

Type III Land Division and Environmental Review Staff Report and Recommendation

Project Name: Lake River Estates

Case Number: PLD-2020-00053

Location: 13010 NW 50th Avenue

Parcel Numbers: 183305-000, located in the NE 1/4 of Section 30 and the NW 1/4 of section 29, Township 3 North, Range 1 East, Willamette Meridian

Request: The applicant is requesting Short Plat approval to subdivide 5.05 acres into 8 single-family residential lots. The applicant is also proposing a zone change from the current R1-20 zone, to a proposed R1-10 zone.

Applicant/Owner: Gecho Construction
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Vancouver, WA 98662
gechoconstruction@gmail.com

Contact: Scott Taylor
SGA Engineering
2005 Broadway Street
Vancouver, WA 98663
staylor@sgaengineering.com

Recommendation	BRYAN MATSON
Approve, Subject to Conditions	PER EMAIL
Land Use Review Manager's Initials:	AUTHORIZATION FOR SUSAN ELLINGER
Public Hearing date: 9/10/2020	Date issued: 9/1/2020



Community Development
1300 Franklin Street, Vancouver, Washington
Phone: (360) 397-2375 Fax: (360) 397-2011
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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

County Review Staff

Department/Program	Name	Phone Ext.	Email Address
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Community Development			
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Concurrency Engineer	David Jardin	4354	David.jardin@clark.wa.gov
Biologist	Ariel Whitacre	4714	Ariel.whitacre@clark.wa.gov

Comp Plan Designation: Urban Low Density Residential (UL)

Applicable Laws

Clark County Code: Title 14 (Building Safety), Title 15 (Fire Prevention), Chapter 40.200 (General Provisions), Section 40.220.010 (Single-Family Residential District), Chapter 40.340 (Parking and Loading), Chapter 40.350 (Transportation & Circulation), Section 40.350.020 (Transportation Concurrency), Chapter 40.370 (Sewer and Water), Chapter 40.386 (Storm Water & Erosion Control), Chapter 40.340 (Geologic Hazard Areas), Chapter 40.440 (Habitat Conservation), Chapters 40.500 and 40.510 (Procedures), Section 40.520.010 (Legal Lot Determination), Section 40.550.010 (Road Modifications), Section 40.560.020 (Changes to Zoning Districts and Code Amendments), Chapter 40.570 (SEPA), Section 40.570.080 (SEPA Archaeological), Chapter 40.610 (Impact Fees), Title 24 (Public Health), RCW 58.17, and the Clark County Comprehensive Plan.

Neighborhood Association and Contact

Felida Neighborhood Association

Milada Allen, president

Email: timberline713@gmail.com

Vesting

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

A pre-application conference on this matter was held on 10/24/2019 and was not contingently vested.

The fully complete application was submitted on 6/11/2020 and determined to be fully complete on 6/25/2020. Given these facts, the application is vested on 6/11/2020, the date the fully complete application was submitted. It is important to note that this vesting does not apply to stormwater standards. There are no disputes regarding vesting.

Time Limits

The application was determined to be fully complete on 6/25/2020. Therefore, the code requirement for issuing a decision within 92 days lapses on 9/25/2020. The state requirement for issuing a decision within 120 calendar days, lapses on 10/23/2020.

Public Notice

A Revised Notice of Application and public hearing was mailed to the applicant, the Felida Neighborhood Association and property owners within 300 feet of the site on 8/13/2020. A sign was posted on the subject property on 8/8/2020.

Public Comments

No public comments were received for this proposal.

Project Overview

The applicant is proposing to subdivide approximately 5.05 acres into eight (8) new lots for single family residential construction in the R1-10 zone. A zone change is being requested with this application. The applicant is requesting a zone change from R1-20 to R1-10, both Urban Low Density Residential Comprehensive Plan designations. The zone change request is running concurrently with the short plat application and does not require a Comprehensive Plan Change or Annual Review. The zone change is a Type III review.

The project is in the Felida neighborhood, just east of Lake River at the west edge of Felida. NW 127th Street provides access from this neighborhood out to Lakeshore and NW 36th Avenue, the closest arterial roadway. NW 50th Avenue is an existing private road built to local access standards. The proposal indicates that the existing private driveway will be improved to meet private road standards and the existing gate will be replaced with a new gate and turnaround/delivery area.

The subject parcel is generally located on the north side of NW 129th Circle, south of NW 131st Circle, East of Lake River, and west of NW 50th Avenue. Existing homes abut the site on the north, east, and south sides. Currently, the site has an existing residence that will remain on lot 4 and an outbuilding that the applicant is proposing to remain located on Lot 3, (*See Land Use Finding 5 & Conditions D-4.g & D-5.f*).

