

Appeal, Staff Report and Recommendation to the Hearing Examiner

Project Name:	82 nd Street Apartments
Case Number(s):	OLR-2020-00127
Request:	The has appealed Finding 3 and condition A-1.b of as contained in the Staff Report and Decision for PSR-2019-00122 which requires a reduction in overall project density by four (4) units.
Address:	3413 & 3501 NE 82 nd Street
Parcel number(s):	144500000, 144520000, & 144523000
Applicant:	Engineering Northwest Paul Williams, contact 7504 NW 10 th Avenue Vancouver, WA 98685 360.931.3122 paulwilliamspe@gmail.com
Contact Person:	Same as applicant
Staff contact:	Amy Wooten 564.397.5683 amy.wooten@clark.wa.gov

Neighborhood

Association/Contact: NE Hazel Dell NA
Doug Ballou, president
360.573.3314
E-mail: dougballou@comcast.net

Appellant: Engineering Northwest
Paul Williams, contact

Date of notice: September 9, 2020

Hearing Examiner: Dan Kearns

Public hearing date: October 8, 2020

Revised 9/23/2020



Community Development
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For an alternate format,
contact the Clark County
ADA Compliance Office.
Phone: 564.397.2322
Relay: 711 or 800.833.6384
E-mail: ADA@clark.wa.gov

Recommendation

Uphold Planning Director’s Determination



Manager’s initials:

Date issued: September 23, 2020

Legal description: #14, #35, & #38 PETER FULKERSON DLC 2.5 AC

Comp plan designation: UM (Urban Medium Density Residential)

Applicable Laws

Chapter 40.200 (General Provisions), Section 40.220.020 (Residential & Office Residential District), and Chapters 40.500 and 40.510 (Procedures).

Project description

The subject development is located at 3413 and 3501 NE 82nd Street, is zoned R-22, and intended for urban medium density residential development. The subject site is comprised of three (3) parcels, totaling approximately 2.43 acres. Parcel 3501 Ne 82nd Street is currently improved with a single-family structure, which will be retained on a slightly reconfigured lot.

The applicant requested approval for an apartment complex to be comprised of three (3) independent buildings and a total of fifty-two (52) new units, requisite open space and landscaping, 104 parking spaces, and associated stormwater and transportation improvements.

Background

Notice of the development was mailed to residents within 300 feet of the site on April 9, 2020. The notice generated a substantial response from the Sunrise Place HOA, nearby residents, and the Department of Ecology.

The neighbors raised issues related to quality of life including density, loss of privacy, loss of trees and natural screening, insufficient parking, increased traffic, and proposed access locations, to name a few.

Ultimately, staff concluded that the proposed preliminary plan, subject to conditions contained within the Staff Report and Decision, met land use requirements of the Clark County Code.

Appeal issues and staff response

Issue #1 Density

The applicant is requesting the Examiner remove Condition A-1.b from the Staff Report and Decision for PSR-2019-00122, which states “The development shall remove a minimum of four (4) units from the site plan.”

The applicant argues that staff erred in finding that, “Since the single-family home will be retained on its own lot, and could be further divided or developed, the dwelling unit and lot area of 6,641sf have been removed from the following density calculations.” The applicant further contends that staff’s finding is not supported by code states that future redevelopment to increase density without a rezone is not possible. The appellant states that since the final site plan will include both parcels (144500000 & 144520000) additional development would be based on the project as a whole.

Response to issue #1

Staff partially agrees with the applicant. If the applicant were to combine parcels 144500000 & 144520000, density for the development could be based on an overall project area of 2.37acres (103,218sf), which could yield up to 52 (52.13) units. Therein, resulting in a reduced density of only one (1) unit.

The applicant’s premise that parcel number 144520000 cannot be further divided because it is included on the final site plan for the apartments is false. As proposed, two (2) legal “lots of record” remain as part of the project, with the existing single-family home remaining on adjusted parcel 144500000. In accordance with 40.100.070, owners of a “lot of record” “...shall be eligible to apply for building permit or other county development review, pursuant to the county code.”

