Type II Staff Report and Decision
Notice to Parties of Record

Project Name: Beber Short Plat

Case Number: PLD-2020-00047

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

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

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

Any appeal of the final land use decisions shall be in writing and contain the following:

- Case number designated by the county;
- Name of the applicant;
- Name of each petitioner;
- Signature of each petitioner or his or her duly authorized representative;
- A statement showing the following:
  - That each petitioner is entitled to file the appeal as an interested party in accordance with CCC 40.510.030(H);
  - The specific aspect(s) of the decision being appealed;
  - The reasons why each aspect is in error as a matter of fact or law;
  - The evidence relied on to prove the error; and,
- The appeal fee.

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

Mailed on: September 8, 2020

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

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

Type II Staff Report and Decision

Project Name:	Beber Short Plat
Case Number(s):	PLD-2020-00047
Request:	The applicant requests approval to divide a 1.0 acre site zoned R1-6 into six (6) individual lots for single family residential development.
Address:	8004 NE 158th Avenue
Parcel number(s):	154004-000
Applicant:	Beber Investments, Inc. Michael Beber, contact 6314 NE 137th Avenue Vancouver, WA 98682 503.381.4401 beberinvestments@yahoo.com
Owner:	Michael Beber & Michele Dunn 8004 NE 158th Avenue Vancouver, WA 98682
Contact Person:	AKS Engineering & Forestry Michael Andreotti, contact 9600 NE 126th Avenue, Suite 2520 Vancouver, WA 98682 360.882.0419 andreottim@aks-eng.com
Staff contact:	Amy Wooten, Planner III 564.397.5683 amy.wooten@clark.wa.gov

Community Development
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E-mail: ADA@clark.wa.gov

Decision
Approved subject to Conditions

Land Use Review Manager's Initials: SE **Date issued: September 8, 2020**

County Review Staff

Department/Program	Name	Phone	Email Address
Community Development			
Land Use Review Manager	Susan Ellinger	564.397.5122	susan.ellinger@clark.wa.gov
Land Use Review Planner	Amy Wooten	564.397.5683	amy.wooten@clark.wa.gov
Fire Marshal's Office	Donna Goddard	564.397.3323	donna.goddard@clark.wa.gov
Public Works			
Transportation and Stormwater Engineering Supervisor	Greg Shafer P.E.	564.397.4064	greg.shafer@clark.wa.gov
Engineering Team Leader	Ali Safayi P.E.	564.397.4102	ali.safayi@clark.wa.gov
Engineer	David Jardin	564.397.4354	david.jardin@clark.wa.gov
Concurrency Engineer	David Jardin	564.397.4354	david.jardin@clark.wa.gov

Comp Plan Designation: Urban low density residential (UL)

Applicable Laws

Clark County Code: Title 15 (Fire Prevention), Chapter 40.200 (General Provisions), Section 40.220.010 (Single-Family Residential District), Chapter 40.260.080 (Forest Practices), Chapter 40.350 (Transportation & Circulation), Section 40.350.020 (Transportation Concurrency), Chapter 40.370 (Sewer & Water), Chapter 40.386 (Storm Water & Erosion Control), Chapter 40.440 (Habitat Conservation), Chapters 40.500 and 40.510 (Procedures), Chapter 40.540 (Boundary Line Adjustments & Land Divisions), Section 40.550.010 (Road Modifications), Chapter 40.610 (Impact Fees), Title 24 (Public Health), RCW 58.17, and the Clark County Comprehensive Plan.

Neighborhood Association and Contact

Heritage Neighborhood Association
Marilee McCall, Neighborhood Program Coordinator
564.397.2316
marilee.mccall@clark.wa.gov

Vesting

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report. Contingent vesting does not apply to stormwater or concurrency standards.

A pre-application conference on this matter was held on July 2, 2019. The pre-application was determined contingently vested as of June 10, 2019, the date the fully complete pre-application was submitted, if a fully complete application for a substantially similar application was submitted before January 5, 2020.

The fully complete application was submitted on May 15, 2020 and determined to be fully complete on May 29, 2020. Given these facts, the application is vested on May 15, 2020. This vesting does not apply to stormwater standards.

There are no disputes regarding vesting.

Time Limits
The application was determined to be fully complete on May 29, 2020. Therefore, the code requirement for issuing a decision within 78 days lapsed on August 15, 2020. The State requirement for issuing a decision within 120 days lapses on September 26, 2020.

Public Notice
Notice of application was mailed to the applicant and property owners within 300 feet of the site on June 18, 2020.

(Note: This site is located within the Heritage Neighborhood Association which is currently inactive.)

Public Comments
Comment letters were received from Lynda Bock, 8117 NE 158th Court (Exhibit 6), Javier Esparza, 15806 NE 79th Street (Exhibit 9), and Nicholas Victoria, 15801 NE 79th Street (Exhibit 10).

Ms. Bock inquired about the size of the proposed homes and price point, Mr.'s Esparza and Victoria shared concerns related to traffic safety at or near NE 79th Street/158th Avenue.

Applicant response: The applicant provided the following response to public concerns about traffic volume, roadway widths, safety, and home details.

The applicant understands the concerns submitted with public comment. While the development will add new trips to the road system, the number of trips generated will not have a significant impact on the surrounding roadways, which are generally fully developed. The development will provide additional roadway width, including sidewalks, along the site's frontage for both NE 80th Street and NE 158th Place. However, County code does not require

the applicant to provide roadway improvements beyond the limit of the site because these roads (NE 158th Place) meet the minimum standards for half-width street.

