

Type III Land Division and Environmental Review Staff Report and Recommendation

Project Name: **Rachels Ranch Subdivision**

Case Numbers: PLD-2020-00014/FPA-2020-00152/WHR-2020-00240

Location: 10804 NE 130th Street, Parcels 200122, 200195, and 200199 in the Southeast Quarter of Section 34, Township 3 Range 2 east of the WM Willamette Meridian

Request: Subdivide 17 acres into 100 single-family residential lots for detached housing and one duplex in the R1-5 zoning district

Applicant: Brian Groth
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Recommendation
Approval, with conditions



Land Use Review Manager's Initials: **Date issued: October 7, 2020**

Public Hearing date: October 22, 2020

County Review Staff

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Revised 10/2/2020



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Comp Plan Designation: UL

Applicable Law

Clark County Code: Title 15 (Fire), 40.100 (Definitions), 40.200 (General Provisions), 40.220.010 (Single-family Districts), 40.260.080 (Forest Practices), 40.320 (Landscaping), 40.350 (Transportation), 40.350.020 (Transportation Concurrency), 40.370 (Sewer & Water), 40.386 (Storm Water & Erosion Control), 40.450 (Wetlands), 40.500 and 40.510 (Procedures), 40.540.040 (Subdivision), 40.550 (Road Modifications), 40.570 (SEPA), 40.570.080 (SEPA Archaeological), 40.610 (Impact Fees), Title 24 (Public Health), RCW 58.17, and the Clark County Comprehensive Plan

Neighborhood Association and Contact

Greater Brush Prairie, **Contact** - Rick DeNise (president)

Phone - 530.219.8419, **E-mail** - greaterbrushprairie@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 (PAC) was held on this matter and was determined contingently vested, but a complete application was not submitted within the required 180 days from issuance of the PAC report. Therefore, the application is vested on the fully complete submittal date of August 7, 2020. Vesting does not apply to stormwater standards. There are no known disputes regarding vesting.

Time Limits

The application was determined to be fully complete on August 10, 2020. The code requirement for issuing a decision within 92 days lapses on November 10, 2020.

Public Notice

Notice of application, public hearing, and likely SEPA determination was sent to the applicant and property owners within 300 feet of the site, and SEPA Agencies on September 24, 2020. The applicant posted one sign on the subject property on September 22, 2020.

Public Comments

The county has received a comment letter from a nearby neighbor concerned about wildlife in the surrounding area and that the proposed development will destroy habitat for many animals.

Staff notes that while regulated wetland areas are located on the site, the applicant proposes to fill portions of the wetlands (see Findings 7 and 8).

Project Overview

The subject site is located on the west side of NE 132nd Avenue, the east side of NE 127th Avenue, south of NE 114th Street. The site is zoned single-family R1-5 and consists of three parcels roughly 17 acres in size. The site contains three single-family residences and several accessory structures. The proposed development will be served by Fire District #5, Clark Regional Wastewater for public sewer and Clark Public Utilities for public water.

The applicant proposes to divide the site into a maximum of 100 residential lots for single-family detached homes and one duplex lot for a total of 102 units to be constructed in three phases. The proposed plat will access NE 111th Street, NE 127th Avenue, NE 130th Avenue, and NE 132nd Avenue.

The site contains a Category III wetland and one Oregon white oak found in the southeast corner of the site. The Applicant proposes to fill the on-site wetland and remove the oak tree.

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

Compass	Comp Plan	Zoning	Current Land Use
Site	UL	R1-5	Single-family residence
North	UL	R1-5	Single-family residence
East	UL	R1-5/R1-7.5	Single-family residence
South	UL	R1-5	Single-family residence
West	UL	R1-5	Single-family residence

Staff Analysis

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

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

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

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

Major Issues

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

Land Use

Finding 1 - Uses

Under Table 40.220.010-1, single-family detached dwellings are permitted in the R1-5 zone subject to this review.

Finding 2 - Lot Standards

The R1-5 zone requires an average minimum lot size of 5,000 square feet and an average maximum lot size of 7,000 square feet. The average lot size in Phase I is 5,210, the average lot size in Phase II is 5,373, and the average lot size in Phase III is 5,008 square feet.

The R1-5 zone also requires an average lot width of 45 feet and an average lot depth of 65 feet and it appears that all lots meet or can meet the average minimum lot width and depth requirements, but some lots are very close to the minimum dimensions. Staff finds the proposed plat can meet the lot standards of the R1-5 zone and the final plat needs to clearly show compliance with these standards. (See Condition D-4)

Finding 3 - Setbacks

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

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

Finding 4 - Existing Residential Structures

There are three single-family residences on the site with several accessory structures. It appears the applicant will remove one home, one home will remain on Lot 12, and one home will remain on Lot 34; all accessory structures will be removed. It appears the home on Lot 12 will not meet the 18-foot front setback to garage and staff is unlikely to support a variance to this standard. Staff notes the garage is only a foot or two from meeting the setback. The applicant will need to modify the plan or structure so the home on Lot 12 will meet the 18-foot front setback to garage. (See Condition D-5)

One home and the accessory structures on the site shall be removed prior to construction plan approval complying with Clark County Building Division, state/federal requirements. (See Condition A-6)

Finding 5 - State Platting Standards (RCW 58.17)

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

The site is located within the Battle Ground School District. The applicant has provided a letter from the School District indicating that students will be bused to all three schools from this development (see Tab 22 of application packet). Staff finds this satisfies safe walking conditions for students who only walk to school (see RCW 58.17.050)

Conclusion (Land Use)

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

Archaeology

Finding 6 - Archaeology

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

A note on the final construction plans and the final plat will be required that in the event that archaeological or historic materials are discovered during project activities, work in the immediate vicinity must stop and the area secured. The concerned tribes cultural staff, cultural committee, and DAHP shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines. (See Conditions A-7 and D-12a)

Wetlands

Finding 7 - Wetlands

Staff visited the site August 25, 2020 and concurs with the Department of Ecology determination. The site contains a Category III wetland with a Habitat Score of four (4) points on the Wetland Rating Form requiring an 80-foot buffer for the proposed development.

The Applicant proposes to fill the on-site wetland and approximately .23 acres (10,019 square feet) of the on-site wetland will be directly impacted by the proposed development and .06 acres (2,806 square feet) of indirect wetland impacts. Staff concurs with the avoidance and minimization analysis the applicant has provided (Bank Use Plan). The proposed wetland mitigation (Bank Use Plan) submitted by Ecological Land Services (ELS) dated June 26, 2020 will result in no net loss of wetland functions and values and meets the approval criteria in CCC 40.450.040.

Finding 8 - Habitat

One Oregon white oak was mapped in the southeast corner of the site measuring 13 inches diameter at breast height (dbh) and a dripline of approximately 379 square feet. The oak tree is approximately 400 feet from Wetland B. The Washington Department of Fish and Wildlife (WDFW) may consider individual Oregon white oak trees a priority habitat when found to be particularly valuable to wildlife (i.e., contains many cavities, has a large dbh, is used by priority species, or has a large canopy). This oak; however, is heavily shaded by the surrounding Douglas-fir forest, has a small canopy, no cavities, and a small dbh, therefore does not meet WDFW's definition of priority habitat. The oak was also damaged when an adjacent Douglas-fir snapped and hit the oak. It is not likely that the oak will survive the damage and heavy shading/competition from the surrounding Douglas-firs.

County wetland and habitat Staff concur with the finding.

Conclusion (Wetlands)

Staff concludes that the proposed development application can comply with the requirements of Chapters 40.440 (Habitat) 40.450 (Wetland) addressed herein, PROVIDED that certain conditions are met. Therefore, the requirements of the preliminary plan review criteria are satisfied. (See Wetland Conditions A-9, D-6, D-7, and D-8)

Transportation

Finding 9 - Pedestrian/Bicycle Circulation

Pedestrian and bicycle circulation facilities as outline in CCC 40.350.015 and in compliance with the Americans with Disabilities Act (ADA) are required for this development. Bike lanes are required along NE 132nd Avenue and NE 109th Way.

