Notice to Parties of Record

Project Name: **OALC Lewisville Cemetery**

Case Number: **PSR-2020-00097**

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

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

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

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

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

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

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

Mailed on: September 28, 2020

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

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

BEFORE THE LAND USE HEARINGS EXAMINER FOR CLARK COUNTY, WASHINGTON

In the matter of a Type III application for a conditional use permit and preliminary site plan approval for 3,281 cemetery lots and to modify the existing parking lot and stormwater system at the Old Apostolic Lutheran Church, on 21.45 acres, zoned R-5 in Clark County, Washington.	**FINAL ORDER** **OALC Lewisville Cemetery** **PSR-2020-00097**

I. Summary:

This Order is the decision of the Clark County Land Use Hearings Examiner approving with conditions this application to modify an existing conditional use permit to plat 3,281 cemetery lots and modify the existing parking lot and stormwater system for the Old Apostolic Lutheran Church on a single parcel of 21.45 acres, zoned R-5 (PLD-2020-00097).

II. Introduction to the Property and Application:

Owner/Applicant ..... Old Apostolic Lutheran Church
Attn: Dave Halme
P.O. Box 1510
Battle Ground, WA 98604

Contact..... AKS Engineering and Forestry
Attn: Seth Halling
9600 NE 126th Ave., Suite 2520
Vancouver, WA 98682

Property..... Legal Description: Parcel No. 221537-000 in the Southeast quarter of Section 2, Township 4 North, Range 2 East of the Willamette Meridian, Street address: 32320 NE Lewisville Hwy.

Applicable Laws..... Clark County Code (CCC) Title 15 (Fire Prevention), Chapter 40.200 (General Provisions), §40.210.020 (Rural Residential Zoning District), Chapter 40.320 (Landscaping), Chapter 40.340 (Parking & Loading), Chapter 40.350 (Transportation & Circulation), §40.350.020 (Transportation Concurrency), Chapter 40.370 (Sewer & Water), Chapter 40.386 (Storm Water & Erosion Control), Chapter 40.440 (Habitat Conservation), Chapter 40.450 (Wetland Protection), Chapters 40.500 and 40.510 (Procedures), §40.520.030 (Conditional Use Permits), §40.520.040 (Site Plan Review), Chapter 40.540 (Boundary Line Adjustments & Land Divisions), Chapter 40.570 (SEPA), §40.570.080 (SEPA Archaeological), Title 24 (Public Health), RCW 58.17 & RCW 68.20.

This proposal is primarily to create a 3,281-plot cemetery, which amends an existing conditional use permit for the Old Apostolic Lutheran Church, but it also includes modifications

to the church's existing parking lot and stormwater system. Approval requires a conditional use permit and preliminary site plan approval to modify the existing permitted church on this 21.45-acre parcel under the County's R-5 zoning regulations.

The original application was submitted May 20, 2020, consisting of a binder (Ex. 1) with a set of full-sized plans an application form (tab 1), report from the August 8, 2019 pre-application conference (tab 3), Clark County Developer's GIS Packet (tab 4), Project Narrative (tab 5), Legal Lot Determination (tab 6), Approved Preliminary Plats and Site Plans (tab 7), Proposed Development Plans (tab 8), Soil Analysis Report (tab 9), Stormwater Technical Information Report, stormwater plan and Engineer Statement of Completeness and Feasibility (tab 11), Traffic Study (tab 14), SEPA checklist (tab 15), Sewer Utility Review Letter (tab 16), Water Utility Review Letter (tab 17), Health Department Letter (tab 18), Preliminary Boundary Survey (tab 19), School District Letter (tab 20), Archaeological Pre-Determination (tab 21), Neighborhood Meeting documentation (tab 22), Cemetery Certificate of Authority (tab 24), Wetland and Habitat evaluation (tab 25), and a Sight Distance Letter (tab 26).

III. Summary of the Local Proceeding and the Record:

A preapplication conference for the development of this property was requested June 17, 2019 and held August 8, 2019 (Ex. 1, tab 3). An application was submitted May 29, 2020 (Ex. 1) and determined to be complete June 19, 2020 (Ex. 2). With this sequence, the project is deemed vested as of June 17, 2019. Notice of the Type III application, a preliminary SEPA determination of nonsignficance (DNS), and a September 10, 2020 public hearing was mailed to property owners within 500 feet and SEPA agencies on August 5, 2020 (Exs. 4 & 5). A sign announcing the hearing date was posted on the property August 7, 2020 (Ex. 7). The County received no comments in response to the August 5, 2020 preliminary SEPA checklist and determination of non-significance, and two land use comments (Exs. 8 & 11) from Donovan Nigg and Dorothy Clawson concerning natural resource/traffic issues and an historic boundary survey discrepancy, respectively. County Staff issued a comprehensive report on the project dated August 26, 2020 (Ex. 14) that incorporated all of the substantive comments from the various County departments (Exs. 6 & 12) and recommended conditional approval. Several staff departments subsequently amended their comments based on the applicant's supplemental submissions (Exs. 32, 33 & 36).

Due to the COVID-19 pandemic, the September 10, 2020 hearing was held through a Zoom video conference platform; wherein, anyone could request the opportunity to testify, and everyone who participated could hear the testimony of everyone else. At the commencement of the September 10, 2020 hearing, the Examiner explained the procedure and disclaimed any ex parte contacts, bias, and conflicts of interest. Present at the hearing were Amy Wooten, County Planning staff, and David Bottamini, representing County Engineering, who collectively provided verbal summaries of the proposal and explained the legal and factual basis for staff's recommendation. The applicant was represented by David Halme, from the church's board of directors, and Seth Halling of AKS Engineering and Forestry, Inc., who discussed the project and responded to questions about it. Mr. Halme also expressed the applicant's agreement with recommended findings and conditions in the staff report (Ex. 14).