Roadway safety concerns and mitigation measures, such as speed and speed limit signs, speed humps, and other signage, should be directed to Clark County Public Works.

Final home sizes and prices are unknown at this time. However, they will generally be similar in size to the surrounding developments and will meet all requirements of the Clark County Code.

Project Overview

The applicant is proposing to subdivide a one (1) acre parcel which is zoned R1-6 into six (6) separate lots. The subject site, numbered 154004-000, is located in the Heritage neighborhood. The subject site is currently improved with one single family residence and associated shop that will be removed from the site. Access to the new lots will be provided via NE 80th Street, an existing public right-of-way.

Parcels surrounding the subject site are zoned R1-6. Residential developments to the west, north and east are built out to prescribed density, while parcels to the south are considered over-sized for the zone.

The County's GIS system does not identify the subject site as having wetlands, habitat, or slope issues; however, it is identified as having a moderate-high to high probability for archaeological resources. SEPA review was not required for this application; therefore, an archaeological predetermination was not required.

Fire District 5, the City of Vancouver for potable water and public sewer service, and the Evergreen School District (specifically Pioneer Elementary, Frontier Middle, and Heritage High schools) provide services in the area.

Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use
Site	UL	R1-6	Over-sized residential lot
North	UL	R1-6	Skylark Meadows Subdivision
East	UL	R1-6	Misty Dawn Estates Subdivision
South	UL	R1-6	Over-sized residential lot
West	UL	R1-6	Larson's Landing Subdivision

Staff Analysis

Staff reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

Major Issues

Only the major issues, errors in the development proposal, or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements and, therefore, are not discussed below.

Finding 1 - Uses
According to Table 40.220.010-1, single family detached dwellings are allowed outright in the R1-6 zone.

Finding 2 - Lot Requirements
Prescribed lot standards in the R1-6 zone are as follows:

Table 40.220.010-2. Lot Requirements					
Zoning District	**Residential Density for PUDs (d.u./acre)[1]**	**Minimum Lot Area (sq. ft.)**	**Maximum Average Lot Area (sq. ft.)**	**Average[2] Minimum Lot Width (feet)**	**Average[2] Minimum Lot Depth (feet)**
R1-6	7.3 – 5.1	Average 6,000; 5,000 per duplex unit	8,500	50	90

The proposed plat has an average lot size of 6,168sf, with all lots meeting the minimum width and depth standards depicted above.

The following setbacks are applicable in the R1-6 zone:

Minimum Setbacks (feet)				Maximum Lot Coverage	Maximum Building Height
Front	Side		Rear		
	Street	Interior			
10/18[1]	10	5	10	50%[2]	35 feet[3]

The site currently contains a dwelling and a shop, both of which are proposed to be removed. Therefore, the applicant shall secure all required permits from Clark County and the mobile home and shall be removed. [See Condition B-1.b]

Finding 3 - Pedestrian Facilities
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 will be served by Pioneer Elementary School, Frontier Middle School, and Heritage High School.

The applicant provided a letter from the Transportation Supervisor for Evergreen Public Schools, which is dated March 25, 2020. The letter indicates that bus transportation will be provided for students who live within the proposed development and attend Pioneer

[1] 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.
[2] Carports and solar energy systems are excluded from this provision; provided, that the total lot coverage limitation is not exceeded by more than ten percent (10%) as a result of these exceptions.
[3] Accessory buildings shall meet the height requirements of Section 40.260.010(D).

Elementary or Heritage High School will be bused, while students who will attend Frontier Middle School will walk to school. The letter also indicates that there are 'safe-walking' routes already provided from this location to the school; therefore no 'safe-walking' conditions are warranted.

Finding 4 - County/State Platting Standards
With conditions of approval, staff finds the proposed short plat will make appropriate provisions for the public health, safety and general welfare of the community. Connection to public water and sewer facilities, as well as treatment of any future stormwater runoff will be provided to protect groundwater supply and integrity. Impact fees will also be required to ensure that the development will contribute a proportionate share toward the costs of school, park and transportation facilities, maintenance and services.

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

Transportation
Finding 5 - Pedestrian/Bicycle Circulation Plan
Pedestrian circulation facilities in compliance with the Americans with Disabilities Act (ADA) are required within urban areas. When pedestrian circulation facilities are required, they shall be in accordance with the provisions of Section CCC 40.350.015. [See Condition A-2.a]

The applicant's plan and narrative indicate that pedestrian improvements will be constructed with the required frontage improvements along NE 80th Street and NE 158th Place.

The applicant's proposal for the construction of public pedestrian facilities shows that the development can comply with the County Code.

Finding 6 - Circulation Plan
The applicant has submitted plans that indicate the proposed development will be served by the construction of frontage improvements along NE 80th Street and NE 158th Place, urban local access roads. The applicant's plan suggests that the construction of these improvements, along with the spacing with existing infrastructure, will facilitate code compliant block lengths. Staff concurs with the applicant's findings.

The applicant's proposed road network has shown feasibility for cross-circulation and compliance with the County Code.

