

Type III Land Division and Environmental Review Staff Report and Recommendation

Project Name: Hockinson Hollow

Case Numbers: PLD-2020-00043

Location/Parcel: 9108 NE Ward Road, Parcel 153950000 in the Northeast Quarter of Section 1, Township 2 Range 2 east of the Willamette Meridian

Request: Subdivision and rezone approval of roughly 4.7 acres into 25 single family lots for detached homes in the R1-7.5 zone

Applicant/Owner: Hockinson Hollow LLC
Attn: Mason Wolfe
7509 S 5th Street, Suite 101D
Ridgefield, WA 98642
Phone - 360.907.9588
Email - mason@wolfepm.com

Owner: Same as applicant

Recommendation

Approval, with conditions



Land Use Review Manager's Initials:

Date issued: September 9, 2020

Public Hearing date: September 24, 2020

County Review Staff

Department/Program	Name	Ext.	Email Address
Community Development			
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Revised 9/2/2020



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For an alternate format,
contact the Clark County
ADA Compliance Office.
Phone: 564.397.2322
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Engineer	David Bottamini, P.E.	4881	david.bottamini@clark.wa.gov
Concurrency Engineer	David Jardin	4354	david.jardin@clark.wa.gov

Comp Plan Designation: UL

Applicable Law

Clark County Code: Title 15 (Fire), 40.100 (Definitions), 40.200 (General Provisions), 40.220.020 (Single-family Districts), 40.350 (Transportation), 40.350.020 (Transportation Concurrency), 40.370 (Sewer & Water), 40.386 (Storm Water & Erosion Control), 40.450 (Wetlands), 40.500 and 40.510 (Procedures), CCC 40.510.030 (Type III Process), 40.540.040 (Subdivision), 40.550 (Road Modifications), 40.560.040 (Changes to Zoning Districts), 40.570 (SEPA), 40.570.080 (SEPA Archaeological), 40.610 (Impact Fees), Title 24 (Public Health), RCW 58.17, and the Clark County Comprehensive Plan

Neighborhood Association and Contact

Heritage NA - Currently Inactive

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 (PAC) on this matter, the PAC was determined contingently vested, but a complete application was not submitted within the required 180 days from issuance of the PAC report. Therefore, the application is vested on the fully complete submittal date of June 3, 2020. The application is vested for transportation concurrency on June 3, 2020. Vesting does not apply to stormwater standards. There are no known disputes regarding vesting.

Time Limits

The application was determined to be fully complete on June 16, 2020. The application was placed on an applicant-hold for 14 days to submit required information and reschedule the hearing. Therefore, the code requirement for issuing a decision within 92 days lapses on September 30, 2020.

Public Notice

Notice of application, public hearing, and likely SEPA determination was mailed to the applicant and property owners within 300 feet of the site, and SEPA Agencies on September 1, 2020. The applicant posted one updated sign on the subject property on August 19, 2020.

Public Comments

At this time, the county has not received comments from neighbors.

Project Overview

The subject site is located on the northwest side of NE Ward Road at NE 169th Street and is zoned single-family R1-7.5. The site consists of one roughly 4.69-acre parcel and contains single-family accessory structures.

The proposed development will be served by Fire District #5, the City of Vancouver for both public sewer and public water.

The applicant proposes a rezone from R1-7.5 to R1-6 and to divide the site into a maximum of 25 residential lots for single-family detached homes. The proposed plat will access NE 91st Street and NE Ward Road via 169th Avenue. The project is proposed to be constructed in one phase.

The following is a land use table of the site and surrounding properties:

Compass	Comp Plan	Zoning	Current Land Use
Site	UL	R1-7.5	Single-family residence
North	UM	R-12	Single-family residence
East	UL	R1-7.5	Single-family residence
South	UL	R1-7.5	Single-family residence
West	UL	R1-6	Single-family residence

Staff Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- | | |
|---------------------------------|--|
| 1. Earth | 9. Housing |
| 2. Air | 10. Aesthetics |
| 3. Water | 11. Light and Glare |
| 4. Plants | 12. Recreation |
| 5. Animals | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation |
| 7. Environmental Health | 15. Public Services |
| 8. Land and Shoreline Use | 16. Utilities |

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

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

Major Issues

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

Land Use

Finding 1 - Uses

Under Table 40.220.010-1, single-family detached dwellings are permitted in the R1-7.5 and R1-6 zones subject to this review.

