<sup>nd</sup> Avenue, NE 91<sup>st</sup> Street/NE 137<sup>th</sup> Avenue, and NE 91<sup>st</sup> Street/NE 152<sup>nd</sup> Avenue, will have an estimated LOS E, or better in the 2022 build-out horizon. The study also shows that the LOS was evaluated during the a.m. and p.m. peak hour traffic conditions in existing and build-out scenarios. County Staff concurs with the traffic study findings.

#### Finding 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 1 mile 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 two cycles, of delay in the build-out year.

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

#### *Unsignalized Intersections*

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

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

#### *Concurrency Corridors*

Evaluation of the concurrency corridor capacity levels represented in the County Code yielded capacity at acceptable levels, except for the NE 152<sup>nd</sup> Avenue segment between NE Padden Parkway and NE 99<sup>th</sup> Street in the buildout year.

The traffic study indicates that the NE 152<sup>nd</sup> Avenue road segment, in the northbound direction between NE Padden Parkway and NE 99<sup>th</sup> Street will have a volume to capacity (v/c) ratio of 0.95 in the 2022 buildout horizon.

Staff reviewed the LOS and volumes reported at the intersections used in the corridor evaluation and found that, in the 2022 buildout horizon, the intersections of NE 152<sup>nd</sup>

Avenue/NE 99<sup>th</sup> Street and NE 152<sup>nd</sup> Avenue/NE Padden parkway are anticipated to operate at a LOS C or better. Staff believes that the v/c ratio over the NE 152<sup>nd</sup> Avenue corridor does not represent roadway deficiencies, rather corridor mobility facilitated with acceptable signalized intersection LOS. Therefore, staff concludes that no further analysis is required.

It should be noted that the reported v/c in the applicant's traffic study should be used as an indicator that this roadway segment should be subjected to site-specific study with a more detailed operational analysis before any major design, reconstruction, or investment decisions are made.

#### *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 submitted traffic study indicates that a left turn lane is warranted during the PM peak hour with or without the proposed development. Although the applicant has identified this need, it is not being proposed as a mitigation measure for this development because of a County road improvement that has been identified. This County road project will improve NE 152<sup>nd</sup> Avenue to include two travel lanes, center turn lane, bike lanes and sidewalks. Because the County's road project will ultimately increase roadway capacity, provide opportunity for a center turn lane and is scheduled to be completed within six years, further analysis is not required.

#### 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 January 2015 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 6<sup>th</sup> 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:

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 showing that 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 while 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 Condition A-4.c).*

**Conclusion (Concurrency)**

The examiner 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 site consists of an undeveloped grassy field with a few trees. The site is relatively flat. Mapped soil types include Lauren Gravelly Loam (LgB), which have a hydrologic soil group classification of “B” and a Clark County WWHM Soil Group classification of “SG-1”. The applicant submitted a geotechnical report prepared by Geo Design Inc. dated August 1, 2017. Groundwater was encountered at a depth of 11 and 13.5 feet below ground surface. Infiltration testing was performed on the site and resulted in a coefficient of permeability of 35 inches per hour.

The applicant provided a Preliminary Technical Information Report prepared by AKS Engineering & Forestry dated July 2020. Proposed site improvements include 32 single family residences, frontage improvements for three half-width roads, one full-width road and one private road, and one commercial lot that will be developed under a separate site plan review . This will result in 4.2 acres of proposed new hard surface.

On-site Stormwater Management (MR#5) and Flow Control (MR #7) are proposed to be met by infiltration of 100-percent of the stormwater generated by all impervious surfaces. Infiltration Trenches (BMP R5.11) preceded by treatment will infiltrate all runoff from public and private street improvements and driveways. Individual private roof infiltration trenches (BMP T5.10B) will be located in the rear yards of each lot to infiltrate roof and rear yard runoff.

Runoff Treatment (MR#6) will be met for all pollution generating surfaces by utilizing Oldcastle PerkFilters. Catch basins will collect and treat stormwater before discharging to infiltration trenches. The applicant shall provide documentation from the stormwater treatment manufacturer confirming that their facilities were cited and sized correctly for any proprietary devices, *(See Condition A-3.c).*

Wetlands Protection (MR#8) is not triggered as there are no wetlands onsite.

Finding 3 - Infiltration and Groundwater

The Geotechnical Report prepared by Geo Design Inc. dated August 1, 2017, found that the site has good infiltration rates (35 inches/hour) across the site and groundwater at or below 11 feet below ground surface. Wet season groundwater monitoring data shall be submitted with final engineering plans to ensure that appropriate groundwater separation is available for all stormwater facilities. Infiltration rates at all proposed infiltration facilities shall also be verified during construction, *(See Conditions A-3.d, A-3.e, A-3.f, C-1.a and C-1.b)*.