No one else requested the opportunity to testify, and the Examiner kept open the record for an additional 2 weeks (until September 24, 2020) to allow anyone to submit any written comments on any subject relevant to the proposal. The applicant provided a response (Ex. 18) to the neighbor's comment about a possible boundary dispute (Ex. 11), and during the open record

period, the neighboring property owner (Dorothy Clawson) submitted a follow-up comment (Ex. 20). The record closed at the end of the day on September 24, 2020.

IV. Findings:

Only issues and criteria raised in the course of the application, during the hearing and before the close of the record are discussed in this section. All approval criteria not raised by staff, the applicant or a party to the proceeding have been waived as contested issues, and no argument regarding these issues can be raised in any subsequent appeal. The Examiner finds those criteria to be met, even though they are not specifically addressed in these findings.

A. A neighbor to the site (Dorothy Clawson) submitted two comments (Exs. 11 & 20), to which the applicant responded (Ex. 18). Another neighbor (Donavon Nigg) raised several additional issues (Ex. 8). The Examiner adopts the following findings to these comments:

1. Impact on the water table. Mr. Nigg speculates that the graves to be excavated in this cemetery could impact the quality and quantity of the underlying water table, which Mr. Nigg asserts is "very high" and serves at least 5 residential wells within 500 feet of the property. Assuming without verifying Mr. Nigg's assertions about the local water table, the real question is whether and to what extent there is a connection between the surface and the local aquifer. The site is not mapped under the County's Critical Aquifer Recharge Area ordinance in CCC 40.410, and there is no evidence to support Mr. Nigg's supposition about the connection between surface and the aquifer. Absent some credible evidence to support his supposition, there is nothing for the Examiner to act upon.

2. Impacts to on-site wetland, seasonal creek and stormwater flooding. Mr. Nigg asserts there is a "documented wetland" and seasonal creek in the northwest corner of the property that would be impacted by this proposal and that he fears increased stormwater impacts on his property during the winter due to this proposal. Aside from Mr. Nigg's unverified assertions, there is no credible evidence in the record of any jurisdictional wetland protected under state or federal law or the County's Wetland Protection Ordinance CCC 40.450, nor any stream protected under state law or the County's Habitat Conservation Ordinance in CCC Ch. 40.440. Given the current record and the lack of evidence to support Mr. Nigg's assertions, there is nothing for the Examiner to act upon.

   Mr. Nigg also describes significant surface water ponding in the winter on his property and fears that this development will exacerbate winter seasonal flooding. The County's Stormwater requirements in CCC Ch. 40.386 apply to this development proposal and were addressed in the applicant's stormwater report (Ex. 1, tab 10), stormwater plan (Ex. 1, tab 11) and Engineer's statement of feasibility (Ex. 1, tab 12). Compliance with the County's stormwater regulations is the extent of the Examiner's authority in this matter, and, according to the County engineer who reviewed the applicant's materials, this proposal satisfies the County's stormwater requirements. Again, without any comparably credible evidence, there is no support for Mr. Nigg's assertions and, absent evidence, these issues cannot serve as basis to condition or deny this proposal.

3. Preserve trees along the site's north boundary. Mr. Nigg asks that the trees along the north border of the church property be retained untouched. It is not clear from Mr. Nigg's request whether the trees are on his property or the church's property. In either event,

the land use application currently before the Examiner does not address the issue one way or the other, neither do the applicable approval criteria. Therefore, there is no legal basis upon which the Examiner can condition or deny this proposal related to these trees.

4. Traffic impacts. Mr. Nigg asserts without evidence that "traffic is already an issue coming out of the church parking lot" and that Lewisville Highway (SR 503) is "already high in vehicle accidents right at the entrance to the church." This project is subject to the County's Transportation requirements and transportation concurrency; however, the de minimis number of vehicle trips associated with a cemetery do not trigger the thresholds for performing a traffic study. Moreover, the trips that a cemetery would generate would not conflict with normal weekday a.m. or p.m. peak hour trips on the surrounding street system. Absent credible evidence that this proposal does not meet the engineering assumptions about this project's trip generation rates, the record does not support Mr. Nigg's assertions.

5. Boundary dispute. The property owner north of the church (Dorothy Clawson) claims there is a boundary discrepancy with her property and the subject site as revealed by a recent survey (Exs. 11 & 20). Apparently, a fence that was presumed to be the boundary for many years does not comport with the surveyed boundary. The applicant acknowledges the discrepancy (Ex. 18) and proposes several solutions, all involving a collaborative approach with the abutting neighbor. This issue is not germane to the approval criteria for a conditional use permit, and this application is not subject to the platting statute in RCW Ch. 58.17. As such, this issue is beyond the Examiner's authority to address and it cannot serve as a basis to condition or deny this application.

B. The Examiner adopts the following findings in response to the approval criteria addressed in the staff reports (Ex. 5, 12 & 14) and the application materials (Ex. 1).

Land Use

Finding 1 – Uses Allowed. Table 40.210.020-1 allows cemeteries in the R-5 zone pursuant to a conditional use permit.