Finding 2 - Rezone

The site is zoned R1-7.5 and the applicant proposes to rezone the site to R1-6. Zone changes may be approved only when all of the following are met (see CCC 40.560.020 F):

- *Requested zone change is consistent with the comprehensive plan map designation.*

The proposed zone change is consistent with the comprehensive plan map designation because both the R1-7.5 and R1-6 zones are designated Urban Low.

- *The requested zone change is consistent with the plan policies and locational criteria and the purpose statement of the zoning district.*

Staff cites plan policies 1.1.1, 1.2.1, 2.1.1, and 2.1.7 of the 20-year comprehensive plan that are consistent with the proposed rezone. The last two policies promote higher urban densities. Staff finds that the requested zone change is consistent with the purpose statement of the zoning district because both zones share the same comprehensive plan designation and purpose statement.

- *The zone change either responds to a substantial change in conditions to the area, better implements applicable comprehensive plan policies than the current map designation, or corrects an obvious mapping error.*

Staff finds the proposed rezone responds to a substantial change in conditions applicable to the area. Recent development to R1-6 standards has occurred immediately to the west in the last few years (Hockinson Park Estates with over 50 lots). Also, development to the north (Ramey Lane) has occurred at even higher R-12 densities with more than 100 lots. The homes on lots that abut to the north of the subject site are developing in 2020 while the lots a little further north are a couple years old. Staff finds there has been a significant amount of development in the surrounding area to R1-6 densities or higher creating a substantial change in conditions.

- *There are adequate public facilities and services to serve the requested zone change.*

The applicant has demonstrated that public water and sewer as well as other urban services are available to the subject site.

Staff finds that with conditions the proposed zone change complies with the rezone criteria of CCC 40.560.020 F and should be approved.

Finding 3 - Lot Standards

The R1-6 zone requires an average minimum lot size of 6,000 square feet and an average maximum lot size of 8,500 square feet. This zone also requires an average lot width of 50 feet and an average lot depth of 90 feet.

The smallest lot in the proposed subdivision is 5,000 square feet and the largest lot is 9,851 square feet. The average lot size in the proposed subdivision is 6,335 square feet which meets

the R1-6 lot size standards. All lots in the proposed plat meet the average minimum lot width and depth requirements. (See Condition D-3)

Finding 4 - Setbacks

The following minimum setbacks apply to the proposed lots (see CCC 40.220.010):

- Ten-foot front setback
- Eighteen-foot garage setback
- Ten-foot street side setback
- Five-foot side setback
- Ten-foot rear setback

Finding 5 - State Platting Standards (RCW 58.17)

With conditions of approval, staff finds the proposed subdivision will make appropriate provisions for public health, safety, and general welfare of the community. Proof of adequate water and sewer service, as well as treatment of any increase of stormwater runoff will be provided, to protect groundwater supply and integrity. Impact Fees will also be required to contribute a proportionate share toward the costs of school and transportation provisions, maintenance and services.

The site is located within the Hockinson School District and students from the subdivision will attend Hockinson Heights Elementary, Hockinson Junior, and Hockinson High Schools. All three schools are over a mile from the site, so students will be bussed to these schools from this development. Staff finds this satisfies safe walking conditions for students who only walk to school (see RCW 58.17.050)

Conclusion (Land Use)

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

Archaeology

Finding 6 - Archaeology

The development site is located within a high probability area for archaeological resources, as designated on the Archaeological Predictive Model Map of the Clark County. The applicant submitted an archaeological pre-determination to the Washington State Department of Archaeology and Historic Preservation (DAHP) prior to submittal of the application that indicates that no resources were found and no further work needed. DAHP received public notice and a copy of the SEPA checklist and has not provided comment.