Based on the aforementioned definition, the 6,641sf lot could be further developed and improved with up to three (3) additional dwelling units thereby exceeding the project site’s maximum allowed density by four (4) units. Therefore, parcel 144500000’s 6,641sf must be removed from land area used for density calculation purposes.

Conclusion

Staff reviewed and evaluated the land use application documents for compliance with county code, which provided the basis for staff’s findings, conditions, and approval as issued.

Recommendation

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

Attachments

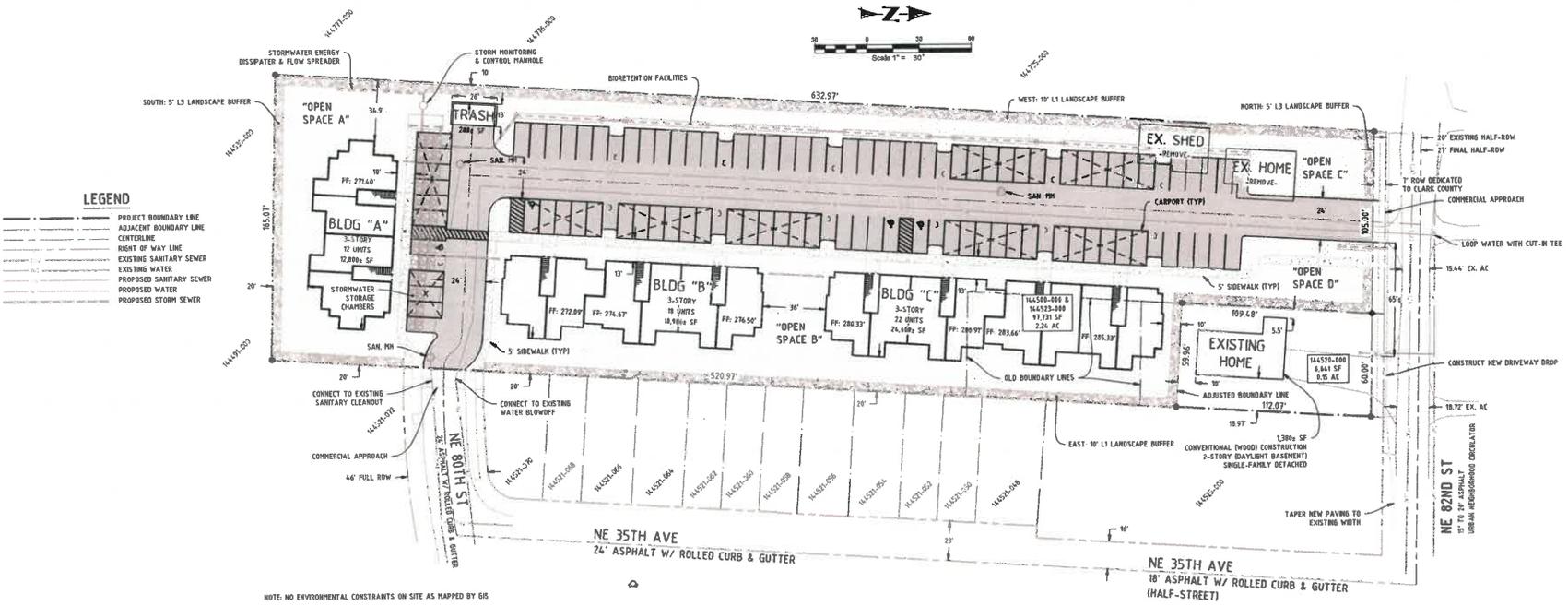
- Staff Report & Decision for PSR-2019-00122

82ND STREET APARTMENTS

A SITE PLAN APPLICATION FOR A 52-UNIT APARTMENT COMPLEX INVOLVING A LOT CONSOLIDATION, A BOUNDARY LINE ADJUSTMENT, AND A REMAINING SINGLE-FAMILY HOME.