**Conclusion (Stormwater)**

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

**Fire Protection**

Finding 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 City of Vancouver dated 4/2/2020 indicates there is adequate fire flow of 1500gpm in the area, *(See Conditions A-8.a, D-2.a, and D-2.b)*.

Finding 3 - Fire Hydrants

Fire hydrants are required for this application. The proposed and existing hydrants shown appear to be adequate. Provide fire hydrants such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads, *(See Condition A-8.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-8.a)*. Unless waived by the fire district chief fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection, *(See Condition A-8.d)*. Provide and maintain a three (3) -foot clear space completely around every fire hydrant, *(See Conditions A-8.c and 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-8-b and 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-8.e and D-2.c)*.

#### **Conclusion (Fire Protection)**

The examiner 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 City of Vancouver water and sewer systems. Letters from the above districts confirm that services are available to the site *[Exhibit 1, Tab 13]*. Prior to final plat approval, documentation is required from the City of Vancouver that utilities have been installed and approved, *(See Conditions D-6-a and D-6-b)*.

##### Finding 2 - Public Health Site Evaluation

A Development Review Evaluation Letter (DRE) was submitted as part of the preliminary review application. The DRE indicates that no prior development has occurred on this site and no evidence of an on-site sewage system was observed during the site visit. However, if any sewage systems are located during development of this plat, they shall be properly abandoned with documentation submitted to CCPH prior to final plat approval, *(See Condition B-5)*. 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-6.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-6.d).

The letter also indicates that no wells were observed at the site. If any wells are found 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-5 and D-6.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-6.d).

### **Conclusion (Sewer and Water)**

The examiner 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 and Assessment

All 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. The future commercial lot will produce impacts on traffic and will be assessed a Traffic Impact fee based on the future use to be paid at the issuance of the building permit.

#### Finding 2 - Impact Fee Estimates

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

- ✓ Orchards sub-area with a TIF of \$3,406.73 per dwelling
- ✓ Evergreen School District, with a SIF of \$6432.00 per dwelling
- ✓ Park District #5, with a PIF of \$4,353.00 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-4-d, D-5-h, and E-2).

#### Finding 4 - TIF Credits

The applicant intends to seek TIF credits for improvements to the site's NE152nd Avenue frontage. The examiner has no authority to review the TIF credit request in this proceeding.

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

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

## **D. CONCLUSION**

Based on the above findings and discussion, the examiner concludes that PLD-2020-00054 (NE 152nd Avenue Subdivision) should be approved, because it does or can comply with the applicable standards of the Clark County Code and the Revised Code of the State of Washington, subject to conditions of approval necessary to ensure the final plat and resulting development will comply with the Code.

**E. DECISION**

Based on the foregoing findings and except as conditioned below, the examiner hereby approves PLD-2020-00054 (NE 152nd Avenue Subdivision) in general conformance with the applicant's preliminary plat and the related plans, reports and proposal. The approval is granted subject to the requirements that the applicant, owner or subsequent developer (the "developer") shall comply with all applicable code provisions, laws and standards and the following conditions. These conditions shall be interpreted and implemented consistently with the foregoing findings.

<b>Conditions of Approval</b>
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<b>A</b>	<b>Final Construction Review for Land Division Review and Approval Authority: Development Engineering and 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 construct dual curb ramps at intersections of access roads with NE 152nd Avenue, *(See Transportation Finding 1)*.
  - c.** The applicant shall dedicate additional right-of-way (or provide a public easement) at the intersections of NE 152nd Avenue/NE 93rd Street and NE 152nd Avenue/NE 91st Street for the chord of the right-of-way radius, *(See Transportation Finding 3)*.
  - d.** The county will perform pavement deflection testing to determine the adequacy of the existing pavement for NE 93rd Street and NE 150th Avenue, *(See Transportation Finding 3)*.

- e. The applicant shall construct the C-TRAN stop on NE 152nd Avenue in compliance with the requirements of C-TRAN, *(See Transportation Finding 4)*.
- f. The applicant shall show on the final construction plans that all corner lot driveways will comply with CCC 40.350.030(B)(4), *(See Transportation Finding 5)*.
- g. The Dead-End Hammerhead Turnaround shall be marked with “No Parking” signs, *(See Transportation Finding 5)*.
- h. The developer of the Commercial Remainder Lot shall be responsible for obtaining county approval of the site plan and construction of the access driveway, *(See Transportation Finding 5)*.
- i. The applicant shall show sight distance triangles at all intersections on the final construction plans and final plat, *(See Transportation Finding 6)*.