A note on the final construction plans will be required that in the event that archaeological or historic materials are discovered during project activities, work in the immediate vicinity must stop and the area secured. The concerned tribes cultural staff, cultural committee, and DAHP shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines. (See Conditions A-6 and D-7a)

Transportation

Finding 7 - Pedestrian/Bicycle Circulation

Pedestrian circulation facilities in compliance with the Americans with Disabilities Act are required in accordance with the provisions of Section CCC 40.350.015. The applicant has proposed sidewalk along the frontage of NE Ward Road and internal sidewalks. All proposed pedestrian facilities shall be constructed to comply with ADA standards. The applicant will be required to construct curb ramps at all street intersections. (See Condition A-1a)

Finding 8 - Road Circulation

The applicant has proposed to extend existing NE 91st Street, through the subdivision such that the road can ultimately connect with existing NE 169th Avenue to the northeast. Newly constructed houses existing along the northern property line restrict access to the north. The applicant has also proposed a 3/4 access intersection with NE Ward Road from NE 169th Avenue. A road modification has been submitted which addresses this issue as it relates to the county's Median and Channelization Policy which stipulates that urban arterials shall generally include raised medians to restrict cross traffic movements. The proposed intersection meets the 500-foot intersection spacing requirement. (See Finding 10)

Finding 9 - Roads

NE Ward Road, is classified as an "Urban Minor Arterial", M-2cb. The associated required half-width improvements include 36 feet of right-of-way, 24 feet of paved width, curb, gutter, and a 5-foot detached sidewalk. NE 91st Street, and NE 168th Court are proposed as "Urban Local Residential Access" roads consisting of 46 feet of right-of-way, 28 feet of paved width, curbs, gutters, and sidewalks. NE 169th Ave. is an "Urban Local Residential Access" road which requires partial width improvements including 31 feet of right-of-way, 20 feet of paved width, sidewalk, curb, and gutter to the north of the property line. The applicant has proposed 33 feet of right-of-way and 20 feet of paved width. The applicant has not proposed driveway access to NE 169th Avenue; however, the width of the intersection with NE Ward Road shall be widened by 4 feet to achieve a build-out width of the approach of 36 feet. Parking is prohibited on both sides of this partial width roadway per CCC 40.350.030(B)(5)(a)(5). (See Conditions A-1b, A-1c, A-1d, A-1e, and D-1)

Per CCC Table 40.350.030-3 and CCC 40.350.030(B)(7)(b), on arterials the dedication of right-of-way on corners shall include the chord of the right-of-way radius. The county will accept an easement for this chord instead of dedication of right-of-way. (See Condition A-1f)

Per CCC 40.350.030 (B)(4)(b)(1)(b), corner lot driveways, on two intersecting local access roads, shall be placed a minimum of 40 feet from the projected curb line, 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. (See Condition A-1g)

Finding 10 - Road Modifications

The applicant request allowance for a 3/4 access from NE 169th Avenue onto NE Ward Road, which will restrict the left-out turning movement.

40.550.010(C)(2) Approval Criteria:

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

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

Applicant's Discussion

The applicant submitted a technical road modification analysis, dated August 20th, 2020 (Road Modification – Medians and Channelization Policy), and an addendum dated August 20th, 2020 (Transportation Impact Study Addendum) that provide justification for the request; a portion of which is recited below:

“The justification for the requested modification falls under criteria b and e of the above list. Since NE Ward Road is classified as an urban arterial roadway, any new development on the subject site would require that a raised median be constructed to preserve roadway capacity and promote safety per the Medians and Channelization Policy. NE Ward Road is a two to three-lane roadway that does not have raised medians north of NW Padden Parkway for over several miles; the exception being a segment of NE Ward Road located southwest of NE 160th Avenue, near NE Padden Parkway (i.e. no raised medians within approximately half a mile to the southwest of the site and no raised medians over several miles to the northeast). Additionally, the site frontage along NE Ward Road spans a length of approximately 400 feet, where four other driveways on the opposite side of NE Ward Road take access (three driveways directly serve single-family houses while one serves a side yard). If a raised median were constructed along site frontage, it would subsequently restrict turning movements at these existing houses, creating an undue hardship for transportation access to these property owners, a hardship not of their own making.”