Topographically, the project gently slopes downward from the east to west but then drops steeply to the Railroad right of way along Lake River at a point approximately 100' west of the existing home. According to County Geographic Information services (GIS), this area of the site has slopes greater than 15%, identified as possible landslide hazards and severe erosion hazards. The existing vegetation consists of evergreen and deciduous trees and shrubs, turfgrass, and field grass.

The subject site is serviced by Fire District #6, the Vancouver School District, Clark Regional Waster Water sewer, and Clark Public Utility water systems.

The applicant submitted application materials including preliminary plans, Project Narrative, a Stormwater Technical Information Report (TIR), Geotechnical Site Investigation Report, Traffic Profile, and an Archaeological Predetermination.

Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use
Site	UL	R1-20	Single Family Residence
North	UL	R1-20	Single Family Residences
East	UL	R1-20	Single Family Residences
South	UL	R1-20	Single Family Residences
West	UL	R1-20	Railroad Right of Way

Staff Analysis

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

Major Issues

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

Land Use

Finding 1 - Uses

According to Table 40.220.010-1, single-family residential dwellings are permitted outright in the R1-10 zone.

Finding 2 – Zone Change Request

The proposal includes a zone change request to change from the current zoning of R1-20 to R1-10. CCC 40.560.020(G, 1 through 4) includes the approval criteria for zone changes. Zone changes may be approved only when all of the following are met:

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

The applicant states that the zone change is consistent with the current comprehensive plan map designation. R1-20 and R1-10 zones are both low density zonings in the urban area residential districts.

Staff Response: Staff agrees with the applicant’s finding.

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

The applicant lists the applicable goals of the Growth Management Act below:

- i. Urban Growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.*
- ii. Reduce Sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.*
- iii. Housing. Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types and encourage preservation of existing housing stock.*

The applicant's narrative states that the requested zone change is consistent with the plan policies and locational criteria and the purpose statement of the zoning district. The zoning district is Urban Low Density. The change from R1-20 to R1-10 is a minor change in density with respect to the existing surrounding developments. Most of the surrounding developments in the area have lots that are smaller than the R1- 20 standards (20,000 sf). Adjacent projects used density transfer provisions, PUD allowances and other tools to develop lots ranging in size from 9,594 sf – 49,728 sf. The Bella Ridge PUD, phases 3-5 are immediately adjacent to this project on the South, East and North sides. The adjacent lots range in size from 10,898 sf to 49,728 sf. This proposed development has an average lot size of 14,997 square feet. Lots will range in size from 13,076 sf to 58,299 sf. We believe that the change in zoning will be a better fit with the surrounding developments in the immediate area.

Staff Response: Staff agrees with the applicant's finding that the requested zone change is consistent with the applicable goals Comprehensive Plan. However, staff has determined that the proposal also complies with the additional criteria of:

- a. Location Criteria – The request complies with maximizing the efficiency of public services through increased density. Also, because the UL designation allows for the zones to be applied in a manner that provides for densities slightly higher than existing urban development while maintaining the character of the existing area, the request aligns with this criterion.
 - b. Purpose Statement of the zoning district – The request protects the established low-density residential area as well as establishes a higher density where a full range of community services and facilities are present. Therefore, the request complies with the applicable purpose statements of the R1-10 zone.
3. The zone change either:
 - a. Responds to a substantial change in conditions applicable to the area within which the subject property lies;
 - b. Better implements applicable comprehensive plan policies than the current map designation; or
 - c. Corrects an obvious mapping error.

The applicant's narrative states that this zone change responds to a substantial change in conditions in the area. Existing developments in this area, while zoned R1- 20, have lot sizes well below 20,000 square feet. The current residential market is supporting this R1-10 density

of development in this part of town. This project will provide single-family individual lot ownership opportunities similar to the existing adjacent developments mentioned previously.

This proposal is consistent with the above listed goals from the Growth Management Act. This proposal will increase the existing housing stock. Housing types are also limited to low-density residential which will reduce urban sprawl, develop an infill lot, and be consistent with the surrounding existing developments. The demand for affordable housing is high in Clark County. There are very few opportunities for buyers to establish necessary residency close to places of employment. This proposal will provide an opportunity for buyers to live close to large employers, reduce transportation costs, and provide a higher standard of living. The site is located in an area adjacent to existing homes on developed lots smaller than 20,000 square feet. The site is more suitable for R1-10 low-density urban residential consistent with the surrounding area.

This proposal responds to a substantial change in market conditions applicable to the area within which the subject property lies by providing housing in an area where there is little opportunity for housing expansion due to existing development. A slightly higher density than adjacent developments provides additional opportunities for residents to move to this area while continuing to protect the character of the exiting area.

