

Type II Staff Report and Decision Notice to Parties of Record

Project Name: MAJ Brush Prairie Short Plat

Case Number: PLD-2020-00039

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

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

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

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

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

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

Mailed on: September 1, 2020

DS1334

Revised 7/15/13



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



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

Type II Staff Report and Decision

Project Name: MAJ BRUSH PRAIRIE SHORT PLAT

Case Number(s): PLD-2020-00039

Request: The applicant is requesting Short Plat Review approval to divide approximately 1.95 acres into (3) three commercial legal lots of record located in the Community Commercial (CC) zone district.

Address: 9914 NE 117th Avenue

Parcel number(s): 200091000 & 200124000

Applicant: MAJ Place BP LLC
300 West 15th Street, #200
Vancouver, WA 98660
360.823.5112
brandi@majdevelopment.com

Owner: MAJ Place BP LLC
300 West 15th Street, #200
Vancouver, WA 98660

Contact Person: Mackenzie
John Floyd
101 East 6th Street, #200
Vancouver, WA 98660
(360)695-7879
jfloyd@mckmze.com

Staff contact: Angie Merrill
angie.merrill@clark.wa.gov
564.397.4028

Decision
Approved subject to Conditions of Approval



Land Use Review manager's initials: **Date issued:** September 1, 2020

Revised 9/1/2020



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1300 Franklin Street, Vancouver, Washington
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E-mail: ADA@clark.wa.gov

County Review Staff

Department/Program	Name	Phone	Email Address
Community Development			
Land Use Review Manager	Susan Ellinger	564.397.5122	susan.ellinger@clark.wa.gov
Land Use Review Planner	Angie Merrill	564.397.4028	angie.merrill@clark.wa.gov
Fire Marshal's Office	Donna Goddard	564.397.3323	donna.goddard@clark.wa.gov
Engineering Team Leader	Ali Safayi P.E.	564.397.4102	ali.safayi@clark.wa.gov
Engineer	David Jardin	564.397.4354	david.jardin@clark.wa.gov
Concurrency Engineer	David Jardin	564.397.4354	david.jardin@clark.wa.gov

Comp Plan Designation: C
CC (Community Commercial)

Approval Standards/Applicable Laws

Clark County Code: 40.200 (General Provisions); 40.230.010 (Commercial Districts); 40.540.030 (Short Plats); 40.350 (Transportation & Circulation); 40.370 (Sewer and Water); 40.386 (Stormwater & Erosion Control); 40.500 & 40.510 (Procedures); Title 14 (Building Safety); Title 15 (Fire Protection); Title 14 (Building Safety); Title 24 (Public Health); RCW 58.17

Neighborhood Association and Contact

Sunnyside
Judy Bumbarger-Enright, president
360.699.2050
sunnysidenava@yahoo.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 waiver on this matter was approved on April 2, 2020. The pre-application conference waiver doesn't qualify for contingent vesting

The fully complete application was submitted on March 31, 2020, and determined to be fully complete on June 23, 2020. Given these facts, the application is vested on June 17, 2020. This vesting does not apply to stormwater or concurrency standards.

There are no disputes regarding vesting.

Time Limits

The application was determined to be fully complete on June 23, 2020. Therefore, the code requirement for issuing a decision within 78 days lapses on September 9, 2020.

Public Notice

Notice of application was mailed to the applicant, Sunnyside Neighborhood Association and property owners within 300 feet of the site on July 7, 2020.

Public Comments

Cris Lazar & Lyubov Frunza, live at 11609 NE 102nd Circle and submitted an e-mail to Clark County dated July 17, 2020. They have noted that their house is located directly behind the subject property and they are concerned about businesses being located next to their home and that it will attract people that loiter with drugs and crime. If they have a say so they would not like additional businesses allowed in this area.

Staff Response: This application is to divide the property only. The applicant is not requesting to add additional businesses to this location.

Applicant Response: Thank you for forwarding the notice. We would like to state that the proposal only changes ownership options for development previously approved under PSR-2019-00041 and FLR-2019-00047. No physical modifications or changes to the character or intensity of the approved land uses will occur from the short plat, and the project will continue to comply with compatibility requirements such as the landscaping buffer, masonry wall, setbacks, and minimum off-street parking required in the previous approval. As a result, the project will continue to remain in compliance with County standards for new commercial development being constructed next to existing residential development.