“In order to ensure and maintain consistency with the existing roadway features and to avoid creating access related hardships to property owners along NE Ward Road opposite of the site, a modification to the Medians and Channelization Policy is requested; accordingly, criteria b and e are met.”

Staff's Evaluation

Staff agrees with the applicant that this proposal meets criterion (e).

Staff is supportive of the applicant's request for relief from the Median and Channelization Policy to allow a 3/4 access onto NE Ward Road from NE 169th Avenue. The turning movement restriction shall be shown on the final construction plans. (See Condition A-1h)

Concurrency has prepared a Median and Channelization Policy evaluation of the applicant's justification as submitted. Concurrency's evaluation concluded with support of the applicant's

request. Concurrency has forwarded the evaluation memorandum to the Clark County Public Works Director via the Transportation Division Manager.

The applicant should acknowledge that the intersection of NE 169th Avenue/NE Ward Road may be limited at some time in the future. Staff recommends and advisory condition to that effect. (See Condition F-1)

Recommendation

Staff recommends Approval of the road modification per approval criteria CCC 40.550.010(C)(2)(e), subject to the conditions identified above. The Development Engineering Supervisor concurs with staff's recommendation. [See Exhibit 10]

Finding 11 - 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 at all intersections. 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 submitted a sight distance analysis, as part of their Transportation Impact Study, dated March 13th, 2020, indicating that the required 450 feet of sight distance based on the posted 45 mph speed limit along NE Ward Road can be achieved at the proposed intersection of NE 169th Avenue looking to the northeast and southwest. This sight distance certification shall be completed once the improvements are constructed. The sight distance triangles shall be shown on the final engineering plans and on the final plat. (See Conditions A-1i, C-1, and D-2)

Conclusion (Transportation & Circulation):

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

Transportation Concurrency

Finding 12 - Trip Generation

County concurrency staff has reviewed the proposed Hockinson Hollow traffic study dated March 13, 2020, a revision dated August 12, 2020, and traffic study addendum dated August 20, 2020. All traffic study and addendum information and analysis were prepared by Lancaster Mobley. The traffic study submitted indicates that the proposed development will divide 4.69 acres into 25 single family residences. The applicant's traffic study has estimated the a.m. peak-hour trip generation at 18 trips, a p.m. peak-hour trip generation at 24 trips and an average daily trip (ADT) generation of 226. 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 near the intersection at 9108 NE Ward Road in Vancouver.

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

Finding 13 - Site Access

Traffic conditions are usually expressed using a scale that quantifies the ability of a facility to meet the needs and expectations of the driver. This scale is graded from A to F and is referred to as level-of-service (LOS). A driver who experiences a LOS A condition would expect little delay. A driver who experiences 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 traffic study indicates that the proposed subdivision will extend NE 91st Street from the west through the proposed subdivision. The submitted drawings also show the construction of an interior public local street network. This network will provide access to the existing larger street network at the proposed connection to the existing NE Ward Road.

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

The applicant's analysis shows that the proposed local access intersection of NE 169th Avenue/NE Ward Road is estimated to operate at a LOS C or better in the 2022 build-out horizon. The study also shows that the LOS was evaluated during AM and PM peak hour traffic conditions in existing and build-out scenarios. County Staff concurs with the traffic study findings.

Finding 14 - 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 2 cycles, of delay in the build-out year.

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

Unsignalized Intersections

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

The 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 with the exception of the NE 152nd Avenue segment between NE Padden Parkway and NE 99th Street in the buildout year.

The traffic study indicates that NE 152nd Avenue road segment, in the northbound direction, between NE Padden Parkway and NE 99th Street will have a volume to capacity (v/c) ratio of 0.93 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 152nd Avenue/NE 99th Street and NE 152nd Avenue/NE Padden parkway are anticipated to operate at a LOS C or better. Staff believes that the v/c ratio over the NE 152nd 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 15 - Turn Lane Warrants

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

The applicant's traffic study information found that a left turn lane was warranted at the proposed public road intersection entering the proposed development. The applicant's plan shows the construction of a left turn lane with a 100-foot storage area with the associated approach and departure tapers. The applicant's plan also shows the construction of a raised median curb to facilitate the channelization of the eastbound to northbound left turn from NE Ward Road into the proposed development. This raised median channelization is placed to restrict the left turning movements out of the subdivision onto NE Ward Road.