The proposed plan indicates that 5-foot wide sidewalks will be constructed along all street frontages and internal roadways within the development. The applicant will be required to construct curb ramps at all street intersection corners; dual curb ramps are required on corners along all collector and arterial classified roadways. All proposed pedestrian facilities shall be constructed to comply with ADA standards. [See Condition A-1a]

Additionally, the construction of paved half-width roadways along NE 109th Way and NE 132nd Avenue will facilitate a dedicated 6-foot bike lane when subsequent sections of the roadways have been completed.

Finding 10 - Circulation Plan

The proposed development is bordered by NE 132nd Avenue to the east, NE 127th Avenue to the west, the Mountain View Subdivision to the west, a county owned stormwater parcel to the north, and developable R1-5 residential zoned properties to the north and south. The applicant has proposed to construct public half-width frontage improvements along NE 132nd Avenue and NE 127th Avenue to facilitate north-south circulation. NE 109th Way will be constructed through the development and will eventually connect these two avenues as future parcels develop. The applicant will also complete the extension of NE 111th Street that is stub to the west property line. Additionally, proposed NE 130th Avenue and NE 131st Avenue have been stubbed to the applicant's south property line to provide further circulation. The applicant's circulation plan demonstrates the maximum block length and block perimeters are not exceeded. Staff finds that the project complies with the circulation plan standards

Finding 11 - Frontage Roads/Improvements

NE 132nd Avenue is identified on the county's Arterial Atlas as an Urban Minor Arterial (M-2cb) and fronts the development's east boundary line. A majority of the east half of this road has been completed by the Parker's Abby & Plateau Manor Subdivisions. This road is required to have a 36-foot half-width right-of-way, a 24-foot paved roadway half-width, curb & gutter, and a 5-foot detached sidewalk per Clark County Standard Drawing 5. The applicant is proposing the minimum standard.

NE 109th Way is proposed as an Urban Collector (C-2b) to comply with the county's Arterial Atlas. Portions of the road that front both sides of the development are subject to full-width frontage improvements; therefore, the roadway between NE 132nd Avenue and NE 131st Avenue is required to have a 60-foot total right-of-way width, a 34-foot total paved roadway width, curb & gutter, and a 5-foot detached sidewalk along both sides of the roadway per Clark County Standard Drawing 7. Portions of the road that do not front both sides of the development are subject to partial-width frontage improvements; therefore, the roadway between NE 131st Avenue, to the point where the centerline road alignment, as you go west on NE 109th Way, starts to angle to the north is required to have a 35-foot partial-width right-of-way to accommodate a 20-foot paved roadway width, 0.5-foot curb & gutter, a 5-foot detached sidewalk, 7.5 feet of clear space and a 2-foot grading setback from the adjacent property line. The remaining portion of road, west of the centerline angle point, should be built to accommodate all necessary road improvements that will fit within proposed road alignment. [See Condition A-1b]

NE 127th Avenue is classified as an Urban Local Residential Access and fronts the development's west boundary line. The west side of this road has been completed by the Orchard View Estates Subdivision. This road is required to have a 23-foot half-width right-of-way, a 14-foot paved roadway half-width, curb, and a 5-foot sidewalk per Clark County Standard Drawing 13. The applicant is proposing the minimum standard.

NE 108th Street (west), NE 111th Street, NE 112th Street, NE 130th Avenue, and NE 131st Avenue (south), are proposed as Urban Local Residential Access roadways and are required to have a 46-foot full right-of-way width, a 28-foot paved roadway width and curb and a 5-foot sidewalk along both sides of the roadway per Clark County Standard Drawing 13. The applicant is proposing the minimum standard.

NE 108th Street (east) is proposed as an Urban Cul-de-sac. The roadway meets the minimum standards of Clark County Standard Drawing 13 and 23.

Roadways in Tract B and Tract C (NE 131st Avenue (north) & NE 109th Street) are classified as Urban Private Roads with Parking Lane and are required to have a 30-foot easement, a 24-foot paved roadway width, curbs and a 5-foot sidewalk along one side of the roadway per Clark County Standard Drawing 16. The applicant is proposing the minimum standard except for the missing sidewalks along the east hammerhead leg of NE 109th Street. The applicant shall continue the curb and 5-foot sidewalk along the sides of Lots 65 and 66. Additionally, "No Parking" signs shall be placed along one side of all these roadways. [See Conditions A-1c, A-1d and D-11a]

The roadway transition, curb and pavement taper, from the public portion on NE 131st Street (north) to the private portion located in Tract C shows and inadequate pavement width within public right-of-way. The curb transition shall occur at a location that ensures that a full 28-foot pavement width along the public portion of this roadway is achieved. [See Condition A-1e]

NE 114th Street is classified as Neighborhood Circulator and fronts approximately 30 feet of the development's northern boundary. The applicant is not proposing frontage improvements to this roadway and has submitted a minor deviation road modification to address this issue. [See Finding 16 - Minor Deviation Road Modification]

The right-of-way dedications for all public roadways must be conveyed to the county with the final plat. [See Condition D-1a]

Finding 12 - Access Management

For all corner lots at the intersection of two urban local access or private roads, per CCC 40.350.030 (B)(4)(b)(1)(b), the driveways shall be a minimum of 40 feet from the projected curb line or edge of pavement, as measured to the nearest edge of the driveway, as long as the parked cars in the driveway are outside of the sight distance triangle. In the case when lots are less than 40-feet wide as are allowed in planned unit developments, the driveway may be limited to 20 feet in width and located 5 feet from the property line away from the intersection or as a 25-foot wide shared driveway at this property line, and the applicant's professional engineer may propose traffic control devices, including stop signs, to preserve or manage sight distance. The applicant shall show the driveways for all corner lots on the final engineering plans to comply with the corner lot driveway standards. [See Condition A-1f]

Per CCC 40.350.030(B)(4)(c)(2)(f), to provide adequate corner clearance, the tangent curb length between the nearest edge of a driveway on an intersecting side street and a collector roadway shall be fifty 50 feet. The curb length is measured from the point of curvature of the curb on the side street. Lot 101 takes access from NE 112th Street (side street) and is on the corner of NE 132nd Avenue (arterial). The applicant has revised the lot layout and has proposed a joint access with Lot 100 to meet the required standards. The applicant shall show the driveway for this corner lot on the final engineering plans. [See Condition A-1g]

A joint driveway will serve Lots 17, 19, 20, & 22; 23, 25, 26 & 28; 35-37; 39-41; 50-52; 53-55; 60 & 90; 81, 82, 93 & 94; 95 & 96; and 100 & 101. The driveways are required to have a minimum width of 12 feet of clear unobstructed all-weather driving surface within a 20-foot easement. A developer's covenant that establishes maintenance responsibility for the joint driveway will be required. [See Conditions A-1h & D-11b]

Per CCC 40.350.030(B)(4)(d), residential roads intersecting with urban arterials shall be classified and constructed to standards applicable to local residential access or collector roads. In those cases in which an urban access street is less than 36 feet wide, such street shall have a minimum width of 36 feet at the intersection with the arterial and shall be tapered according to accepted engineering practices and supplemental standards in Section [40.350.030\(C\)\(1\)\(b\)](#). A 36-foot width applies to both NE 112th Street and NE 109th Way at their intersections with NE 132nd Avenue. [See Conditions A-1i & A-1j]

Finding 13 - Sight Distance

The approval criteria for sight distances are found in CCC 40.350.030(B)(8). This section establishes minimum sight distances at intersections and driveways. Landscaping, trees, utility poles, and miscellaneous structures will not be allowed to impede required sight distance requirements at all proposed driveway approaches and intersections. Additional building setbacks may be required for corner lots in order to maintain adequate sight distance.