Staff Response: Staff finds the proposal to change to the R1-10 zone will:

- a. Respond to a substantial change in conditions to the area because the surrounding residential lots developed as PUDs are all less than 20,000sf. Changing the zoning to R1-10 will better fit with surrounding conditions because the average size of the proposed lots will be 14,997 square feet as allowed by the R1-10 zone.
 - b. Slightly increasing the density from R1-20 to R1-10 will better implement the comprehensive policy of providing services in an efficient manner.
4. There are adequate public facilities and services to serve the requested zone change.

The applicant states that there are adequate public facilities and services in the area to serve this requested zone change. Public sewer and water are currently located on-site or adjacent to the site. Existing roads and public services serve the entire site and all adjacent parcels.

Staff Response: The subject site is located near the Clark Public Utilities water system and Clark Regional Wastewater District sewer systems and based on the submitted utility reviews, water and sewer is available to the site. In addition, this site has both police and fire protection and the related facilities as referenced by the applicant.

In summary and as detailed above, staff supports the applicant's request to change from the R1-20 to the R1-10 zone.

Finding 3 - Lot Requirements

Table 40.220.010-2 prescribes a minimum lot area of 10,000sf and a maximum average lot area of 15,000sf for the R1-10 zone. Parcels range in size from approximately 12,298sf to 60,687sf, (Lot 4 with the existing home), with an overall average lot size of approximately 14,997sf, which meets average lot area standards. Per 40.220.010.C.2, an exception to

maximum average lot size is allowed for an existing residence provided that this exception may not be used for further division of the subject lot, (*See Condition D-5.g*).

Average lot width¹ and depth² minimums are also put forth in Table 40.220.010-2 and are established for each individual lot at 80 feet and 90 feet respectively. All proposed lots comply with the minimum width and depth standards. A condition has been added to ensure continued compliance, (*See Condition D-1*).

Table 40.220.010-3 prescribes setbacks, lot coverage and building height standards for the R1-10 zone, which are depicted in the table below:

Table 40.220.010-3. Setbacks, Lot Coverage and Building Height						
Zoning District	Minimum Setbacks				Maximum Lot Coverage	Maximum Building Height (feet)
	Front (feet) ³	Side		Rear (feet)		
		Street (feet)	Interior (feet)			
R1-10	10 ⁴	10	7	15	50%	35

Any future construction on the newly created lots shall meet setback standards prescribed for the R1-10 zone, (*See Condition E-1*).

Finding 4 - Safe Walking Conditions

According to state platting laws (RCW 58.17.110) appropriate provisions shall be made to assure safe walking conditions for students who only walk to and from school. Table 40.510.050-1(23) states “For residential developments within a 1-mile radius from a public school, a letter from the applicable school district stating if bus transportation will be provided for students” is required. The site is not within 1 mile of a public school and therefore this criterion does not apply.

Finding 5 - Existing Structures

Based on the applicant’s narrative and preliminary plan, the existing home will remain on Lot 4. The applicant’s narrative indicates that it will connect to public sewer and water, (*See Water and Sewer Service Finding 2*).

In addition, an existing 1-story 1,520sf 1-story shop lies within the proposed boundary of lot 3. The applicant proposes to keep this structure for use of the existing residence lying on lot 4 with the condition that it is removed prior to building permit issuance on future lot 3. It is a violation to have an accessory building in the R1-10 zone without a primary residential use. Because the existing home is on a separate lot than the accessory building, a covenant is required that stipulates when lot 3 is conveyed to separate ownership from lot 4, a building permit is required to either: construct a single family residence and obtain a separate permit

¹ Average “Lot Width” is the average of the front and rear lot lines.

² Average “Lot depth” is the average length of the side lot lines.

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

⁴ 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.

for the shop, convert the shop to a residence (subject to a building permit), or demolish the shop, (*See Conditions D-4.g & D-5.f*).

Finding 6 - County/State Platting Standards

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

Conclusion (Land Use)

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

Archaeology

Finding 1 - Applicability

The development site is located within a high to moderate-high probability area for the discovery of archaeological resources, as designated on the Archaeological Predictive Model Map of the Clark County.

Finding 2 - Pre-determination

The applicant has submitted an archaeological pre-determination to the Washington State Department of Archaeology and Historic Preservation (DAHP) prior to submittal of the application. DAHP was mailed the Predetermination and has provided comment. DAHP has not requested any direct archaeological oversight for this project but will recommend that a standard Inadvertent Discovery Plan be followed. Therefore, a note will be required on the final engineering plans that if resources are discovered during ground disturbance, work shall stop and both DAHP and the county shall be notified, (*See Condition A-8-a*). In addition, a similar note shall be placed on the final plat, (*See Condition D-5-a*).

