Notice to Parties of Record

Project Name: 117th Avenue Mixed Use

Case Number: PSR-2022-00243

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

See the Appeals handout for more information and fees.

Motion for Reconsideration:

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

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

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

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

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

Mailed on: January 11, 2023

DS1333

Exhibit 45

Revised 7/15/13



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



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

BEFORE THE LAND USE HEARINGS EXAMINER FOR CLARK COUNTY, WASHINGTON

In the matter of a Type III application for preliminary subdivision plat, site plan and masterplan approval for a mixed use development with single-family, multi-family dwellings, commercial buildings, openspace and related infrastructure on ~12.96 acres zoned MX Mixed Use in unincorporated Clark County, Washington.

FINAL ORDER - Corrected 117th Avenue Mixed Use PSR-2022-00243

I. Summary:

This Order is the decision of the Clark County Land Use Hearings Examiner <u>approving</u> <u>with conditions</u> this application for a preliminary subdivision plat to creating 285 dwelling units (8 single-family attached townhomes on separate lots, 2 duplex units on a single lot, one single-family detached dwelling on a single lot and 274 multi-family units) and 3 commercial buildings with ~32,000 sf of commercial space on ~12.96 acres zoned MX and related approvals (PSR-2022-00243).

II. Introduction to the Property and Application:

Applicant	Hurley Development
	Attn: Jocelyn Cross
	275 W Third Street, Suite 300
	Vancouver, WA 98660

- OwnerPit Orchards, LLC.
Attn: Tim MoyerTimothy Moyer1301 A Street, #8006479 Hwy 95, #495Tacoma, WA 98401Whitefish, MT 59937
- Contact PLS Engineering, LLC Attn: Travis Johnson, PE 604 W Evergreen Blvd. Vancouver, WA 98660
- Property <u>Legal Description</u>: Parcel Nos. 157491-000, 157492-001, 157492-002 & 157492-003, in the northwest quarter of Section 10, Township 2 North, Range 2 East of the Willamette Meridian, <u>Street Address</u>: 7000 & 7108 NE 117th Avenue, Vancouver.
- Applicable Laws Clark County Code (CCC) Title 14 (Building Safety), Title 15 (Fire Prevention), Ch. 40.200 (General Provisions), §40.230.020 (Mixed Use District), §40.260.155 (Narrow Lot Standards) Ch. 40.320 (Landscaping and Screening), Ch. 40.340 (Parking and Loading), Ch. 40.350 (Transportation & Circulation), §40.350.020 (Transportation Concurrency),

Ch. 40.360 (Solid Waste and Recycling), Ch. 40.370 (Sewer and Water), Ch. 40.386 (Storm Water & Erosion Control), Chs. 40.500 & 40.510 (Procedures), §40.520.010 (Legal Lot Determination), §40.520.040 (Site Plan Review), §40.520.070 (Master Planned Development), §40.520.010 (Boundary Line Adjustments), §40.540.040 (Subdivisions), §40.550.010 (Road Modifications), Ch. 40.570 (SEPA), §40.570.080 (SEPA Archaeological), Ch. 40.610 (Impact Fees), Title 24 (Public Health), Title 40 Appendix A (Mixed Use Design Standards), RCW 58.17, and the Clark County Comprehensive Plan.

In this development, the applicant proposes to reconfigure what it thought were 4 legal lots of record (Parcel Nos. 157491-000, 157492-001, 157492-002 & 157492-003), comprising ~12.96 acres into 4 different parcels to accommodate 285 dwellings, consisting of 274 multi-family units, 8 single-family attached townhome units on separate lots and one single-family detached dwelling, plus 3 commercial buildings, totaling 32,000 sf of space. The attached single-family residential lots and duplex are along the north portion of the site along NE 71st Street, the commercial buildings abut NE 71st street and NE 117th Avenue, and the multi-family buildings are located in the interior and south portions of the site. The attached single-family lots are all narrower than 40 feet, which implicates the narrow lot standards in the context of this subdivision review. The commercial buildings are proposed for a mix of office, retail, and restaurant space. The proposal includes pedestrian related spaces, landscaped open spaces including active and passive amenities, and pedestrian connections between the multi-family, single-family, and commercial uses.

The site is recently vacant, with all buildings removed, and is now generally flat. The property's vegetation includes scattered evergreen and deciduous trees, grass, and shrubs. There are no wetlands, wildlife habitat or other critical areas, steep slopes or water bodies on the site. The site is surrounded by a mixture of uses. To the south are industrial uses; there is a mobile home park and school to the west, commercial retail uses to the north, and a vacant commercial lot to the east. The site has frontage to the east along NE 117th Avenue, to the north along NE 71st Street, and to the west along NE 115th Avenue. According to the revised/final site plan proposal (Exs. 22, 23 & 24), the site will take access from NE 71st Street and NE 115th Avenue, but no direct access is allowed to/from NW 117th Avenue.

The 12.96-acre site consists of 4 lots and through the BLA process, lots will be adjusted to separate the multifamily, single-family, and commercial portions of the site. Because of its proposed phasing, the project also requires a Type III Master Plan approval.

The application consists of a binder (Ex. 1) that includes set of full-sized plans (tab 9), Application Forms (tab 3), Report from the March 10, 2022 Pre-Application Conference (tab 4), Developer's GIS Packet (tab 5), Narrative (tab 6), Approved Preliminary Plats and Site Plans abutting the site (tab 8), Soil Analysis Report (tab 10), Preliminary Stormwater Design Report (tab 11), Stormwater Plan (tab 12), Phasing Plan (tab 13), Traffic Report, sight Distance Certificate, Circulation Plan and Road Modification request (tab 14), SEPA checklist (tab 15), Sewer and Water Utility Letters (tabs 16 & 17), County Health Review Evaluation Letter (tab 18), preliminary boundary survey (tab 19), school bus letter (tab 20), archaeology predetermination (tab 21), notes from the neighborhood meeting (tab 22) and the boundary line adjustment (tab 24). The applicant supplemented the application with revised road modification request and summary (Exs. 11 & 20), another revised road modification (Ex. 25), response to early issues (Exs. 12 & 17), building elevations (Ex. 15), sight distance certificate (Ex. 16), a revised narrative (Ex. 18), revised boundary survey (Ex. 19), and a set of revised plans (Exs. 22, 23, 24, 26 & 27).

III. Summary of the Local Proceeding and the Record:

A preapplication conference was requested February 22, 2022 and held March 10, 2022 (Ex 1, tab 4). An application was submitted August 5, 2022 (Ex. 1) and deemed fully complete on September 1, 2022 (Ex. 3). From this sequence, the application is deemed vested as of February 22, 2022. The applicant held a neighborhood meeting on the proposal on July 1, 2022 (Ex. 1, tab 22). The County issued Notice of the Type III application, a preliminary SEPA determination of nonsignficance (DNS), and a December 8, 2022 public hearing to property owners within 300 feet on September 14, 2022 (Exs. 4 & 5) and to the Maple Tree Neighborhood Association. The applicant posted one sign on the property describing the application and announcing the hearing on November 1, 2022 (Ex. 21). The County received comments in response to the September 14, 2022 preliminary SEPA checklist and determination of non-significance from the Washington Department of Ecology (Exs. 6, 8 & 9) and C-Tran (Ex. 10) plus a comment from the general public – Sativa McGee (Ex. 7). County Staff issued a comprehensive report on the project dated November 23, 2022 (Ex. 34) that incorporated all of the substantive comments from the various County departments (Exs. 29, 30 & 31) recommending conditional approval.

Due to the COVID-19 pandemic, the December 8, 2022 hearing was held through a WebEx video conference platform; wherein, anyone could request the opportunity to testify, and everyone who participated could hear the testimony of everyone else. At the commencement of the December 8th hearing, I explained the procedure and disclaimed any ex parte contacts, bias, and conflicts of interest. Present at the hearing were Bryan Matson, County Planning staff, and Michelle Dawson, representing County Engineering and Concurrency. Staff provided verbal summaries of the proposal in its final, revised form (Exs. 22, 23, 24, 26 & 27) and explained the legal and factual basis for staff's recommendation. The applicant was represented by attorney Steve Morasch of the Landerholm firm, who explained the project, responded to questions about it, and suggested several revisions to staff's proposed findings and conditions. The applicant's comments and suggested changes to staff's proposed findings and conditions were reflected in a memo (Ex. 35) submitted the day before the hearing. Jan Harder, of H2 Investments and a neighboring commercial property south of the site, asked questions about access, circulation and whether the dog park will be fenced since it abuts one of her client's properties. No one else requested the opportunity to testify.

At the conclusion of the public testimony, I ordered that the record be held open for further rebuttal and responsive submissions by staff any party on any relevant topic for one week (until December 16, 2022) and then for an additional week (December 23, 2022) for the applicant's final rebuttal. During that period, staff submitted two memos (Exs. 36 & 41) responding to the applicant's hearing testimony (Ex. 35); WDOT submitted a memo regarding frontage improvements along NE 117th Avenue (Ex. 40), and the applicant provided final rebuttal (Ex. 42), after which the record closed on December 23, 2022.

IV. Findings:

Only issues and criteria raised in the course of the application, during the hearing and before the close of the record are discussed in this section. All criteria not raised by staff, the applicant or a party to the proceeding have been waived as contested issues, and no argument

regarding these issues can be raised in any subsequent appeal. I find those criteria to be met, even though they are not specifically addressed in these findings.

A. <u>Issues Raised in Public Comments</u>. A single public comment was submitted into this record (Ex. 7) asking whether NE 69th Street will be adequate to handle traffic likely to be generated by this development. The answer is complicated and requires the expert analysis of a transportation engineer. In this case, the applicant has provided a technical analysis of all affected intersections within 2 miles of the project site (Ex. 1, tab 14). County concurrency engineering staff reviewed and verified the applicant's traffic study and validated its conclusions (Ex. 31). These documents are the only relevant and credible evidence in the record on this issue, and in the absence of any competing and comparably competent evidence, I am obligated to accept the conclusions of the applicant's and the County's transportation engineers.

B. <u>Approval Criteria</u>. I adopt the following findings in response to the approval criteria addressed in the staff report:

Land Use

<u>Finding 1 – Boundary Line Adjustment & Subdivision</u>. The applicant proposes to adjust the existing 4 parcels that make up the site and reconfigure them through a Boundary Line Adjustment (BLA) as follows: one parcel for the single-family dwellings, one parcel for the multi-family dwellings, and two parcels for the commercial portion. The applicant proposes the adjusted single-family portion of the site for further subdivision so that, except for the duplex, each home can be sold on its own lot. During its Fully Complete review (Ex. 3), however, the County determined that the parent parcels met all zoning and platting laws in place when they were originally created, but that Parcel Nos. 157491-000 (~8.02 acres), 157492-001, 157492-002, and 157492-003 combined (~4.70 acres) actually constitute only two legal lots of record.

Staff advises that small portions of Parcel Nos. 157492-001 & 157492-002 are located on the west side of NE 115th Avenue and the north side of NE 71st Street near where the two streets intersect in the property's northwest corner. Both proposed streets will create undeveloped tracts that are physically isolated from this development but still qualify as abutting both sides of these streets. If these remnants cannot be conveyed to and absorbed by abutting parcels on the west side of NE 115th Avenue, they must be converted into one or more tracts through a subdivision request and maintained by the HOA or a similar entity created by the applicant. See Condition D-1d. While it is the applicant's plan to convey these remnants, that has not yet happened, and they remain abutting these proposed public streets, which gives rise to the requirement to construct street frontage improvements on both sides unless these remnants are conveyed prior to final engineering. See Condition A-5e.

<u>Finding 2 – Use of a Binding Site Plan to Divide the Commercial Parcel</u>. Staff advised that new parcels cannot be created through a boundary line adjustment process, which is true, but it appears that the applicant proposes to split the commercial lot and create a lot for each of the 3 commercial buildings through the binding site plan process not the BLA process. This is clearly expressed in the applicant's narrative (Ex. 18):

"o Parcel numbers 157492001, and 157492003 will include up to 32,000 sf of commercial space. The buildings as shown on the plan encompass about 25,000 sf. Due to the nature of multi-tenant commercial developments, the proposed uses

and building sizes are subject to change depending on future tenants and will likely require post decision approval."

"o A third lot is proposed to be created through the binding site plan process. This will result in each building being located on an individual lot. This portion of the site complies with the binding site plan approval criteria."

And:

"The applicant proposes to create a third lot on the commercial portion of the site through the binding site plan process in order to keep each future commercial building on individual lots. These lots will be used for the sale or lease of commercial property. Sheet 5 of the Proposed Development Plans labeled "Commercial Binding Site Plan" depicts 3 commercial lots. The final binding site plan will comply with the survey recording criteria listed in this code section."

The contested issue of whether the binding site plan process can be used to create a new commercial lot was crystalized in the applicant's hearing memo (Ex. 35). In support of its argument that the binding site plan is an appropriate mechanism for partitioning the commercial parcel, the applicant quoted CCC 40.520.040(C)(1), which provides:

"The purpose of binding site plan approval is to provide an alternative to the standard subdivision process for specific types of development. The binding site plan shall only be applied for the purpose of dividing land for ... [s]ale or for lease of commercially or industrially zoned property as provided in RCW 58.17.040(4)."

The statute referenced in this code section provides:

"The provisions of this chapter shall not apply to: ... Divisions of land into lots or tracts classified for industrial or commercial use when the city, town, or county has approved a binding site plan for the use of the land in accordance with local regulations;" RCW 58.17.040(4)

The applicant asserts that, because this particular piece of MX zoned land is proposed for commercial not residential purposes, a binding site plan is an appropriate mechanism for partitioning the commercial property. Staff apparently disagrees (Ex. 41) because the property is zoned MX and not zoned "commercial" or "industrial." Staff then sort-of concedes the issue, at least in this case, by concluding: "If the Examiner determines that Mixed Use developments are eligible for binding site plan review, staff requests that subdivision approval criteria would also apply when used to divide land that includes residential uses." In final rebuttal, the applicant takes the position that the question is settled in its favor (Ex. 42).

At the onset, I note that many legally binding things are resolved through recorded plats and recorded binding site plans, including the creation of new lots (land divisions) and conditions of approval attached thereto. The reference in CCC 40.520.040(C)(1) to the statute is significant, and I note the statute's operative language referring to "industrial or commercial <u>use</u>" and not to a particular zone designation. RCW 58.17.040(4). Moreover, in this case, there is no question that the issue – partition of commercial parcels to create a third commercial lot – pertains solely to commercial uses in the MX zone where there is little risk of residential uses being developed on any of these commercial lots. The code and statute,

collectively make clear that binding site plans are intended to be mechanisms for land divisions when there is no risk of residential development on any of the resulting lots. As staff correctly points out (Ex. 41), if future residential development is possible on any of the resulting lots, there is a chance the future developer could elude some development standards that are tied to residential subdivisions. As things stand based on this record, however, there is little risk of that happening.