Project Overview

The subject site consists of 2 legal lots of record and is approximately 1.95 acres. The project is located on the North side of NE 99th Street and SR 503. The site is flat and there are no environmentally sensitive areas. A recent Site Plan Review approval has been granted (PSR-2019-00041) to build a 3,000 square foot single story convenience store and fueling station with 8 fueling positions (4 fuel pumps), a new 2,000 square foot single story coffee shop with drive through, and a 3,800 square foot retail building.

The applicant is proposing Short Plat approval to create a third lot on a two-lot retail site. More specifically, the proposal is to divide parcel 200091000 (existing Lot 1) from a single lot approximately 52,334 square feet in size, to two new lots approximately 41,343 square feet (proposed Lot 1) and 10,992 square feet (proposed Lot 3) in size. No change is proposed to Lot 2 (existing at 32,911 square feet).

The site is located in the following districts:

- Battle Ground School District
- Parks District #6
- Fire District #5
- Clark Regional Wastewater District
- Clark Public Utilities for water

Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use
Site	Commercial	CC	Vacant lots – previously residential
North	R1-6	UL	Single Family Residential
East	Commercial	CC	Dental Clinic, an undeveloped lot, and an existing residence
South	Commercial	CC	Gas station with convenience store
West	R1-6	UL	Single Family Residential

Staff Analysis

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

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

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

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

Major Issues

Finding 1- Lot Standards

The minimum lot size, setbacks, lot coverage & building height standards are put forth in Tables 40.230.010-2 and 40.230.010-3 in the CC zone.

There are no minimum lot area, width or depth standards, or building height requirements within the CC (Community Commercial) zone district.

Based on a review of the revised preliminary plat [Exhibit 8], the three proposed lots contain appropriate lot standards for the CC zone.

Finding 2 - Legal Lot Determination

Parcels 1200091-000 (1.2 acres) & 200124-000 (.75 acres) were deemed legal lot of records by zoning review PSR2019-00041. A boundary line adjustment was completed and approved with the subsequent review changing the lots to their current configuration. Based on the above information the existing lots are legal lots of record.

Finding- 3 Setbacks, Landscaping, Screening and Development Standards

Per CCC 40.230.010(D), there are no minimum lot sizes or dimensional standards in the (CC) Community Commercial zone district, and setbacks are dictated by the applicable landscaping buffer requirements. A minimum of 15% of the total lot area shall be landscaped. Landscape buffers are required around the perimeter of the site in accordance with CCC Table 40.320.010-1, as follows:

- North & West (abutting Single-Family Residential): 10-ft L4 buffer (or 15-ft L5)
- South (abutting CC across roadway): 10-foot L2 landscaping buffer
- East (abutting Light Industrial across roadway): 10-foot L2 landscaping buffer

The L2 standard requires enough low shrubs to form a continuous screen three (3) feet high and ninety-five percent (95%) opaque year-round. In addition, one (1) tree is required per thirty (30) lineal feet of landscaped area or as appropriate to provide a tree canopy over the landscaped area. Groundcover plants must fully cover the remainder of the landscaped area with the exception of energy dissipation points at the locations of stormwater inlets.

The L4 standard requires a six (6) foot high wall that complies with the F2 standard and abutting the property line. One (1) tree is required per thirty (30) lineal feet of wall or as appropriate to provide a tree canopy over the landscaped area with the exception of energy dissipation points at the locations of stormwater inlets. LID bioretention facility plantings may be used, and are encouraged, to satisfy plant requirements. In addition, four (4) high shrubs are required per thirty (30) lineal feet of wall. Groundcover plants must fully cover the remainder of the landscaped area.

In the parking area, landscaped islands are required for every 7 parking spaces as required by 40.320.010.E.3, and at least one tree shall be planted in each landscape island that reach a mature height of thirty (30) feet or more, cast moderate to dense shade in the summer, live at least sixty (60) years, require little maintenance (such as by being insect, disease- and drought-resistant and not producing fruit), and be suited for use in the proposed location (such as by being tolerant of pollution and direct and reflected heat).