Conclusion (Archaeology)

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

Transportation & Circulation

Finding 1 - Pedestrian/Bicycle Circulation Plan

Pedestrian circulation facilities in compliance with the Americans with Disabilities Act are required in accordance with the provisions of Section CCC 40.350.015. The applicant is proposing a private cul-de-sac with sidewalks that will connect with existing sidewalks to the south.

Finding 2 – Road Circulation

This parcel is surrounded by previously approved and constructed phases of Bella Ridge Subdivision (formerly known as West Park Phase 3) to the north, east, and south. The applicant has proposed to extend existing NW 50th Avenue resulting in a private cul-de-sac that will have length of less than 600 feet. The BNSF railroad and Lake River are to the west of

the site. The roadway circulation plan complies with the circulation plan requirements, Section CCC 40.350.030(8)(2).

Finding 3 – Roads

A private cul-de-sac, NW Private Road, has been proposed consisting of a 20-foot road width and 5-foot sidewalks on each side. The private road and sidewalks are to be located within a private tract per the applicant. Parking will be prohibited on the proposed private road. Additionally, a joint driveway has been proposed and a maximum of 4 lots can be served by a joint driveway, (*See Conditions A-1.a, A-1.b, and D-4.e, and D-4.f*).

Conclusion (Transportation & Circulation)

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

Transportation Concurrency

Finding 1 - Trip Generation

The applicant's traffic information suggests an AM peak hour trip generation at 7, PM peak hour trips at 7 and an ADT at 67. The applicant has submitted traffic information under the provisions of Clark County Code section 40.350.020. Staff concurs with the applicant's findings.

Conclusion (Transportation Concurrency)

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

Stormwater

Finding 1 - Stormwater Applicability

The provisions of Clark County Code Chapter 40.386 shall apply to all new development, redevelopment, land disturbing activities, and drainage projects consistent with the Stormwater Management Manual for Western Washington (SMMWW) and the Clark County Stormwater Manual (CCSM) 2015. The project adds more than 5,000 square feet of new hard surface; therefore, the applicant shall comply with Minimum Requirements (MR) #1 through #9 per Section 1.4, Book 1 of the CCSM 2015.

Finding 2 - Stormwater Proposal

The applicant provided a stormwater technical information report dated May 4th, 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. Additionally, the applicant has proposed private facilities consisting of pervious pavers to be used for the proposed private road and infiltration trenches to be used with each of the proposed homes, (*See Conditions A-3.a, A-3.b, D-4.c, D-5.c, and E-3*).

Per the applicant's geotechnical engineer, the tested infiltration rates were about 3 to 22 inches per hour. A safety factor of 4 was used in the design of the infiltration facilities. The geotechnical engineer did not locate groundwater in depths to 56.5 feet below the existing ground surface during on-site testing that was performed. There is a need to confirm that the infeasibility criteria of Section 2.5.5 of Book 1 of the 2015 Clark County Stormwater Manual have been met for the proposed pervious pavers, (*See Conditions A-3.c, C-1.a, and C-1.b*).

The applicant shall show on the final construction plans the tested infiltration rate and the design infiltration rate for the infiltration trenches and permeable pavers. The required minimum vertical separation to seasonal high water table for the permeable pavement and individual infiltration trenches shall be shown on the final construction plans, (*See Condition A-3.d, A-3.e, and A-3.f*).

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-3.g*).

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-3.h*).

Conclusion (Stormwater)

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

Geologic Hazard Areas

Finding 1 – Applicability

All development activities in or adjacent (within 100 feet) to geologic hazard areas shall comply with the provisions of CCC 40.430. The provisions of CCC 40.430, therefore, apply to this development. The applicant submitted a geotechnical engineering report dated February 14th, 2020. Per the analysis, steep slopes exist and associated setbacks have been delineated on the preliminary plan, (*See Condition A-6.a and A-6.b and D-8*).

A building permit is required for retaining walls greater than 4 feet tall or when the wall is surcharged. All retaining walls shall be shown in sufficient detail on the engineering plans for staff to assess their impact on adjacent roads, structures, and public and private utilities, (*See Condition A-6.c*).