From all this, I conclude that the land division the applicant proposes to accomplish through the binding site plan is lawful and allowed by CCC 40.520.040(C)(1) and RCW 58.17.040(4). The site plan, however, should bear a note that prohibits residential development on any of the commercial parcels that result. See Condition D-4I. If further land divisions, different from what is reflected in the present land division and binding site plan proposal, are needed, the applicant will have to submit those for County review as adjustments or divisions through a post-decision review process. See Condition D-1c.

<u>Finding 3 – Uses Allowed</u>. The MX district requires mixed use developments that provide the community with a mix of mutually supporting retail, service, office, and residential uses. Table 40.230.020-1 allows single-family attached and detached residential uses in the MX zone, but single-family detached cannot account for more than 30% of the total number of dwelling units. The application proposes 0.004% of the residential units as single-family detached, which complies with this standard. Duplex dwellings are also an allowed use, with no limitation on the number of duplexes in a development. The application proposes a future mix of office, retail, and restaurant uses for the commercial portion of the development but does not have specific tenants at this stage of review. Because these uses are conceptual, a condition is warranted requiring that any future commercial use is limited to one allowed in the MX zone. See Condition E-1a.

<u>Finding 4 – Mixed Use Standards</u>. CCC 40.230.020(E)(1)(a) requires a minimum of 20% of a mixed use development be nonresidential and a minimum of 20% of the development be residential. The calculation is based on developable area devoted to each type of use (gross site area minus environmentally sensitive areas, designated parks and open space, public rights-of-way and road easements). The revised plans (Exs. 18, 22, 23 & 24) propose the following use split:

- Total site area: 12.96 ac (564,697 sf)
- Proposed ROW dedication: 0.04 ac (1,616 sf)
- Proposed residential areas: 10.19 ac (444,175 sf)
- Proposed nonresidential area: 2.56 ac (111,609 sf)
- Unusable space east of NE 115th Ave: 0.17 acres (7,297 sf)

From this, 19.8% of the developable area will be nonresidential, which does not quite meet the 20% minimum threshold. The final plans shall demonstrate compliance with the 20% minimum non-residential standard. <u>See</u> Condition A-3c.

This property is required to provide site density ranging 12 to 43 dwelling units per acre, based on the developable area devoted to residential uses. With a developable area of 444,175 sf, this project is required to provide between 122 and 438 dwelling units, and the proposed 285 residential units meets this density requirement range for the MX zone. Because this site is between 5 and 50 acres, the residential component is supposed to consist of 3 of the permitted housing types: mid-rise housing (5- or 4-over -1); low-rise

housing (3-over -1); walk-up apartments; townhouses; duplexes; cottage housing; detached single-family housing; and/or, accessory dwelling units. The application proposes a mix of townhomes, detached single-family, duplex, and multi-family, which meets this requirement. Finally, nonresidential uses on the ground floor must maintain a minimum structural ceiling height of 13 feet, and a condition is warranted to ensure compliance with this requirement for future commercial development. <u>See</u> Conditions E-1b.

<u>Finding 5 – Mixed Use Approval Process</u>. The applicant for a proposed mixed use development shall certify that 2 or more of the following have been involved with the preparation of the preliminary mixed use development plan:

- (1) A Washington licensed architect; or
- (2) A Washington licensed landscape architect; or
- (3) A Washington licensed civil engineer or a land surveyor; or
- (4) A certified arborist if a vegetation management plan is required.

This project team includes a Washington licensed architect, landscape architect, registered civil engineer and land surveyor. The developer held a Neighborhood Meeting on July 1, 2022, and a copy of the meeting notice, proposed development plan presented at the meeting, the mailing list, meeting summary and attendance list were included with the application (Ex. 1, tab 22).

<u>Finding 6 - Master Plan</u>. CCC 40.540.040(D)(4) requires the phasing plan to include all land in the preliminary plat. Each phase must be an independent planning unit with safe and convenient circulation, facilities and utilities coordinated with requirements for the entire subdivision, and that compliance with all road improvement requirements are assured. The application proposes development of the site in the following 6 phases:

- <u>Phase I</u> includes multi-family buildings A, B, & C and associated parking, sidewalks (including the southerly east-west meandering pedestrian connection), landscaping, amenities, solid waste areas, utilities, and required frontage improvements within the rights-of-way along NE 117th and 115th Avenues and NE 71st Street including a transit stop.
- <u>Phase II</u> includes multi-family buildings D & E and all associated parking, sidewalks, landscaping, amenities, solid waste areas, and utilities.
- <u>Phase III</u> includes multi-family buildings F & G and all associated parking, sidewalks, landscaping, amenities, solid waste areas, and utilities.
- <u>Phase IV</u> includes multi-family buildings H, I, & J and all associated parking, sidewalks, landscaping, amenities, solid waste areas, the maintenance garage, and utilities.
- <u>Phase V</u> includes Commercial Buildings A, B, & C, and associated parking, landscaping, pedestrian plaza, sidewalks, amenities, solid waste areas, and utilities.
- <u>Phase VI</u> includes 2 attached single family fourplexes, duplex, single-family residence, and all associated alleys/private roads, landscaping and utilities.

Staff concluded that approval of this master plan meets the following goals:

a. Achievement of the goals and objectives of the community framework plan and the comprehensive plan;

The uses proposed here are located appropriately considering abutting uses, and they meet the zoning and comprehensive plan designations for the site. The development will provide needed housing and provide space for commercial uses, which complies with regulations adopted to ensure that development meets the goals and objectives of the County's guiding land use documents including the Community Framework Plan and Comprehensive Plan.

b. Enhancement of economic vitality, particularly opportunities for high wage employment;

Tenants are unknown at this time, so it cannot be determined there will be high wage employment; however, the proposal includes multi-tenant commercial uses, which will provide the opportunity and enhance the economic vitality of the surrounding area.

c. Efficient provisions and use of public facilities and services;

Existing public facilities and services are available to the site. Impact fees will be paid to offset the impacts that new development has on public facilities and services in the area.

d. Measures to reduce the number of automobile trips generated and to encourage alternative modes of transportation

The site is adjacent to SR-503, which has bus service from C-Tran. Indications are that C-Tran will require a bus stop along the site frontage, but in any event, the developer is obligated to construct the frontage improvements that C-Tran requires. The project proposes an integrated pedestrian circulation system that allows safe connections between buildings and uses and circulation to neighboring streets and mass transit. In addition to sidewalks throughout the site, a meandering path is proposed that will run east/west through the site's mid-point. The path will connect SR-503 to NE 69th Street and will facilitate pedestrian movement from neighboring properties to adjacent schools, businesses, and bus stops.

e. Goals provided in the purpose statements of the applicable zoning district.

The project proposal incorporates a variety of housing types to target different economic levels in the community and will enhance economic vitality of the area. It integrates open spaces with recreational opportunities to encourage interaction within the surrounding community. The location of the site and the design of pedestrian facilities encourages alternative modes of transportation. It would appear that the project has been designed to maximize the efficient use of public facilities and services on and around the site.

The project must also demonstrate that the following conditions exist:

a. The master plan contains adequate provisions for ensuring that the original visions and goals as stated in the master plan will be implemented;

The master plan visions and goals will be implemented by adhering to the design that is approved and meeting all future conditions of approval.

b. The site of the proposed master plan is adequate in size and shape to accommodate the proposed uses and all yards, spaces, walls and fences, parking, loading, landscaping, and other features as required by this title, and to ensure that said use will have no significant detrimental impacts on neighboring land uses and the surrounding area;

The site is large enough to meet the minimum lot sizes and setbacks and appears to provide enough parking, loading, landscaping, and open space to meet the standards. The site plan considers the existing roadway network and adjacent uses. There are existing commercial uses to the north and east; therefore, the commercial portion of the site is located in the northeast corner. The residential uses are located on the south and west portions of the site where the adjacent uses include an elementary school and a residential mobile home park. There is nothing in the record to suggest that the development will have any significant detrimental impacts on neighboring land uses and the surrounding area.

c. The site for the proposed uses relates to streets and highways that are or will be adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed uses;

The site is surrounded on the north, east and west by existing roads that are sufficient in width and pavement type to accommodate the traffic that will be generated by this development. The applicant's traffic study by H. Lee & Associates (Ex. 1, tab 14) analyzed the existing transportation system and concluded that no mitigation was required for this development. SR-503/NE 117th Avenue was built to current standards; however, this development will provide a larger sidewalk along the site's frontage. No improvements are proposed to NE 115th Avenue, and additional right-of-way will be dedicated for NE 71st Street and a sidewalk constructed along this frontage.

d. Adequate public utilities are or will be available to serve the proposed project;

Existing public utilities serving the site appear to be adequate to serve this project. The site will be served by the Clark Regional Wastewater District for public sewer service, and the service provider letter (Ex. 1, tab 16) identifies the point of connection along the south property line of Parcel No. 157491-000 within a sanitary easement (Clark County recording number 5265482). The site will also be served by City of Vancouver for public water, and the service provider letter states that connections should be made to each of the existing water main stubs in NE 117th Avenue, NE 71st Street and NE 69th Street, then connect and extend a new 8-inch ZDI water main throughout the site to serve all fire hydrants, domestic service connections, and fire protection lines.

e. The establishment, maintenance, and/or conduct of the use for which the development plan review is sought will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, or welfare of persons residing or working in the neighborhood of such use and will not, under the circumstances of the particular case, be detrimental to the public welfare, injurious to property or improvements in said neighborhood; nor shall the use be inconsistent with the character of the neighborhood or contrary to its orderly development; The proposed development will not be detrimental to the health, safety, morals or welfare of anyone residing, working or visiting the development, or at least there is no evidence or argument of such in this record. Adequate provisions have been made for access and utilities, as well as public health and safety as expected of an urban development. The mix of uses that blends residential with commercial retail is consistent with the character of the neighborhood and what is envisioned for this area.

f. The proposed master plan facilitates quality development in an integrated manner which provides for a functional and design interrelation of uses and/or structures;

The development appears to have been designed to comply with the Mixed-Use design standards and modifications as discussed in the applicant's narrative, and all other applicable sections of the Clark County Code to create a cohesive development that efficiently utilizes existing and planned public infrastructure. As just explained, the project makes adequate provision for access and utilities, as well as public health and safety as expected of an urban development.

g. The master plan meets all submittal requirements of this section, and material submitted provides sufficient detail to enable review for compliance;

Staff reports that the master plan application includes all submittal requirements referenced in this section. The applicant provided all of the necessary reports, plans, and documents in sufficient detail to verify compliance.

h. All areas of the master plan site to be developed with commercial uses shall be so delineated on the master plan (Mixed use (MX) zone: Uses shall conform to the requirements of CCC 40.230.020).

The commercial uses on the proposed plan are clearly delineated and as conditioned, the future uses will conform with CCC 40.230.020.

According to CCC 40.520.070(D)(4), the applicant has the option of choosing one of the following for environmental review:

- a. Environmental review for buildout of the master plan. Projects included in the environmental review of the master plan shall not require additional environmental review; or
- b. Environmental review of the conceptual master plan followed by project-specific environmental review to be completed at the time of individual project development. This option includes situations where the conceptual SEPA review for the master plan is completed concurrently with project-specific SEPA review on a first phase. The scope of a narrower review of project proposals may be based on relevant similarities, such as common timing, impacts, implementation or subject matter (per WAC 197-11-060(3)).

The applicant in this case submitted this application for environmental review for buildout of the master plan.

CCC 40.520.070(F)(1) requires that MX zoned lands comply with CCC 40.230.020 requirements, and as conditioned, I find that the application does comply. Consistent with

the Master Planning standards in CCC 40.520.070(F)(3) and to ensure consistency with and the protection of the character of the development, the developer needs to convey responsibility for maintaining common open space, communal recreational areas/facilities, private roads and landscaping to an HOA or a public agency that agrees to undertake the maintenance obligations. In this case, the applicant has not proposed dedication to a public agency, nor has the County offered. Therefore, prior to recording the plat, the applicant shall create an HOA and obtain approval from the Prosecuting Attorney's office of the CC&Rs that will be binding on all property owners in the residential portion of the project. See Condition D-1a.

Pursuant to CCC 40.520.070(F)(4), other conditions that may be addressed are agreements and assurances from the applicant with respect to future development. The commercial portion of this proposal is required to allow the residential elements to be constructed under the Mixed Use Standards. <u>See</u> Land Use Finding 3. The proposed phasing plan does not guarantee that the commercial portion of the development will occur within a timely period after the residential portion is constructed; therefore, a condition is warranted requiring the the applicant to record a covenant prior to final plat approval, binding on the current and future owners that precludes any comprehensive plan change or rezone of the commercial portion of the property that is part of this mixed use master plan. <u>See</u> Condition D-1b.

<u>Finding 7 - Mixed Use Design Standards</u>. Design standards for mixed-use developments that apply to this project include: site design, vehicular access and parking, the pedestrian environment, building design, landscaping and screening, signage and single-family and duplex development. According to the key standards applicable to detached single-family housing, no more than 30% of the dwelling units can be detached single-family dwellings. The current plan proposes 285 new units (8 single-family attached townhomes, 1 duplex, 1 single-family detached unit, and 274 multi-family units), which allows a maximum of 85 detached units, and the plan proposes one detached single-family unit, which meets the standard.