REVISIONS:



LEGEND

- PROJECT BOUNDARY LINE
- ADJACENT BOUNDARY LINE
- CENTERLINE
- RIGHT OF WAY LINE
- EXISTING SANITARY SEWER
- EXISTING WATER
- PROPOSED SANITARY SEWER
- PROPOSED WATER
- PROPOSED STORM SEWER

NOTE: NO ENVIRONMENTAL CONSTRAINTS ON SITE AS MAPPED BY GIS



VICINITY MAP
NTS

SITE INFORMATION
ADDRESS: 3413 AND 3501 NE 82ND ST, VANCOUVER, WA 98665
PARCEL NUMBERS: LOT 16 (164500) SW 1/4 501 72N W1/2 W1/2
LOT 35 (164520) LOT 38 (164523)
CURRENT USE: SINGLE FAMILY HOMES & VACANT
ZONE: R-22
PLANNING: URBAN MEDIUM DENSITY RESIDENTIAL DUO
SITE AREA (EXISTING): 2.43 AC
SEWER & WATER ARE AVAILABLE AT NE 80TH ST AND NE 82ND ST. THE SITE IS NOT SERVED BY PUBLIC TRANSPORTATION.

APPLICANT/OWNER
KEN CORNELISON
2916 NW DOUGLAS STREET
CANAS, WA 98007
EMAIL: KENCORNELISON@GMAIL.COM

ENGINEER/CONTACT
ENGINEERING NORTHWEST PLLC
7504 NW 104TH AVE.
VANCOUVER, WA 98665
CONTACT: PAUL WILLIAMS, P.E.
PHONE: (360) 931-3122
EMAIL: PAUL.WILLIAMS@ENW.COM

DENSITY
ROW DEDICATION (ENTIRE FRONTAGE): 1,555 SF (0.03 AC)
GROSS SITE AREA (10 ORIGINAL LOTS): 104,379 SF (2.40 AC)
NET DEVELOPABLE (LESS LANDSCAPING): 83,400 SF (1.90 AC)
MINIMUM DENSITY: 15 UNITS/AC
MAXIMUM DENSITY: 22 UNITS/AC
15 UNITS/AC x 1.92 AC = 29 (28.70)
22 UNITS/AC x 2.40 AC = 53 (52.71)
PROVIDED: 53 UNITS
(EXISTING SINGLE-FAMILY HOME AND 52 APARTMENT DWELLING UNITS)

UTILITY PROVIDERS
SANITARY SEWER: CLARK REGIONAL WASTE WATER DEPARTMENT
WATER: CLARK PUBLIC UTILITIES
ELECTRICAL: CLARK PUBLIC UTILITIES
STORM: CLARK COUNTY STANDARDS

STORMWATER
STORMWATER RUNOFF FROM THE PARKING LOTS WILL BE COLLECTED AND TREATED BY 80-RETENTION FACILITIES. THE TREATED WATER WILL INFILTRATE AT THE FACILITIES OR FLOW TO STORAGE CHAMBERS UNDER THE PARKING LOT. ROOF RUN-OFF WILL FLOW DIRECTLY TO THE STORAGE CHAMBERS. THE STORAGE VOLUME OF THE CHAMBERS WILL INFILTRATE WITH OVERFLOW CONTROLLED AND DISPERSED ALONG THE SOUTHWEST PROPERTY LINE.

OPEN SPACE & LANDSCAPING
REQUIRED LANDSCAPING: 2006 NET DEVELOPABLE = 1.92 AC x 0.20 = 0.38 AC
PROVIDED LANDSCAPING: 0.99 AC
REQUIRED OPEN SPACE: 200 SF PER 1 OR 2 BED UNIT
300 SF PER 3+ BED UNIT
200 SF x 34 UNITS = 6,800 SF + 18 UNITS x 12,000 SF
PROVIDED OPEN SPACE: 15,130 SF
A: 96' x 38' = 2,808 SF
B: 390' x 15' = 5,850 SF + 36' x 36' = 7,830 SF
C: 34' x 65' = 2,210 SF
D: 34' x 45' = 2,208 SF