The applicant's engineer, BSG Design, LLC, provided a Sight Distance Analysis Letter dated September 18, 2020. The engineer states,

“NE 132nd Ave and NE 112th St; This intersection will be a controlled stop for the NE 112th St Leg due to the classification of NE 132nd Ave. The design speed for NE 132nd Ave is 35mph requiring a minimum of 350' of unobstructed sight distance as looking north/south from a stopped position at NE 112th St. As shown in the following exhibit for this intersection the north south legs of NE 132nd are straight north/south with no curvature. The existing grade of NE 132nd and the existing surrounding topography is relatively flat ranging from 2% to 5% with no significant crests or sags within the longitudinal profile of NE 132nd. The available sight distance exceeds 350' as required.”

NE 132nd Ave and NE 109th St; This intersection will be a controlled stop for the NE 109th St Leg due to the classification of NE 132nd Ave. The design speed for NE 132nd Ave is 35mph requiring a minimum of 350' of unobstructed sight distance as looking north/south from a stopped position at NE 109th St. As shown in the following exhibit for this intersection the north leg of NE 132nd is straight with no curvature and the south leg has a slight curvature with a design centerline radius of 955'. The proposed grade of NE 132nd and the existing surrounding topography is relatively flat ranging from 2% to 5% with no significant crests or sags within the longitudinal profile of NE 132nd. The available sight distance exceeds 350' as required.”

The final engineering plans and final plat shall show sight distance triangles at all intersections. Sight distance shall also be verified after construction of the intersections is complete. [See Conditions A-1k, C-1, D-2 and Plat Note D-12e]

Finding 14 - Intersection Design

On collectors and arterials, the dedication of right-of-way on corners shall include the chord of the radius. This additional right-of-way (or easement) dedication shall be shown at all street corners along NE 132nd Avenue and NE 109th Way. [See Condition D-1b]

Opposing roads accessing an intersection shall either be aligned or will be separated by a minimum intersection spacing, as specified in Table 40.350.030-3. An offset greater than 5 feet for collectors and arterials is not allowed. The applicant shall ensure that the construction of NE 112th Street and NE 109th Way at their intersections with NE 132nd Avenue meet this standard with the location of the roadways on the east side of the intersection. [See Condition A-1]

Finding 15 - Street Extension

The applicant is showing the extension of NE 132nd Avenue and NE 109th Way that would result in a roadway that is longer than 150 feet. Access to the lots of the development is not needed from these roadway extensions. The applicant shall construct a temporary street barricade at

the south leg of the intersection of NE 109th Way and NE 132nd Avenue and at the west leg of the intersection of NE 109th Way and NE 130th Avenue to preclude access to these roadways. [See Condition A-1m]

Finding 16 - Minor Deviation Road Modification

The applicant is requesting the relief from the construction of frontage road improvements along NE 114th Street.

Approval Criteria:

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

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

Applicant's Discussion:

The applicant has submitted a minor deviation road modification narrative prepared by BGS Design, LLC dated September 22, 2020, in which the engineer states,

“The following request is for an abatement to the frontage improvements along NE 114th Street of Phase III of the proposed development. There is a 30’ stretch of property that runs along NE 114th St. and as part of the development requirements the frontage is required to be constructed. The developer is requesting to be relieved from constructing this small frontage improvement consisting of pavement widening, and installation of curb, gutter and sidewalk along a 30’ stretch of NE 114th St.

The justification for this request is to avoid a very small street widening in the mid-block length between NE 130th Ave and NE 132nd Ave is as follows; There currently is no curb or sidewalk along the Southern Half-Width of NE 114th Street to connect to along this block length between NE 130th Ave and NE 132nd Ave. Construction of this 30’ stretch would provide pedestrian access only for the 30’ stretch and then force pedestrians to walk within the travel way of NE 114th St thus creating a safety hazard for unsafe walking conditions. Construction of the 30’ stretch could also affect the future design and construction of the

future half-width when the neighboring properties develop. The future developments whether on the east or west of this 30' stretch would be forced to tie into this improvement which if constructed by this development would not take into account the other properties topographic constraints or layouts which could further hamper the design of the neighboring properties to their detriment. Furthermore, it is unknown when the neighboring properties may develop. There could be a possibility that with all the currently proposed developments within the area that the roadway classification may increase due to the added vehicular trips. If this happens and we construct the 30' stretch to today's road classification, then there would be an inconsistent half width along NE 114th causing further constraints for future developments. It is also important to note that this proposed development is not sending vehicular trips thru this stretch of roadway therefore the development is not sending vehicular trips through a stretch of roadway that the development intends to use.

This request meets approval criteria 2b and 2e.

The topographic survey for this phase of the development is attached for quick reference showing that there are no existing half-width improvements for the South Side of NE 114th St."

Staff's Evaluation:

Per CCC 40.350.030(B)(5)(a), Unless already fully developed to the transportation standards and subject to the limitations set forth in this section and in Sections [40.350.030\(B\)\(15\)](#) and [40.550.010](#), a partial-width road shall be established and constructed to the applicable right-of-way or easement and improvement standards set out in Section [40.350.030](#) to that portion of a frontage public or private road which abuts a parcel being developed as a condition of development approval.

Additionally, per CCC 40.550.010(B)(1)(c), Improvements to roads that abut a development site shall not be required if the development cannot access the road due to topographic or other constraints and the development results in no additional traffic on these roads. A traffic study including trip distribution analysis may be required.

Staff is supportive of the applicant request to not construct the required roadway improvements for NE 114th Street and believes the applicant has demonstrated approval criteria 2.b considering the following:

- The applicant is proposing no access to NE 114th Street from the proposed development.
- There are no road improvements on the southern NE 114th Street block face between NE 132nd Avenue and NE 124th Avenue.
- The traffic study prepared by Lancaster/Mobley dated July 21, 2020 indicates that the proposed development will not send any development trips east/west on NE 114th Street. Because of this, the traffic study indicates that there will be no increase in the traffic volume on NE 114th Street from the proposed development.
- Adequate right-of-way exist along the development frontage to accommodate future roadway improvements along NE 114th Street.

The applicant shall physically close the existing driveway approach from the site onto NE 114th Street. [See Condition A-1n]

Recommendation:

Staff recommended an Approval with a condition of the minor deviation road modification request. The Development Engineering Supervisor concurs with this recommendation

Finding 17 - Transportation Phasing

The applicant indicates that the subdivision will be completed in three phases. 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. [See Condition A-1(o)]

Conclusion (Transportation & Circulation)

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

Transportation Concurrency**Finding 18 - Trip Generation**

County concurrency staff has reviewed the proposed Rachel's Ranch Subdivision. The traffic study submitted indicates that the proposed development will divide 17 acres into 101 residential lots which will include 98 single family detached lots, construction of 1 duplex and retaining two of the three existing homes. The applicant's traffic study has estimated the a.m. peak hour trip generation at 73, the p.m. peak-hour trip generation at 99 trips and an average daily trip generation (ADT) of 934 trips. The trip generation was estimated using the nationally accepted data published by the *Institute of Transportation Engineers 10th Edition*. The proposed development site is located at 10804 NE 130th Avenue further described as parcel numbered 200199-000, 200195-000, and 200122-000 in Vancouver.

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

Finding 19 - Site Access

Traffic conditions are usually expressed using a scale that quantifies the ability of a facility to meet the needs and expectations of the driver. This scale is graded from A to F and is referred to as level-of-service (LOS). A driver who experiences an LOS A condition would expect little delay. A driver who experiences an LOS E condition would expect significant delay, but the traffic facility would be just within its capacity to serve the needs of the driver. A driver who experiences an LOS F condition would expect significant delay with traffic demand exceeding the capacity of the facility with the result being growing queues of traffic.