Open Space (A.1). Mixed use developments are required to provide publicly accessible open space that is centralized and accessible, inviting, safe, and provides for uses/activities that will appropriately serve the anticipated residents and users of the development. CCC Table A-1 (Standards for Open Space by Use) requires the following amounts of open space for each type of use:

	A.1.3 Public Open Space	A.1.4 Pedestrian Oriented Space	A.1.5 Public Open Space	A.1.6 Open Space for Multifamily Residences
Commercial	5% of developable area	1% of developable area plus 1% of floor area	n/a	n/a
Multifamily	5% of developable area	n/a	n/a	200-300 sf of open space/unit
Single- Family	n/a	n/a	15% of developable area	n/a

These standards, therefore, required the following open space areas in this development:

	A.1.3 Public Open Space	A.1.4 Pedestrian Oriented Space	A.1.5 Public Open Space	A.1.6 Open Space for Multifamily Residences
Commercial	5,580 sf	1,437 sf	n/a	n/a
Multifamily	20,674	n/a	n/a	57,000
Single- Family	n/a	n/a	4,604 sf	n/a

The non-residential portion of the site 111,609 sf of the total, 5% of which is required for public open space and 1% plus 1% of the building gsf is required to be pedestrianoriented space. With a maximum of 32,000 gsf of buildings, 5,580 sf of total public space is required, and 1,437 sf is required to be pedestrian oriented. The commercial plaza in the NE corner provides 5,726 sf of public open space. The plaza will be hard surfaced and located at the main street corner of the site adjacent to two non-residential buildings. With 1436 sf of pedestrian open space required, at least 48 lf of seating is required in the space. Two short, angled walls are proposed that have a total of 48 lf of permanent seating. The applicant's narrative states that, as the future uses of the buildings or other features to further integrate the building uses with the open space plaza. Staff determined that this commercial open space meets the A.1.2.a and A.1.4 standards for pedestrian-oriented space, and on the basis of the proposed plan, I agree.

The multifamily portion of the site is 413,479 sf of the total. The plan proposes 252 1bedrom/2-bedroom units that require 200 sf of open space per unit and 22 3-bedroom units that require 300 sf of open space per unit. In total, 57,000 sf of open space is required, of which 20,674 sf (5% of 413,479 sf) shall be public open space. The applicant proposes 42,487 sf of public open space, consisting of the central path leading from NE 117th Avenue to NE 69th Street and the south courtyard between apartment buildings. The central path meets the A.1.2.d standards for trail corridors, and the south courtyard meets the A.1.6 standards for multi-family open space. In addition, the applicant proposes a 15,122 sf north courtyard and a 5,916 sf dog park, which makes a total of 21,038 sf of private open space and meets the A.1.6 standards for multi-family open space.

• *A.1.5.* Master plans and subdivisions with single-family and duplex uses shall devote at least 15% of the development site to a Parkway, Residential Squares, or Park Blocks as described in standard A.1.2. A village Green or other publicly accessible open space described in A.1.2 may be used to meet some or all of this requirement, provided the space goes above and beyond the requirements of A.1.3 and is centralized and accessible to development. The single-family portion of the site encompasses 30,696 sf. Of this, 15% (4,604 sf) is required to be public open space. Between the commercial pedestrian plaza, the central path, and the southern courtyard, this standard is met. In total, 67,184 sf of open space is required across the site, and 69,250 sf is proposed. Of the total open space, 30,858 sf is required to

be public, and 48,213 sf is proposed. From this, I conclude the proposal meets the open space requirements.

- Building Use, Locations & Orientation (A.2). This section is intended to establish active, lively uses along sidewalks and pedestrian pathways, to have buildings and uses organized in such a way that pedestrian use of the district is facilitated, to enhance the visual character and definition of streets within the district, to encourage interaction among neighbors, to increase privacy for residential uses located near the street, and to take advantage of special opportunities to create a composition of buildings and open spaces. A.2.1 requires applicants to demonstrate how the proposed mix and configuration of uses meets the intent of the standards. I find that the proposal accomplishes this by providing open spaces that help integrate the uses (A.2.1.b), locating commercial uses and a focal point in the NE corner plaza in the more visible areas of the development (A.2.1.c), and by providing good pedestrian access between residential and non-residential uses (A.2.1.d). A.2.2 requires that, to meet the definition of a pedestrian-oriented façade, the primary pedestrian entrance must be located on the façade, the ground floor façade between 2' and 8' shall contain a minimum of 75% transparent windows area, and weather protection at least 4.5 feet in depth, and at least 8 feet above the ground shall be provided along a minimum of 75% of the facade. The plan shows that the north side of Commercial building A along NE 71st Street, the east side of Commercial Buildings B and C, and the facades abutting the pedestrian plaza in the NE corner, all meet the definition of pedestrian-oriented facades. While the north side of Building B does not have a primary pedestrian entrance to the plaza, because it accesses the pedestrian-oriented facade on the east side, it still complies with this standard. Because there is a chance the commercial plans may change to suit specific tenants, a condition is warranted to to ensure compliance to this standard during future building plan review. See Condition E-1c.
 - *A.2.5 requires* that nonresidential and mixed use buildings be located and oriented towards the street. Parking lots may not be located between the street and the building. While there are no mixed use buildings being proposed, the commercial buildings comply with this standard.
 - *A.2.6* requires ground floor elevations of residential uses within 10 feet of a pathway to be raised at least 18 inches above street level for resident's privacy. A condition is warranted to ensure compliance. <u>See</u> Condition E-1d.
 - *A.2.7* prohibits blank walls visible from a public street, sidewalks, trails, or interior pathways. The application does not propose any blank walls and therefore complies with this standard.
 - *A.2.9* requires that maximum lot coverage for the non-residential parcels not exceed 85%, and for residential lots it shall not exceed 75%. Conditions are warranted to ensure compliance with these requirements. <u>See</u> Conditions A-3a, A-3b, & D-4d.
 - *A.2.10* requires that multi-family residential buildings be oriented toward the street and not parking lots or adjacent properties unless an alternative configuration is approved under A.2.10.d that meets the intent of these standards. The multi-family buildings in this plan, however, are oriented toward the parking areas, but staff recommends approval anyway because of the following factors:

- > Due to site constraints discussed in the Street Pattern and Layout findings, there are no internal streets to orient the buildings toward.
- > The proposed multifamily buildings are oriented toward an internal courtyard or the public path that bisects the site, which creates an attractive open space accessible to the residents and the public between the apartment buildings.
- > The buildings are not allowed to be oriented directly toward NE 117th Avenue (SR 503) due to the high-volume nature of the highway.
- > One drive aisle of parking is located between multi-family buildings A, B & D and the street that creates additional separation between the 3-story buildings and the existing single-story manufactured home community to the west.
- > The application proposes an increased number of pedestrian connections and open spaces that enhance the pedestrian experience.
- *Street Corners (A.3).* A.3.1 requires that all development proposals, except for detached single-family units or duplexes, located at street corner sites shall include at least one of the following design treatments:
 - Locate a building towards the street corner (within 15' of the corner property line),
 - Provide pedestrian-oriented space at the corner leading directly to a building entry or entries,
 - Or, if a or b aren't feasible,
 - Install substantial landscaping (at least 30'x30' or 900sf of ground surface with trees, shrubs, and/or ground cover).

The application proposes a pedestrian plaza at the NE corner of the commercial portion of the development, which fulfill this requirement.

- *Street Pattern and Layout (B.1).* B.1.2.e.1 requires each Mixed-Use area to include at least one pedestrian-oriented street segment, which could be the entire street, a single block, or a portion of a block. While this project does not propose any internal pedestrian-oriented streets, the commercial portion of the development abuts NE 71st Street to the north, and NE 117th Avenue to the east. Both of these frontages function as pedestrian-oriented streets.
 - *B.1.3* requires developments to provide, or be integrated with, a dense network of streets in a "modified grid" to help provide a sense of place and orientation and to appropriately distribute the flow of traffic. The maximum block is 480 feet and maximum block perimeter is 1,400 feet unless a departure is s allowed under B.1.3.b(1) due to topography, right-of-way, existing construction, physical conditions, or other geographic conditions impose an unusual hardship on the applicant, and an equivalent alternative that can accomplish the same design purpose is available. In this case, staff recommends approval of this departure due to the following factors:
 - > Existing public streets border 57% of the site perimeter,
 - > There is no need/opportunity to provide additional public roadways through the site due to the existing roadways and adjacent uses. Street connection to NE 117th is not allowed by WSDOT and existing industrial development to the south makes public cross circulation in that direction impractical,
 - > The application proposes a public path bisecting the site to improve pedestrian cross-circulation in the area.

- Street Design (B.2). B.2.1.a requires the applicant to demonstrate how the project's proposed street design and development design creates safe, attractive, and functional streets that enhance the district's ability to function as a pedestrian-oriented mixed use center. Because no new streets are proposed with this development, the only street improvements will be the sidewalks and landscaping. The application proposes traffic calming in the form of on-street parking along NE 71st Street and along both sides of NE 115th Avenue. While parking will not be allowed on NE 117th Avenue, storefronts will be located adjacent to this street and will offer a sense of enclosure that serves the same traffic calming purpose by encouraging slower vehicle speeds.
 - B.2.1.b requires street trees on both sides of the street and planting strips at least 5 feet wide or, if tree wells are used, at least 5'x5'. B.2.1.b. requires street trees to be planted at 30 feet on center. The project proposes a 5-foot planter where sidewalks are proposed to be improved along NE 71st Street. The applicant proposes to retain the existing sidewalk and street planting along NE 115th Avenue that were installed in ~2018. Street improvements along SR-503 are governed by WSDOT, and bus stop improvements are governed by C-Tran. WSDOT requested that the applicant reconstruct the attached sidewalk along the site frontage (Exs. 9 & 40). To improve the pedestrian atmosphere and aesthetic along the street, the application proposes a parallel sidewalk onsite at the frontage of the non-residential buildings. The space between the public and private sidewalk shall be improved with landscaping. This satisfies the standard, but a condition is warranted to ensure that these requirements are fulfilled. See Condition A-3d.
 - B.2.1.f requires accommodating current and future transit uses. C-Tran requested that the applicant construct a new bus stop near the NE corner of the site (Ex. 10). The developer shall consult C-TRAN, determine what the agency's standards are for frontage improvements along NE 117th Avenue and construction them in a way that is also compliant with the Americans with Disabilities Act. <u>See</u> Condition A-4.
- *On-Site Vehicular Access and Connections (B.3).* This section is intended to create a safe, convenient, and efficient network for vehicular circulation and parking, to enhance access to the area from the surrounding neighborhood, to upgrade the appearance of interior access roads, and to minimize negative impacts of driveways on the streetscape and pedestrian environment. Because only internal accessways and no new streets are proposed with this development, application of this standard will be limited to access points only. Two access points are proposed from the site from the surrounding street system. The main site access is onto/off of NE 71st Street adjacent to the commercial driveway on the north. This access will serve all uses of the site for all purposes. A secondary access serving the multifamily portion of the site is proposed at the intersection of NE 115th Avenue and NE 69th Street. Based on staff's favorable recommendation and the lack of any dissenting views in this record, I conclude these access points will provide a safe and convenient network of vehicular circulation.
 - B.3.4 restricts parking lot entrances to no more than one entrance and exit lane per 300 linear feet of frontage. The project has 1000 feet of frontage on NE 115th Avenue and NE 71st Street. The site complies with this standard.
 - *B.3.5* requires driveway widths to be minimized to reduce pedestrian conflicts. Driveway lanes shall be no wider than 13 feet per entry or exit lane. Driveway widths

in this project are proposed to be 24 feet for the main access points to the site and 16 feet for the alley access. This complies with the standard.

- Parking (B.4). This section only applies to additional parking standards in the Mixed Use Design Guidelines. Title 40 parking standards are discussed in Land Use Finding 9.
 Parking for the townhomes is discussed under Land Use Finding 8, Narrow Lot Standards.
 - *B.4.4* sets a maximum limit on parking at 125% of the parking requirement for nonresidential uses. Because non-residential parking requirements are determined by use and the future uses are currently unknown, I assume the worst case development scenario for purposes of determining the maximum required and allowed parking. A medical office use is the highest parking generator and requires of 1 space per 250 sf of gross floor area. This means that as many as 128 parking spaces may be required for the site. The application proposes 160 parking spaces across the 3 potential nonresidential lots, which is 125% of the standard. A condition is warranted to ensure compliance with this standard. <u>See</u> Condition A-3e.
 - *B.4.5* encourages shared parking between and among uses. The applicant's narrative indicates that a shared parking agreement will be used between the 3 proposed non-residential buildings, which satisfies this requirement, such as it is.
 - *B.4.6* requires parking to be located at the side and/or rear of the building when abutting pedestrian-oriented streets. The pedestrian-oriented street segments abut the commercial buildings, and all commercial parking is located behind these buildings in compliance with this standard.
 - *B.4.13* prohibits an unbroken series of garage doors on any street frontage. The residential uses along NE 71st Street will all access from the rear via an alley, which achieves this standard.
- *Pedestrian Environment (C).* Sidewalks in the pedestrian environment are intended to provide safe, convenient, and comfortable pedestrian circulation; enhance the character and identity of the area; and promote walking, bicycling and transit use.
 - *C.1.1.b* requires minimum 12-foot wide sidewalks along pedestrian-oriented streets, 5-foot sidewalks along streets serving single-family and/or duplex uses, and 8-foot sidewalks along all other streets. The plans conform to this standard except where Development Engineering staff have allowed the applicant to use existing frontage improvements and for which a Road Modification has been justified.
 - *C.1.3* requires pedestrian walks to be separated from structures at least 3 feet for landscaping, except where the adjacent building features a pedestrian-oriented façade. The landscaping plan shows that this standard is met (Ex. 27).
 - *C.2.1* requires applicants to demonstrate how the proposal provides an integrated pedestrian circulation system that connects buildings, open space and parking area with adjacent street sidewalk system and adjacent properties. The plans demonstrate that this requirement is met. Mixed-use developments are also required to provide opportunities for off-street bicycle circulation, where appropriate, and to

provide connections to trails on adjacent sites and routes identified in Clark County's Trails and Bikeways System Plan. Clark County's Bicycle and Pedestrian Master Plan does not identify any priority connections near this site; therefore, this criterion does not apply.