SANITARY SEWER & WATER
A WATER MAIN WILL BE EXTENDED THROUGH THE APARTMENT DEVELOPMENT FROM THE STUB AT NE 80TH ST AND LOOPED TO A NEW TEE AT NE 82ND ST. A MINIMUM 15 FT WATER EASTMENT WILL BE PROVIDED TO CLARK PUBLIC UTILITIES ABOUT THE PROPOSED MAIN. THE EXISTING HOME ON A SEPARATE PARCEL WILL MAINTAIN THE EXISTING WATER SERVICE.
SANITARY SEWER IS STUBBED AT NE 82ND STREET WITH A CLEARCUT. THIS LINE WILL SERVE THE THREE PROPOSED APARTMENT BUILDINGS. THE EXISTING HOME WILL RETAIN THE EXISTING SANITARY SERVICE.

PUBLIC IMPROVEMENTS
NE 82ND STREET IS AN URBAN NEIGHBORHOOD CIRCULATOR REQUIRING 10' HALF-WIDTH PAVEMENT, CURB & GUTTER, AND SIDEWALKS (ATTACHED OR DETACHED). EXISTING ASPHALT PAVEMENT WIDTH VARIES FROM APPROXIMATELY 15' TO 20'. THE PROJECT WILL CONSTRUCT THE 10' HALF-WIDTH PAVING, CURB & GUTTER, AND ATTACHED SIDEWALK ALONG THE EXISTING HOME AND PROPOSED APARTMENTS FRONTAGE. A SIDEWALK TAPER FROM THE 10' WIDTH TO EXISTING PAVEMENT WILL BE CONSTRUCTED ON THE SOUTHWEST CORNER OF NE 82ND ST. THE EXISTING HALF-ROW AT NE 82ND ST IS 26 FT. AN ADDITIONAL 7 FT WILL BE DEDICATED TO CLARK COUNTY ALONG THE PROJECT FOR A FINAL HALF-WIDTH OF 27 FT.
NE 80TH ST WILL BE TERMINATED WITH A COMMERCIAL APPROACH TO THE APARTMENT DEVELOPMENT.
NO SLOPES 15% OR GREATER WITHIN 500 FT OF PROJECT SITE USED FOR ACCESS.

TRASH ENCLOSURE
12 UNITS: 50 SF x 2 = 100 SF + 40 SF
18 UNITS: 50 SF x 3 = 150 SF + 90 SF
22 UNITS: 50 SF x 4 = 200 SF + 110 SF
240 SF REQUIRED
286 SF PROVIDED

PARKING STALLS
PARKING STALLS REQUIRED AT 150 STALLS PER DWELLING UNIT.
52 DWELLINGS x 150 STALLS/DWELLING = 78 STALLS
104 STALLS PROVIDED FOR 200 STALLS PER DWELLING
4 VAN-ACCESSIBLE STALLS PROVIDED
13 COMPACT STALLS PROVIDED (12.5%)
CURB STOPS SHALL BE PLACED 3 FT FROM THE CURB IN STALLS ADJUTING SIDEWALKS.
STANDARD STALLS 9' x 20'
COMPACT STALLS 9' x 15'

BOUNDARY LINES
BOUNDARY LINES SHOW PROPERTY, CENTERLINES, RIGHT-OF-WAY, ETC.) ARE PRELIMINARY AND SUBJECT TO CHANGE. A BOUNDARY SURVEY HAS NOT BEEN COMPLETED AT THIS TIME.

A LOT CONSOLIDATION WILL BE FILED TO COMBINE TWO OF THE THREE EXISTING LOTS. THE EXISTING HOME TO REMAIN SHOWN ABOVE WILL LAY ON ONE OF THE REMAINING LOTS. A BOUNDARY LINE ADJUSTMENT WILL BE FILED TO SET THE REAR BOUNDARY LINE FOR THE REMAINING HOME 10 FT FROM THE STRUCTURE.

EXHIBIT #40