Congestion, or concurrency, level of service (LOS) standards are not applicable to accesses that are not regionally significant; however, the LOS analysis provides information on the potential congestion and safety problems that may occur in the vicinity of the site.

The traffic study indicates that the proposed subdivision will construct frontage improvements along NE 132nd Avenue, an urban minor arterial (M-2cb). The proposed frontage improvements of NE 132nd Avenue will be extended south of NE 109th Street, a proposed partial width urban 2-lane collector (C-2b) road. NE 109th Street will provide access to the proposed interior public street network within the southern portion of the development. The

northern portion of the development will connect to the arterial street network at the new proposed intersection of NE 112th Street/NE 132nd Avenue.

The applicant's plan shows the construction of an interior public road network to serve as individual lot access for the proposed subdivision.

The applicant's study evaluated the level of service and found that the site access intersections analyzed will have an estimated LOS A in the 2022 build-out horizon. The study also shows that the LOS was evaluated during the a.m. and p.m. peak hour traffic conditions in existing and build-out scenarios. County Staff concurs with the traffic study findings.

Finding 20 - Concurrency

The proposed development is required to meet the standards established in CCC 40.350.020(G) for corridors and intersections of regional significance within 2 miles of the proposed development.

Signalized Intersections

The County's model evaluated the operating levels, travel speeds and delay times for the regionally significant signalized intersections. This analysis showed that individual movements during peak hour traffic conditions had approach delays that did not exceed the maximum 240 seconds, or 2 cycles, of delay in the build-out year.

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

Unsignalized Intersections

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

The County has determined that this development can comply with adopted Concurrency Standards for unsignalized intersections.

Concurrency Corridors

Evaluation of the concurrency corridor capacity levels represented in the County Code yielded capacity at acceptable levels.

Therefore, staff has determined that this development can comply with adopted volume/capacity (v/c) standards for regionally significant corridors.

Summary

The County has determined that this development can comply with adopted Concurrency Standards for corridors, signalized and unsignalized intersections under County jurisdiction.

SAFETY:

Where applicable, a traffic study shall address the following safety issues:

- traffic signal warrant analysis,
- turn lane warrant analysis,

- crash history analysis,
- roadside safety (clear zone) evaluation,
- vehicle turning movements, and
- any other issues associated with highway safety.

Mitigation for off-site safety deficiencies may only be a condition of approval on development in accordance with CCC 40.350.030(B)(6) The code states that “nothing in this section shall be construed to preclude denial of a proposed development where off-site road conditions are inadequate to provide a minimum level of service as specified in Section 40.350.020 or a *significant* traffic or safety hazard *would be caused or materially aggravated* by the proposed development; provided, that the applicant may voluntarily agree to mitigate such direct impacts in accordance with the provisions of RCW 82.02.020.”

Finding 21 - Turn Lane Warrants

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

The applicant’s engineer evaluated the need for turn lanes based on the Washington State Design Manual and concluded that turn lanes would be warranted at the intersections of NE 132nd Avenue/NE 119th Street and NE 124th Avenue/NE 119th Street.

The applicant’s engineer recommends that a left-turn lane at the intersection of NE 124th Avenue/NE 119th Street be installed as a part of the Rachels Ranch development and that the County consider installation of a left-turn lane at NE 132nd Avenue/NE 119th Street.

Because it is the engineer’s recommendation to install a westbound left-turn lane at the intersection of NE 124th Avenue/NE 119th Street, as a part of the proposed development, the applicant will need to submit construction plans for review and approval. The applicant will need to submit construction plans for review and approval that show the construction of a dedicated westbound left-turn lane along with the associated tapers required for the posted speed of 45 MPH. The dedicated westbound left-turn lane storage length shall be no less than 100 feet. The construction plans shall show pavement widening to facilitate the required lane widths. The construction plans shall show that the additional pavement widening will facilitate retaining the current shoulder width prior to the road widening, on the north side of NE 119th Street. (See Conditions A-2b and D-3)

The applicant’s traffic study shows that there are no westbound left-turns at the intersection of NE 132nd Avenue/NE 119th Street associated with the proposed development. Staff concurs with the applicant’s finding for this location and believes that there is not a nexus to require a westbound left-turn lane at the intersection of NE 132nd Avenue/NE 119th Street. Staff concurs with the applicant’s findings.

Finding 22 - Historical Accident Situation

The applicant’s traffic study analyzed the crash history as obtained from Clark County for the period January 2014 through December 2018.

The intersection crash rates, for the study intersections do not exceed thresholds that would warrant additional analysis. Staff concurs with the applicant’s finding.

Finding 23 - Roadside Safety (Clear Zone) Evaluation

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

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

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

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

For any proposed road widening on NE 119th Street, to facilitate a dedicated westbound left-turn lane at NE 124th Avenue, that moves the traveling public closer to roadside fixed objects, i.e. trees, rocks, power poles, etc., the applicant will be responsible for addressing and installing roadside protections.

The applicant will need to submit construction plans for review and approval that show the proposed pavement widening along with fixed object locations along the north side of NE 119th Street associated with the construction of a westbound left-turn lane at NE 124th Avenue. The construction plans will also need to show recommended roadside protections. (See Condition A-2c)

Finding 24 - Vehicle Turning Movements

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

The applicant will need to submit construction plans that show the design of the intersection geometry will accommodate all applicable design vehicles for review and approval. The plans will also need to show that all applicable design vehicles have the ability to enter and exit the development minimizing the turning movement impact to opposing or adjacent travel lanes,

which may result in no on-street parking areas on local residential access roads, at/near public road intersections. (See Condition A-2d).

Conclusion (Concurrency)

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

Stormwater

Finding 25 - 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. [See Condition A-3a]

No new development shall be allowed to materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots. [See Condition A-3b]

Finding 26 - Stormwater Proposal

The 17-acre project site, which is comprised of 3 parcels, currently contain three existing houses, two of which are to remain, and several outbuildings, all of which will be removed. The site is relatively flat, two of the parcels consists of evergreen and deciduous trees and native bushes, while the other parcel is cover mostly in pasture grass. Stormwater runoff currently disperses through vegetation and infiltrates on site. Off-site properties do not contribute flow to this site due to the flat slope condition and soil adsorption capacity. The majority of the on-site soils are classified as Lauren Gravelly Loam (LgB) and Sifton Gravelly Loam (SvA) which have a hydrologic soil group classification of "B" and a Clark County WWHM soil group classification of "SG 1".

The applicant provided a *Preliminary Stormwater Technical Information Report* prepared by BSG Design, LLC. dated January 2020. Proposed site improvements include the construction of public and private roads and 101 residential structures and driveways for a total of approximately 11+ acres of new hard surface.

On-site stormwater management (MR #5) and flow control (MR #7) requirements are met utilizing infiltration trenches. Nine public infiltration trenches will be located in either the flex zone (under the planter strip and sidewalk) of NE 109th Way and NE 132nd Avenue or under the travel lanes for all other roads. These infiltration trenches will manage runoff from the roads, sidewalks, planter strips and driveway. Individual lot infiltration trenches (BMP T5.10B) will be used to manage the roof runoff from each of the lots. An MGS Flood and HydroCAD hydrologic analysis of developed site conditions was completed showing that the proposed facilities can infiltrate 100% of the 100-year total runoff volume.

Basic runoff treatment (MR#6) is met for all pollution generating surfaces with 12 Contech® StormFilter® catch basins and manholes with a total of 17 to 28 cartridge units depending on the media selected. The applicant will be required to submit documentation from the

stormwater treatment system manufacturer indicating that the stormwater treatment devices were sited and sized appropriately. [See Condition A-3c]

The project site contains a Category III wetland. This project does not propose to discharge any on-site runoff to this wetland and thus the project appears to comply with MR#8, Wetland Protection.