- *C.2.4* requires a paved walkway or sidewalk for safe walking areas through parking lots greater than 150 feet long. Walkways shall be provided for every 3 parking aisles, or a distance of less than 175 feet shall be maintained between paths. The applicant's plans conform to this standard (Exs. 22, 23 & 24).
- C.3.2 requires pedestrian amenities along all non-residential street frontages. Amenities can include pedestrian furniture, trash receptacles, newspaper racks, bicycle racks or drinking fountains. The applicant's narrative indicates 5 8-foot benches will be placed along ~420 feet of non-residential building frontage. A condition is warranted to ensure compliance. See Condition A-3f. The benches shall be a minimum of 8 feet long and at least 16-inches deep and shall be able to seat at least 4 people comfortably. Site furniture shall be made of durable, vandal and weather-resistant materials that do no retain rainwater and can be maintained over an extended period of time. The plans do not provide specifications on site furniture; therefore, prior to final site plan approval, the developer shall provide plan details for the benches, picnic tables and trash receptacles in the site or architectural plans. See Condition A-3h.
- *Building Design (D).* Building design standards apply primarily to non-residential buildings, and they are intended to make building entrances convenient to locate and easy to access and to ensure that building entries further the pedestrian nature of the fronting sidewalk. Commercial buildings are required to have prominent building entrances that are visible from surrounding streets or publicly accessible pedestrian areas; provide weather protection above building entrances at least 4½ feet deep; and provide pedestrian pathways from public sidewalks to primary entrances and parking areas that are accessible and comply with Americans with Disabilities Act requirements. Based on the architectural elevations (Ex. 15) and the revised narrative (Ex. 18), I conclude the proposal meets these criteria. However, formal review for compliance with the accessibility standards, including parking shall be performed at the time of civil plan approval and/or building permit review. See Conditions A-3h & E-1e.
 - *D.1.4* requires ground floor residential units to be directly accessible from the street or an open space that is accessible from the street. The single-family units are proposed to be accessible from the street, and ground floor apartment units will be accessible to open spaces where applicable. I find this fulfills this standard.
 - D.1.5 requires townhomes with private exterior ground-floor entries to provide at least 20 sf of landscaping adjacent to all primary entries. The landscaping plans (Ex. 27) show landscaping at each townhouse entryway that meets this standard.
 - *D.1.6.b* requires commercial buildings with secondary public access to provide weather protection at least 3 feet deep over each secondary access and at least 2 of the design elements listed in the Section. The applicant's narrative indicates that access to the non-residential buildings will have weather protection, transparent

windows, and differentiated materials and façade height to delineate uses and provide visual interest to the building. I find this meets the standard.

- *D.2.1* limits the maximum building height to 72 feet. The building elevations (Ex. 15) comply with this standard as the median roof height of the residential buildings will be between 35 and 40 feet.
- *D.2.2* lists 7 modulation and/or articulation features, of which 3 shall be incorporated into the non-residential uses. The applicant provided plans (Ex. 15) that indicate distinctive window patterns, horizontal building modulation, weather protection features, and change in building material, which collectively meet the requirement. Additionally, D.2.3 requires roofline modulation, which the plans show is an included feature.
- *D.2.4* requires multi-family residential building facades visible from public and private streets, common open space, and common parking areas to be articulated as long as the articulation interval doesn't exceed 30 feet. The multifamily building façades include horizontal building modulation, which occurs at the balconies and stairwell areas to provide visual interest in the building. I find this achieves the standard.
- *D.2.5* limits the maximum multi-family building façade facing a street at 120 feet unless there is a modulation of the exterior wall at least 20 feet so that the maximum length of a particular façade is no longer than 120 feet. The applicant's plans indicate compliance with this standard.
- *D.3.2* requires all new buildings located within 15 feet of a property line, at the intersection of streets, public or private to employ two or more design elements or treatments to the building corner facing the intersection. The non-residential buildings adjacent to the NE street corner will include a pedestrian oriented space and a corner entrance to the proposed plaza. I find this meets the standard.
- *D.4* provides the standards for Building Materials and Color. The applicant's narrative indicates that all materials used will comply with the standards, but a condition is warranted to ensure future compliance since the project will be phased, and plans may be revised depending on future tenants. <u>See</u> Condition E-7a. The following materials are prohibited: mirror glass covering more than 10% of the exterior of the building; textured or scored plywood (including T-111 or similar plywood); and, stucco board. <u>See</u> Condition E-7b.
- Landscaping and Screening (E). This section only addresses additional landscape requirements of the Mixed Use Design standards. Title 40 landscape requirements are discussed in Land Use Finding 8.
 - *E.1.2* requires that a licensed landscape architect prepare the final landscape plan, and condition is warranted to ensure compliance. <u>See</u> Condition A-3i.
 - *E.1.3* requires parking lots located adjacent to public streets and major internal roadways to be partially screened with landscaping planters, which requires 6 feet of width along NE 71st Street and NE 115th Avenue. The preliminary landscape plan shows with this standard is met.

- *E.1.4.a* requires parking lot landscaping at a rate of 35 sf per parking space. This project proposes 615 parking spaces, which means that 21,525 sf of landscaping is required. The landscaping plan indicates compliance with this standard.
- *E.1.4.b* requires additional trees at the rate of 1 tree per 30 lineal feet of street frontage or one tree for each 300 sf of landscaped area, whichever is more, and at least one tree for every 8 parking spaces. Based on the proposal, a total of 161 trees are required, and the application meets the standard. Additionally, 1 shrub is required per 20 sf of planting area, which means 176 shrubs are required for this project. The application exceeds this standard.
- *E.2* discusses fencing and screening elements. Existing chain link fences are located at the shared property boundaries on the south end of the site, but according to the applicant's narrative, new property line fences are not proposed at this time. The pool area is proposed to be fenced for safety, but the material is not indicated. Prohibited materials such as barbed wire, razor wire, electric and other dangerous fences are prohibited. <u>See</u> Condition A-3j.
- *E.2.5* requires that service elements be located and designed to minimize the impacts on the pedestrian environment and adjacent uses. Service elements should generally be concentrated and located where they are accessible to service vehicles and convenient for tenant use. The applicant's plan appears to comply with the standard.
- *E.2.6* requires roof-mounted mechanical equipment to be located so as not to be visible from the street, public open space, parking areas, or from the ground level of adjacent properties. The applicant's narrative does not indicate that any roof-mounted mechanical equipment is proposed, but a condition is warranted to ensure compliance with this standard. <u>See</u> Condition A-3k & G-5.
- *Signage (F).* There are no signs proposed at this time, but any future applications for sign permits in the future shall comply with the standards in Section F of the Mixed Use Design Standards. <u>See</u> Condition H-3.
- Single-Family/Duplex Developments (G). G.1.2 limits cul-de-sac streets to 10% of the total lane miles in a development. The hammerhead turnaround at the west end of the alley serving the single-family units does not function as a cul-de-sac street and therefore does not qualify as one. G.1.3 strongly encourages alleyways in mixed use developments. <u>See</u> discussion under G.1.3. The proposal incorporates an alley for access to the single-family units, which achieves the standard.

Prior to final plat approval, a note shall be added to the face of the plat listing the minimum and maximum setbacks, maximum floor area ratio, and maximum building height. See Condition D-4e.

- G.2.2 sets the maximum floor area ratio at 0.5, where floor area ratio is defined in CCC 40.100.070, as the gross floor area of buildings on a lot divided by the lot area. For example, a FAR of 2:1 means 2 sf of floor area for every one sf of site area. When all of these standards are read together, however, as the applicant explains (Ex. 35), the FAR was intended to apply to single-family detached and duplex dwellings, not to townhomes, multi-family or commercial buildings. The application does not address this criterion; therefore, a condition is warranted requiring a demonstration of compliance with this numeric standard prior to issuance of building permits, but not for the townhomes. See Condition E-1g. Additionally, covered porches with a minimum dimension of 4 feet by 6 feet deep are required above the main entry for each single-family home or duplex unit. See Condition E-1f.
- *G.2.5* requires garages to be set back a minimum of 18 feet from the designated front property line, except where the garage does not face the street. The garage face shall occupy no more than 50% of the ground level façade facing the street. <u>See</u> Condition E-1i. This standard does not apply to units that access via alleys.
- *G.2.8.c* requires that individual lots less than 50 feet wide may have driveways to a maximum of 12 feet in width. However, the intent of this standard is to enhance the character of the street, to enhance the pedestrian access and walking, and to minimize the impact of vehicular access on the streetscape. For these reasons, staff did not apply this driveway limitation to the rear loading townhomes that access from the alley since there is no pedestrian path, and the streetscape on the north side of the townhomes will remain unbroken with driveways. A condition has been added nonetheless to ensure that the commercial/multi-family driveway access to NE 71st Street and the multi-family driveway access to NE 115th Avenue are limited to 12 feet for each entrance and exit lane. See Condition A-3I.

<u>Finding 8 – Narrow Lot Standards</u>. CCC Table 40.260.155 provides the narrow lot standards for single-family attached and detached lots. The application proposes 9 single-family residential units on narrow lots (lots less than 40 feet wide). I conclude these lots can comply with the narrow lot standards with the following additional findings and conditions:

- *Parking CCC 40.220.155.C.3* requires 2.5 parking spaces for every narrow lot. The application proposes 9 alley-loaded narrow lots and each lot having a 2-day driveway and a 2-car garage. A condition is warranted to ensure that all narrow lots meet this requirement. <u>See</u> Condition A-3m.
- Street Trees CCC 40.260.155.C.4 requires a minimum of one tree along the street frontage of every narrow lot, or the tree could be planted on the lot. The applicant's revised landscape plan (Ex. 27) shows compliance with this requirement.
- Solid Waste/Recycling CCC 40.260.155.C.5 requires a designated common collection point where collection is not feasible on each lot. The applicant has indicated that the solid waste & recycling pick up will occur along the alley. The applicant shall provide written approval from Waste Connections that the alley as proposed is suitable for

maneuvering and pickup by collection vehicles prior to construction plan approval. <u>See</u> Condition A-3n.

Based on the revised plans (Exs. 22, 23, 24, 26 & 27) I find the proposed narrow lot development can comply with these standards, subject to conditions of approval. The developer shall submit a final site plan demonstrating compliance with these conditions and consistent with CCC 40.260.155.C.1. See Condition A-3.

<u>Finding 9 – Title 40 Landscaping Standards</u>. The following landscape standards apply in addition to the Mixed Use Design Guidelines discussed above. This project is required to comply with both sets of standards. Table 40.320.010-1 requires landscape screening for this project to mitigate visual impact from the surrounding parcels, and the application proposes the following landscaping buffers:

Zoning of the Abutting Parcels:	Buffer Type:	Buffer Width:
North (GC)	Controlled by the Mixed Use Standards along NE 71 st Street	n/a
South (IL & R-18)	L2 along IL & L4 or L5 along R-18	5 feet along IL & 10 or 15 feet along R-18; respectively
East (CC, GC, & R-18 in the SW corner)	Controlled by the Mixed Use Standards along NE 117 th Avenue & L1 along R-18	10 feet along CC & GC and 5 feet along R-18
West (MX and R-18)	Controlled by the Mixed Use Standards along NE 115 th Avenue & L4 or L5 along R-18	10 or 15 feet along R-18; respectively

The revised landscape plan (Ex. 27) show that all proposed landscaping complies with these minimum standards. Prior to provisional acceptance of the development, the developer shall submit a copy of the approved landscape plans with a letter signed and stamped by a Washington licensed landscape architect certifying that the landscape buffers, open space landscaping, and irrigation have been installed in accordance with the attached approved plan(s) and verifying that any plant substitutions are comparable to the approved plantings and suitable for the site. See Condition C-1. Other landscaping features such as street trees in front of the narrow lots and landscaping situated on individual lots can be installed prior to occupancy of the structure occupying the lot. See Condition F-1.

Parking areas that contain at least 7 spaces shall contain landscape islands equally distributed at a ratio of one island for every 7 parking spaces. The landscape islands shall contain at least 25 sf, shall be at least 4 feet wide, and contain at least one tree. While there are a few instances where there are more than 7 spaces in a row, there are just as many instances where there are fewer than 7 spaces between islands. The revised landscape plans (Ex. 27) are sufficient to demonstrate compliance with these standards.

Property owners are responsible for the on-going maintenance of landscaped areas, and the property owners shall continuously maintain all required landscaping in a healthy manner. When plants die, the property owners shall replace them with in-kind materials unless otherwise authorized by the County. Vegetation shall be controlled by pruning, trimming or otherwise so that it will not interfere with the maintenance or repair of any public utility,

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restrict pedestrian or vehicular access, or obstruct sight distance at intersections as provided in CCC 40.320.020. See Condition H-2.

<u>Finding 10 – Title 40 Parking and Loading Standards</u>. The 274 dwelling units proposed with the multi-family development require 1.5 parking spaces per unit; which means that 411 parking spaces are required to serve the multi-family residential portion of this project. The applicant proposes 455 parking spaces which meets the standard. The plans show 11 single-family units on north side of the projects as shown on the preliminary plat and 2 parking spaces per unit are required. The plans indicate that each unit will have at least a single car garage and a parking space in the driveway which meets the standard. Up to 32,000 sf gsf of nonresidential uses are proposed, which will end up being a mix of retail, office, and other services allowed in the mixed-use zone. For purposes of determining the maximum required parking, a medical office use is assumed and requires of 1 parking space per 250 sf of gfa; therefore, up to 128 parking spaces may be required for the site, but that number may change depending upon the exact mix of uses and their assumed parking demand. The plans show 160 parking spaces across the 3 nonresidential lots, and the applicant indicates that a shared parking agreement will be used between the 3 proposed commercial buildings.

CCC 40.340.010(B)(5) requires up to 30% of required parking spaces and all parking spaces in excess of the minimum requirements may be compact car spaces. While the applicant does not address this standard, the plan identifies many parking spaces as compact. The applicant shall demonstrate how the plans meet this particular standard during Construction Plan Review. <u>See</u> Condition A-30. This development is required to meet the Americans with Disabilities Act (ADA) criteria for accessibility. For 615 parking spaces serving the commercial and multi-family residential uses, the International Building Code requires a minimum of 13 ADA compliant spaces, of which 3 must be van accessible. The site plan shows only 9 ADA spaces; therefore, the developer shall revise the plan to demonstrate a minimum of 13 ADA spaces, in which at least 3 are van-accessible. <u>See</u> Condition A-3p. It should be noted that formal review for design compliance with accessible standards, including parking and access will be performed at the time of civil plan and building permit approval. <u>See</u> Condition E-1e.

Full-sized parking spaces at a 90° angle are required to have a depth of 20 feet and a width of 9 feet. CCC 40.340.010(A)(10) requires a 4 inch high wheel stop/curb located 3 feet back from the front of each parking space to prevent vehicles from overhanging into the sidewalk. A condition is warranted to ensure compliance with these requirements. <u>See</u> Condition A-3q. CCC Table 40.340.010-5 a minimum 24-foot drive aisle width for 90° parking spaces. The plan conforms to this standard. CCC 40.340.010(A)(11) requires parking spaces and associated access and maneuvering drives to be maintained in good repair at all times. <u>See</u> Condition H-4.

<u>Finding 11 – Solid Waste and Recycling</u>. CCC 40.360.020(C)(2) requires a minimum solid waste/recycling storage area of 10 sf, plus 4 sf per 1,000 sf of gfa for office and restaurant uses. The minimum storage area for retail uses is 10 sf, plus 10 sf per 1,000 sf of retail space. This storage area shall be accessible for collection vehicles and located so that it will not obstruct pedestrian or vehicle traffic movement on the site or on public streets adjacent to the site. The proposed plan conforms to this standard.