The applicant will need to submit construction plans for review and approval that show the construction of a dedicated eastbound left turn lane along with the associated tapers. The construction plans will need to show pavement widening to facilitate the required lane widths. The construction plans will also need to show that the additional pavement widening will facilitate retaining the current shoulder width prior to the road widening, on the south side of NE Ward Road. (See Condition A-2b)

Finding 16 - 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 17 - Roadside Safety (Clear Zone) Evaluation

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

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

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

The applicant shall consider the WSDOT Design Manual - Roadside Safety Mitigation Guidance (Section 1600.04) in the final engineering design of all proposed roadways and frontage improvements. (See Condition A-2c)

The proposed road widening along the NE Ward Road frontage to facilitate a dedicated left turn lane. If the proposed road widening moves the traveling public closer to roadside fixed objects, i.e. trees, rocks, power poles, etc., the applicant will be responsible for addressing and installing roadside protections.

The applicant will need to submit construction plans for review and approval that show the proposed pavement widening along with fixed object locations along the south side of NE Ward Road. The construction plans will also need to show recommended roadside protections. (See Condition A-2c).

Finding 18 - Vehicle Turning Movements

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

The applicant will need to submit construction plans that show the design of the intersection geometry will accommodate all applicable design vehicles for review and approval. The plans will also need to show that all applicable design vehicles have the ability to enter and exit the development minimizing the turning movement impact to opposing or adjacent travel lanes, which may result in no on-street parking areas on local residential access roads, at/near public road intersections. (See Condition A-2d).

Conclusion (Concurrency):

In summary, Concurrency Staff recommends approval of the development application with conditions.

Stormwater

Finding 19 - 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. (See Condition A-3a)

Finding 20 - Stormwater Proposal

The applicant provided a stormwater technical information report dated March 2020 which proposes to comply with On-site Stormwater Management (MR#5), Runoff Treatment (MR#6), and Flow Control (MR#7) standards. The applicant proposes to comply with the LID Performance Standard. The applicant has proposed public facilities consisting of a StormFilter Manhole (Contech) and 2 infiltration trenches with drywells. Individual infiltration systems are proposed on each of the individual lots. The applicant has proposed infiltration within NE Ward Road; however, infiltration is not allowed within the paved width of an arterial roadway. The applicant has indicated the willingness to move the proposed infiltration system out of NE Ward Road. (See Conditions A-3b, A-3c, A-3d, A-3e, E-1, and D-7f)

Per the applicant's geotechnical engineer, the tested infiltration rates were 195 inches per hour (iph) at the depth of 4.5 feet below ground surface (bgs) and 530 iph at the depth of 8 feet bgs. The applicant's engineer is proposing a safety factor of at least 4 for the design of the infiltration systems. Groundwater was determined to be about 22 feet below the ground surface. The applicant will provide additional groundwater monitoring results with the submittal of the final stormwater report and construction plans for review. The applicant shall not materially increase or concentrate runoff onto neighboring properties. (See Conditions A-3f, A-3g, C-2a, and C-2b)

In accordance with the 2015 Clark County Stormwater Manual, Book 1, Section 2.5.1.3, for an infiltration trench that receives water exclusively from a roof surface, a minimum separation of 1-foot is required from the bottom of the infiltration facility to the seasonal high-groundwater elevation. (See Condition A-3h)

In accordance with the 2015 Clark County Stormwater Manual, Book 2, Section 5.1.1, a minimum separation of 5 feet is required to the seasonal high-groundwater elevation from the bottom of an infiltration facility that receives stormwater from a pollution generating surface. (See Condition A-3i)

Conclusion (Stormwater):

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

Fire Protection

Finding 21 - Review Process

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.