CCC 40.230.010(D)(5) identifies additional development standards applicable to commercial developments, including:

- a. Primary pedestrian circulation routes connecting the street(s) to the primary building entry or entries shall be a minimum of eleven (11) feet (eight (8) feet of sidewalk/walkway with a minimum of three (3) feet of landscaping on one (1) side of the pedestrian route). The minimum three (3) foot landscaped area shall contain suitable tree species planted every twenty-four (24) feet to provide for a continuous tree canopy. The required landscape area should function as a buffer between auto drives and the pedestrian routes. Where the pedestrian circulation route crosses vehicular accessways the landscape area is not required.

b. Landscaping is required along the side of all buildings where the primary pedestrian access is provided. Minimum requirements shall be trees, of a suitable species according to Section 40.320.010, provided every thirty (30) feet on center planted in a landscaped strip or tree wells along the length of the building.

The proposed short plat will not result in a change to maximum building heights or minimum setbacks, site landscaping or landscape buffers from residential zones as recently approved and conditioned under site plan approval (PSR2019-00041). The proposed new lot lines will not create new internal setbacks as all lots are within the same zone and do not require buffer or screening standards pursuant to CCC 40.320. The boundary lines fall within shared circulation and drive aisles within a single contained and integrated retail development, as demonstrated in the revised proposed development plan [Exhibit 8].

The proposed short plat complies with the applicable lot standards, setbacks, landscaping, and lot coverage requirements.

Finding 4- Existing & Proposed Structures

The applicant is not proposing any new structures with the proposed short plat. The structures approved within PR2019-00041 include a 3,000 square foot single story convenience store and fueling station with 8 fueling positions (4 fuel pumps), a new 2,000 square foot single story coffee shop with drive through, and a 3,800 square foot retail building.

Finding 5- County/State Platting Standards

With conditions of approval, staff finds the proposed short plat will make appropriate provisions for the public health, safety and general welfare of the community. No new development is proposed with this short plat application, but future development will be reviewed under all applicable county code sections.

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

Transportation

Finding 1- Proposed Short Plat

The applicant is proposing to short plat the development subsequent to the site plan approval PSR-2019-00041 and the related construction plan approval ENG-2019-00195. The applicant shall comply with findings and conditions of the previous approvals, unless modified by this decision. [See Condition D-1]

Finding 2- Shared Transportation Facilities

The submitted plan shows that the existing and proposed lots will share access locations, drive aisles, and parking area. The applicant will need to prepare and record joint access easements for access at NE 99th Street and NE 117th Avenue (SR 503). The applicant will also need to prepare and record cross access easements for shared drive aisles and parking areas. These access easements shall be for the benefit of all parcels, existing and proposed, within the MAJ Brush Prairie development. [See Condition D-2]

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

Transportation Concurrency

Finding 1- Concurrency

Concurrency has reviewed the Land Use Review application for the MAJ Brush Prairie Short Plat development. The information submitted indicates that this application seeks to divide the previously approved MAJ Brush Prairie site into a total of 3 parcels. The MAJ Brush Prairie development is currently under construction. The proposed land division is not anticipated to generate more than 10 peak hour trips; therefore, the applicant shall comply with the Concurrency conditions of approval as issued in PSR-2019-00041. Concurrency has no further comments.

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

Stormwater

Finding 1- Shared Stormwater Facilities

The previously approved stormwater plans show that the proposed lot 3 shares stormwater systems on lot 2 and lot 1.

The owner of the proposed lot 3 will require access across the lots 1 and 2 in order to access the respective stormwater facilities and fulfill stormwater maintenance responsibilities, if necessary. Therefore, the applicant will be required to record stormwater access agreements over lots 1 and 2 for the benefit of lot 3 allowing access to the respective stormwater facilities. [See Condition D-3]

The stormwater facilities on lots 1 and 2 have been designed and constructed to treat and infiltrate stormwater from all lots within the proposed short plat. The future owners of each lot will have a maintenance responsibility for the stormwater facilities located on lots 1 and 2. The applicant will be required to submit a Developer's Covenant for Stormwater Facility Maintenance. [See Condition D-4]

Conclusion (Stormwater):

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

Fire Protection

Finding 1- Fire Marshal Review

This application was reviewed by Donna Goddard in the Fire Marshal's Office. Dan can be reached at 564.397-3323 or e-mail at donna.goddard@clark.wa.gov. Where there are difficulties

in meeting these conditions or if additional information is required, contact Donna in the Fire Marshal's office immediately.

After further review of this request to create 3 lots instead of 2, our office does not have any substantial comments. The site was evaluated by our office through the previous PSR and ENG cases.