Finding 2 – Conditional Use Permits. To merit approval, the applicant must demonstrate by a preponderance of credible evidence that the establishment, maintenance or operation of the proposed use will not be significantly detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of the proposed use or be detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the county. The Examiner may impose conditions if needed to achieve compliance with these requirements, and these conditions may include:

a. Increasing the required lot size or setback dimensions;
b. Increasing street widths;
c. Controlling the location and number of vehicular access points to the property;
d. Increasing the number of off-street parking or loading spaces required;
e. Limiting the number of signs;
f. Limiting the lot coverage or height of buildings because of obstructions to view and reduction of light and air to adjacent property;
g. Limiting building area and intensity of the use;
h. Limiting or prohibiting openings in sides of buildings or structures or requiring screening and landscaping where necessary to reduce noise and glare and maintain the property in a character in keeping with the surrounding area;

i. Establishing hours of operation;
j. Establishing maintenance standards; and
k. Establishing standards under which any future enlargement or alteration of the use shall be reviewed by the county and new conditions imposed.

The applicant has demonstrated sufficiently that the proposal will not obstruct any views or cast light or glare onto neighboring properties, and does not propose any new signage. Any impacts that might come from additional traffic or new impervious surfaces are addressed through compliance with the county's development standards.

Finding 2 – Setbacks. CCC Table 40.210.020-3 provides the following setback requirements in the R-5 zone:

Minimum Setbacks (feet)				Max Lot Coverage	Max Building Height
Front	Side		Rear		
	Street	Interior			
50	25	20/50	20/50	50%	50

This application proposes no new structures; therefore, no new setback conditions are warranted.

Finding 3 – Landscaping. CCC Table 40.320.010-1 does not require any landscape buffers for this project; although, the applicant's landscape plan shows buffers along the north and west site boundaries. These buffers will contain Arborvitae evergreen and Greenspire Littleleaf Linden deciduous trees. Landscaping shall be provided as proposed. See Conditions A-1 & C-1.

Finding 4 – Parking. The applicant proposes to reconfigure the existing parking lot, which will result in the phased reduction of 98 spaces. See "Parking Statistics" on Sheet P3.0. CCC Table 40.340.010-4(3) requires churches to provide one space for every 4 seats in the main auditorium. Based on historical records, the main auditorium can accommodate up to 2,000 people, which requires 500 parking spaces. The applicant's site plan shows a total of 638 on-site parking spaces, which meets this numerical standard. A parking lot that provides between 501 and 1,000 parking spaces is required to provide a minimum of 2% of the total parking as ADA spaces, which means 13 ADA spaces are required for this project. The applicant's plan does not propose any new ADA spaces; however, the 16 ADA spaces approved with the original development will remain and provides all the ADA spaces that are required. CCC 40.340.010(A)(11) requires all parking and loading spaces and associated access and maneuvering drives to be maintained in good repair at all times. See Condition H-2.

Finding 5 – Platting. CCC 40.540.020(B)(4) exempts cemeteries and burial plots from platting.

Archaeology

Finding 1 – Applicability. The development site is located in a moderate-high to high probability area for the discovery of archaeological resources, as designated on the Archaeological Predictive Model Map of the Clark County. Therefore, an Archaeological Predetermination is required.

Finding 2 - Pre-determination. The Department of Archaeology confirmed receipt of an archaeological pre-determination to on January 13, 2020 (Ex. 1, tab 21). The DAHP was mailed the public notice and a copy of the SEPA checklist but has not commented further. A

note on the final construction plans is warranted requiring that, if resources are discovered during construction, work shall stop and DAHP and the county will be contacted. A similar note on the final plans is also warranted. See Condition A-2.

Habitat & Wetlands

Finding 1 – Applicability. There are no mapped or identified wetland or habitat areas on this site. Staff completed a site visit for wetland and habitat determination (WHR-2019-00202) and concurs with the wetland and habitat report (Ex. 1, tab 25) submitted by Ecological Land Services. The area meets the description of a pre-developed area and is not a functional buffer area. No wetland permitting is required for the proposed development.

Transportation

Finding 1 – Proposal. The applicant is proposing a multi-phased plan to develop a cemetery and new parking associated with an existing church.

Finding 2 - Roads/Frontage Improvements. SR 503, NE Lewisville Highway, is under the jurisdiction of the Washington Department of Transportation. The applicant shall provide written approval of the plan from WSDOT as it relates to the frontage of SR 503 and access to SR 503. See Condition A-3a.

Finding 3 - Access and Internal Circulation. The applicant proposes new and replaced parking areas. The applicant shall submit diagrams that show there is sufficient room for on-site turning movements for the vehicles likely to be on this site. See Condition A-3b.

Finding 4 - Sight Distance. The applicant submitted a May 28, 2020 sight distance analysis (Ex. 1, tab 26) stating that more than 600 feet of sight distance can be achieved at the proposed driveway approach in both directions along SR-503. This satisfies the sight distance requirements.

Finding 5 - Transportation Phasing. The applicant is responsible for providing all necessary transportation improvements required for each individual phase. The required transportation improvements for each proposed phase will be reviewed during final engineering review. See Condition A-1c.

Transportation Concurrency

Finding 1 – Trip Accounting. This development is not expected to generate more than 10 new peak hour trips. Concurrency Engineering verified that estimate and had no substantive comments to offer. Transportation Concurrency staff concluded that the proposed preliminary plan, subject to conditions identified in the application materials, meets the County's transportation concurrency requirements.