Finding 22 - Fire Flow/Hydrants

Fire flow in the amount of 1000 gallons per minute supplied at 20 psi for 60 minutes duration is required for this application. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval.

Fire hydrants are required for this application. 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.

Unless waived by the fire district chief fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact Fire District #5 at (360) 487-7260 to arrange for location approval. Provide and maintain a six-foot clear space completely around every fire hydrant. (See Conditions A-7a, A-7b, A-7c, and E-3)

Finding 23 - Fire Apparatus Access/Sprinklers

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. Approved fire apparatus

turnarounds are required for this project - the indicated provisions for turning around fire apparatus are adequate.

Homes exceeding 3,600 square feet including attached garages will require additional fire protection features possibly including fire sprinkler systems. (See Conditions A-7d and E-4)

Conclusion (Fire Protection)

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

Water and Sewer Service

Finding 24 - Water and Sewer Service

The site will be served by the City of Vancouver for both public water and sewer. A letter from the City of Vancouver confirms that potable water and public sewer services are available to the site in NE 91st Street or NE Ward Road. Therefore, prior to final plat approval, documentation shall be provided from the water and sewer purveyor that all water and sewer connections have been installed and approved. (See Condition D-4)

Impact Fees

Finding 25 - Impact Fees

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 proposed lots will pay the following impact fees:

- Hockinson District, with a SIF of \$7,790.00 per dwelling
- Park District 5, with a SIF of \$4,353.00 per dwelling
- Orchards sub-area with a TIF of \$3,406.73 per dwelling

The amounts listed above are an estimate 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-6c & E-2)

SEPA Determination

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

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

The likely SEPA Determination of Non-Significance (DNS) in the Notice of Development Review Application issued on September 1, 2020 will be final on September 16, 2020.

SEPA Appeal Process

An appeal of this SEPA determination and any required mitigations, must be filed with the Department of Community Development within fourteen (14) calendar days from the date this notice. The hearing examiner shall hear appeals in a public hearing. Notice of the appeal hearing shall be mailed to parties of record, but shall not be posted or published.

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

A **substantive SEPA appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing Clark County Code or other law. Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.

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

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

- Case number designated by the county
- Name of the applicant
- Name of each petitioner
- Signature of each petitioner or his or her duly authorized representative
- A statement showing the following:
 - That each petitioner is entitled to file the appeal as an interested party in accordance with CCC 40.510.020(H) or 40.510.030(H)
 - The reasons why the SEPA determination is in error
- The appeal fee

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

The decision of the Hearing Examiner is final unless:

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

Staff Contact Person: Richard Daviau, 564.397.4895

Responsible Official: Dan Young, Community Development Director

Recommendation

Based upon the proposed plan and the findings and conclusions stated above, staff recommends the Hearing Examiner **APPROVES** request, subject to the understanding that the application is required to adhere to all applicable codes and laws and is subject to the following conditions of approval.

Conditions of Approval

A	Final Construction Review for Land Division Review and Approval Authority: Development Engineering
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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 that all pedestrian facilities will be constructed in compliance with ADA Standards. The applicant shall construct curb ramps at all street intersections. (See Finding 7)
 - b. NE Ward Road. is classified as an “Urban Minor Arterial”, M-2cb, and the associated required half-width improvements include 36 feet of right-of-way, 24 feet of paved width, curb, gutter, and 5-foot detached sidewalk (see Finding 9).
 - c. NE 91st Street and NE 168th Court are proposed as “Urban Local Residential Access” roads and shall consist of 46 feet of right-of-way, 28 feet of paved width, curbs, gutters, and sidewalks (see Finding 9).
 - d. The width of the intersection of NE 169th Avenue with NE Ward Road shall be widened by 4 feet to achieve a future build-out width of the approach of 36 feet (see Finding 9).
 - e. Parking is prohibited on both sides of the proposed partial width NE 169th Avenue per CCC 40.350.030(B)(5)(a)(5) - See Finding 9.
 - f. Per CCC Table 40.350.030-3 and CCC 40.350.030(B)(7)(b), on arterials the dedication of right-of-way on corners shall include the chord of the right-of-way radius. The county will accept an easement for this chord instead of dedication of right-of-way. (See Finding 9)
 - g. Per CCC 40.350.030 (B)(4)(b)(1)(b), for the corner lot driveways adjacent to intersections of a local access roads (Lots 8, 12 & 24), the nearest edge of the driveways shall be placed a minimum of 40 feet from the projected curb line of the intersecting road (See Finding 9).
 - h. The applicant shall show on the final construction plans the restriction of the left-out turning movement from NE 169th Avenue onto NE Ward Road (See Finding 10).
 - i. The sight distance triangles shall be shown on the final engineering plans (see Finding 11).