For retail uses are required to have 10 sf of solid waste/recycling storage for each 1,000 sf of building area. For up to 32,000 sf of commercial space, 330 sf of storage area is

Page 22 – HEARINGS EXAMINER'S FINAL ORDER (Corrected)

required. The commercial portion of the site includes three 350 sf trash areas for a total of 1,050 sf to serve the 3 buildings, which complies with the standard.

Multi-unit residential buildings containing 5 to 10 units shall have a minimum storage area of 50 sf. Buildings containing more than 10 residential units shall provide an additional 5 sf per unit for each unit above 10 units. Based on this formula, 1,370 sf is required. The applicant proposes 1,400 sf of solid waste/recycling area which meets with the standard.

CCC 40.360.030(B) requires exterior storage areas to include a roof cover and to be enclosed by a screen to at least an F2 standard. A fence or wall that complies with the F2 standard shall be 6 feet high and 100% sight obscuring. The application packet did not include details on the enclosure, and a condition is warranted to ensure compliance with the screening requirement. <u>See</u> Condition A-3s. If overall height of the enclosure exceeds 7 feet, a separate building permit is required. <u>See</u> Condition E-1h. Finally, CCC 40.360.030(B)(3) requires that exterior storage areas comply with standards in the Stormwater and Erosion Control Ch. 40.386, including roof cover, paving, and runoff containment to prevent non-stormwater discharges prohibited by CCC Ch. 13.26A, Water Quality, from entering the stormwater drainage system. A Condition is warranted to ensure compliance with this requirement. <u>See</u> Condition A-3r.

<u>Finding 12 - Crime Prevention and Safety</u>. CCC 40.330.010 requires building orientation and public use areas, such as waste and recycling storage areas and church entries, to take into consideration a tenant's ability to monitor other doorways as a safety provision. Exterior lighting levels shall be selected, and light fixtures shall be oriented towards areas vulnerable to crime. According to the applicant's narrative, lighting will be provided throughout the site and at building and dwelling entries to provide visibility to deter crime and increase safety. Additionally, lights will shine into the open spaces to deter crime, and walkways will include pedestrian scaled lighting. The applicant's photometric proposed plan demonstrates compliance with these requirements.

<u>Finding 13 – Pedestrian Circulation</u>. CCC 40.340.020.3 requires pedestrian circulation routes within the commercial parking areas to be improved with asphalt, concrete, permeable pavement or another approved all-weather surface. It also requires these circulation routes to connect the buildings to the parking area and, to the extent practicable, the pedestrian circulation system shall be designed to minimize the distance a pedestrian needs to walk between the buildings and parking spaces. Where these pedestrian routes cross access, maneuvering, parking or loading areas, the crossing must be clearly identified by using striping, elevation changes, speed bumps, a different paving material, and/or other method that effectively alerts drivers, pedestrians and cyclists to the location and nature of the crossing. Striping is discouraged as the only method of identifying pedestrian crossings due to maintenance problems and effectiveness in alerting drivers. When striping is used, it must be maintained continuously in perpetuity in an effective manner by the property owner. <u>See</u> Condition H-4. Based on this and the above-referenced conditions, I find the proposed plan meets the requirements for pedestrian circulation.

<u>Finding 14 - Safe Walking Conditions</u>. RCW 58.17.110 requires any site within 1 mile of a school to make appropriate provisions to assure safe walking conditions for students who only walk to and from school. The applicant submitted a letter from Evergreen Public Schools (Ex. 1, tab 20) indicating that the school district provides bus services for High School students, but Middle and elementary students have to walk to school. Staff was able to verify that safe walking conditions exist for students who walk to Orchards Elementary,

but the applicant shall demonstrate a safe walking path to Covington Middle School, or it shall construct a path to provide this access. <u>See</u> Condition A-3t.

<u>Finding 15 - County/State Platting Standards</u>. With conditions of approval, I conclude that this subdivision will make appropriate provision for the public health, safety and general welfare of the community. All homes will connect to public water and sewer facilities, and it will treat stormwater runoff to protect groundwater supply and integrity. All homes will pay impact fees as a proportionate payment to the cost of school, park and transportation facilities needed to serve this development.

Electric Vehicle Charging Infrastructure

<u>Finding 1 – Applicability and Compliance</u>. WAC 51-50-0427 (Electric vehicle charging infrastructure) where parking is provided in a proposed development, five percent of parking spaces shall be provided with electric vehicle charging infrastructure in compliance with Sections 427.3, 427.4 and 427.5. When the calculation of "percent served" results in a fractional parking space, the applicant shall round up to the next whole number. The applicant shall provide the location of this infrastructure on the Final Construction Plans. See Condition A-3u. With this, I conclude that this proposal, subject to the above-mentioned conditions will meet Building Safety requirements of the Clark County Code and parallel Washington state requirements.

Archaeology

<u>Finding 1 – Applicability</u>. The development site is located within a high probability area for the discovery of archaeological resources, as designated on the Archaeological Predictive Model Map of the Clark County. Because a SEPA was triggered, an Archaeological Predetermination was required (Ex. 1, tab 21).

<u>Finding 2 - Pre-determination</u>. The application included an archaeological pre-determination to the Washington State Department of Archaeology and Historic Preservation (DAHP). DAHP was provided with mailed notice and a copy of the SEPA checklist but has not provided comment. Therefore, a note on the final engineering plans and final plat is warranted that requires all work to stop if resources are discovered during ground disturbance, and that both DAHP and the county will be notified. <u>See</u> Conditions A-2 & D-4a.

Transportation & Circulation

<u>Finding 1 – Pedestrian/Bicycle Circulation</u>. Pedestrian circulation facilities in compliance with the Americans with Disabilities Act (ADA) are required by CCC 40.350.015. Bike lanes are not required along the streets of the development. The proposed plan includes 5-foot wide sidewalks along NE 115th Avenue and 6-foot wide sidewalks along NE 71st Street. The developer shall design and construct temporary AC pedestrian ramps where pedestrian facilities temporarily terminate at the property boundary. The developer shall provide curb ramps at all street intersection corners and shall upgrade any existing corner ramps that do not currently meet ADA requirements. <u>See</u> Conditions A-5a & A-5b. The application proposes a public pedestrian path through the site to connect NE 117th Avenue with NE 69th Street/NE 115th Avenue. Public accessways shall consist of a minimum 10-foot wide easement or tract and may be entirely hardscaped, and all accessways shall comply with Americans with Disabilities Act standards. <u>See</u> Conditions A-5c & C-2a.

<u>Finding 2 – Road Circulation Plan</u>. CCC 40.350.030(B)(2) requires Cross-circulation, but the applicant submitted a road modification to avoid the cross-circulation requirement. <u>See</u> Finding 7 – Road Modifications, Request 2.

<u>Finding 3 – Frontage Improvements/Roads</u>. Road improvements and design shall comply with CCC 40.350.030, CCC Table 40.350.030-2 and CCC Table 40.350.030-3.

- *NE 117th Avenue (SR 503)* is a State Route, and improvements along this roadway shall meet the requirements of the WSDOT. <u>See</u> Conditions A-5d.
- *NE 71st Street* is a Local Commercial/Industrial Access Road for which a 30-foot right-of-way half-width, a 21-foot paved roadway half-width, curb & gutter, and a 6-foot wide sidewalk per Clark County Standard Drawing 8 are all required. The applicant proposes to meet these minimum standards. <u>See</u> Condition C-2b.
- *NE 115th Avenue* is an Urban Neighborhood Circulator for which a 27-foot right-of-way halfwidth, an 18-foot paved roadway half-width, curb & gutter, and a 5-foot wide sidewalk per Clark County Standard Drawing 12 are all required. The applicant proposes to meet these minimum standards. <u>See</u> Conditions C-2c.
- Portions of both NE 71st Street & NE 115th Avenue in northeast corner of the development have frontage on both sides, which gives rise to the requirement that the developer make full street improvements and frontage improvements on both sides of these segments. CCC 40.350.030(B)(5) requires a project developer to make half street improvements to "that portion of a frontage public or private road which abuts a parcel being developed as a condition of development approval." Because portions of the development site are situated on both sides of NE 115th Avenue and a small portion of NE 71st Street where the two streets intersect, staff included a condition requiring full street improvements along NE 115th Avenue and the curve NE 71st Street. The applicant objected (Ex. 35), arguing that the small slivers of land on the west side of NE 115th Avenue will not proposed for any development and would be conveyed to some abutting property owner in the future. From this, the applicant argued that the west side of NE 115th Avenue did not qualify as a development "site," as defined in CCC 40.100.070, and therefore should not trigger the frontage improvements requirement on the west side under CCC 40.350.030(B)(5). Staff maintained its position post-hearing (Ex. 36) and pointed out that the applicant was notified of the full-street improvement requirement first in the preapplication conference (Ex. 1, tab 4), then in the early issues memo (Ex. 13), and in the final staff report (Ex. 34), but never disposed of the remnant strips of land and did not seek a road modification to avoid the double frontage improvement requirement.

To this day, the strips of land on the west side of NE 115th Avenue remain part of the parent parcel that is the subject of this development proposal, despite the applicant's promise to convey them to abutting property owners to the west. As I read the applicant's arguments (Exs. 35 & 42) and its reliance on the definition of "site," it appears its position is that where no construction is proposed along a street, half-street improvements are not needed on that side. My interpretation of the definition of "site" does not comport with the applicant's proffered interpretation. The parcels involved in this case qualify as the "site" because all portions of these parcels were subject to this development proposal. As it turns out, no structures are proposed to be constructed on the west side of NE 115th Avenue, but that does not mean those portions can so easily be removed from the definition or the requirement for street frontage improvements. In

my view, the applicant's argument would only have merit if those remnants, in fact, were conveyed and no longer part of the properties that are the subject of this development proposal. To date, the applicant has not done that, despite promises to do so, thus they remain part of the development "site" and the frontage requirement in CCC 40.350.030(B)(5). That said, I have revised the condition to provide the applicant one last opportunity to evade the full-street improvements that staff had warned of from the beginning. If the applicant conveys the remnants on the west side of NE 115th Avenue before final engineering, frontage improvements will not be required. If they remain in common ownership with the rest of the development site, full-street frontage improvements will be required along NE 115th Avenue, through the horizontal curve as it becomes NE 71st Street. See Conditions A-5e.

A private alley is proposed to serve as secondary access to the townhouse lots along NE 71st Street, for which the applicant submitted a road modification because the alley is proposed to be built to a substandard. <u>See</u> Condition D-6c & Transportation Finding 7 – Road Modifications, Request 3.

<u>Finding 4 – Access Management</u>. The site takes primary access from NE 71st Street and secondary access from NE 69th Street/NE 115th Avenue. All portions of the site have access to both driveways though interconnected drive aisles. The applicant has submitted a road modification to address the commercial access to NE 69th Street/NE 115th Avenue. <u>See</u> Finding 7 – Road Modifications, Request 1. All lots will take access from the proposed drive aisle that connects this project to NE 71st Street for primary access and NE 115th Avenue for secondary access. All drive aisles and parking areas to be shared by the lots in this development shall be placed in a recorded reciprocal blanket easement. <u>See</u> Condition C-2d. The application proposes two new commercial driveway approaches - one each onto NE 71st Street and NE 115th Avenue. The applicant shall comply with the commercial driveway construction standards when installing these driveways. <u>See</u> Condition A-5f.

<u>Finding 5 – Sight Distance</u>. CCC 40.350.030(B)(8) provides the required minimum sight distances for intersections and driveways. Landscaping, trees, utility poles, and miscellaneous structures shall not be allowed to impede required sight distances at any of the driveway approaches or intersections. Table 40.350.030-8 requires 250 feet of sight distance in both directions of the site's entrances on both NE 71st Street and NE 115th Avenue/ NE 69th Street according to the 25 MPH posted speed limit along these roads. The June 2, 2022 Traffic Impact Study prepared by H. Lee & Associates (Ex. 1, tab 14) and subsequent up-date (Ex. 16) indicate that the sight distance requirements will be met at the development's access points, so long as the sight distance triangles are property maintained. The applicant shall submit final construction drawings for review and approval that show sight distance triangles at the development's access locations. The plans shall also show objects that are within the sight distance triangles and any mitigation measures that are required to achieve the required sight distance. The developer shall provide a verified sight distance certificate once construction is complete. See Conditions A-5g & C-3.

<u>Finding 6 – Transportation Phasing</u>. The application proposes this development in 6 phases (Ex. 1, tab 13). Phases 1 through 4 include the apartment buildings; Phase 5 includes the commercial buildings, and Phase 6 includes the 10 townhome lots. The applicant is responsible for providing all required transportation improvements necessary for each individual phase to function. The required transportation improvements for each proposed phase will be reviewed during final engineering review. <u>See</u> Condition A-5h.

<u>Finding 7 – Road Modifications</u>. The applicant submitted a road modification request with the application (Ex. 1, tab 14), which it subsequently revised twice (Exs. 20 & 25), seeking the following modifications:

- 1. <u>Driveway access onto a local access residential road from a commercial property</u>. A request to modify CCC 40.350.030(B)(2) to allow.
- 2. <u>Cross-circulation, block length and perimeter</u>. A request to modify CCC 40.350.030(B)(4)(d)(3) and avoid
- 3. <u>Private alley not connecting to a street at both ends</u>. A request to modify CCC.

Modifications to the road design standards in CCC Ch. 40.350 may be granted pursuant to CCC 40.550.010(C)(2) when the applicant demonstrates that at least <u>one</u> of the following circumstances exists:

- 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.