Finding 7 - Roads
NE 80th Street and NE 158th Place are classified as Urban Local Access roads. This classification requires a minimum half-width right-of-way of 23 feet, a paved half-width of 14 feet, curb, gutter and sidewalk. The applicant's plan shows proposed half-width right-of-way of 23 feet and a 14-foot wide paved section for the proposed frontage improvements along NE 80th Street and NE 158th Place. The applicant's plan also shows the construction of sidewalk on NE 80th Street to connect to existing sidewalk at the northwest portion of the development. This proposed sidewalk connection is north of current property line and with existing NE 80th Street right-of-way. The applicant will need to submit construction drawings that show the

construction of half-width improvements, for NE 80th Street and NE 158th Place, in compliance with Clark County Standard Drawing 13. The construction drawings will also need to include the NE 80th Street sidewalk connection within the existing right-of-way and at the northwest corner of the subject site. [See Condition A-2.b & A-2.c]

Finding 8 - Driveways
The applicant's narrative indicates that all lots within the proposed development will directly access the public street network and then enter the larger public street network at the intersections of NE 155th Avenue/NE Ward Road and NE 159th Avenue/NE 78th Street.

The applicant's plan shows the driveway for Lot 6 will have direct access to NE 80th Street. The applicant's plan shows that the driveway of Lot 6 will be 20 feet wide and 40 feet from the projected curb line of NE 158th Place. The applicant's proposed driveway location for Lot 6 shows that the development can comply with the County Code.

Finding 9 - 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. 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's plan shows an 80-foot sight distance triangle as it relates to Lot 6. The application of a sight distance triangle measurement for an uncontrolled intersection (CCC 40.350.030 (B)(8)(d)) may not be the correct application for this location because it is not an intersection, it is a horizontal curve. The applicant will need to ensure that the horizontal offset sight distance and the stopping sight distance are sufficient to facilitate the required safety in the NE 80th Street to NE 158th Place horizontal curve. This may result in a sight distance easement across the northeast corner of Lot 6, centerline pavement markings in the horizontal curve from NE 80th Street to NE 158th Place, and no parking areas along the lot 6 frontages of NE 80th Street and NE 158th Place.

The applicant will need to submit final construction drawings for review and approval. These plans will need to show the available sight distance at and along the horizontal curve NE 80th Street and NE 158th Place. The plans will also need to show objects that are within the sight distance triangle. Notes on the plans shall indicate areas of sight distance easement, no parking areas, and the vegetation within the sight distance areas that need to be maintained, trimmed or removed. [See Condition A-2.d & A-3.a]

Conclusion (Transportation)
Staff concludes that the proposed preliminary plan, subject to the condition identified above, meets the transportation requirements of the Clark County Code.

Transportation Concurrency
Finding 10 - Applicability
The applicant has submitted traffic information under the provisions of Clark County Code section 40.350.020. Concurrency has reviewed the Land Use Review application for the Bieber Short Plat. The traffic information submitted indicates that this application seeks to divide 1.0

acres into 6 single-family residential lots. The applicant's traffic information suggests an AM peak hour trip generation at 5, PM peak hour trips at 6 and an ADT at 75. Staff concurs with the applicant's findings.

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

Stormwater
Finding 11 - Stormwater Applicability
The provisions of Clark County Code Chapter 40.386 shall apply to all new development, redevelopment, and drainage projects consistent with the Stormwater Management Manual for Western Washington (SMMWW) as modified by CCC 40.386 and the county's stormwater manual. The applicant shall comply with Minimum Requirements 1 through 9 per Clark County Stormwater Manual 2016. [See Condition A-4.a]

No new development or redevelopment shall be allowed to materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots.

Finding 12 - Site Conditions
The development site is 1.0 acre in total area that consists of a single-family residence with a detached garage with trees and grass landscaping features. The applicant's engineer reports that the site topography is generally flat. The applicant's engineer has submitted an evaluation that indicates the site soils are classified as a SG1.

Finding 13 - Stormwater Proposal
The applicant provided a stormwater technical information report dated April 2020. The project's stormwater report proposes to collect and treat public site stormwater runoff with mechanical treatment devices, PerkFilter™.

Once treated, the public stormwater will be conveyed from the mechanical treatment device to their respective infiltration trenches. Stormwater generated by the lots within the proposed development will be collected and conveyed to the respective private lot infiltration trench.

The applicant's TIR indicates that 3 test pits were dug to depths to 13 feet below grade. Infiltration testing was performed at 3 locations, TP-1 through TP-3. The TIR reported that the measured infiltration rates were 200+ inches per hour at 4 to 5 feet below grade. The applicant's engineer indicates that a factor of safety of 4 was used to size the underground infiltration trench facilities. The applicant's geotechnical engineer reported no groundwater was encountered in any of the test pits. The construction drawings will need to include the tested infiltration rates and any groundwater information. The applicant has provided additional groundwater data from nearby neighboring subdivisions in a memorandum dated 8/28/20 and prepared by AKS Engineering & Forestry. This additional data indicates that groundwater in the area ranges between 11-13 feet below ground surface. The applicant's propose infiltration system is anticipated to be 6 feet below ground surface to the bottom of the facility. The applicant's supplemental information concludes that the groundwater depth greater than 11 feet below

ground surface will be adequate to allow for the required groundwater separation for the facilities.

The applicant's engineer will need to ensure that infiltration trenches will maintain the required 5-foot groundwater separation. At the time of construction, groundwater separation will be verified. ***(See Conditions C-1 & C-2)***

The applicant's stormwater plan shows a total of 2 PerkFilter™ systems locations along with its own respective infiltration trench. The applicant's plan and stormwater narrative indicate that infiltration trenches were sized to accommodate their respective stormwater basins.