Stormwater

Finding 1 - Stormwater Applicability. The County's Stormwater Ordinance (CCC Ch. 40.386) applies to all new development, redevelopment, land disturbing activities, and drainage projects consistent with the Clark County Stormwater Manual (CCSM) 2015. This project adds more than 5,000 sf of new impervious surface; therefore, it is subject to and shall comply with Minimum Requirements 1 through 9 per Section 1.4, Book 1 of the CCSM 2015. See Condition A-4h. This development shall not materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots. See Condition A-4i.

Finding 2 - Stormwater Proposal. The applicant provided a stormwater technical information report dated May 27, 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 meet the requirements of the LID Performance Standard of the 2015 Clark County Stormwater Manual. The applicant proposes private facilities consisting of PerkFilters (Old Castle), bioswales, and a detention facility. Fish bearing streams are located downstream, which requires enhanced treatment. See Conditions A-4a, A-4b & A-4c. The applicant's plan proposes to use existing on-site bioswales while modifying one of the existing bioswales. All bioswales shall adhere to the design criteria of BMP T9.10 of Chapter 4 of Book 2 of the 2015 Clark County Stormwater Manual. See Condition A-4d. Detention facilities shall comply with the design criteria of Chapter 6 of Book 2 of the Clark County Stormwater Manual, and the applicant shall perform an offsite analysis. See Conditions A-4e & A-4f.

Finding 3 - Stormwater Phasing. The applicant is responsible for providing all necessary stormwater improvements required for each individual phase. The required stormwater improvements for each proposed phase will be reviewed during final engineering review. See Condition A-4g.

Finding 4 - Stormwater Conclusion: Based on the project's Soil Analysis Report (Ex. 1, tab 9), the Stormwater Technical Information Report and Development Plans, the Engineer's Statement of Completeness and Feasibility (Ex. 1), staff's favorable recommendation, and the foregoing findings, the Examiner concludes that this development proposal complies with the County's stormwater requirements.

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.

Finding 2 - Fire Flow. Fire flow in the amount of 1500 gallons per minute supplied for 120 minutes duration is required for this application. Prior to obtaining building permits, submit proof from the water purveyor indicating that the required fire flow is available at the site. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to the commencement of combustible building construction. See Conditions A-9a, C-2a & C-2b.

Finding 3 - Fire Hydrants. Fire hydrants are required for this application. Either the indicated number or the spacing of the fire hydrants is inadequate. Provide fire hydrants such that the maximum spacing between hydrants does not exceed 300 feet and such that no portion of the building exterior is in excess of 300 feet from a fire hydrant as measured along approved fire apparatus access roads. See Condition A-9b. The local fire district chief shall review and approve the exact locations of all fire hydrants. The developer should contact Clark County Fire & Rescue to arrange for location approval. Unless waived by the fire district chief, all fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. The developer shall provide and maintain a 3-foot clear space completely around every fire hydrant. See Conditions A-9c, A-9d & H-3.

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. Approved fire apparatus turnarounds are required for this project. The indicated provisions for turning around fire apparatus are adequate. See condition A-9b.

SEPA DETERMINATION

Staff determined there were no probable significant adverse environmental impacts associated with this proposal that could not be avoided or mitigated through the conditions of approval and issued a preliminary Determination of Non-Significance (DNS) on August 5, 2020 (Exs. 4 & 5). The County received no responsive comments to the preliminary SEPA determination during the comment period (ending August 19, 2020). The Examiner concludes that the SEPA checklist is compliant with the applicable state and County requirements. No appeal of the County's DNS was filed; therefore, it is final.

V. Decision and Conditions:

Based on the foregoing findings and except as conditioned below, this application is approved in general conformance with the proposal (Ex. 1 & 13). This development application is approved as proposed, subject to the requirements that the developer, owner or subsequent developer (the "developer") shall comply with all applicable code provisions, laws and standards and the following conditions of approval. The following conditions shall be interpreted and implemented consistently with the foregoing findings:

A	**Final Construction/Site Plan Review** **Review and Approval Authority: Development Engineering**

Prior to construction, a Final Construction Plan shall be submitted for review and approval, consistent with the approved preliminary plan and the following conditions of approval:

A-1 **Final Landscape Plan** – The developer shall include a landscape plan with the civil plans for final approval. See Land Use Finding 3.

A-2 **Final Site Plan** - The developer shall submit and obtain county approval of a final construction plan with the following note:

"Archaeology. If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Department of Archaeology and Historic Preservation in Olympia shall be notified. Failure to comply with these state requirements may constitute a Class C Felony, subject to imprisonment and/or fines."

A-3 **Final Transportation Plan/On-Site** - The developer shall obtain county approval of a final transportation plan designed in conformance with CCC Ch. 40.350 and the following additional requirements:

a. The developer shall provide written approval of the plan from WSDOT as it relates to the frontage of SR 503 and access to SR 503. See Transportation Finding 2.

b. The developer shall submit diagrams showing there is sufficient opportunities for on-site turning movements for prevalent vehicles on this site. See Transportation Finding 3.

c. The developer is responsible for providing all necessary transportation improvements required for each individual phase. See Transportation Finding 5.