Transportation engineering staff reviewed the road modification requests and recommended approval of all three (Ex. 29), for which I adopt the following findings:

- 1. First Request Driveway access onto a local access residential road. According to CCC 40.350.030(B)(4)(b), the purpose of Access Management is to ensure safe access to the public road network, and nonresidential driveways are prohibited from taking access from an urban access road unless no other access exists or can be provided to a collector. A portion of the site is proposed to be developed with commercial uses, with the remainder of the site being developed with residential uses. Due to the site's interconnecting drive aisles, all uses will have access to the primary driveway onto NE 71st Street and secondary access onto NE 115th Avenue. NE 71st Street is a Commercial/Industrial Local Access Road, and NE 115th Avenue is a Local Residential Access Road. Due to the commercial use and the site's interconnectivity, the commercial use will have access to NE 115th Avenue, which is prohibited by code. The applicant designed the site so that access through the site to NE 115th Avenue from the commercial portion of the development will require a circuitous route. Staff supported the request to allow a driveway onto NE 115th Avenue, and under the circumstances presented in this site plan, so too do I. I find that the second circumstance in CCC 40.350.010(C)(2)(b) exists, and the first road modification is approved as proposed. See Condition A-5i.
- 2. <u>Second Request Cross-circulation</u>. According to CCC 40.350.030(B)(2), the purpose of the Cross-Circulation requirement is to ensure adequate cross-connections with

adjacent properties in a way that allows subsequent development of those properties to meet connectivity standards, and to provide a mechanism for integrating various streets into an efficient and safe transportation network. These standards require block lengths between 100 to 800 feet and block perimeter length that does not exceed 3,200 feet. The applicant proposes internal circulation within the site and additional pedestrian circulation from NE 115th Avenue to NE 117th Avenue (SR 503). WSDOT does not support any additional roadway intersections onto NE 117th Avenue in the vicinity of this project. Staff supported the request for relief from the cross-circulation requirements in deference to WSDOT and its policy desire to protect the functionality of SR 503. I agree with the policy to protect the functionality of SR 503 by limiting direct access and find that the first circumstance is met. On this basis, I approve the second road modification as requested. See Conditions A-5j & D-4c.

3. Third Request – Transportation Design Criteria - private alleys. According to CCC 40.350.030(B)(3) and CCC 40.260.155(C)(6)(e), alleys are allowed to provide secondary access, but when the narrow lot standards are in play, as they are in this case, dictate that alleys must be private when they are narrower than 20 feet. Alleys are also required to connect to streets at both ends. In this case, the applicant proposes a dead-end private alley that is 16 feet wide within a 20-foot easement to provide secondary access to the 10 townhomes. The alley is not proposed to connect at both ends due to deficient sight distance at the points where it would connect to the public road. To keep the private turnaround at the end of the alley out of public right-of-way, the applicant proposes it to be shorter and narrower than the standard detail Drawing 28. The Fire Marshal reviewed the proposal and supports its approval (Ex. 14), including this substandard turnaround as providing sufficient access to the townhomes from NE 71st Street. Staff similarly supports the request for a dead end alley with a substandard turnaround (Ex. 29). Based on these recommendations, I agree, and the third road modification is approved as proposed under the first circumstance. See Conditions A-5k & A-5I.

<u>Finding 8 - Transportation Conclusion</u>. Based on the applicant's traffic study and revised road modification request (Ex. 1, tab 14 & Ex. 25), staff's favorable recommendation (Exs. 29, 30, 31 & 34), and the foregoing findings, I conclude that the proposal can meet the applicable County transportation requirements, subject to the conditions referenced herein.

Transportation Concurrency

<u>Finding 1 - Trip Generation</u>. The applicant's traffic study (Ex. 1, tab 14) analyzes a 276-unit apartment complex, 14 townhome units, and 32,000 sf of retail space on 12.72 acres. The study estimated the net new a.m. and p.m. peak hour trip generation at 193 trips and 360 trips, respectively, with an average daily trip generation (ADT) of 3,703 trips. Trip generation was estimated using the nationally accepted data published by the Institute of Transportation Engineers Trip Generation Manual 11th Ed. Staff concurred with the applicant's findings, conclusions and recommendations (Ex. 31) and found the traffic information to be complete and compliant with CCC 40.350.020(D)(1). On that basis, I agree and conclude that the proposed preliminary plan meets the County's transportation concurrency requirements.

<u>Finding 2 - Site Access</u>. Traffic conditions are usually expressed using a scale that quantifies the ability of a facility to meet the needs and expectations of the driver. This scale is graded from A to F and is referred to as level-of-service (LOS). A driver who experiences a LOS A condition would expect little delay. A driver who experiences a 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 a 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 applicant's plan shows there will be two access points for this development: NE 71st Street and NE 115th Avenue. The revised plans (Exs. 22, 23, 24, 25, 26 & 28) and narrative (Ex. 18) indicates that the applicant will construct the NE 71st Street frontage to comply with the standard section of a local commercial industrial roadway, Clark County Standard Drawing 8. The plans indicate that NE 115th Avenue will be constructed to comply with the standard section of a neighborhood circulator. Clark County Standard Drawing 12. The applicant's study evaluated the LOS at the proposed driveway access onto NE 115th Avenue and NE 71st Street and found that the access locations will operate at a LOS C, or better in the 2025 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 buildout scenarios. County Staff reviewed and concurred with the traffic study findings, and on that basis, so too do l.

<u>Finding 3 - Clark County Concurrency</u>. This development is required to meet the standards in CCC 40.350.020(G) for corridors and intersections of regional significance within 2 miles of the development site. Typically, the County's transportation model is used to determine what urban area developments are currently being reviewed, approved or under construction near the proposed development. The traffic these developments will generate is referred to as "in-process traffic" and ultimately will contribute to the same roadway facilities as the proposed development. This "in-process traffic" is used to evaluate and anticipate area growth and its impact on intersection and roadway operating levels with and without the proposed development. From this, the county can determine if roadway mitigation is necessary to reduce transportation impacts.

- Signalized Intersections. The County's model evaluated the operating levels, travel speeds and delay times for the regionally significant signalized intersections that stand to be affected by traffic from this development. This analysis showed that individual movements during peak hour traffic conditions had approach delays that did not exceed a maximum 240 seconds, or 2 cycles, of delay in the build-out year. From this, County Staff determined that this development can and will comply with adopted Concurrency standards for signalized intersections. On this basis, I agree.
- *Unsignalized Intersections.* County Staff evaluated the operating levels and standard delays represented in the County's model, which yielded operating levels and standard delay times with a LOS better than the minimum allowable LOS E for unsignalized intersections. The applicant's traffic study reports that the City of Vancouver signalized intersections at NE 131st Avenue/NE Fourth Plain Boulevard and NE 137th Avenue/NE Fourth Plain Boulevard will operate at LOS E or better in the buildout horizon. The City of Vancouver, however, did not provide written comments on this proposal. From all of this, County Staff determined that the development can and will comply with adopted Concurrency standards for unsignalized intersections.
- *Concurrency Corridors*. Staff reported that an evaluation of the concurrency corridor operating levels and travel speeds in the County's model yielded operating levels and travel speeds within acceptable levels of service. The regionally significant corridor was identified as eastbound NE 119th Street east of NE 117th Avenue (SR 503). The

applicant's traffic study (Ex. 1, tab 14) reported that, in the 2025 buildout horizon, this corridor is predicted to have a volume/capacity (v/c) ratio greater than a 0.9. Staff reviewed the LOS and volumes reported at the intersections analyzed in the corridor evaluations and found that, in the 2025 buildout year, intersections on NE 119th Street east of SR 503 are anticipated to operate at acceptable LOSs. Staff concluded that the v/c ratio over the corridors did not represent roadway deficiencies, rather corridor mobility facilitated with acceptable signalized intersection LOS. Staff recommended that the reported v/c in the applicant's traffic study should be used as an indicator that this roadway segment should be subjected to site-specific study with a more detailed operational analysis before any major design, reconstruction, or investment decisions are made. With that caveat, County Staff determined that this development can and will comply with adopted volume/ capacity (v/c) standards for regionally significant corridors, and on this basis, I agree.

- *Conclusion*. Based on staff's favorable review, I conclude this development can comply with the County's concurrency standards for corridors, signalized and unsignalized intersections that are under County jurisdiction.
- Safety. Where applicable, a traffic study shall address the following safety issues:
 - traffic signal warrant analysis,
 - turn lane warrant analysis,
 - accident analysis, and
 - any other issues associated with highway safety.

Mitigation for off-site safety deficiencies may only be a condition of development approval pursuant to CCC 40.350.030.B.6, which provides 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."

<u>Finding 4 - Turn Lane Warrants</u>. Turn lane warrants are evaluated at unsignalized intersections to determine if a separate left or right turn lane is needed on the uncontrolled roadway. The applicant's traffic study evaluated the need for turn lanes based on the Washington State Department of Transportation (WSDOT) Design Manual. Staff reviewed and concurred with the traffic study findings (Exs. 29, 30 & 31), and on this basis, so too do I.

<u>Finding 5 - Historical Accident Situation</u>. The Institute of Transportation Engineers (ITE) Traffic Access and Impact Studies for Site Development – A Recommended Practice states that Accident rates vary, but any intersection with more than one accident per million entering vehicles warrants additional analysis. This ITE recommended threshold and practice is used by county staff to determine the scope or level of analysis required to document crash history and mitigate for significant traffic safety hazards. On this basis, County staff regard a crash rate of one crash per million entering vehicles to be the threshold for further analysis and possible mitigation. County staff will also verify there is no particular or identifiable crash trend that would be exacerbated by the development regardless of the threshold. The applicant's traffic study analyzed the crash history as obtained from Clark County for the period January 2017 to May 2022. The intersection crash rates, for the study intersections do not exceed thresholds that would warrant additional analysis. Staff validated the reported crash history since the installation of the all-way stop control, and the applicant's engineer did not recommend any mitigation or further analysis at this location. Staff concurs with the applicant's finding.

<u>Finding 6 - Roadside Safety (Clear Zone) Evaluation</u>. The Institute of Transportation Engineers (ITE) Traffic Engineering Handbook 6th Ed., states that "[t]he clear roadside concept...is applied to improve safety by providing an un-encumbered roadside recovery area that is as wide as practical..." 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." Clark County has adopted these requirements in CCC 40.350.030(C) (1)(b) by incorporation of the Washington State Department of Transportation (WSDOT) Design Manual, Chapter 1600, which 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, trashcans, landscaping and transit shelters along the roadside."

"For projects on city streets as state highways that include work in those areas that are the City's responsibility and jurisdiction, design the project using the city's Development/Design Standards. The standards adopted by the city must meet the requirements set by the Design Standards Committee for all projects on arterial, bike projects, and all federal-aid projects."

The applicant shall consider the WSDOT Design Manual – Roadside Safety Mitigation Guidance (Sec. 1600.04) in the final engineering design of all roadways and frontage improvements. <u>See</u> Condition A-10b.

<u>Finding 7 - Vehicle Turning Movements</u>. The road and driveway approach standards in CCC 40.350.030(C)(3) are minimum criteria intended for normal conditions. CCC 40.350.030 (C)(3) also provides that the County may require higher standards for unusual site conditions. The applicant shall submit construction plans for review and approval that show that the design and geometry of each intersection will accommodate all applicable design vehicles. The plans shall also show that all applicable design vehicles have the ability to enter and exit the development minimizing impact to opposing travel lanes, which may result in segments of no on-street parking at or intersections within the development. Applicable design vehicles and garbage trucks. See Condition A-10c.

<u>Finding 8 – Transportation Concurrency Conclusion</u>. Based on the applicant's plans, staff's favorable recommendation and the foregoing findings, I conclude the proposal can meet the applicable concurrency requirements, subject to the conditions referenced herein.

Stormwater and Erosion Control

<u>Finding 1 – Stormwater Applicability</u>. CCC Ch. 40.386 (Stormwater and Erosion Control) apply to all new development, redevelopment, land disturbing activities and drainage projects consistent with the Clark County's NPDES Phase I Municipal Stormwater Permit and Clark County Stormwater Manual (2021). The project adds more than 5,000 sf of new hard surface; therefore, the applicant shall comply with and implement Minimum Requirements (MR) 1 through 9. <u>See</u> Condition A-7a. This development shall not materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots. <u>See</u> Condition A-7b.

Finding 2 - Stormwater Proposal. The site currently sits unused; previous structures were demolished, but pavement and underground storm infrastructure remain scattered throughout the site. The site is mostly vegetated with open fields, overgrown brush and scattered trees. Mapped soil types include Sifton Gravelly Loam (SvA), which has a hydrologic soil group classification of B and a Clark County WWHM Soil Group classification of SG-1. The applicant's March 4, 2022 geotechnical report (Ex. 1, tab 10), prepared by NV5, reports that groundwater was not encountered to a depth of 15 feet below ground surface. Based on nearby well logs and GIS mapping, however, the Geotech recommends a design groundwater depth of 17 feet below ground surface. Based on infiltration testing the Geotech recommends an unfactored infiltration rate of 100 inches per hour can be used for the native gravel. The applicant provided an August 2022 Preliminary Technical Information Report prepared by PLS Engineering (Ex. 1, tab 11) that assumes site improvements of 32,000 sf of multi-tenant commercial space in 3 commercial buildings, 274 multifamily units in 10 apartment buildings, 11 single family residences, parking lots and drive aisles, resulting in 9.4 acres of new hard surface. On-site Stormwater Management (MR 5) and Flow Control (MR 7) will be addressed by infiltrating 100% of all stormwater through the use of Downspout Full Infiltration – Infiltration Trenches (BMP T5.10B) and Infiltration Trenches (BMP R5.11).

Basic runoff treatment (MR 6) is met for all pollution generating surfaces with StormFilter® proprietary treatment filter cartridge catch basins or manholes (BMP T12.10) located throughout the site. The applicant shall submit documentation from the stormwater treatment system manufacturer indicating that the stormwater treatment devices were sited and sized appropriately. <u>See</u> Condition A-7c. Wetlands Protection (MR 8) is not triggered as there are no wetlands onsite, and no off-site discharge is proposed. The final construction plans and the final plat shall identify ownership and maintenance responsibilities for the stormwater facilities. <u>See</u> Condition A-7d.

<u>Finding 3 - Infiltration and Groundwater</u>. The Geotechnical Report (Ex. 1, tab 10) determined that the site is suitable for below ground disposal of stormwater with infiltration rates of 100 in/hr. The Geotech also did not observe groundwater seepage in explorations to a depth of 15 feet below ground surface (BGS). Based on a review of nearby published groundwater well logs, groundwater is typically encountered between 18 and 24 feet BGS. Based on the Clark County GIS groundwater levels may rise as high as 17 feet BGS. The infiltration facility must achieve a 5-foot separation between the bottom of the facility and the seasonal high groundwater level. Based on the site grades and proposed facility depth, there appears to be adequate separation between the bottom of the facility and the seasonal high groundwater. The applicant shall demonstrate that any infiltration facilities can achieve the required groundwater separation during construction. The developer shall verify and document infiltration rates at all proposed infiltration facilities during construction. The final

construction plans shall show that all stormwater facility setbacks are met unless a Geotechnical Engineer recommends that setbacks can be reduced. <u>See</u> Conditions A-7e, A-7f, A-7g, C-4 & C-5.

<u>Finding 4 – Stormwater Phasing</u>. The application proposes 6 phases. The applicant is responsible for providing all necessary stormwater mitigation improvements required for each individual phase. The required stormwater mitigation improvements for each phase shall be reviewed during final engineering review. <u>See</u> Condition A-7h.