The applicant's stormwater model has shown that the PerkFilter™ systems and infiltration trenches will work together to treat and infiltrate the stormwater generated by the site. The applicant will need to submit a final Technical Information Report that shows how the proposed infiltration systems will work together to treat and infiltrate the stormwater generated by the site in compliance with the Clark County Stormwater Manual. The construction plans will need to clearly indicate that the facilities outside of the right-of-way are proposed as privately owned and maintained facilities. The applicant shall provide documentation from the stormwater treatment manufacturer confirming that their facilities were cited and sized correctly for any proprietary devices. [See Conditions A-4.b through A-4.d, & E-2.a]

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

Fire Protection
Finding 14 – Fire Marshal Review
This application was reviewed by Donna Goddard in the Fire Marshal's Office. Donna can be reached at (564) 397-3323, or e-mail at donna.goddard@clark.wa.gov. Where there are difficulties in meeting these conditions or if additional information is required, contact Donna in the Fire Marshal's office immediately.

Finding 15 – 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-5]

Finding 16 – Fire Flow
Fire flow in the amount of 1000 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 is 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 City of Vancouver dated 1/17/2020 indicates there is adequate fire flow in the area. [See Condition E-3.a]

Finding 17 – Fire Hydrants
Fire hydrants are required for this application. The indicated number and spacing of the fire hydrants is adequate.

Finding 18 – 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 Condition H-1]

Finding 19 – Fire Apparatus Turnarounds
Fire apparatus turnarounds are not required for this application.

Finding 20 – 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 Conditions E-3.b & H-2]

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

Water and Sewer Service
Finding 21 - Service Availability
The new lots will be served by the City of Vancouver for potable water and public sewer services. A letter from the City confirms that services are available to the site. Prior to final plat approval, the applicant shall provide documentation from the City indicating that water and sewer connections have been installed and approved. [See Conditions D-1.a & D-2]

A notarized Utility Service Covenant and related documents that insure future annexation to the City of Vancouver will be required prior to the Final Acceptance of any water and/or sewer improvements or connections within the Vancouver Urban Growth Area. Documents must be signed by the property owner(s) or authorized individual(s). The covenant must be deemed complete by the City and recorded prior to issuance of Final Acceptance for the project. Please be advised that Utility Service Covenants will be required on individual lots regardless of whether there is a recorded covenant on file for the original parent parcel. Covenants must be deemed complete by the City and recorded prior to issuance of sewer and/or water service connections. [See Condition D-5]

Finding 22 - Public Health Site Evaluation
A Conditional Development Review Evaluation (DRE) was submitted as part of the preliminary review application. The DRE reports that the site is currently served by on-site sewage and that there is a private well located on site. Existing septic and well systems must be properly abandoned and/or decommissioned according to requirements established in the DRE. The letter further indicates that all new residences must connect to public services. A copy of the final acceptance letter (or equivalent) from the purveyor shall be submitted to the Clark County Community Development with the mylar (final plat). [See Condition D-1.a]

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

Impact Fees
Finding 23 - Impact Fees
The new residential lot created by this plat will produce impacts on schools, parks, and traffic, and is subject to School (SIF), and Traffic Impact Fees (TIF) in accordance with CCC 40.610.

Evergreen School District (SIF):	$ 6,432.00
Park District #5 (PIF):	$ 4,353.00
Orchards (TIF):	$ 3,406.73

The amount listed above is an estimate using the current impact fee rate and is subject to change. As found in CCC 40.610.040, impact fees are calculated using the rates in effect at the time of building permit issuance for the new residential structure only. [See Conditions D-4.d, D-7.h, & E-1]

Finding 24 - Existing Residence
While the subdivision is proposed at six (6) total lots, impact fees will be waived for the one (1) existing dwelling that will be removed from the site. Therefore, prior to final plat approval, one (1) lot shall be identified as the recipient of the waived fees, and a note shall be added to the face of the plat which states, "Impact fees for Lot "X" shall be waived at time of building permit issuance." [See Conditions D-7.h & E-1]

Conclusion (Impact Fees)
Staff finds that the proposed preliminary plan, subject to conditions identified above, meets impact fee requirements of the Clark County Code.

Decision

Based upon the proposed plan known as Exhibit 19, and the findings and conclusions stated above and within the attached reports and decisions, the Community Development Director hereby **APPROVES** this request, subject to the following conditions of approval.

Conditions of Approval

A	**Final Construction Review for Land Division** **Review and Approval Authority: Development Engineering**

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 Construction Plan** - The applicant shall submit and obtain county approval of a final construction plan with the following note (Archaeology):

"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 shall be notified. Failure to comply with these state requirements may constitute a Class C Felony, subject to imprisonment and/or fines."

A-2 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 pedestrian facilities will be constructed to comply with ADA standards. [See Finding 5]

b. The applicant shall submit construction drawings that show the construction of half-width improvements, for NE 80th Street, in compliance with Clark County Standard Drawing 13. The applicant shall dedicate/ensure that there is a half-width of 23 feet of right-of-way along the frontage of NE 80th Street. The construction drawings shall also show the NE 80th Street sidewalk connection within the existing right-of-way and at the northwest corner of the subject site. [See Finding 7]

c. The applicant shall submit construction drawings that show the construction of half-width improvements, for NE 158th Place, in compliance with Clark County Standard Drawing 13. The applicant shall also dedicate/ensure that there is a half-width of 23 feet of right-of-way along the frontage of NE 158th Place. [See Finding 7]

d. The applicant shall submit final construction drawings for review and approval. These plans shall show the available sight distance at, and along, the horizontal curve NE 80th Street and NE 158th Place. The plans shall show objects that are within the sight distance triangle. The plans shall indicate areas of sight distance easement, no parking areas, and the vegetation within the sight distance areas that need to be maintained, trimmed or removed. [See Finding 9]