**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 submit documentation from the stormwater treatment system manufacturer indicating that any proprietary stormwater treatment devices were cited and sized appropriately, *(See Stormwater Finding 2)*.
- d. Seasonal groundwater monitoring data shall be submitted with the TIR to ensure appropriate groundwater separation for all stormwater facilities, *(See Stormwater Finding 3)*.
- e. The unfactored and design infiltration rates used to size any infiltration facility shall be identified on the final construction plans, *(See Stormwater Finding 3)*.

- f. The required minimum separation from the bottom of any infiltration facility 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 Transportation 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 Private Road Maintenance Covenant -** A private road 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).

**A-8 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-9 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*).

**A-10 Final Landscape Plan** - The applicant shall submit and obtain county approval of a final landscape plan for the plantings along NE 152<sup>nd</sup> Avenue and along the south 10 feet of the residential lots prior to final construction plan approval, (See *Land Use Finding 4*).

<b>B</b>	<b>Prior to Construction of Development Review and Approval Authority: Development Inspection and 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 Septic Tank and Well Decommissioning** - Prior to provisional acceptance, if any septic systems, water wells or underground tanks are found during construction, they 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 and 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*).

<b>D</b>	<b>Final Plat Review and Recording Review and Approval Authority: Development Engineering and 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 residential 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 This condition has been left blank**

**D-4 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 impact fees for each dwelling in this subdivision shall be assessed for impacts on schools, parks and transportation facilities based for the following districts: Evergreen School District (SIF), Park District 5 (PIF) and Orchards Transportation Sub-area (TIF). As found in CCC40.610.040, residential impact fees are calculated using the rates in effect at the time of building permit issuance. Traffic impact fees for the commercial lot will be determined by the future use and will be assessed with the commercial building permit."

- 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).
- f. Private Roads: "Clark County has no responsibility to improve or maintain the private roads contained within or private roads providing access to the property described in this development. Any private access street shall remain a private street unless it is upgraded to public street standards at the expense of the developer or abutting lot owners to include hard surface paving and is accepted by the county for public ownership and maintenance."

**D-5 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 impact fees for each dwelling in this subdivision shall be assessed for impacts on schools, parks and transportation facilities based for the following districts: Evergreen School District (SIF), Park District 5 (PIF) and Orchards 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. Traffic impact fees for the commercial lot will be determined by the future use and will be assessed with the commercial building permit."
- i. Lots 20 and 24: "Lots 20 and 24 must gain vehicular access from NE 151st Avenue."
- j. No Access to NE 152<sup>nd</sup> Avenue: "No direct access for residential lots is allowed onto the following streets: NE 152nd Avenue."

**D-6 Sewer and Water Requirements:**

- a. The applicant shall produce documentation from the City of Vancouver that sewer has been installed and approved, (*See Water and Sewer Finding 1*).
- b. The applicant shall produce documentation from the City of Vancouver 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 the City of Vancouver must be submitted with the Mylar, (*See Water and Sewer Finding 2*).

**D-7 Right-of-way Dedication** - The required right-of-way along all roadways fronting and within the development must be conveyed to the county with the final plat, (*See Transportation Finding 3*).

**D-8 Sight Distance** - The applicant shall provide documentation, from an engineer licensed in the state of Washington, indicating that the required sight distance is available after construction of all roads are completed and the sight distance triangles shall be delineated on the final plat, (*See Transportation Finding 6*).

**D-9 Landscaping** – The applicant shall provide verification in accordance with CCC 40.320.030(B) that the required landscape has been installed along the right of way and along the south 10 feet of the residential lots in accordance with the approved landscape plan, (*See Land Use Finding 4*).

**D-10 Previous Site Plan Approval** - The applicant shall provide a letter from the property owner abandoning the option to develop the parcel as a self-storage facility as conditionally approved by PSR2017-00038, *(See Land Use 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 residential lots shall meet setback standards prescribed for the R1-6 zone, *(See Land Use Finding 2)*.
- E-2 Impact Fees** - Impact fees shall be assessed for impacts on schools, parks and transportation facilities based for the following districts: Evergreen School District (SIF), Park District 5 (PIF) and Orchards 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. Traffic impact fees for the commercial lot will be determined by the future use and will be assessed with the commercial building permit.”, *(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 and 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.

**WATER QUALITY/WATERSHED RESOURCES UNIT: Greg Benge (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 - 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>.