A-4 **Final Stormwater Plan** - The developer shall obtain county approval of a final stormwater plan designed in conformance with CCC Ch. 40.386 and the following additional requirements:

a. The developer proposes to meet the requirements of the LID Performance Standard of the 2015 Clark County Stormwater Manual. See Stormwater Finding 2.

b. The developer shall submit documentation from the stormwater treatment system manufacturer indicating that the stormwater treatment devices were sited and sized appropriately. See Stormwater Finding 2.

c. Fish bearing streams are located downstream, therefore, enhanced treatment is required. See Stormwater Finding 2.

d. All bioswales shall adhere to the design criteria of BMP T9.10 of Chapter 4 of Book 2 of the 2015 Clark County Stormwater Manual. See Stormwater Finding 2.

e. Detention facilities shall comply with the design criteria of Chapter 6 of Book 2 of the Clark County Stormwater Manual. See Stormwater Finding 2.

f. An offsite analysis shall be performed as a result of the detention proposal. See Stormwater Finding 2.

g. The developer is responsible for providing all necessary stormwater improvements required for each individual phase. See Stormwater Finding 2.

h. The developer shall submit final construction plans that address Minimum Requirements 1 through 9. See Stormwater Finding 1.

i. The developer shall not materially increase or concentrate runoff onto neighboring properties. See Stormwater Finding 1.

A-5 **Erosion Control Plan** - The developer shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC Ch. 40.386.

A-6 **Excavation and Grading** – All excavation and grading shall be performed in compliance with CCC CH. 14.07.

A-7 **Developer's Covenant**: – A "Developer Covenant to Clark County" shall be submitted with the Final Construction and Site Plans:

Responsibility for Stormwater Facility Maintenance: For stormwater facilities for which the county will not provide long-term maintenance, the developer shall make arrangements with the existing or future (as appropriate) occupants or owners of the subject property for assumption of maintenance to the county's Stormwater Facilities Maintenance Manual as adopted by Chapter 13.26A. The responsible official prior to county approval of the final stormwater plan shall approve such

arrangements. The county may inspect privately maintained facilities for compliance with the requirements of this chapter. An access easement to the private facilities for the purpose of inspection shall be granted to the county. 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 CCC 32.04.060.

A-8 **Public Health Review** – The developer shall submit a Public Health Evaluation Letter as part of the Final Construction Plan Review or early grading application. If the evaluation letter specifies that certain actions are required, the evaluation letter will specify the timing of when those activities must be completed, such as prior to Final Construction Plan Review, construction, Provisional Acceptance, Final Plat Review, building permit issuance, or occupancy, and approved by Public Health.

A-9 **Fire Marshal Requirements** – The developer shall comply with or otherwise implement the conditions recommended by the Fire Marshal, including the following:

a. Fire Flow in the amount of 1500 gallons per minute supplied for 120 minutes duration is required for this development. Plans showing location of waterlines shall be submitted for review and approval at time of final construction plan. See Fire Protection Finding 2.

b. Fire hydrants are required for this application, and either the indicated number or the spacing of the fire hydrants is inadequate. The developer shall provide fire hydrants so that the spacing does not exceed 300 feet and no portion of the building exterior is farther than 300 feet from a fire hydrant as measured along approved fire apparatus access roads. See Fire Protection Finding 3.

c. The fire district chief shall sign the engineering construction mylar indicating fire hydrant location has been reviewed and approved. Unless waived by the fire district chief fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. See Fire Protection Finding 3.

d. The developer shall submit plans showing a 3-foot clear space around the circumference of all fire hydrants. See Fire Protection Finding 3.

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

Prior to construction, the following conditions shall be met:

B-1 **Pre-Construction Conference** – The developer shall schedule and attend a pre-construction conference with the County prior to construction or issuance of any grading or building permits, and existing septic and water well systems, and underground tanks shall be located and marked prior to construction

B-2 **Erosion Control** - Prior to construction, all 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-3 **Erosion Control** - Erosion control facilities shall not be removed without County approval.

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

Prior to provisional acceptance of development improvements, construction shall be completed consistent with the approved final construction / land division plan and the following conditions of approval:

C-1 **Verification of the Installation of Required Landscape** - Prior to the issuance of an approval of occupancy for a site plan, the developer shall provide verification pursuant to CCC 40.320.030(B) that the required landscaping has been installed in accordance with the approved landscape plan. See Land Use Finding 3.

C-2 **Fire Marshal Requirements -** The developer shall comply with or otherwise implement the conditions recommended by the Fire Marshal, including the following:

a. The developer shall demonstrate that water mains supplying fire flow have been installed, approved and operational prior to the commencement of combustible building construction. See Fire Protection Finding 2.

b. The developer shall submit a current utility review letter from the water purveyor indicating required fire flow is available at the site. See Fire Protection Finding 2.

G	**Development Review Timelines & Advisory Information**

F-1 **Final Site Plan and Building Permits:** Within 5 years after the effective date of this decision, the developer shall submit to the Planning Director a fully complete application for a building permit for this project. Otherwise, this preliminary approval shall automatically expire and become null and void.

G-2 **ECY Stormwater Permit:** A stormwater permit from the Department of Ecology (ECY) is required if both of the following conditions occur:

a. The construction project disturbs one or more acres of land through clearing, grading, excavating, or stockpiling of fill material; AND

b. 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 1-acre threshold. This applies even if the developer is responsible for only a small portion (less than one acre) of the larger project planned over time. The developer shall Contact the ECY for further information.

G-3 **Building and Fire Safety** – Building and fire, life, and safety requirements shall 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 regarding land use conditions. It is the responsibility of the owner,

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

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

H-1 **Outdoor Lighting** - Exterior lighting shall be located, shielded, and directed to prevent significant off-site glare, in accordance with CCC 40.340.010(A)(7) and RCW 47.36.180.