A-3 Transportation -

a. Signing and Striping Plan: 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. The signing and striping plan may need to include "No Parking" signs along the Lot 6 frontages of NE 80th Street and NE 158th Place and/or centerline pavement marking of the NE 80th Street and NE 158th Place horizontal curve. [See Finding 9]

A-4 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 that addresses Minimum Requirements 1 through 9. [See Finding 11]

b. The applicant shall submit a letter, or documentation, from the stormwater treatment system manufacturer indicating the treatment devices were cited and sized appropriately. [See Finding 13]

c. The applicant's construction plans shall include the tested and design infiltration rates and any groundwater information. [See Finding 13]

d. The applicant shall submit final construction plans that identify which stormwater systems will be publicly or privately owned and maintained. [See Finding 13]

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.

B	**Prior to Construction of Development** **Review and Approval Authority: Development Inspection**

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; and,

a. During site construction, abandonment of septic systems, water wells and underground tanks shall be decommissioned in accordance with the procedures of the Clark County Public Health.

b. Prior to site construction, structures slated for demolition shall be demolished in accordance with the procedures of the Southwest Clean Air Agency and the Clark County demolition permit.

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.

C	**Provisional Acceptance of Development** **Review and Approval Authority: Development Inspection**

Prior to provisional acceptance of development improvements, construction shall be completed consistent with the approved final construction plans 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 facility to ensure that the system will meet the minimum requirements of this manual. [See Finding 13]

b. During installation of the infiltration trench facilities proposed, the applicant shall demonstrate that the required minimum vertical separation to 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 Finding 13]

D	**Final Plat Review & Recording** **Review and Approval Authority: Development Engineering**

Prior to final plat approval and recording, the following conditions shall be met:

D-1 Public Health -

a. A copy of the final acceptance letter (or equivalent) from the water and sewer purveyor shall be submitted to Clark County Community Development with the mylar (final plat). [See Finding 21]

b. Public Health is <u>not</u> required to sign the final plat, <u>because</u> the plat does not propose the use of well or septic systems.

D-2 Sewer Service - The applicant shall provide documentation from the City of Vancouver District that sewer connections to the new lots have been installed and approved. [See Finding 21]

D-3 Abandonment of On-Site Water Wells and Sewage Systems - The location of abandoned septic tanks and decommissioned wells shall be shown on the face of the final plat.

D-4 Developer Covenant - A "Developer Covenant to Clark County" shall be submitted for recording to include the following:

a. <u>Critical Aquifer Recharge Areas</u>: "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 Facilities Maintenance: 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. Final plats shall specify the party(s) responsibility for long-term maintenance of stormwater facilities within the Developer's Covenants to Clark County. 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. (The covenant will not be required if the stormwater facilities are to be owned and maintained by Clark County.)

d. Impact Fees: "In accordance with CCC 40.610, except for lot "X" which is designated on the final plat as waived, impact fees for each dwelling in this short plat 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 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."

D-5 **Utility and Annexation Covenant** - The following covenants shall be submitted for recording:

- City of Vancouver required utility covenants, and
- Covenant indicating that the owner or any subsequent owner of the property shall support annexation to a city.

D-6 **Addressing** - At the time of final plat, existing residence(s) that will remain may be subject to an address change. Addressing will be determined based on point of access.

D-7 **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 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. Roof and Crawl Space Drains: "Roof and crawl space drains are to be installed per approved construction 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."

f. Privately Owned Stormwater Facilities: "The following party(s) is responsible for long-term maintenance of the privately-owned stormwater facilities: _____."

g. "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."

h. Impact Fees: "In accordance with CCC 40.610, except for Lot "X" which is designated on this plat as waived, impact fees for each dwelling in this short plat 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 Sub-area (TIF). As found in CCC40.610.040, impact fees are calculated using the rates in effect at the time of building permit issuance."

E	**Building Permits** **Review and Approval Authority: Permit Services**

Prior to issuance of a building permit, the following conditions shall be met:

E-1 **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 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. Impact fees for Lot "X" are waived.

E-2 Engineering Requirements -

a. Roof and Crawl Space Drains: Roof and crawl space drains are to be installed per approved construction 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 Finding 8]

b. Excavation and Grading: Excavation/grading shall be performed in compliance with CCC 14.07.

E-3 Fire Marshal Requirements -

a. The applicant shall submit a current utility review letter from the water purveyor indicating required fire flow remains available at the site. [See Finding 16]

b. Homes exceeding 3600 square feet including attached garages will require the installation of a residential sprinkler system. [See Finding 20]

F	**Occupancy Permits** **Review and Approval Authority: Building**

Prior to issuance of an occupancy permit, the following conditions shall be met:

F-1 None

G	**Development Review Timelines & Advisory Information** **Review and Approval Authority: None - Advisory to Applicant**

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 (DOE) is required for any land disturbing activities such as clearing, grading, excavating, stockpiling of fill material, and/or demolition that:

- Disturbs one or more acres of land.; **OR**
- Are part of a common plan of development or sale that will ultimately disturb one or more acres of land. A common plan of development or sale is an area where multiple, separate, and distinct construction activities may be taking place on different schedules under one plan. In a common plan of development, the disturbed area of the entire plan is used to determine if a permit is required.; **AND**
- Discharge stormwater from the site into surface water(s) of the state or into storm drainage systems, including ditches, which discharge to state surface waters. Surface waters of the state: Include wetlands, ditches, rivers, unnamed creeks, rivers, lakes, estuaries, and salt water.