<u>Finding 5 - Stormwater & Erosion Control Conclusion</u>. Based on the applicant's plans and technical reports (Ex. 1, tabs 10, 11 & 12), staff's favorable recommendation (Ex. 30), and the foregoing findings, I conclude that the proposal can meet the applicable stormwater collection, detention and treatment requirements, subject to the conditions referenced herein.

Geologic Hazard Area

<u>Finding 1 - Geological Hazard Applicability</u>. Clark County GIS indicates that portions of the site are located in a regulated geologic hazard area. All development activities in or adjacent to (within 100 feet of) a geologic hazard area is required to comply with CCC Ch. 40.430. There is a mapped landslide hazard near the northwest corner of the property, which implicates this regulatory chapter.

<u>Finding 2 - Geotechnical Assessment</u>. The applicant's geotechnical engineer, NV5, addressed the mapped geologic hazards in its November 22, 2021 Report of Geotechnical Engineering Services (Ex. 1, tab 10). The assessment evaluated the potential landslide hazard and concluded these mapped hazards will not have an impact on the site's proposed improvements and that the site's proposed improvements will not increase the risk of damage to these potential geological hazards.

<u>Finding 3 - Geotechnical Conclusion</u>: Based on the applicant's plans and technical reports (Ex. 1, tabs 10, 11 & 12), staff's favorable recommendation (Ex. 30), and the foregoing findings, I conclude that the proposal can meet the applicable geological hazard requirements in CCC Ch. 40.430, subject to the conditions referenced herein, which satisfies the preliminary plan review requirements.

Fire Protection

<u>Finding 1 - Building Construction</u>. Building construction occurring subsequent to this approval shall comply with the county's building and fire codes. Additional specific requirements may be imposed at the time of building construction as a result of the permit review and approval process. <u>See</u> Condition G-3.

<u>Finding 2 - Fire Flow</u>. Fire flow in the amount of 2,500 gallons per minute supplied for 120 minutes duration is required for this development, based on a non-sprinklered 9,000 sf building of type VB construction. Prior to final approval, the developer shall submit proof from the water purveyor indicating that the required fire flow remains available at the site. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval. A June 23, 2022 water review letter from the City of Vancouver (Ex. 1, tab 17) indicates only 1,500 gpm available in the area; therefore, the developer shall submit fire flow documentation that demonstrates 2,500 GPM, or the commercial building shall be sprinklered. <u>See</u> Conditions A-1a, D-2a, & D-2b.

<u>Finding 3 - Fire Hydrants</u>. Fire hydrants are required for this application, and either the indicated number or the spacing of the fire hydrants is inadequate. The developer shall provide fire hydrants so that the maximum spacing between hydrants is not farther than 300 feet and no lot or parcel is farther than 300 feet from a fire hydrant as measured along approved fire apparatus access roads. <u>See</u> Condition A-1b. The local fire district chief shall review and approve the exact locations of all fire hydrants. The developer should contact Fire District 5 via the Vancouver Fire Department to arrange for location approval. Unless waived by the fire district chief, all fire hydrants shall be equipped with appropriate 'storz' adapters for the pumper connection. <u>See</u> Condition A-1e. The developer shall provide, and subsequent owners shall maintain, a 3-foot clear space completely around every fire hydrant. <u>See</u> Conditions A-1d & H-1a.

<u>Finding 4 - Fire Apparatus Access</u>. Fire apparatus access is required for this development and the roadways and maneuvering areas as indicated in the plans appear to provide adequate and required fire apparatus access. The developer shall 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. <u>See</u> Conditions A-1c & H-1b. Approved fire apparatus turnarounds are required for this development, and the indicated provisions for turning around fire apparatus appear to be adequate.

<u>Finding 5 – Parking</u>. Parking is prohibited on access roads that are narrow than 24 feet wide. Roads that are narrower than 24 feet wide shall be posted "NO PARKING-FIRE LANE." <u>See</u> Conditions A-1f & D-2c.

<u>Finding 6 – Gates</u>. While no gates are proposed at this time, no gate may be installed across a required fire department access road or driveway without first obtaining a permit from the fire marshal's office. Inspection and testing of the gate will be required. Split gates with a divided entry and exit side will need 15 feet on either side for a total gate width of 30 feet.

<u>Finding 7 – Sprinkler Systems</u>. Buildings provided with automatic fire sprinkler systems shall be provided with a minimum of two fire hydrants. One fire hydrant shall be within 100 feet of approved fire department connections to the sprinkler systems. <u>See</u> Condition A-1g. An automatic sprinkler system is required at the time of construction for R-2 occupancy buildings regardless of size and for all buildings over 12,000 sf that are part of this application. Such systems require separate reviews, permits and approvals issued by the Fire Marshal's Office. Sprinkler systems indicating valves consisting of fewer than 100 heads shall be wall or post indicating valves unless the control valves are located in a room with direct access to the exterior of the building within 5 feet of the sprinkler riser. <u>See</u> Condition E-3.

<u>Finding 8 – Fire Alarm System</u>. Where applicable, an approved fire alarm system is required at the time of building construction, which requires separate reviews, permits and approvals issued by the Fire Marshal's Office. <u>See</u> Condition E-4.

<u>Finding 9 – Emergency Escape and Rescue Openings</u>. The developer shall provide emergency escape and rescue openings (sidewalks and gates) that open directly to a public way from the backyard of any portion of the development where section R310 of the International Residential Code would apply. A minimum of 3 feet is required. <u>See</u> Condition E-5. <u>Finding 10 – Radio Coverage</u>. New and existing buildings shall have approved radio coverage for emergency responders as outlined by Section 510 of the fire code and may require the installation of an Emergency Responder Radio Coverage System (ERRCS). The developer shall provide proof of adequate radio coverage. A separate permit is required to install or modify an ERRCS and related equipment. <u>See</u> Condition E-6. For more information, the developer should contact CRESA Radio Department.

Water and Sewer Service

<u>Finding 1 - Service Availability</u>. The site will be served by City of Vancouver water and Clark Regional Wastewater sewer systems. Letters from these districts confirm that services are available to the site (Ex. 1, tabs 16 & 17). Prior to final plat approval, the developer shall provide documentation from City of Vancouver and Clark Regional Wastewater District documenting that utilities have been installed to the site and approved. <u>See</u> Conditions D-5a & D-5b.

<u>Finding 2 - Public Health Site Evaluation</u>. Public sewer connection is required for this project, and the developer shall submit a copy of the final acceptance letter from the sanitary sewer purveyor with the Mylar. <u>See</u> Condition D-5d. Each of the parcels associated with the proposed project had either septic records or field identified septic features, except for Parcel No. 157492-003.

- Parcel No. 157491-000 Orchards School 7000 NE 117th Avenue: A site plan for the school district identified the location of the septic tank and drainfield. There is an associated Public Health Record ON0026519. The field reconnaissance found evidence of excavated materials in the vicinity of the septic tank location. Staff identified several vaults that may be associated with the system on the property as well as several open vaults without covers. While the site is almost entirely fenced, these open holes present a risk to people entering the property.
- *Parcel Nos.* 157492-001 and 157492-002 7110 NE 117th Avenue: Staff identified a site plan for the mobile home park, associated with the Greenway Terrace Mobile Home Park. Many of the records for these parcels, as well as Parcel No. 157492-003, are attached to the parcel to the west of 11515 NE 71st Street, identified as Parcel No. 157492-000. A field review of these two parcels identified concrete structures with similar features to septic tank lids. The location of the concrete structures are identified on the site plan.
- *Parcel No. 157492-003 7108 NE 117th Avenue*: The subject parcel historically contained a storage facility and a residence prior. There were no records associated with the property with exception of a note in a demolition permit which stated the septic had not been removed yet.

Because of the association of Parcel Nos. 157492-001 to 157492-003 with neighboring Parcel No. 157492-000, the record of septic infrastructure is unclear. The record shows there were over 100 units in the mobile home park with a drainfield containing 26 lines. Field staff found a total of two tank lids for approximately 29 residential units on the property. Staff suspects that more tanks will be discovered in the vicinity of the former mobile home park during development. The developer shall decommission and properly abandon all such OSS and any others discovered during development consistent with CCC 24.17.210. See Condition B-1. Proper abandonment of the systems requires tank pumping by a

licensed pumper, breaking in the tank lids, and filling the cavities with compacted soil. Any cesspools, drywells, or pump chambers discovered on the site shall also be abandoned in this manner and locations shown on the final plat. <u>See</u> Condition D-5c.

Finding 3 – Connection to public water and sewer required. Public The developer shall connect this development to an approved public water system and provide a copy of the final acceptance letter from the purveyor or the equivalent with the Mylar. See Condition D-5d. No county records were identified for wells present on any of these parcels. A review of the Washington Department of Ecology well database revealed a total of 5 well logs. Robert Walker, who formerly owned the Greenway Terrace Mobile Home Park, submitted a log stating that he had decommissioned a well for the mobile home park at 7110 NE 117th Avenue. A field review of the property identified an 8-inch diameter drilled well inside of a concrete chamber on Parcel No. 157492-002 near the north gate. A record review of the Orchards School Property uncovered four well logs. A field review of the subject property revealed one 8-inch well, but it is unclear which well log may be associated with the well identified on the subject property. The developer shall decommission all field-verified wells and all other wells identified or discovered during this development. Decommissioning shall be completed by a licensed well driller with documentation submitted to CCPH prior to final plat approval and all decommissioned wells must be shown on the final plat. See Conditions B-1 & D-5c.

Impact Fees

<u>Finding 1 – Applicability</u>. All residential units constructed in this development will produce impacts on schools, parks, and traffic and related systems and facilities. Accordingly, each new dwelling unit shall pay the then-current School Impact Fee (SIF), Park Impact Fee (PIF), and Traffic Impact Fee (TIF) at the time of building permit issuance pursuant to CCC chapter 40.610, which currently include the following impact fee districts: Orchards TIF, Evergreen SIF and Park District 6.

<u>Finding 2 - Impact Fee Calculations</u>. These impact fee districts currently charge the following residential impact fees for number and type of units proposed in this development.

Residential fees estimate per unit based on type	
Orchards Traffic (single-family)	\$3,406.73
Park District 6 (single-family)	\$5,572.00
Evergreen School District (single-family)	\$6,432.00
Orchards Traffic (Townhome & duplex)	\$2,079.11
Park District 6 (Townhome & duplex)	\$4,300.00
Evergreen School District (Townhome & duplex)	\$3,753.00

Based on the proposed 32,000 gfa of commercial use, the Orchards Transportation Impact subarea will charge a TIF for the commercial use (Shopping Center 25,001 – 50,000 sf) of \$631,193.01. All of these amounts, however, reflect the current impact fees; whereas, the actual impact fee amounts charged will be those in effect at the time building permits are issued and are subject to change. CCC 40.610.040. Impact fees are calculated and paid using the rates in effect at the time building permits are issued. <u>See</u> Conditions D-3c, D-4b & E-2.

SEPA Determination

Staff determined there were no probable significant adverse environmental impacts associated with this proposal that could not be avoided or mitigated through the conditions of approval and issued a preliminary Determination of Non-Significance (DNS) on September 14, 2022 (Exs. 4 & 5). The County received responsive comments to the preliminary SEPA determination during the comment period (ending September 28, 2022) from the Washington Department of Ecology (Exs. 6 & 8), WSDOT (Ex. 9 & 40) and C-TRAN (Ex. 10). I conclude that these comments are adequately addressed in the foregoing findings and conditions of approval and that no further response is warranted. The SEPA checklist is compliant with the applicable state and County requirements, and it is final.

V. Decision and Conditions:

Based on the foregoing findings and except as conditioned below, this application is approved in general conformance with the revised plans (Exs. 18, 22, 23, 24, 25, 26, 27 & 28) and supporting documentation (Ex. 1). On this basis, this development application is approved as proposed, subject to the requirement that the applicant, owner or subsequent developer (the "developer") shall comply with all applicable code provisions, laws and standards and the following conditions of approval. These conditions shall be interpreted and implemented consistently with the foregoing findings:

A Final Construction Review for Land Division Review and Approval Authority: Land Use, Development Engineering & Fire Marshal

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 **Fire Marshal Requirements**: The developer shall comply with or otherwise implement all of the conditions suggested by the Fire Marshal's Office, including the following:
 - **a.** The developer shall submit plans showing the location of water lines and hydrants for review and approval by the Fire District Chief. <u>See</u> Fire Protection Finding 2.
 - **b.** The developer shall provide fire hydrants such that the maximum spacing between hydrants does not exceed 300' and such that no lot or parcel is in excess of 300' from a fire hydrant as measured along approved fire apparatus access roads. <u>See</u> Fire Protection Finding 3.
 - **c.** Access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13.5 feet with an all-weather driving surface capable of supporting the imposed loads of fire apparatus. <u>See</u> Fire Protection Finding 4.
 - **d.** A 3-foot clear space needs to be provided around every fire hydrant. <u>See</u> Fire Protection Finding 3.
 - **e.** Unless waived by the fire district chief, hydrants shall be provided with appropriate "storz" adapters for the pumper connection. <u>See</u> Fire Protection Finding 3.
 - f. Parking is prohibited on access roads that are narrower than 24 feet wide. Roads that are less than 24 feet wide shall be posted, "NO PARKING – FIRE LANE." <u>See</u> Fire Protection Finding 5.

- **g.** Buildings provided with automatic fire sprinkler systems shall be provided with a minimum of two fire hydrants. One fire hydrant shall be within 100 feet of approved fire department connections to the sprinkler systems. <u>See</u> Fire Protection Finding 7.
- A-2 **Final Construction Plan (Archaeology)** The developer shall submit and obtain county approval of a final construction plan with the following note on the face of the plans:

"If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Department of Archaeology and Historic Preservation in Olympia, the Cowlitz Indian Tribe, and Clark County shall be notified. Failure to comply with these state requirements may constitute a Class C Felony, subject to imprisonment and/or fines" <u>See</u> Archaeological Finding 2.