Minimum fire flow is available to approve the Short Plat application as noted in the City of Vancouver's water review letter dated 4/10/19. Fire hydrants and fire access were addressed and deemed adequate at the time of final engineering review. Other fire protection systems, if applicable, would be addressed at building permit application.

The Fire Marshal has no further comments on this short plat request.

Conclusion (Fire Protection)

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

Water and Sewer Service

Finding- 1 Utilities

The site will be served by City of Vancouver Utilities for public water and Clark Regional Wastewater District for sewer service. Letters from the above purveyors confirm that services are available in proximity to the site. Prior to final plat, the applicant shall provide documentation from the City confirming that water connections have been installed and approved and from Clark Regional Wastewater District that sanitary sewer connections have been installed and approved. [See Condition D-8]

Finding- 2 Public Health Development Review Evaluation

A Conditional Development Review Evaluation for the project was submitted with the application. The Health Department will be required to sign the final plat prior to final plat approval [See Condition D-4]

On-Site Sewage Treatment Systems:

County records currently document an existing operational on-site sewage system (OSS) at 10008 NE 117th Ave (ON0041969). The location of the system was not observed in the field by Clark County Public Health (CCPH). Additionally, records indicate that an OSS (ON0032625) at 9914 NE 117th Ave was decommissioned and removed from the site in 2004.

All OSS systems located during development of this site must be properly abandoned with documentation submitted to CCPH prior to final construction plan approval. Proper abandonment of the system requires tank pumping by a licensed pumper (if any liquid remains), breaking in the tank lids, and filling the cavities with compacted soil. Please note that any cesspools, drywells, or pump chamber that may exist on the site must also be abandoned in this manner. [See Condition D-6]

The proposed development must connect to an approved public sewer system. A copy of the final acceptance letter from the sanitary sewer purveyor must be submitted with building permit applications. [See Condition E-2]

Water Systems:

A water well (WPO09819) located at 10008 NE 117th Ave, was documented with the Department of Ecology as being decommissioned in 2017. Based on site history, additional water wells may exist on site.

Any additional wells located during site development must be properly decommissioned by a licensed well driller. Written verification of abandonment must be submitted to CCPH. [See Condition D-7]

The proposed development must connect to an approved public water system. A copy of the final acceptance letter from the purveyor must be submitted with building permit applications. [See Condition D-8]

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

Staff Contact Person: Angie Merrill, 564.397.4028

Responsible Official: Dan Young, Community Development Director

Decision

Based upon the revised proposed plan known as Exhibit 8, and the findings and conclusions stated above and within the attached reports and decisions, the Community Development Director hereby **APPROVES** this request, subject to the following conditions of approval.

Conditions of Approval

Note: The Conditions of Approval below include those identified above and those contained within Attachments A, B, and C. The letters or numbers may have changed from those in the attachments.

A	Final Construction Review for Land Division Review and Approval Authority: Development Engineering
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Prior to construction, a Final Construction Plan shall be submitted for review and approval, consistent with the approved preliminary plan and the following conditions of approval:

A-1 None

B	Prior to Construction of Development Review and Approval Authority: Development Inspection
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B-1 None

C	Provisional Acceptance of Development Review and Approval Authority: Development Inspection
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C-1 None

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

- D-1** The applicant shall comply with the transportation and stormwater finding and conditions of previous approvals PSR-2019-00041 and ENG-2019-00195, unless modified by this decision. [See Transportation Finding 1].
- D-2** The applicant shall prepare and record joint access easements for access at NE 99th Street and NE 117th Avenue (SR 503). The applicant shall also prepare and record cross access easements for shared drive aisles and parking area. These access easements shall be for the benefit of all parcels, existing and proposed, within the short plat. [See Transportation Finding 2]
- D-3** The applicant shall record stormwater easements over lots 1 and 2 for the benefit of lot 3 allowing the use of stormwater facilities and access to the respective stormwater systems. [See Transportation Finding 3]
- D-4** **Public Health Signature Requirement-** A Conditional Development Review Evaluation for the project was submitted with the application. The Health Department will be required to sign the final plat prior to final plat approval [See Water and Sewer Service Finding 2]
- D-5** **Abandonment of On-Site Water Wells and Sewage Systems -** The location of abandoned septic tanks and decommissioned wells shall be shown on the face of the final plat.
- D-6** All OSS systems located during development of this site must be properly abandoned with documentation submitted to CCPH prior to final construction plan approval. Proper abandonment of the system requires tank pumping by a licensed pumper (if any liquid remains), breaking in the tank lids, and filling the cavities with compacted soil. Please note that any cesspools, drywells, or pump chamber that may exist on the site must also be abandoned in this manner. [See Water and Sewer Service Finding 2]
- D-7** Any additional wells located during site development must be properly decommissioned by a licensed well driller. Written verification of abandonment must be submitted to CCPH.2 [See Water and Sewer Finding 2]
- D-8** The site will be served by City of Vancouver Utilities for public water and Clark Regional Wastewater District for sewer service. Letters from the above purveyors confirm that services are available in proximity to the site. Prior to final plat, the applicant shall provide documentation from the City confirming that water connections have been installed and approved and from Clark Regional Wastewater District that sanitary sewer connections have been installed and approved. [See Water and Sewer Finding 1]