The applicant shall Contact the DOE for further information. https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Stormwater-general-permits/Construction-stormwater-permit

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.

G-4 **Building Elevation Approvals** - Approval of building elevations submitted for preliminary plan review does not ensure compliance with other requirements (such as building setbacks) under other construction codes. Compliance with other construction codes is the responsibility of the applicant at the time of building permit issuance.

G-5 **Fire Protection -** 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 Finding 15]

H	**Post Development Requirements** **Review and Approval Authority: As specified below**

H-1 **Fire Protection -** 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 Finding 18]

H-2 **Fire Protection -** Homes exceeding 3600 square feet will require additional fire protection features up to and including a residential fire sprinkler system when adequate public water and hydrants are not within required distances. [See Finding 20]

Note: The Community Development Director reserves the right to provide additional comment and findings of fact regarding this decision, if appealed.

Appeal Process

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

The appeal shall be filed with the Department of Community Development within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record. This decision was mailed on September 8, 2020. Therefore, any appeal must be received in this office by the close of business on September 22, 2020.

Any appeal of the final land use decisions shall be in writing and contain the following:

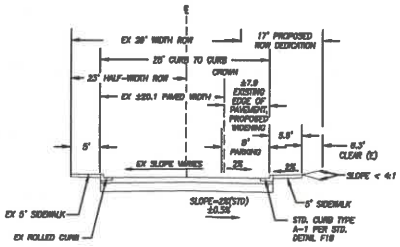
- Case number designated by the county;
- Name of the applicant;
- Name of each petitioner;
- Signature of each petitioner or his or her duly authorized representative;
- A statement showing the following:
  - That each petitioner is entitled to file the appeal as an interested party in accordance with CCC 40.510.030(H);
  - The specific aspect(s) of the decision being appealed;
  - The reasons why each aspect is in error as a matter of fact or law;
  - The evidence relied on to prove the error; and,
- The appeal fee.

An appeal of any aspect of the Hearing Examiner's decision, <u>except</u> the SEPA determination (i.e., procedural issues), may be appealed to the Superior Court or reconsidered by the Hearing Examiner only by a party of record.

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

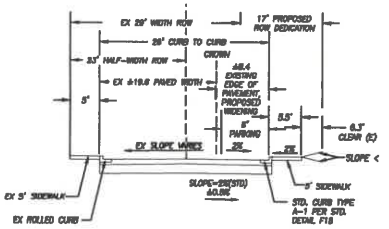
Attachments

- Preliminary Plan



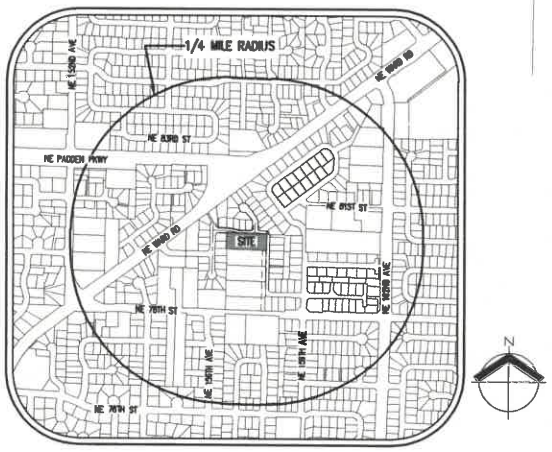
NE 80TH STREET

PER MODIFIED CLARK COUNTY STANDARD DRAWING #3
N.T.S.