Conclusion (Geologic Hazard Area)

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

Habitat Conservation

Finding 1 – Habitat Presence

Staff visited the site on August 24th, 2020 and determined that the site contains priority Oregon white oak habitat as shown in the Habitat Determination Map. The Washington Department of Fish and Wildlife identify Oregon white oak woodlands as stands of pure oak or oak/conifer associations where canopy coverage of the oak component of the stand is 25%; or where total canopy coverage of the stand is <25%, but oak accounts for at least 50% of the canopy coverage present (the latter is often referred to as an oak savanna). In urban or urbanizing areas, single oaks, or stands of oaks <0.4 ha (1 ac), may also be considered priority

habitat when found to be particularly valuable to fish and wildlife (i.e., they contain many cavities, have a large diameter at breast height (dbh), are used by priority species, or have a large canopy). The subject parcel is within an urban area and the Oregon white oaks therefore meet the criteria as priority habitat and are afforded protection under CCC 40.440 (Habitat Conservation).

The Final Plat shall clearly show the Oregon white oak canopies with a plat note stating "Any clearing or development in the Oregon white oak canopies shown on the face of this plat shall require a habitat permit", (*See Condition D-5.h & D-7*).

Conclusion (Habitat Conservation)

Staff finds that the proposed preliminary plan, subject to conditions herein, meets the Habitat Conservation requirements of the Clark County Code.

Fire Protection

Finding 1 - Building Construction

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process, (*See Condition G-3*).

Finding 2 - Fire Flow

Fire flow in the amount of 1,000 gallons per minute supplied at 20 psi for 60 minutes duration is required for this application. Prior to final approval submit proof from the water purveyor indicating that the required fire flow remains available at the site. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval. It is important to note that the water utility review letter from Clark PUD dated 1/8/20 does NOT indicate whether 1000 gpm is available for this application. A flow test has not been recently calculated so the applicant should request a flow test from the nearest relevant hydrant, (*See Conditions A-7.a, D-2.a, & D-2.b*).

Finding 3 - Fire Hydrants

Fire hydrants are required for this application. The indicated number and spacing of the fire hydrants is inadequate. Provide fire hydrants such that the maximum spacing between hydrants does not exceed 700' and such that no lot or parcel is in excess of 500' from a fire hydrant as measured along approved fire apparatus access roads, (*See Condition A-7.b*).

The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact Fire District #6 via the Vancouver Fire Department at (360) 576-1195 to arrange for location approval. Unless waived by the fire district chief fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection, (*See Condition A-7.e*). Provide and maintain a three (3) -foot clear space completely around every fire hydrant, (*See Conditions A-7.d & H-1-a*).

Finding 4 - Fire Apparatus Access

Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application adequately provide required fire apparatus access. Provide fire apparatus access roads with an unobstructed width of not less than 20 feet, an unobstructed

vertical clearance of not less than 13.5 feet, with an all-weather driving surface and capable of supporting the imposed loads of fire apparatus, (*See Conditions A-7-c & H-1-b*).

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

Finding 5 - Residential Fire Sprinklers

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

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

Finding 6 – Parking

Parking is prohibited on access roads that are less than twenty-four (24) feet wide. Roads that are less than twenty-four (24) feet wide shall be posted "NO PARKING-FIRE LANE", (*See Conditions A-7.f & D-2.c*).

Conclusion (Fire Protection)

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

Water and Sewer Service

Finding 1 - Service Availability

The site will be served by the Clark Public Utilities water system and Clark Regional Wastewater District. Letters from the above districts confirm that services are available to the site. Prior to final plat approval, documentation is required from CRWWD and Clark Public Utilities that utilities have been installed and approved, (*See Conditions D-6-a and D-6-b*).

Finding 2 - Public Health Site Evaluation

A Development Review Evaluation Letter (DRE) was submitted as part of the preliminary review application. The DRE confirms that the existing residence is served by an on-site septic system (ON0002807), located south of the home. This system and any additional sewage systems located during development of this plat shall be properly abandoned with documentation submitted to CCPH prior to final plat approval, (*See Condition B-5*). Proper abandonment of the system requires tank pumping by a licensed pumper, breaking in the tank lid, and filling the cavity with compacted soil. Any cesspools, drywells, or pump chambers discovered on the site must also be abandoned in this manner and locations shown on the final plat, (*See Condition D-6.c*).

The proposed development must connect to an approved public sewer system and the home that is to remain must verify connection, (*See Condition D-6.e*). A copy of the final acceptance letter from the sanitary sewer purveyor or the equivalent must be submitted with the Mylar, (*See Condition D-6.d*).

The letter also confirms an active well on site, (WP0001111), located southeast of the existing home and along the north side of the driveway. Also, there is a concrete structure, (WP0012498), that is located southwest of the existing residence along the cliff edge of the property. These wells and any additional wells located during development of this plat shall be properly decommissioned by a licensed well driller with documentation submitted to CCPH prior to final plat approval and all decommissioned wells must be shown on the final plat, (*See Conditions B-5 & D-6.c*).