The stormwater facilities located within the public right-of-way shall be owned and maintained by the county. Stormwater facilities located on individual lots or private tracts shall be owned and maintained by the homeowners. [See Conditions A-3d, D-11e, E-1, Plat Notes D-12g and D-12h]

Finding 27 - Infiltration and Groundwater

Earth Engineering Inc. performed encased falling head infiltration tests on October 23, 2019 in six test pits. The tested rate of infiltration was recorded as 30 inches per hour to greater than 100 inches per hour at depths of 5 to 8 feet below grade. The engineer has applied a soil correction factor of safety of 2, per Table 4.2 of the 2015 CCSM and as recommended by the geotechnical engineer. Thus, a design infiltration rate of 15 to 50 inches per hour was used when sizing the infiltration trenches based on the location of the test pits and the infiltration facilities. However, the engineer has not taken into account the base correction factor that Table 4.2 also stipulates. Therefore, the applicant will need to submit documentation from a geotechnical engineer that specifies the exact correction factor to be used to size the infiltration facilities with the final TIR. The applicant will be required to demonstrate that the tested infiltration rate determined at the time of construction of the infiltration facilities is at least 95 percent of the uncorrected tested infiltration rate used to determine the design rate. [See Conditions A-3e, A-3f & C-2]

According to Clark County Maps Online, the depth to groundwater at the site is approximately 10 feet below ground. The engineer has provided well logs from 2 near properties that recorded a static water level of 70 feet below ground. Groundwater was encountered in two test pit explorations conducted at the site in October 2019 to a maximum depth of approximately 15 feet below ground surface. One groundwater monitoring piezometers were installed at the site at this time to a depth of 17 feet below ground surface. The applicant shall provide piezometer reading for an entire wet season (October 1 – April 30) with the final TIR. [See Condition A-3g]

In accordance with the 2015 CCSM, 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. In accordance with the 2015 CCSM, 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. The applicant will be required to demonstrate that the infiltration trenches can achieve the groundwater separation during construction. [See Conditions A-3h & C-3]

Finding 28 - Stormwater Phasing

The applicant indicates that the subdivision will be completed in three phases. Each individual proposed phase shall be designed with sufficient stormwater management facilities in

compliance with CCC 40.386. The required stormwater improvements for each proposed phase will be reviewed during final engineering. [See Condition A-3i]

Conclusion (Stormwater)

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

Fire Protection

Finding 29 - Review Process

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

Finding 30 - Fire Flow/Hydrants

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

Fire hydrants are required for this application. Provide fire hydrants such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads.

Unless waived by the fire district chief fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact Fire District #5 at (360) 487-7260 to arrange for location approval. Provide and maintain a six-foot clear space completely around every fire hydrant. (See Conditions A-8a, A-8b, A-8c, D-10, and E-3)

Finding 31 - Fire Apparatus Access/Sprinklers

Provide fire apparatus access roads with an unobstructed width of not less than 20 feet, an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus. Approved fire apparatus turnarounds are required for this project - the indicated provisions for turning around fire apparatus are adequate.

Homes exceeding 3,600 square feet including attached garages will require additional fire protection features up to and including a residential fire sprinkler system when adequate public water and a hydrant is not within required distances. (See Conditions A-8c and E-3)

Conclusion (Fire Protection)

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

Water and Sewer Service

Finding 32 - Water and Sewer Service

The site will be served by the City of Vancouver for public water and Clark Regional Wastewater for public sewer. Letters from both purveyors confirm that potable water and public sewer services are available to the site, but an off-site easement may be needed for public sewer. The applicant should contact Clark Regional Wastewater District to ensure compliance with this and all related requirements. Therefore, prior to final plat approval, documentation shall be provided from the water and sewer purveyor that all water and sewer connections have been installed and approved. (See Condition D-9)

Impact Fees

Finding 33 - Impact Fees

All residential lots created by this plat will produce impacts on schools, parks, and traffic, and are subject to School (SIF), and Traffic Impact Fees (TIF) in accordance with CCC 40.610. The plat will be subject to an impact fee reduction due to the one existing residence that will be removed. The proposed lots will pay the following impact fees:

- Orchards sub-area with a TIF of \$3,406.73 per dwelling
- Battle Ground District, with a SIF of \$6,397.00 per dwelling
- Park District 5, with a SIF of \$4,353.00 per dwelling

The amounts listed above are an estimate using the current impact fee rates and are subject to change. As found in CCC40.610.040, impact fees are calculated using the rates in effect at the time of building permit issuance. (See Conditions D-11f & E-2)

SEPA Determination

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

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

The likely SEPA Determination of Non-Significance (DNS) in the Notice of Development Review Application issued on September 24, 2020 and will be final on October 10, 2020.

SEPA Appeal Process

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

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

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

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

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

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

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

The decision of the Hearing Examiner is final unless:

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

Staff Contact Person: Richard Daviau, 564.397.4895

Responsible Official: Dan Young, Community Development Director

Recommendation

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

Conditions of Approval

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

- A-1 Final Transportation Plan/On-Site** - The applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350 and the following conditions of approval:

- a. The applicant shall show on the final construction plans that all proposed pedestrian facilities will be constructed to comply with ADA standards; this includes all required curb ramps. Dual curb ramps shall be shown on all corners along collector and arterial classified roadways. (See Finding 9)
- b. The applicant shall show on the final construction plans the construction of NE 109th Way to meet the Urban Collector (C-2b) standard in compliance with Clark County Standard Drawing 7. Right-of-way dedication shall be shown to include all required street improvements as applicable for both full and partial width roadways. (See Finding 11)
- c. The applicant shall show on the final construction plans the installation of "No Parking" signs along both sides of all public partial-width roads and all private roads that are less than 24 feet in width. "No Parking" signs shall be placed on one-side of all public partial-width roadways and all private roads that are less than 28 feet but wider than 24 feet. (See Finding 11)
- d. The applicant shall show on the final construction plans the construction of curb and a 5-foot sidewalk along Lots 65 and 66 at the east hammerhead leg of NE 109th Street (see Finding 11).
- e. The applicant shall show on the final construction plans that the curb transition along NE 131st Avenue (north) shall occur at a location that ensures that a full 28-foot pavement width is achieved along the public portion of this roadway (see Finding 11).
- f. The applicant shall show on the final engineering plans the driveways for all corner lots. All corner lots at the intersection of two urban local access or private roads shall comply with CCC 40.350.030 (B)(4)(b)(1)(b). (See Finding 12)
- g. The applicant shall show on the final engineering plans the joint corner lot driveway for Lot 100 & 101. This corner lot driveway shall have a 50-foot tangent curb length measure from the nearest edge of the driveway in compliance with CCC 40.350.030(B)(4)(c)(2)(f). (See Finding 12)
- h. The applicant shall show on the final construction that all proposed joint driveways will comply with CCC 40.350.030(B)(4)(b)(2). The lot numbers for lots that have access to the joint driveway easements shall also be labeled. (See Finding 12)
- i. The applicant shall show on the final construction plans that NE 112th Street has a minimum pavement width of 36 feet at its intersection with NE 132nd Avenue and shall be tapered back according to accepted engineering practices (see Finding 12).
- j. The applicant shall show on the final construction plans that NE 109th Way has a minimum pavement width of 36 feet at its intersection with NE 132nd Avenue

and shall be tapered back according to accepted engineering practices (see Finding 12).