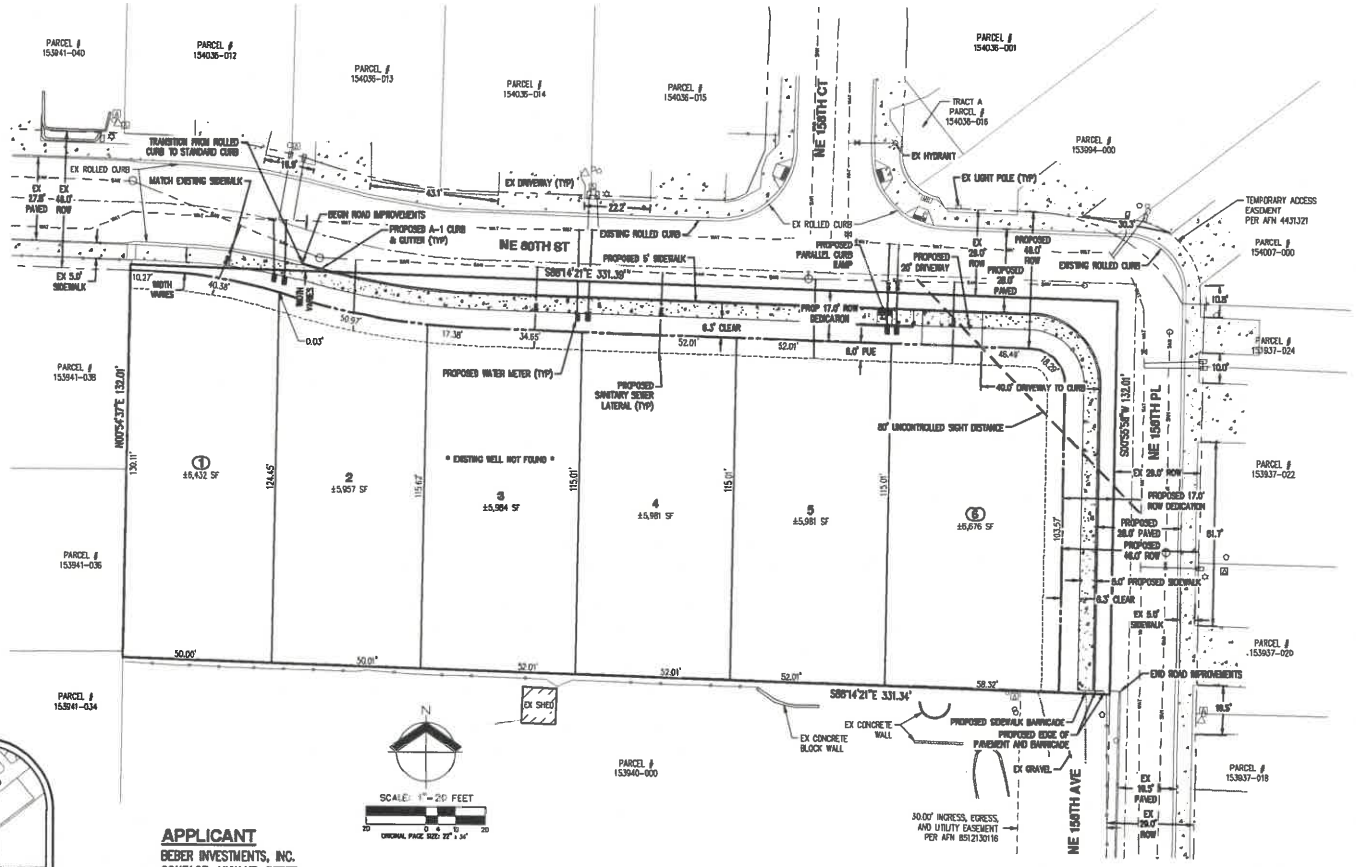
NE 158TH PLACE

PER MODIFIED CLARK COUNTY STANDARD DRAWING #3
N.T.S.



VICINITY MAP

N.T.S.



APPLICANT

BEBER INVESTMENTS, INC.
CONTACT: MICHAEL BEBER
6314 NE 137TH AVE
VANCOUVER, WA 98682
PH: (503) 381-4401
EMAIL: BEBERINVESTMENTS@YAHOO.COM

PROPERTY OWNER

MICHAEL BEBER AND MICHELE DUNN
8004 NE 158TH AVE
VANCOUVER, WA 98682
PH: (503) 381-4401
EMAIL: BEBERINVESTMENTS@YAHOO.COM

CONTACT

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

GENERAL NOTES

1. FUTURE RESIDENCES WILL BE CONNECTED TO PUBLIC WATER AND SANITARY SEWER PROVIDED BY THE CITY OF VANCOUVER.
2. NO NEW SEPTIC SYSTEMS ARE PROPOSED WITH THIS DEVELOPMENT.
3. THERE ARE NO NEW BICYCLE FACILITIES PROPOSED WITH THIS DEVELOPMENT.
4. EROSION CONTROL WILL BE ADDRESSED IN FINAL ENGINEERING PLANS AND THE PROJECT SPECIFIC STORMWATER POLLUTION PREVENTION PLAN.
5. C-TRAN BUS ROUTE #72 PASSES WITHIN 1/4 MILE OF THE SITE. THE NEAREST STOP FOR ROUTE #72 IS LOCATED AT NE 99RD ROAD AND NE 76TH STREET (APPROXIMATELY 0.43 MILES FROM THE SITE). THERE ARE NO OTHER STOPS FOR ROUTE #72 LOCATED WITHIN 2 MILES OF THE SITE.
6. C-TRAN BUS ROUTE #74 PASSES WITHIN 1/4 MILE OF THE SITE. THE NEAREST STOP FOR ROUTE #74 IS LOCATED AT NE 162ND AVENUE AND NE 99RD ROAD (APPROXIMATELY 0.31 MILES FROM THE SITE). THERE ARE NO OTHER STOPS FOR ROUTE #74 LOCATED WITHIN 2 MILES OF THE SITE.
7. ACCORDING TO CLARK COUNTY GIS, THERE IS AN EXISTING SEPTIC SYSTEM ON THE SITE SERVING THE EXISTING RESIDENCE. LOCATION OF EXISTING SEPTIC IS UNKNOWN. THE EXISTING SEPTIC SYSTEM WILL BE DECOMMISSIONED PER CLARK COUNTY PUBLIC HEALTH.
8. ACCORDING TO WASHINGTON DEPARTMENT OF ECOLOGY RECORDS, A WELL EXISTS ON THE PROJECT SITE. THE LOCATION OF THIS EXISTING WELL IS UNKNOWN. THE EXISTING WELL WILL BE LOCATED DURING SITE DEMOLITION AND DECOMMISSIONED PER CLARK COUNTY PUBLIC HEALTH.
9. NE 80TH STREET, NE 158TH PLACE, AND NE 158TH COURT ARE PUBLIC ROADS AND THEIR SURFACE MATERIAL IS ASPHALT. NE 158TH AVENUE IS PRIVATE AND ITS SURFACE MATERIAL IS GRAVEL.
10. ACCORDING TO CLARK COUNTY GIS, THE SITE IS LOCATED WITHIN A CATEGORY #2 CRITICAL AQUIFER RECHARGE AREA (CARA 2).
11. ACCORDING TO CLARK COUNTY GIS, THERE ARE NO WETLANDS, WATER COURSES, WATER BODIES, 100-YEAR FLOODPLAINS, DESIGNATED SHORELINE AREAS, UNSTABLE SLOPES, LANDSLIDE HAZARD AREAS, OR SIGNIFICANT HISTORIC OR CULTURAL RESOURCES EXISTING ON THE SITE OR WITHIN 100-FEET OF THE SITE.
12. ACCORDING TO CLARK COUNTY GIS, NO PORTION(S) OF THE SITE, OR ROADS WITHIN 500' PROVIDING ACCESS TO THE SITE, ARE IN EXCESS OF 15% GRADE.
13. ACCORDING TO CLARK COUNTY GIS, THERE ARE NO PRIORITY HABITAT OR SPECIES BUFFERS ON SITE.
14. EXISTING ZONE DESIGNATION IS R1-6.
15. THERE IS AN EXISTING 30-FOOT WIDE PRIVATE ACCESS EASEMENT LOCATED AT THE EAST END OF THE SITE TO BE VACATED.
16. THERE ARE NO EXISTING BICYCLE FACILITIES ON SITE OR WITHIN 100-FEET OF SITE.
17. NO ENVIRONMENTAL BUFFER/PROTECTED AREAS OR ENHANCEMENT AREAS ARE PROPOSED.
18. EXISTING BUILDINGS ON SITE TO BE DEMOLISHED.
19. THERE ARE NO EXISTING OR PROPOSED TRANSIT FACILITIES ON SITE.
20. THERE ARE NO PROPOSED HARD LANDSCAPING FEATURES.