The proposed development must connect to an approved public water system and the home that is to remain must verify connection to public water, (*See Condition D-6.e*). A copy of the final acceptance letter from the purveyor or the equivalent must be submitted with the Mylar, (*See Condition D-6.d*).

Conclusion (Sewer & Water)

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

Impact Fees

Finding 1 - Applicability & Assessment

With the exception of Lot 4 on which the existing residence will remain, the additional residential lots created by this plat will produce impacts on schools, parks, and traffic, and are subject to School (SIF), Park (PIF), and Traffic Impact Fees (TIF) in accordance with CCC 40.610.

Finding 2 - TIF Estimate

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

- ✓ Hazel Dell sub-area with a TIF of \$3,940.80 per dwelling
- ✓ Vancouver School District, with a SIF of \$2,880.75.00 per dwelling
- ✓ Park District #9, with a PIF of \$5,500.00 per dwelling.

Finding 3 - Assessment

The amounts listed above are *estimated* using the current impact fee rates and are subject to change. As found in CCC40.610.040, impact fees are calculated using the rates in effect at the time of building permit issuance, (*See Conditions D-4-d, D-5.e, and E-2*).

Conclusion (Impact Fees)

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

Staff Contact Person: Bryan Mattson, Project Planner, 564.397.5683

Responsible Official: Dan Young, Community Development Director

Recommendation

Based upon the proposed development plans known as Exhibit 7 and the findings and conclusions stated above, staff recommends the Hearing Examiner **APPROVES** this request,

subject to the understanding that the application is required to adhere to all applicable codes and laws, and is subject to the following conditions of approval.

Conditions of Approval

A	Final Construction Review for Land Division Review and Approval Authority: Development Engineering & Fire Marshal
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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. Parking is prohibited on the proposed 20-foot wide private cul-de-sac. (*See Transportation Finding 3*).
 - b. A joint driveway can serve a maximum of 4 lots, (*See Transportation Finding 3*).
- A-2 Transportation (Signing and Striping)** - The applicant shall submit a signing and striping plan and a reimbursable work order, authorizing County Road Operations to perform any signing and pavement striping required within the County right-of-way. This plan and work order shall be approved by the Department of Public Works prior to final plat or final site plan approval.
- A-3 Final Stormwater Plan** - The applicant shall submit and obtain County approval of a final stormwater plan designed in conformance to CCC 40.386 and the following conditions of approval:
- a. The applicant shall submit final construction plans and a final Technical Information Report (TIR) that addresses Minimum Requirements #1 through #9, (*See Stormwater Finding 2*).
 - b. The proposal shall comply with the LID Performance Standard, (*See Stormwater Finding 2*).
 - c. There is a need to confirm that the infeasibility criteria of Section 2.5.5 of Book 1 of the 2015 Clark County Stormwater Manual have been met for the proposed pervious pavers, (*See Stormwater Finding 2*).
 - d. The applicant shall show on the final construction plans the tested infiltration rate and the design infiltration rate for the infiltration trenches and permeable pavers, (*See Stormwater Finding 2*).
 - e. The required minimum vertical separation to seasonal high water table for the permeable pavement and individual infiltration trenches shall be shown on the final construction plans, (*See Stormwater Finding 2*).

- f. The applicant shall not materially increase or concentrate runoff onto neighboring properties, (*See Stormwater Finding 2*).
 - g. 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 Stormwater Finding 2*).
 - h. 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 Stormwater Finding 2*).
- 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 Geological Hazard Areas:**
- a. Geologic Hazard setback lines shall be delineated on the final plans and final plat, (*See Geohazard Finding 1*).
 - b. The proposed project shall implement the recommendations identified in the preliminary geotechnical reports unless further studies present new or different facts, (*See Geohazard Finding 1*).
 - c. A building permit is required for retaining walls greater than 4 feet tall or when the wall is intended to support unbalanced fill or a surcharge. All retaining walls shall be shown in sufficient detail on the engineering plans for staff to assess their impact on adjacent roads, structures, and public and private utilities, (*See Geohazard Finding 1*).
- A-7 Fire Marshal Requirements:**
- a. The applicant shall submit plans showing the location of water lines and hydrants for review and approval by the Fire District Chief, (*See Fire Protection Finding 2*).
 - b. Provide fire hydrants such that the maximum spacing between hydrants does not exceed 700' and such that no lot or parcel is in excess of 500' from a fire hydrant as measured along approved fire apparatus access roads, (*See Fire Protection Finding 3*).
 - c. Access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13.5 feet with an all-weather driving surface capable of supporting the imposed loads of fire apparatus, (*See Fire Protection Finding 4*).