H-2 **Parking Lot Maintenance** - Pursuant to CCC 40.340.010(A)(11) the developer shall maintain in good repair at all times all required parking and loading spaces and associated access and maneuvering drives. See Land Use Finding 4.

H-3 **Fire Protection** - A 3-foot clear space shall be maintained around the circumference of all fire hydrants. See Fire Protection Finding 3.

Date of Decision: September 28, 2020.

By: _____
Daniel Kearns,
Land Use Hearings Examiner

NOTE: Only the Decision and Conditions of approval, if any, are binding on the applicant, owner or subsequent developer of the subject property as a result of this Order. Other parts of the final order are explanatory, illustrative or descriptive. There may be requirements of local, state or federal law or requirements that reflect the intent of the applicant, county staff, or the Hearings Examiner, but they are not binding on the applicant as a result of this final order unless included as a condition of approval.

Motion for Reconsideration

Any party of record to the proceeding before the hearings examiner may file with the responsible County official a motion for reconsideration of the Examiner's decision within 14 calendar days of written notice of this decision. A party of record includes the applicant and those individuals who signed the sign-in sheet, presented oral testimony at the public hearing, or submitted written testimony prior to or at the Public Hearing on this matter. Any motion for reconsideration must be accompanied by the applicable fee and identify the specific authority in the Code or other applicable laws, and/or specific evidence in support of reconsideration. A motion may be granted for any one of the following causes that materially affects the rights of the moving party:

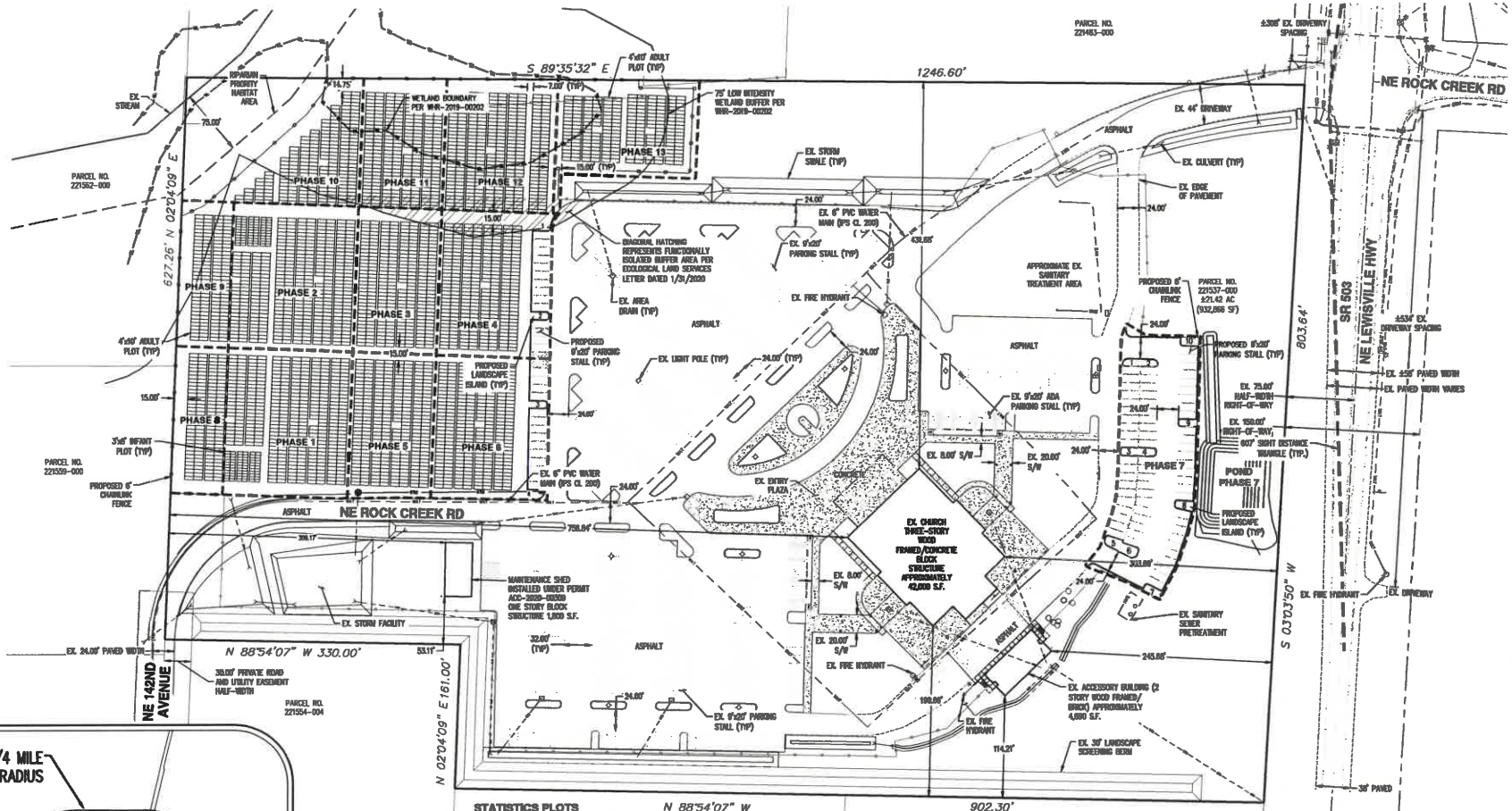
a. Procedural irregularity or error, clarification, or scrivener's error, for which no fee will be charged;