A-2 Final Transportation Plan/Off Site (Concurrency) - 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 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, if necessary. The applicant shall obtain a work order with Clark County to reimburse the County for required signing and striping.
- b. The applicant shall submit construction plans for review and approval that show the construction of a dedicated eastbound left turn lane along with the associated tapers. The construction plans shall show pavement widening to facilitate the required lane widths. The construction plans shall show that the additional pavement widening will facilitate retaining the current shoulder width prior to the road widening, on the south side of NE Ward Road. (See Finding 15)
- c. The applicant shall submit construction plans for review and approval that show the proposed pavement widening along with fixed object locations along the south side of NE Ward Road. The construction plans shall also show recommended roadside protections based on the WSDOT Design Manual – Roadside Safety Mitigation Guidance (Section 1600.04) The applicant's engineer shall consider this section in the final engineering design of all proposed roadways and frontage improvement (see Finding 17).
- d. 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 Finding 18).

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 (See Findings 19 and 20):

- a. The applicant shall submit a final construction plan and a final Technical Information Report (TIR) that addresses Minimum Requirements #1 through #9. The TIR shall follow the format identified in Book 1, Section 1.8.2.3 of the 2015 Clark County Stormwater Manual.
- b. The applicant shall submit documentation from the stormwater treatment system manufacturer indicating that the stormwater treatment devices were sited and sized appropriately.
- c. Tested and design infiltration rates in addition to the minimum separation from the bottom of an infiltration facility to the seasonal high-groundwater elevation shall be identified on the final construction plans.
- d. Direct or indirect conveyance of stormwater runoff from the roofs to the infiltration systems under the public road paved section is not allowed.

- e. Infiltration facilities are not allowed within the pavement width of NE Ward Road.
- f. The applicant shall submit additional groundwater monitoring data with the final TIR. The data should be provided for at least one complete wet season (October 1 – April 30).
- g. The applicant shall not materially increase or concentrate runoff onto neighboring properties.
- h. In accordance with the 2015 Clark County Stormwater Manual, Book 1, Section 2.5.1.3, for an infiltration trench that receives water exclusively from a roof surface, a minimum separation of 1-foot is required from the bottom of the infiltration facility to the seasonal high-groundwater elevation.
- i. In accordance with the 2015 Clark County Stormwater Manual, Book 2, Section 5.1.1, a minimum separation of 5 feet is required to the seasonal high-groundwater elevation from the bottom of an infiltration facility that receives stormwater from a pollution generating surface.

A-4 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-5 Excavation and Grading - Excavation/grading shall be performed in compliance with CCC14.07.

A-6 Archaeology - The following note shall be placed on the construction plans "Should archaeological materials (e.g. bones, shell, stone tools, beads, ceramics, old bottles, hearths, etc.) be observed during project activities, all work in the immediate vicinity should stop and the State Department of Archaeology and Historic Preservation (360-586-3065), the County planning office, and the affected Tribe(s) should be contacted immediately. If any human remains are observed, all work should cease and the immediate area secured. Local law enforcement, the county medical examiner (360-397-8405), State Physical Anthropologist, Department of Archaeology and Historic Preservation (360-586-3534), the County planning office, and the affected Tribe(s) should be contacted immediately. Compliance with all applicable laws pertaining to archaeological resources (RCW 27.53, 27.44 and WAC 25-48) and human remains (RCW 68.50) is required. Failure to comply with this requirement could constitute a Class C Felony."