- d. A 3-foot clear space needs to be provided around every fire hydrant, *(See Fire Protection Finding 3)*.
- e. Unless waived by the fire district chief, hydrants shall be provided with appropriate “storz” adapters for the pumper connection, *(See Fire Protection Finding 3)*.
- f. Parking is prohibited on access roads that are less than twenty-four (24) feet wide. Roads that are less than 24 feet wide shall be posted, “NO PARKING – FIRE LANE”, *(See Fire Protection Finding 6)*.

A-8 Final Construction Plan (Archaeology) - The applicant shall submit and obtain county approval of a final construction plan with the following (Archaeology):

- a. A note shall be placed on the face of the final construction plans as follows:
"If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Department of Archaeology and Historic Preservation in Olympia, the Cowlitz Indian Tribe, and Clark County shall be notified. Failure to comply with these state requirements may constitute a Class C Felony, subject to imprisonment and/or fines", *(See Archaeological Finding 2)*.

B	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.
- B-5 Septic Tank and Well Decommissioning:**
Prior to provisional acceptance, abandonment of septic systems, water wells and underground tanks shall be decommissioned in accordance with the procedures of the Clark County Public Health, *(See Water and Sewer Finding 2)*.

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

C-1 Stormwater:

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

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

- D-1 Land Use** - All lots must meet minimum dimensional standards of the R1-10 zone, *(See Land Use Finding 3)*.
- D-2 Fire Marshal Requirements:**
 - a. The applicant shall demonstrate that water mains supplying fire flow have been installed and approved, *(See Fire Protection Finding 2)*.
 - b. The applicant shall submit a current utility review letter from the water purveyor indicating required fire flow remains available at the site, *(See Fire Protection Finding 2)*.
 - c. Parking is prohibited on access roads that are less than twenty-four (24) feet wide. Roads that are less than 24 feet wide shall be posted, "NO PARKING – FIRE LANE", *(See Fire Protection Finding 6)*.
- D-3 Abandonment of On-Site Water Wells and Sewage Systems** - The location of abandoned septic tanks and decommissioned wells shall be shown on the face of the final plat, *(See Water and Sewer Service Finding 2)*.

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

- a. **Critical Aquifer Recharge Areas:** "The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."
- b. **Erosion Control:** "Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."
- c. **Responsibility for Stormwater Facility Maintenance:** If applicable, for stormwater facilities for which the county will not provide long-term maintenance, the developer shall make arrangements with the existing or future (as appropriate) occupants or owners of the subject property for assumption of maintenance to the county's Stormwater Facilities Maintenance Manual as adopted by Chapter 13.26A. The responsible official prior to county approval of the final stormwater plan shall approve such arrangements. The county may inspect privately maintained facilities for compliance with the requirements of this chapter. If the parties responsible for long-term maintenance fail to maintain their facilities to acceptable standards, the county shall issue a written notice specifying required actions to be taken in order to bring the facilities into compliance. If these actions are not performed in a timely manner, the county shall take enforcement action and recover from parties responsible for the maintenance in accordance with Section 32.04.060.
- d. **Impact Fees:** "In accordance with CCC 40.610, except for Lot 4 on which the existing home will remain, impact fees for each dwelling in this subdivision shall be assessed for impacts on schools, parks and transportation facilities based for the following districts: Vancouver School District (SIF), Park District 9 (PIF) and Hazel Dell Transportation Sub-area (TIF). As found in CCC40.610.040, impact fees are calculated using the rates in effect at the time of building permit issuance."
- e. **Joint Driveway Maintenance Covenant:** A private joint driveway maintenance covenant shall be submitted to the responsible official for approval and recorded with the County Auditor. The covenant shall set out the terms and conditions of responsibility for maintenance, maintenance methods, standards, distribution of expenses, remedies for noncompliance with the terms of the agreement, right of use easements, and other considerations, as required under 40.350.030(C)(4)(g).
- f. **Private Road Maintenance Covenant:** A private road maintenance covenant shall be submitted to the responsible official for approval and recorded with the County Auditor. The covenant shall set out the terms and conditions of responsibility for maintenance, maintenance methods, standards, distribution of

expenses, remedies for noncompliance with the terms of the agreement, right of use easements, and other considerations, as required under 40.350.030(C)(4)(g).

- g. Existing Detached Shop: A covenant is required that stipulates when lot 3 is conveyed to separate ownership from lot 4, a building permit is required to either: construct a single family residence and obtain a separate permit for the shop, convert the shop to a residence (subject to a building permit), or demolish the shop, (*See Land Use Finding 5*).