- k. The applicant shall show on the final construction plans the sight distance triangles at all street intersections (see Finding 13).
- l. The applicant shall show on the final construction plans that the proposed alignment of NE 112th Street and NE 109th Way, at their intersections with NE 132nd Avenue, do not exceed a 5-foot offset with the roadways on the east side of the intersection (see Finding 14).
- m. The applicant shall show on the final construction plans the installation of a temporary street barricade at the south leg of the intersection of NE 109th Way and NE 132nd Avenue and at the west leg of the intersection of NE 109th Way and NE 130th Avenue. The location of the barricade shall be no less than 60 feet, but no more than 150 feet from the intersection as measure from the nearest curb line. (See Finding 15)
- n. The applicant shall show on the final construction plans the closure of the existing driveway approach onto NE 114th Street. The driveway shall be physically disconnected from the NE 114th Street right-of-way and the vegetation along the frontage restored (see Finding 16).
- o. The applicant is responsible for providing all necessary transportation improvements required for each individual phase (see Finding 17).

A-2 Final Transportation Plan/Off Site (Concurrency) - The applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350 and the following conditions of approval:

- a. The applicant shall submit a signing and striping plan for review and approval. This plan shall show signing and striping and all related features for required frontage improvements and any off-site improvements. The applicant shall obtain a work order with Clark County to reimburse the County for required signing and striping.
- b. The applicant shall submit construction plans for review and approval that show the construction of a dedicated westbound left turn lane at the intersection of NE 124th Avenue/NE 119th Street along with the associated tapers required for the posted speed of 45 MPH. The dedicated westbound left-turn lane storage length shall be no less than 100 feet. The construction plans shall show pavement widening to facilitate the required lane widths. The construction plans shall show that the additional pavement widening will facilitate retaining the current shoulder width on the north side of NE 119th Street after the additional road widening for the turn lane. (see Finding 21)
- c. The applicant will need to submit construction plans for review and approval that show the proposed pavement widening along with fixed object locations along the north side of NE 119th Street associated with the construction of a westbound left-turn lane at NE 124th Avenue. The construction plans will also need to show

recommended roadside protections based on the WSDOT Design Manual – Roadside Safety Mitigation Guidance (Section 1600.04) The applicant's engineer shall consider this section in the final engineering design of all proposed roadways and frontage improvements. (See Finding 23)

- d. The applicant shall submit construction plans that show the design of the intersection geometry will accommodate all applicable design vehicles for review and approval, unless modified by the County Engineer. The plans will also need to show that all applicable design vehicles have the ability to enter and exit the development minimizing the turning movement impact to opposing or adjacent travel lanes, which may result in no on-street parking areas on local residential access roads, at/near public road intersections. (See Finding 24)

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 Finding 25).
- b. The applicant shall demonstrate that the development will not materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots (see Finding 25).
- c. The applicant shall submit documentation from the stormwater treatment system manufacturer indicating that the stormwater treatment devices were sited and sized appropriately (see Finding 26).
- d. The applicant shall identify on the final construction plans ownership responsibilities for each of the proposed stormwater facilities (see Finding 26).
- e. The applicant shall submit documentation from the geotechnical engineer that specifies the exact infiltration rate correction factor to be used to size the infiltration facilities (see Finding 27).
- f. The tested and design infiltration rates shall be identified on the final construction plans (see Finding 27).
- g. The applicant shall submit additional groundwater monitoring data with the final TIR. The data should be provided for at least one complete wet season (October 1 – April 30) (see Finding 27).
- h. The groundwater elevation and minimum separation from the bottom of the infiltration trenches to the seasonal high-groundwater elevation shall be identified on the final construction plans (See Finding 27).
- i. Each individual proposed phase shall be designed with sufficient stormwater management facilities in compliance with CCC 40.386 (See Finding 28).

- 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** One home and the accessory structures on the site shall be removed prior to construction plan approval complying with Clark County Building Division, state/federal requirements.
- A-7 Archaeology** - The following note shall be placed on the construction plans "Should archaeological materials (e.g. bones, shell, stone tools, beads, ceramics, old bottles, hearths, etc.) be observed during project activities, all work in the immediate vicinity should stop and the State Department of Archaeology and Historic Preservation (360-586-3065), the County planning office, and the affected Tribe(s) should be contacted immediately. If any human remains are observed, all work should cease and the immediate area secured. Local law enforcement, the county medical examiner (360-397-8405), State Physical Anthropologist, Department of Archaeology and Historic Preservation (360-586-3534), the County planning office, and the affected Tribe(s) should be contacted immediately. Compliance with all applicable laws pertaining to archaeological resources (RCW 27.53, 27.44 and WAC 25-48) and human remains (RCW 68.50) is required. Failure to comply with this requirement could constitute a Class C Felony."
- A-8 Fire Protection Requirements**
- a. Fire flow in the amount of 1,000 gallons per minute supplied at 20 psi for 60 minutes duration is required for this application. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval. (See Finding 29)
 - b. Fire hydrants are required for this application. Provide fire hydrants such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads. Unless waived by the fire district chief fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact Fire District #5 at (360) 487-7260 to arrange for location approval. Provide and maintain a six-foot clear space completely around every fire hydrant (See Finding 30)
 - c. Provide fire apparatus access roads with an unobstructed width of not less than 20 feet, an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus. Homes exceeding 3,600 square feet (excluding attached garages) will require additional fire protection features possibly including fire sprinkler systems. (See Finding 31)
- A-9** Unless the proposed mitigation (wetland credits) is fulfilled, a performance assurance

for the mitigation is required. The applicant shall secure the mitigation with a performance assurance for an amount and in a form approved by the County.

B	Prior to Construction of Development Review and Approval Authority: Development Inspection
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Prior to construction, the following conditions shall be met:

- B-1 Pre-Construction Conference** - Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.
- B-2 Traffic Control Plan:** Prior to issuance of any building or grading permits for the development site, the applicant shall obtain written approval from Clark County Department of Public Works of the applicant's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system.
- B-3 Erosion Control** - Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.
- B-4 Erosion Control** - Erosion control facilities shall **not** be removed without County approval.

C	Provisional Acceptance of Development Review and Approval Authority: Development Inspection
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Prior to 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 Sight Distance** - The applicant shall provide a sight distance certification letter for all the proposed intersection after road construction has been completed (See Finding 13).
- C-2 Stormwater** - 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 Section 1.8.5., Book 1. This plan shall address steps to correct the problem, including additional testing and/or resizing of the facility to ensure that the system will meet the minimum requirements of this manual. (See Finding 27).
- C-3 Stormwater** - During installation of the infiltration trench, 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 Finding 27)

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 Public Right-of-Way / Easements:

- a. Roads - All rights-of-way along all roads in the development must be conveyed to the county with the final plat (see Finding 11).
- b. Intersections - The required rights-of-way (or easement) for the chords of the radius on the corners along NE 132nd Avenue and NE 109th Street must be conveyed to the county with the final plat (see Finding 14).

D-2 Sight Distance - Sight distance triangles shall be delineated on the final plat (see Finding 12).

D-3 Transportation (Concurrency) - The construction of a dedicated westbound left turn lane at the intersection of NE 124th Avenue/NE 119th Street shall be completed prior to the approval of the final plat, unless modified by the Director of Public Works. (See Finding 21)

D-4 All lots in the proposed plat shall meet the average lot size and dimensional requirements of the R1-5 zone (see Finding 2).

D-5 The applicant shall modify the plan or structure so the home on Lot 12 will meet the 18-foot front setback to garage (see Finding 4).

D-6 Pursuant to CCC 40.450.030.F, a permanent physical demarcation along the upland boundary of the wetland buffer area shall be installed and thereafter maintained. Such demarcation may consist of logs, a tree or hedge row, fencing, or other prominent physical marking approved by the responsible official.