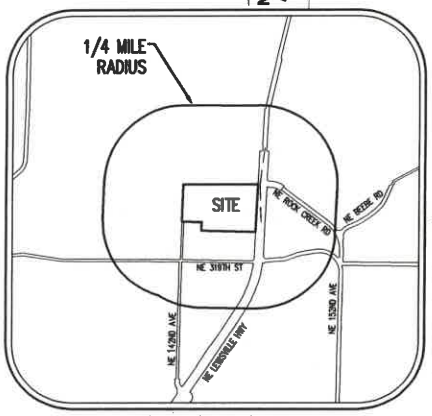
b. Newly discovered evidence, which the moving party could not with reasonable diligence have timely discovered and produced for consideration by the examiners;
c. The decision is not supported by substantial evidence in the record; or,
d. The decision is contrary to law.

Any party of record may file a written response to a Motion for Reconsideration if filed within 14 calendar days of the motion for reconsideration. In response to a timely Motion for Reconsideration, the Examiner will issue a decision on reconsideration within 28 calendar days of the date the motion was filed.

Notice of Appeal Rights

This is the County's final decision on this application. Anyone with standing may appeal any aspect of the Hearings Examiner's decision, except the SEPA determination, to Clark County Superior Court pursuant to the Washington Land Use Petition Act, RCW chapter 36.70C.





VICINITY MAP
N.T.S.

STATISTICS PLOTS

PHASE 1 ADULT PLOTS:	378
PHASE 1 INFANT PLOTS:	66
PHASE 2 ADULT PLOTS:	378
PHASE 2 INFANT PLOTS:	66
PHASE 3 ADULT PLOTS:	276
PHASE 4 ADULT PLOTS:	276
PHASE 5 ADULT PLOTS:	276
PHASE 6 ADULT PLOTS:	276
PHASE 8 ADULT PLOTS:	140
PHASE 9 ADULT PLOTS:	140
PHASE 10 ADULT PLOTS:	207
PHASE 11 ADULT PLOTS:	254
PHASE 12 ADULT PLOTS:	338
PHASE 13 ADULT PLOTS:	216
TOTAL ADULT PLOTS:	3,149
TOTAL INFANT PLOTS:	132
TOTAL PLOTS:	3,281

STATISTICS PARKING

PARKING STALLS REMOVED (PHASE 3):	29
PARKING STALLS REMOVED (PHASE 4):	64
PARKING STALLS REMOVED (PHASE 5):	27
PARKING STALLS REMOVED (PHASE 6):	65
PARKING STALLS REMOVED (PHASE 7):	8
TOTAL PARKING STALLS REMOVED:	193
PARKING STALLS ADDED (PHASE 4):	14
PARKING STALLS ADDED (PHASE 6):	14
PARKING STALLS ADDED (PHASE 7):	70
TOTAL PARKING STALLS ADDED:	98

SIGHT DISTANCE CERTIFICATION:
THE SIGHT DISTANCE AT THE EXISTING DRIVEWAY MEETS OR EXCEEDS THE 607 FOOT SIGHT DISTANCE REQUIREMENT SET FORTH IN THE WSDOT DESIGN MANUAL EXHIBIT 1310-10A.

APPLICANT / OWNER
OLD APOSTOLIC LUTHERAN CHURCH LEWISVILLE
CONTACT: DAVE HALME
PO BOX 1310
BATTLE GROUND, WA 98604
PH: 360-607-6505
E-MAIL: DAVEHALME@CONSULTANTS.COM

CONTACT
AKS ENGINEERING & FORESTRY, LLC.
CONTACT: SETH HALLING, P.E.
9600 NE 126TH AVENUE, SUITE 2520
VANCOUVER, WA 98682
PH: 360-892-0410
FAX: 360-892-0420
E-MAIL: SETH@AKS-ENG.COM

SITE AREA
±21.42 AC (932,866 SF)