A-7 Fire Protection Requirements

- a. Fire flow in the amount of 1,000 gallons per minute supplied at 20 psi for 60 minutes duration is required for this application. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval. (See Finding 22)
- b. Fire hydrants are required for this application. 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 Finding 22)

- c. Unless waived by the fire district chief fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact Fire District #5 at (360) 487-7260 to arrange for location approval. Provide and maintain a six-foot clear space completely around every fire hydrant. (See Finding 22)
- d. 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. Homes exceeding 3,600 square feet (excluding attached garages) will require additional fire protection features possibly including fire sprinkler systems. (See Finding 23)

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

C	Provisional Acceptance of Development Review and Approval Authority: Development Inspection
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Prior to accepting development improvements, construction shall be completed consistent with the approved final construction / land division plan and the following conditions of approval:

- C-1 Sight Distance** - The applicant shall provide a sight distance certification letter verifying that sight distance requirements have been met at the intersections (See Finding 11).
- C-2 Stormwater:**
 - a. In accordance with Book 2, Section 5.1.2, of the Clark County Stormwater Manual, 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 the 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 the manual. (See Finding 20)

- b. During installation of the infiltration galleries, the applicant shall demonstrate that the required minimum vertical separation to the seasonal high groundwater 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 20)

D	Final Plat Review & Recording Review and Approval Authority: Development Engineering
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Prior to final plat approval and recording, the following conditions shall be met:

- D-1 Right-of-way Dedication** - The required right-of-way dedication along NE Ward Road must be conveyed to the county with the final plat (See Finding 9).
- D-2 Sight Distance** - The sight distance triangles shall be delineated on the final plat (see Finding 11).
- D-3** All lots in the plat shall comply with the lot standards and setbacks of the R1-6 zone. (See Findings 3).
- D-4 Water and sewer** - The applicant shall provide documentation from the water and sewer purveyor that all water and sewer connections have been installed and approved.
- D-5** Water mains supplying fire flow and fire hydrants shall be installed, approved and operational (see Finding 22).
- D-6 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 Safety and put in place prior to construction."
 - c. 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: Hockinson 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-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. Direct driveway access to NE Ward Road is prohibited."
- e. Sight Distance: "All sight distance triangles shall be maintained."
- f. Roof and Crawl Space Drains: "Roof and crawl space drains for all lots of the development 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(s) on whose lot the stormwater system is located."
- g. 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: Hockinson 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
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Prior to issuance of a building permit, the following conditions shall be met:

- E-1 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.
- E-2 Impact Fees** - Impact fees shall be assessed for impacts on schools, parks and transportation facilities based for the following districts: Hockinson School District (SIF), Park District #5 (PIF) and Orchards Sub-area (TIF) (see Finding 25). As found in CCC40.610.040, impact fees are calculated using the rates in effect at the time of building permit issuance."

- E-3 Fire** - Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection prior to combustible building construction. Homes exceeding 3,600 square feet (excluding attached garages) will require additional fire protection features possibly including fire sprinkler systems. (See Finding 22 and 23)

F	Development Review Timelines & Advisory Information Review and Approval Authority: Advisory to Applicant
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- F-1 NE Ward Road** - As future traffic conditions and/or as development occurs along NE Ward Road, it may be necessary to construct raised median, or restrict turning movements on NE Ward Road at NE 169th Avenue. Access restrictions could be constructed at any time in the future as roadway volumes increase and/or safety issues become of concern. Access restrictions could be constructed for development mitigation or as a county project. As a result, the applicant should acknowledge that the intersection of NE 169th Avenue/NE Ward Road may be limited at some time in the future. (See Finding 10)
- F-2 Land Division** - Within seven (7) years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.
- F-3 Department of Ecology Permit for Construction Stormwater** - A permit from the Department of Ecology (DOE) 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 DOE for further information.**

F-4 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.

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

Hearing Examiner Decision and Appeal Process

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

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

Motion for Reconsideration

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

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

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

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

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

Appeal Rights

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

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

Attachments

- Copy of Proposed Preliminary Plan

10.2

Proposed Development

Plans

Revised to add Fully
Complete Items