**G-5 Commercial landscaping - A 10-foot wide L4 or 15-foot wide L5 landscape buffer will be required along the north property line of the commercial parcel separating the residential lots. This will be required to be installed with the construction of any structures or the beginning of any commercial uses on the commercial parcel.**

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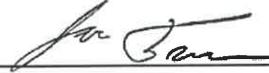
**H-1 Fire Marshal Requirements:**

- 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*).

**H-2 Landscape Maintenance:** Maintenance of landscaped areas is the ongoing responsibility of the property owner. Required landscaping must be continuously maintained in a healthy manner. Plants that die must be replaced with in-kind materials unless otherwise authorized by the responsible official. Vegetation shall be controlled by pruning, trimming or otherwise so that it will not interfere with the maintenance or repair of any public utility, restrict pedestrian or vehicular access, or obstruct sight distance at intersections as provided in Section 40.320.020, (*See Land Use Finding 4*).

DATED this 24th day of September 2020.



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Joe Turner, AICP, Hearings Examiner



Role	Company Name	Name	Address 1	Address 2	City	State	Zip Code	Email Address
Planner	Clark County	Bryan Mattson						
Applicant		Susan Weisenborn	9600 NE 126th Ave	Ste 2520	Vancouver	WA	98682	<a href="mailto:ccpermits@aks-eng.com">ccpermits@aks-eng.com</a>
Owner	TSR Investments, LLC		PO Box 1900		Battle Ground	WA	98604	<a href="mailto:shamet@tapani.com">shamet@tapani.com</a>
N/H Association	Sifton Nbhd Assoc							<a href="mailto:marilee.mccall@clark.wa.gov">marilee.mccall@clark.wa.gov</a>
Contact Person	AKS Engineering	Seth Halling	9600 NE `	Ste 2520	Vancouver	WA	98682	<a href="mailto:seth@aks-eng.com">seth@aks-eng.com</a>
Utility Contact								
	Clark County	Desiree de Monye						<a href="mailto:desiree.demonye@clark.wa.gov">desiree.demonye@clark.wa.gov</a>
	City of Vancouver	Kristin Lehto						<a href="mailto:Kristin.Lehto@cityofvancouver.us">Kristin.Lehto@cityofvancouver.us</a>
		Nicole Daltoso						<a href="mailto:nicole.daltoso@vansd.org">nicole.daltoso@vansd.org</a>
		Jeff Roberts						<a href="mailto:jeff@crandallgroup.com">jeff@crandallgroup.com</a>
Public Commenters		Tim Linquist	15502 NE 91st Street		Vancouver	WA	98682	<a href="mailto:tim.lingquist@gmail.com">tim.lingquist@gmail.com</a>



# EXHIBIT LIST

Project Name: **NE 152nd Avenue Subdivision**

Case Number: **PLD-2020-00054**

EXHIBIT NUMBER	DATE	SUBMITTED BY	DESCRIPTION
1	5/15/20	Applicant	Application Package
2	6/5/20	CC Land Use	Fully Complete
3	6/23/20	CC Fire Marshal	Fire Marshal Comments
4	6/23/20	CC Land Use	Early Issues Memo
5	7/13/20	CC Land Use	Notice of Type III Application
6	7/13/20	CC Land Use	Affidavit of Mailing - Exhibit 5
7	7/14/20	Applicant	Responses to Early Issues Memo
8	7/14/20	Applicant	Revised Proposed Plan 7-14-2020
9	7/14/20	Applicant	Revised TIR 7-14-2020
10	7/20/20	CC Land Use	REVISED Notice of Type III Application
11	7/20/20	CC Land Use	Affidavit of Mailing - Exhibit 10
12	7/20/20	Applicant	Request to construct wood wall as part of L4 landscaping instead of landscape berm.
13	7/24/20	Applicant	Applicant returning to original proposal to construct landscape berm instead of wall
14	7/27/20	Applicant	Sign Posting Affidavit
15	7/27/20	Evergreen Public Schools	Public Comment regarding possibility of over-capacity neighborhood schools
16	7/27/20	Ecology	SEPA Comments
17	8/5/20	CC Development Engineering	Development Engineering Staff Report
18	8/12/20	CC Public Works	Transportation Concurrency Staff Report and Recommendation
19	8/13/20	CC Land Use	Staff Report and Recommendation
20	8/13/20	CC Land Use	Affidavit - Exhibit 19
21	9/1/20	CC Land Use	Hearing Transcript
22	9/10/20	Tim Linqvist	Public Comment
23	9/11/20	Applicant	Response to Tim Linqvist comments
24	9/24/20	CC Land Use	Hearing Examiner Decision
25	9/24/20	CC Land Use	Affidavit of Mailing - Exhibit 24

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