D-9 Developer Covenant - A *Developer Covenant to Clark County* shall be submitted for recording to include the following:

- a. Erosion Control: "Building permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Safety and put in place prior to construction."
- b. 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 per the county's Stormwater Facilities Maintenance Manual as adopted by Chapter 13.26A. The responsible official prior to county approval of the final stormwater plan shall approve such arrangements. Final plats shall specify the party(s) responsible for long-term maintenance of stormwater facilities within the Developer Covenants to Clark County. The county may inspect privately maintained facilities for compliance with the requirements of this chapter. If the parties responsible for long-term maintenance fail to maintain their facilities to acceptable standards, the county shall issue a written notice specifying required actions to be taken in order to bring the facilities into compliance. If these actions are not performed in a timely manner, the county shall take enforcement action and recover from parties responsible for the maintenance in accordance with CCC 32.04.060.

D-10 Addressing - At the time of final plat, existing residence(s) that will remain may be subject to an address change. Addressing will be determined based on point of access.

D-11 Plat Notes - The following notes shall be placed on the final plat:

- a. Archaeological (all plats): "If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Department of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."
- b. 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(s) is responsible for long-term maintenance of the privately owned stormwater facilities: _____."

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-2 Water and Sewer Service** - The proposed development must connect to an approved public sewer system. A copy of the final acceptance letter from the sanitary sewer purveyor must be submitted with building permit applications. [See Water and Sewer Service Finding 2]

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 (DOE) is required if:

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

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

- G-3 Building and Fire Safety**

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

- G-4 Building Elevation Approvals** – Approval of building elevations submitted for preliminary plan review does not ensure compliance with other requirements (such as

building setbacks) under other construction codes. Compliance with other construction codes is the responsibility of the applicant at the time of building permit issuance.

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

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

Appeal Process

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

The appeal shall be filed with the Department of Community Development within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record. This decision was mailed on September 1, 2020. Therefore any appeal must be received in this office by the close of business on September 15, 2020.

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

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

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

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

Attachments

- Copy of Proposed Preliminary Plan

Role	Company Name	Name	Address 1	Address 2	City	State	Zip Code	Email Address
Planner	Clark County	Angie Merrill						
Applicant/Owner	MAJ Place BP, LLC		300 West 15th St	#200	Vancouver	WA	98660	brandi@majdevelopment.com
N/H Association	Sunnyside Nhd Assoc							sunnysidenava@yahoo.com
Contact Person	Mackenzie	John Floyd	101 East 6th St	#200	Vancouver	WA	98660	jfloyd@mcknze.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
	Neighbor	Cris Lazar& Lyubov Frunza	11609 NE 102nd Cir		Vancouver	WA	98662	lazerspeed@msn.com



EXHIBIT LIST

Project Name: **MAJ BRUSH PRAIRIE SHORT PLAT**

Case Number: **PLD-2020-00039**

EXHIBIT NUMBER	DATE	SUBMITTED BY	DESCRIPTION
1	6/17/20	Applicant	Application Package
2	6/17/20	CC Land Use	Legal Lot Determination
3	7/30/20	CC Land Use	Fully Complete
4	7/7/20	CC Land Use	Notice of Type II Application
5	7/7/20	CC Land Use	Affidavit of Mailing - Exhibit 4
6	8/5/20	Neighbor	Comment Letter
7	8/5/20	Applicant	Response to Comment Letter
8	8/7/20	Applicant	Early Issues Revisions
9	9/1/20	CC Land Use	Staff Report and Decision
10	9/1/20	CC Land Use	Affidavit of Mailing - Exhibit 9

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