GENERAL NOTES
1. NO CHANGES ARE PROPOSED TO THE EXISTING SANITARY SEWER SYSTEMS ON SITE.
2. NO NEW SEPTIC SYSTEMS ARE PROPOSED WITH THIS DEVELOPMENT.
3. NO NEW FIRE HYDRANTS ARE PROPOSED.
4. SEE SHEET P1.0 FOR LANDSCAPE PLAN. FINAL LANDSCAPE PLAN WILL MEET CLARK COUNTY REQUIREMENTS.
5. THERE ARE NO NEW BICYCLE FACILITIES PROPOSED WITH THIS DEVELOPMENT.
6. EROSION CONTROL WILL BE ADDRESSED IN FINAL ENGINEERING PLANS AND THE PROJECT SPECIFIC STORMWATER POLLUTION PREVENTION PLAN.
7. ACCORDING TO CLARK COUNTY GIS, THERE ARE NO WATER BODIES, 100-YEAR FLOODPLAINS, DESIGNATED SHORELINE AREAS, UNSTABLE SLOPES, LANDSLIDE HAZARD AREAS, OR SIGNIFICANT HISTORIC OR CULTURAL RESOURCES EXISTING ON THE SITE OR WITHIN 100-FEET OF THE SITE.
8. ACCORDING TO CLARK COUNTY GIS, THERE IS A NON-FISH-BEARING STREAM THAT CROSSES THE NORTHWEST CORNER OF THE SITE.
9. WETLAND BUFFER ENHANCEMENT/MITIGATION PERMITTING TO OCCUR PRIOR TO EACH INDIVIDUAL PHASE PLAT RECORDING.
10. THERE ARE NO TRANSIT ROUTES OR STOPS WITHIN 600 FEET OF THE SITE.
11. NO NEW ROADWAYS ARE PROPOSED WITH THIS DEVELOPMENT.
12. ACCORDING TO CLARK COUNTY GIS, THERE ARE NO ROADS WITHIN 500' PROVIDING ACCESS TO THE SITE THAT ARE IN EXCESS OF 15% GRADE.
13. EXISTING SURFACE MATERIAL FOR NE LEWISVILLE HIGHWAY, NE ROCK CREEK ROAD, AND NE 142ND AVENUE IS ASPHALT.
14. NO HARD LANDSCAPING FEATURES ARE PROPOSED WITH THIS DEVELOPMENT.
15. NO LOADING AREAS ARE PROPOSED WITH THIS DEVELOPMENT.
16. NO SOLID WASTE STORAGE OR RECYCLING AREAS ARE PROPOSED WITH THIS DEVELOPMENT.
17. LOCATIONS OF ALL EXISTING UNDERGROUND UTILITIES SHOWN ARE APPROXIMATE.
18. NO SIGNS ARE PROPOSED WITH THIS DEVELOPMENT.
19. NO OUTDOOR LIGHTING IS PROPOSED WITH THIS DEVELOPMENT.
20. THERE ARE NO NEW STRUCTURES PROPOSED WITH THE DEVELOPMENT.
21. THE SITE WILL CONTAIN AN ACCESS AND INSPECTION EASEMENT TO CLARK COUNTY FOR STORMWATER PURPOSES.
22. NO NEW TRANSIT FACILITIES ARE PROPOSED WITH THIS DEVELOPMENT.
23. WETLANDS AND BUFFERS SHOWN PER WAR-2019-00202.

EXHIBIT #13

SCALE: 1"=60 FEET
ORIGINAL PAGE SIZE: 22" x 34"

AKS ENGINEERING & FORESTRY, LLC
9600 NE 126TH AVE, STE 2520
VANCOUVER, WA 98682
(360) 892-0420
WWW.AKS-ENG.COM
ENGINEERING • SURVEYING • NATURAL RESOURCES
FORESTRY • PLANNING • LANDSCAPE ARCHITECTURE

PRELIMINARY DEVELOPMENT PLAN
OALC LEWISVILLE CEMETERY
OLD APOSTOLIC LUTHERAN CHURCH
CLARK COUNTY, WASHINGTON

JOB NUMBER:	7309
DATE:	05/27/2020
DESIGNED BY:	JBS
DRAWN BY:	JBS
CHECKED BY:	SMH

P3.0

AKS DRAWING FILE: 7309 P3.0 SITEPLAN | LAYOUT: P3.0

Role	Company Name	Name	Address 1	Address 2	City	State	Zip Code	Email Address
Planner	Clark County	Amy Wooten						
Applicant	Old Apostolic Lutheran Church (OALC) Lewisville	Dave Halme	PO Box 1510		Battle Ground	WA	98604	dave@hficonsultants.com
Owner	Same as applicant							
N/H Association	Neighborhood Associations Council of Clark County (NACCC)	Stephan Abramson						abramson@lifescipartners.net
Contact Person	AKS Engineering & Forestry	Seth Halling	9600 NE 126th Ave	Ste 2520	Vancouver	WA	98682	sethh@aks-eng.com
Utility Contact								
	Clark County	Desiree de Monye						desiree.demonye@clark.wa.gov
	City of Vancouver	Kristin Lehto						Kristin.Lehto@cityofvancouver.us
		Nicole Daltoso						nicole.daltoso@vansd.org
		Jeff Roberts						jeff@crandallgroup.com
POR		Dorothy Clawson						clawson013@gmail.com
		Donavon Nigg						donavon_nigg@yahoo.com

EXHIBIT LIST

Project Name: **OALC Lewisville Cemetery**

Case Number: **PSR-2020-00097**

EXHIBIT NUMBER	DATE	SUBMITTED BY	DESCRIPTION
1		Applicant	Application Package
3		CC Land Use	Fully Complete
4	8/5/20	CC Land Use	Notice of Type III Application
5	8/5/20	CC Land Use	Affidavit - Exhibit 4
6	8/3/20	CC Land Use	Concurrency SR Comments
7	8/7/20	Applicant	Affidavit of Posting Land Use Sign
8	8/19/20	CC Land Use	PCL_DNigg
9	8/20/20	CC Land Use	DE Early Issues
10	8/21/20	CC Land Use	Staff Email
11	8/21/20	CC Land Use	PCL_DClawson
12	8/25/20	CC Land Use	FM Staff Report Comments
13	no date	CC Land Use	Preliminary Plan
14	8/26/20	CC Land Use	Staff Report and Recommendation
15	8/26/20	CC Land Use	Affidavit of Mailing - Exhibit 14
16	8/28/20	CC Land Use	Affidavit of Publicaton - The Reflector
17	9/16/20	CC Land Use	Hearing Transcript
18	9/17/20	Applicant	Applicant Response
19	9/17/20	CC Development Engineering	Email - David Bottamini
20	9/17/20	Dorothy Clawson	Clawson comment
21	9/28/20	CC Land Use	Hearing Examiner Decision
22	9/28/20	CC Land Use	Affidavit of Mailing - Exhibit 21

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