DENSITY CALCULATIONS

GROSS SITE AREA:	43,746 SF (1.00 AC)
ROW DEDICATION AREA:	6,729 SF (0.15 AC)
NET SITE AREA:	37,017 SF (0.85 AC)
AVERAGE LOT AREA:	6,169 SF (0.14 AC)
TOTAL LOTS:	6

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

AKS ENGINEERING & FORESTRY, LLC
9600 NE 126TH AVE, STE 2520
VANCOUVER, WA 98682
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AKS

ENGINEERING · SURVEYING · NATURAL RESOURCES
FORESTRY · PLANNING · LANDSCAPE ARCHITECTURE

PROPOSED IMPROVEMENTS PLAN
BEBER SHORT PLAT
CLARK COUNTY WASHINGTON
PARCEL 154004-000 SW 1/4, SEC 01, T2N, R2E, WM

PRELIMINARY NOT FOR CONSTRUCTION

JOB NUMBER:	7477
DATE:	04/20/2020
DESIGNED BY:	RFL
DRAWN BY:	RFL
CHECKED BY:	SMH

P3.0

AKS DRAWING FILE: 7477 PLD PREPLATDWG | LAYOUT: P3.0

EXHIBIT #19

Role	Company Name	Name	Address 1	Address 2	City	State	Zip Code	Email Address
Planner	Clark County	Amy Wooten						
Applicant	Beber Investments, Inc.	Michael Beer	6314 NE 137th Ave		Vancouver	WA	98682	beberinvestments@yahoo.com
Owner		Michael Beber & Michele Dunn	8004 NE 158th Ave		Vancouver	WA	98682	Same as above
N/H Association								
Contact Person	AKS Engineering	Michael Andreotti	9600 NE 126th Ave	Ste 2520	Vancouver	WA	98682	andreottim@aks-eng.com
Utility Contact								
	Clark County	Desiree de Monye						desiree.demonye@clark.wa.gov
	City of Vancouver	Kristin Lehto						Kristin.Lehto@cityofvancouver.us
		Nicole Daltoso						nicole.daltoso@vansd.org
		Jeff Roberts						jeff@crandallgroup.com
POR		Lynda Bock						steve.lyndabock@gmail.com
POR		Nicholas Victoria						nicholas.victoria@hillmangroup.com
POR		Javier Esparza						jetx2310@gmail.com

EXHIBIT LIST

Project Name: **BEBER SHORT PLAT**

Case Number: **PLD-2020-00047**

EXHIBIT NUMBER	DATE	SUBMITTED BY	DESCRIPTION
1		Applicant	Application Package
3		CC Land Use	Fully Complete
4	6/18/20	CC Land Use	Notice of Type II Application
5	6/18/20	CC Land Use	Affidavit of Mailing - Exhibit 4
6	6/22/20	CC Land Use	PCL_LBock
7	6/22/20	CC Land Use	Fire Marshal SR Comments
8	6/23/20	CC Land Use	Email_Forester
9	7/6/20	CC Land Use	PCL_JEsparaza
10	7/6/20	CC Land Use	PCL_NVictoria
11	7/16/20	CC Land Use	Concurrency Staff Report
12	8/6/20	CC Land Use	DE Staff Report Comments
13	8/14/20	CC Land Use	Preliminary Plat
14	8/17/20	Applicant	Response to Public Comments
17	9/1/20	Applicant	Response to DRAFT SR
18	9/1/20	CC Land Use	DE Staff Report Changes
19	9/8/20	CC Land Use	Staff Report and Decision
20	9/8/20	CC Land Use	Affidavit of Mailing - Exhibit 19

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