D-5 Plat Notes - The following notes shall be placed on the final plat:

- a. Archaeological: "If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Department of Archaeology and Historic Preservation in Olympia, the Cowlitz Indian Tribe, and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."
- b. 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."
- c. Privately Owned Stormwater Facilities: "The following party is responsible for long-term maintenance of the privately owned stormwater facilities: _____."
- d. 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. Impact Fees: "In accordance with CCC 40.610, except for Lot 4 on which the existing home will remain, impact fees for each dwelling in this subdivision shall be assessed for impacts on schools, parks and transportation facilities based for the following districts: Vancouver School District (SIF), Park District 9 (PIF) and Hazel Dell Transportation Sub-area (TIF). As found in CCC40.610.040, impact fees are calculated using the rates in effect at the time of building permit issuance."
- f. Existing Detached Shop: "When lot 3 is conveyed to separate ownership from lot 4, a building permit is required to either: construct a single-family residence and obtain a separate permit for the shop, convert the shop to a residence (subject to a building permit), or demolish the shop", (*See Land Use Finding 5*).
- g. Further Subdivision of Lot 4: "Further subdivision of Lot 4 is prohibited", (*See Land Use Finding 3*).

- h. Oak Habitat: "Any clearing or development in the Oregon white oak canopies shown on the face of this plat shall require a habitat permit", (*See Habitat Conservation Finding 1*).

D-6 Sewer and Water Requirements:

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

D-7 Habitat Conservation - The Final Plat shall clearly show the Oregon white oak canopies.

D-8 Geohazard Area - Geologic Hazard setback lines shall be delineated on the final plat, (*See Geohazard Finding 1*).

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 Land Use - Any future construction on the newly created lots shall meet setback standards prescribed for the R1-10 zone, (*See Land Use Finding 3*).

E-2 Impact Fees - Except for Lot 4 on which the existing home will remain, impact fees shall be assessed for impacts on schools, parks and transportation facilities based for the following districts: Vancouver School District (SIF), Park District 9 (PIF) and Hazel Dell Transportation Sub-area (TIF). As found in CCC40.610.040, impact fees are calculated using the rates in effect at the time of building permit issuance", (*See Impact Fee Finding 3*).

E-3 Roof and Crawl Space Drains - Roof and crawl space drains shall be installed in accordance with the approved As-Built plans, unless a revised plan is approved by the county. These stormwater systems will be owned and maintained by the property owner on whose lot the stormwater system is located, (*See Stormwater Finding 2*).

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

F	Occupancy Permits Review and Approval Authority: Building
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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
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G-1 Land Division - Within seven (7) years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.

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

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

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

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

G-4 SWCAA Requirements:

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

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

- Construction and earthmoving activities have the potential to generate excessive dust emissions if reasonable control measures are not implemented. SWCAA Regulation 400-040(2) requires that “no person shall cause or permit the emission of particulate matter from any stationary source to be deposited beyond the property under direct control of the owner or operator of the stationary source in sufficient quantity to interfere unreasonably with the use and enjoyment of the property upon which the material is deposited”. Furthermore, SWCAA Regulation 400-040(8)(a) requires that “the owner or operator of any source of fugitive dust shall take reasonable precautions to prevent fugitive dust from becoming airborne and shall maintain and operate the source to minimize emissions”.
- Common control measures to mitigate the emission of dust from construction and earthmoving activities include: application of water before and during earthmoving operations, application of water to disturbed surface areas (including access roads and staging areas) after earthmoving operations, application of chemical dust control products and/or surfactants, limiting access to open/disturbed areas, reducing equipment/vehicle speeds, establishing vegetative cover on inactive areas and ceasing operations altogether during high wind events.
- Violations of SWCAA Regulation 400-040 may result in civil penalties being assessed against the project operator and/or property owner.

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

H	Post Development Requirements Review and Approval Authority: As specified below
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H-1 Fire Marshal Requirements:

- a. A three (3) –foot clear spaces shall be maintained around the circumference of all fire hydrants, (*See Fire Protection Finding 3*).
- b. Access roads shall maintain an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13.5 feet with an all-weather driving surface capable of supporting the imposed loads of fire apparatus, (*See Fire Protection Finding 4*).
- c. No gate may be installed across a required fire department access road or driveway without first obtaining a permit from the fire marshal's office. Inspection and testing of the gate will be required. Split gates with a divided entry and exit side will need 15 feet on either side for a total gate width of 30 feet.

<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,</p>

the applicant may be required to request a “hearing extension” or “open record” and shall pay the associated fee.

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 Preliminary Plan