D-7 Pursuant to CCC 40.450.030.F, small signs shall be posted at an interval of one (1) per lot or every one hundred (100) feet, whichever is less, and perpetually maintained at locations along the outer perimeter of the wetland buffer approved by the responsible official worded substantially as follows:

Wetland and Buffer –
Please retain in a natural state

D-8 The Applicant shall implement the "Bank Use Plan" (.265 wetland credits) prior to final plat. If mitigation credits are not available a revised contingency mitigation plan and final permit are required.

D-9 Water and sewer - The applicant shall provide documentation from the water and sewer purveyor that all water and sewer connections have been installed and approved.

D-10 Water mains supplying fire flow and fire hydrants shall be installed, approved and operational.

D-11 Developer Covenant - A *Developer Covenant to Clark County* shall be submitted for recording to include the following:

- a. 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).
- b. 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).
- c. 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."
- d. 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."
- e. 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. 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 Section 32.04.060.
- f. Impact Fees: "In accordance with CCC 40.610 impact fees for each dwelling in this subdivision shall be assessed for impacts on schools, parks and transportation facilities based for the following districts: Battle Ground School District (SIF), Park District #5 (PIF), and Orchards Sub-area (TIF). As found in CCC40.610.040, impact fees are calculated using the rates in effect at the time of building permit issuance."

D-12 Plat Notes - The following notes shall be placed on the final plat:

- a. Archaeological: "If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Department of Archaeology

and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."

- b. Sidewalks: "Prior to issuance of occupancy permits, sidewalks shall be constructed along all the respective lot frontages."
- c. Utilities: "An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."
- d. Driveways: "All residential driveway approaches entering public roads are required to comply with CCC 40.350. No direct access is allowed onto NE 132nd Avenue or NE 109th Way."
- e. Sight Distance: "All sight distance triangles shall be maintained."
- f. Private Roads: "Clark County has no responsibility to improve or maintain the private roads contained within or private roads providing access to the property described in this development. Any private access street shall remain a private street unless it is upgraded to public street standards at the expense of the developer or abutting lot owners to include hard surface paving and is accepted by the county for public ownership and maintenance."
- g. Roof and Crawl Space Drains: "Roof and crawl space drains for all lots of the development shall be installed in accordance with the approved As-Built plans, unless a revised plan is approved by the county. These stormwater systems will be owned and maintained by the property owner(s) on whose lot the stormwater system is located."
- h. Privately Owned Stormwater Facilities: "The following party(s) is responsible for long-term maintenance of the privately owned stormwater facilities: _____."
- i. Impact Fees: "In accordance with CCC 40.610 impact fees for each dwelling in this subdivision shall be assessed for impacts on schools, parks and transportation facilities based for the following districts: Battle Ground School District (SIF), Park District #5 (PIF), and Orchards Sub-area (TIF). As found in CCC40.610.040, impact fees are calculated using the rates in effect at the time of building permit issuance."

E	Building Permits Review and Approval Authority: Permit Services
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Prior to issuance of a building permit, the following conditions shall be met:

- E-1 Roof and Crawl Space Drains** - Roof and crawl space drains shall be installed in accordance with the approved As-Built plans, unless a revised plan is approved by the

county. These stormwater systems will be owned and maintained by the property owner on whose lot the stormwater system is located.

E-2 Impact Fees - Impact fees shall be assessed for impacts on schools, parks and transportation facilities based for the following districts: Battle Ground School District (SIF), Park District #5 (PIF) and Orchards Sub-area (TIF) (see Finding 28). As found in CCC40.610.040, impact fees are calculated using the rates in effect at the time of building permit issuance.”

E-3 Fire - Homes exceeding 3,600 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.

F	Development Review Timelines & Advisory Information Review and Approval Authority: Advisory to Applicant
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F-1 Land Division - Within seven (7) years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.

F-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.**

F-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.

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

Hearing Examiner Decision and Appeal Process

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

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

Motion for Reconsideration

Any party of record to the proceeding before the Hearing Examiner may file with the responsible official a motion for reconsideration of an examiner's decision within fourteen (14) calendar days of written notice of the decision.

A party of record includes the applicant and those individuals who signed the sign-in sheet or presented oral testimony at the public hearing, and/or submitted written testimony prior to or at the Public Hearing on this matter.

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

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

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

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

Appeal Rights

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

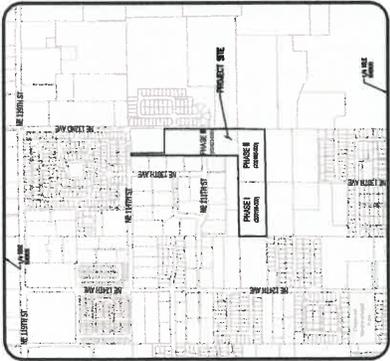
See the *Appeals* handout for more information and fees.

Attachments

- Copy of Proposed Preliminary Plan



RACHELS RANCH SUBDIVISION
PHASE II

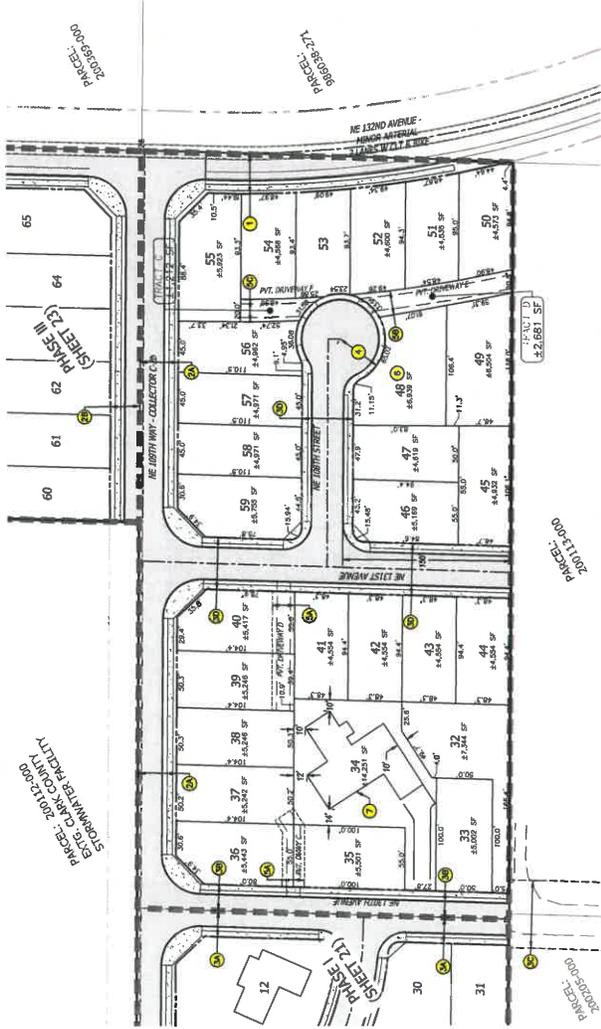


PHASE II STATISTICS:

ZONING: R-5
TOTAL SITE AREA: 27,000 SF (6/4 ACRES)
TOTAL PROPOSED RESIDENTIAL PLOTS: 65 (65 SF (1.48 ACRES))
PRIVATE TRACTS: 3 (36,000 SF (0.82 ACRES))
NET SITE AREA: 23,640 SF (0.54 ACRES)
TOTAL UNDEVELOPED LAND: 28
DULL ACRES: 0.11
APPROXIMATE AREA: 0.33 (0.76 ACRES)
PARCELS 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65
ZONING: R-5

KEYED NOTES:

- 1. ALL NOTES AND SPECIFICATIONS SHALL BE READ IN CONJUNCTION WITH THE PRELIMINARY DEVELOPMENT PLAN AND SHALL BE SUBJECT TO THE APPROVAL OF THE CLARK COUNTY PLANNING AND ZONING COMMISSION.
- 2. ALL NOTES AND SPECIFICATIONS SHALL BE SUBJECT TO THE APPROVAL OF THE CLARK COUNTY PLANNING AND ZONING COMMISSION.
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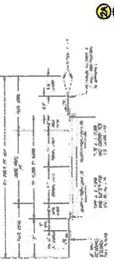


R-5 ZONING REQUIREMENTS:

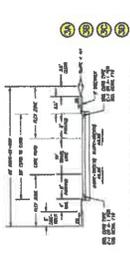
Zoning District	Residential Density for PUDs (Dw/acre)	Lot Requirements			
		Minimum Lot Area (sq. ft.)	Maximum Average Lot Area (sq. ft.)	Minimum Lot Width (feet)	Average Lot Depth (feet)
R-5	8.7 - 6.2	Average 3,000; 4,000 per duplex unit	7,000	45	65



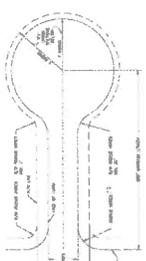
URBAN MINOR ARTERIAL M-2ch (DWG 5)



URBAN COLLECTOR C-2 (DWG 7)



LOCAL RESIDENTIAL (DWG 13)



URBAN CUL-DE-SAC (DWG 23)



PRIVATE DRIVEWAY

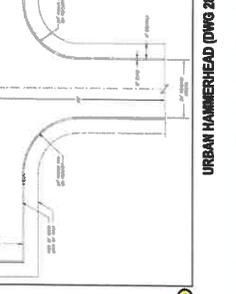
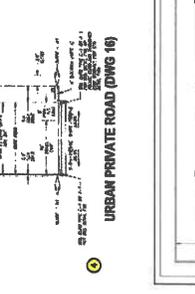
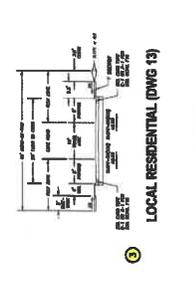
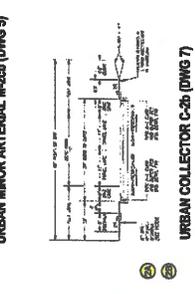
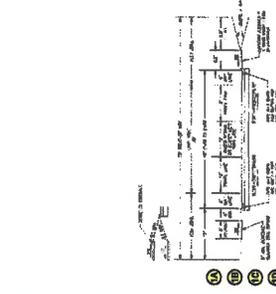
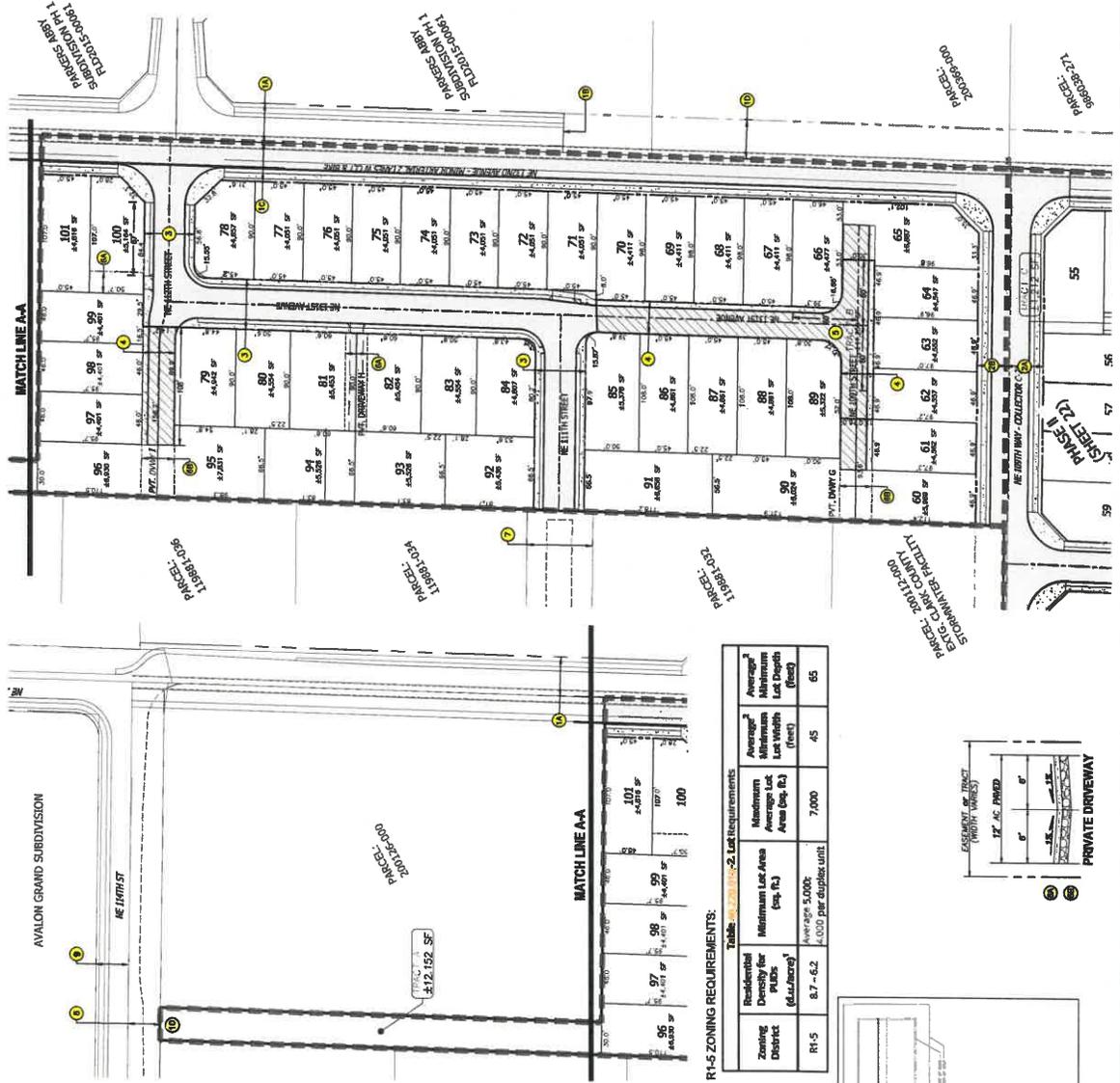
RACHELS RANCH SUBDIVISION
PHASE III



PHASE III STATISTICS:

ZONING:	R1-S
TOTAL SITE AREA:	34,000 SF (7.8 ACRES)
TOTAL IMPROVED HIGHWAY FRONTAGE:	7,100 SF (0.16 ACRES)
TRACT AREA:	11.200 SF (0.256 ACRES)
PRIVATE ROAD AREA: (TRACT 1)	11,200 SF (0.256 ACRES)
NET SITE AREA:	22,800 SF (0.520 ACRES)
TOTAL LOTS:	42
LOT AREA:	543 SF
AVERAGE LOT AREA:	543 SF
PARCELS IN PREVIOUS PHASES:	107 PARCELS
ZONING: R1-S	

- KEYED NOTES:**
- 1. ALL IMPROVED HIGHWAYS SHALL BE PER RESPECTIVE ROAD DEPARTMENT JURISDICTION.
 - 2. ALL IMPROVED HIGHWAYS SHALL BE PER RESPECTIVE ROAD DEPARTMENT JURISDICTION.
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 - 42. ALL IMPROVED HIGHWAYS SHALL BE PER RESPECTIVE ROAD DEPARTMENT JURISDICTION.



R1-S ZONING REQUIREMENTS:

Zoning District	R1-S
Residential Density for PUDs (Max./Acres)	8.7 - 6.2
Average Lot Area (Sq. Ft.)	5,000
Minimum Lot Area (Sq. Ft.)	2,000 per duplex unit
Maximum Average Lot Area (Sq. Ft.)	7,000
Average Minimum Lot Width (feet)	45
Average Minimum Lot Depth (feet)	65