- A-3 Final Site Plan The developer shall submit a Final Site Plan for approval in conformance with Mixed Use Design Standards and the Narrow Lot Standards that demonstrates that utilities, driveways, street trees, and other features are located and designed to minimize conflicts with one another and that demonstrate the following:
 - **a.** The maximum lot coverage for the non-residential parcels shall not exceed 85%. <u>See</u> Land Use Finding 7.
 - **b.** Maximum lot coverage for each of the residential lots shall not exceed 75%. <u>See</u> Land Use Finding 7.
 - **c.** The developer shall either demonstrate that at least 20% of the site is dedicated to non-residential use or revise the proposed plan. <u>See</u> Land Use Finding 4.
 - **d.** Proposed traffic calming measures as required by Section B.2.1.a. <u>See</u> Land Use Finding 7.
 - **e.** The developer shall not provide more than 125% of the parking requirement. <u>See</u> Land Use Finding 7.
 - **f.** The plan shall show five 8-foot benches installed along approximately 420 feet of nonresidential building frontage. <u>See</u> Land Use Finding 7.
 - **g.** Prior to final site plan approval, plan details for the benches, picnic tables and trash receptacles shall be added to the site or architectural plans. <u>See</u> Land Use Finding 7.
 - h. Formal review for compliance with accessibility standards, including parking and access will be performed at the time of civil plan approval and/or building permit review. <u>See</u> Land Use Finding 7.
 - i. A licensed landscape architect shall prepare the final landscape plan. <u>See</u> Land Use Finding 7.
 - **j.** Fencing materials such as barbed wire, razor wire, electric and other dangerous fences are prohibited. <u>See</u> Land Use Finding 7.

- k. Roof-mounted mechanical equipment shall be located so as not to be visible from the street, public open space, parking areas, or from the ground level of adjacent properties. <u>See</u> Land Use Finding 7.
- I. The site plan shall show a maximum paving width of 12 feet for each driveway exit and entrance lane. <u>See</u> Land Use Finding 7.
- m. At least 2.5 parking spaces are required for each narrow lot within the development. <u>See</u> Land Use Finding 8.
- **n.** Prior to construction plan approval, the developer shall provide written approval from Waste Connections that the alleys as proposed are suitable for maneuvering and pickup by collection vehicles. <u>See</u> Land Use Finding 8.
- **o.** The developer shall demonstrate how they meet the allowed compact parking space standard. <u>See</u> Land Use Finding 10.
- p. A minimum of 13 ADA spaces must be provided in which at least 3 must be van accessible. <u>See</u> Land Use Finding 10.
- q. Full-sized parking spaces at a 90° angle are required to have a depth of 20 feet and a width of 9 feet. CCC 40.340.010(A)(10) requires a 4 inch high wheel stop/curb located 3 feet back from the front of each parking space to prevent vehicles from overhanging into the sidewalk. See Land Use Finding 10.
- r. CCC 40.360.030(B)(3) requires exterior storage areas to comply with the Stormwater and Erosion Control standards in Chapter 40.386, including roof cover, paving, and runoff containment, to prevent non-stormwater discharges prohibited by CCC Ch. 13.26A (Water Quality), from entering the stormwater drainage system. <u>See</u> Land Use Finding 11.
- **s.** Solid waste and recycling storage areas shall include a roof cover and be enclosed by a screen to at least an F2 standard. <u>See</u> Land Use Finding 11.
- t. The developer shall demonstrate that a safe walking path to Covington Middle School exists or shall construct a path to make this safe walking connection. <u>See</u> Land Use Finding 14.
- **u.** Consistent with WAC 51-50-0427 (Electric vehicle charging infrastructure in the nonresidential phases), the developer shall show the location of electric vehicle charging infrastructure on the Final Construction plans. <u>See</u> Electric Vehicle Charging Infrastructure Finding 1.
- A-4 C-TRAN Improvements The developer shall consult with C-TRAN and design and construct the frontage improvements that C-TRAN requires along NE 117th Avenue in a way that satisfies C-TRAN requirements and Americans with Disabilities Act standards (Ex. 10). See Land Use Finding 7.
- A-5 Final Transportation Plan/On-Site The developer shall submit and obtain County approval of a final transportation plan designed in conformance with CCC Ch. 40.350 and the following additional requirements:

- **a.** The developer shall show all curb ramps and pedestrian facilities are or will be constructed in compliance with ADA Standards. <u>See</u> Transportation Finding 1.
- **b.** Temporary AC ramps in compliance with ADA Standards shall be installed where sidewalks do not tie into existing sidewalks. <u>See</u> Transportation Finding 1.
- **c.** The developer shall show on the final construction plans a minimum 10-foot-wide public access easement on all public pedestrian accessways. <u>See</u> Transportation Finding 1.
- d. The developer shall consult with WSDOT and design and construct frontage improvements along NE 117th Avenue consistent with WSDOT's requirements and submit documentation demonstrating that WSDOT's requirements for NE 117th Avenue (SR 503) improvements are met. <u>See</u> Transportation Finding 3.
- e. The developer shall provide full width frontage improvements along NE 115th Avenue and the portion of NE 71st Street where the development has frontage on both sides of the street unless the developer conveys the undeveloped remnants on the west side of NE 115th Avenue and the west end of NE 71st Street before final engineering submission. If these remnants are conveyed and title recorded prior to final engineering submission, then only half-street improvements are required along NE 115th Avenue and NE 71st Street. See Transportation Findings 1 & 3.
- **f.** The developer shall show on the final construction plans that all driveway approaches comply with Clark County Standard Detail F17 or F17a, or approved equivalent. <u>See</u> Transportation Finding 4.
- **g.** The developer shall show sight distance triangles at the site access on the final construction plans. <u>See</u> Transportation Finding 5.
- **h.** The developer is responsible for providing all necessary transportation improvements required for each individual phase. <u>See</u> Transportation Finding 6.
- i. The commercial portion of the development (Phase 5) shall have its primary access onto/off of NE 71st Street. <u>See</u> Transportation Finding 7.
- **j.** The developer shall ensure that there is public pedestrian circulation from NE 117th Avenue to NE 69th Street/NE 115th Avenue within the site. <u>See</u> Transportation Finding 7.
- **k.** The hammerhead turnaround and alley within Phase 6 shall be signed with "no parking" signs on both sides. <u>See</u> Transportation Finding 7.
- I. The developer shall demonstrate that the trash/recycling trucks have the ability to turnaround given the narrower/shorter hammerhead dimensions if access by these vehicles is need on the alley within Phase 6. See Transportation Finding 7.
- **A-6 Transportation Signing and Striping Plan:** The developer shall submit a signing and striping plan and a reimbursable work order, authorizing County Road Operations to perform any signing and pavement striping required within the County right-of-way. This plan and work order shall be approved by the Department of Public Works prior to final plat or final site plan approval.

- **A-7** Final Stormwater Plan The developer shall submit and obtain County approval of a final stormwater plan designed in conformance with CCC Ch. 40.386, and the following additional requirements:
 - **a.** The developer shall submit final construction plan and a final Technical Information Report that addresses Minimum Requirements 1 through 9. <u>See</u> Stormwater Finding 1.
 - b. This development shall not materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots. <u>See</u> Stormwater Finding 1.
 - **c.** The developer shall submit documentation from the stormwater treatment system manufacturer indicating that any proprietary stormwater treatment devices were sited and sized appropriately. <u>See</u> Stormwater Finding 2.
 - **d.** The developer shall identify on the final construction plans ownership responsibilities for each of the proposed stormwater facilities. <u>See</u> Stormwater Finding 2.
 - e. Stormwater facility setbacks shall be met and shown on the final construction plan unless a reduced setback is recommended by a geotechnical engineer. <u>See</u> Stormwater Finding 3.
 - **f.** The required minimum separation from the bottom of any infiltration facility to the seasonal high-groundwater elevation shall be identified on the final construction plans. <u>See</u> Stormwater Finding 3.
 - **g.** The unfactored and design infiltration rates used to size any infiltration facility shall be identified on the final construction plans. <u>See</u> Stormwater Finding 3.
 - **h.** The developer is responsible for providing all necessary stormwater mitigation improvements required for each individual phase. <u>See</u> Stormwater Finding 4.
- **A-8 Erosion Control Plan** The developer shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.386, as amended by Ordinance No. 2021-06-02.
- **A-9 Excavation and Grading** All excavation and grading shall be performed in compliance with CCC Ch. 14.07.

A-10 Final Transportation Plan/Off Site (Concurrency) -

a. The developer shall submit a signing and striping plan for review and approval. This plan shall show signing and striping and all installation or modifications to traffic control devices in the public right-of-way required for frontage improvements and any off-site improvements. The developer shall obtain a work order with Clark County to reimburse the County for required signing, striping and all installation or modifications to traffic control devices in the public right-of-way. The final traffic control plans (signing, striping, signals, ITS, etc.) can be approved only after the developer provides signed reimbursable work order(s) to the county's traffic engineer reviewing the plans.

- **b.** The developer 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. <u>See</u> Transportation Concurrency Finding 6.
- **c.** The developer 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 can enter and exit the development minimizing impact to opposing travel lanes. This may result in no parking and/or maneuvering areas located at or near the drive aisle access to the public right-of-way. Please note that applicable design vehicles include but are not limited to passenger vehicles and commercial truck/trailer combinations. See Transportation Concurrency Finding 7.

BPrior to Construction of DevelopmentReview and Approval Authority: Clark County Health Department

Prior to construction, the following conditions shall be met:

- **B-1** Septic Tank and Well Decommissioning Prior to provisional acceptance, if any septic systems, water wells or underground tanks are found during construction, they shall be decommissioned in accordance with the procedures of the Clark County Public Health. See Water and Sewer Finding 2.
- **B-2 Traffic Control Plan** Prior to impacting the public roadway for the development site, the developer shall obtain written approval from Clark County Department of Public Works of the developer's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system.
- **B-3 Pre-Construction Conference** Prior to construction or any land disturbance, the developer shall schedule and attend a pre-construction conference with the county.
- **B-4 Erosion Control** Prior to construction or any land disturbance, all erosion/sediment controls shall be in place per the approved erosion control plan. 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. Erosion control facilities shall not be removed without county approval.
- **B-5 Road Closures** Any request by the developer or developer's contractor to close a road will be reviewed by county staff. The developer shall provide a memorandum to the County Engineer justifying the reasons for needing the road closure, specifically including explanation as to why the closure is necessary and construction cannot occur under traffic, such as flagger controlled alternating one way traffic next to the construction. The memorandum shall include the ENG number and title of the project, location of the requested road closure, anticipated date of start of closure, requested closure time length, explanation of the public outreach that the contractor will perform, full detour mapping, and other information as appropriate. Road Closures are approved specifically by the County Council by resolution, as described in WAC 308-330-270(7). The county process takes at least 6 weeks for writing the staff report, resolution and internal review. Depending on the complexity of the request from the developer and the council's time availability, this can take over 12 weeks to process from start to finish. It is the developer's responsibility to ensure that the process is completed prior to

needing the road closure enacted. The contractor shall be responsible for all costs associated with county staff time to process the request via reimbursable work order and all notifications required by law in local newspapers as required by RCW 47.48 Notice of Closure or Restriction. Requesting a road closure is no guarantee that a road closure will be approved by the county.

C Provisional Acceptance of Development Review and Approval Authority: Development Inspection & Development Engineering

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 Development Perimeter, Open Space, and ROW Landscaping Prior to provisional acceptance of the development, the developer shall submit a copy of the approved landscape plan(s) with a letter signed and stamped by a landscape architect licensed in the state of Washington certifying that the perimeter buffer, open space, and ROW plantings and irrigation have been installed in accordance with the attached approved plan(s) and verifying that any plant substitutions are comparable to the approved plantings and suitable for the site. See Land Use Finding 9.
- C-2 **Required Documents:** The following documents shall be submitted:
 - **a.** <u>Public Pedestrian Access Easement</u> A recorded minimum 10-foot wide public pedestrian access easements over the accessway connecting NE117th Avenue with NE 69th Street through the site. <u>See</u> Transportation Finding 1.
 - **b.** <u>NE 71st Street Right-of-way</u> The recorded right-of-way dedication along NE 71st Street to achieve a minimum 30-foot half-width. <u>See</u> Transportation Finding 3.
 - **c.** <u>NE 115th Avenue Right-of-way</u> The recorded right-of-way dedication along NE 115th Avenue to achieve a minimum 27-foot half-width. <u>See</u> Transportation Finding 3.
 - **d.** <u>Reciprocal Access Easement</u> The recorded reciprocal access easement agreement benefiting all lots within this development. <u>See</u> Transportation Finding 4.
 - e. <u>Developer's Covenant</u>: A "Developer Covenant to Clark County" shall be submitted for recording that specifies the following Responsibility for Stormwater Facility Maintenance:

"For stormwater facilities for which the county will not provide long-term maintenance, the developer shall make arrangements with the existing or future (as appropriate) occupants or owners of the subject property for assumption of maintenance to the county's Stormwater Facilities Maintenance Manual as adopted by Chapter 13.26A. The responsible official prior to county approval of the final stormwater plan shall approve such arrangements. The county may inspect privately maintained facilities for compliance with the requirements of this chapter. An access easement to the private facilities for the purpose of inspection shall be granted to the county. If the parties responsible for long-term maintenance fail to maintain their facilities to acceptable standards, the county shall issue a written notice specifying required actions to be taken in order to bring the facilities into compliance. If these actions are not performed in a timely manner, the county shall

take enforcement action and recover from parties responsible for the maintenance in accordance with CCC 32.04.060."

- **C-3 Sight Distance** The developer shall provide a sight distance certification letter verifying that sight distance is met at the driveway accesses onto NE 71st Street and NE 115th Avenue. <u>See</u> Transportation Finding 5.
- **C-4 Stormwater** In accordance with Book 2, Section 5.1.2, of the Clark County Stormwater Manual, if the tested coefficient of permeability determined at the time of construction is at least 95% 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 developer shall submit a plan to the county that follows the requirements in Book 1, Section 1.8.5. This plan shall address steps to correct the problem, including additional testing and/or resizing of the facility to ensure that the system will meet the minimum requirements of the manual. <u>See</u> Stormwater Finding 3.
- **C-5 Stormwater** During installation of the proposed infiltration facilities, the developer shall demonstrate that the groundwater table is 5 feet below the design elevation of the infiltration trenches receiving water from pollution generating surfaces. Infiltration trenches receiving runoff from the roof areas are required to have 1-foot of groundwater separation to the base of the facility. These systems shall be redesigned if the required separation is not achieved. <u>See</u> Stormwater Finding 3.

D Final Plat Review & Recording

Review and Approval Authority: Fire Marshal & Land Use

Prior to final plat approval and recording, the following conditions shall be met:

D-1 Land Use Staff Must Verify:

- **a.** The developer shall create a homeowners' association and adopt and obtain approval from the County's Prosecuting Attorney's office Covenants and Restrictions that will be binding upon all owners within the residential portion of the NE 117th Avenue Mixed Use Development. <u>See</u> Land Use Finding 6.
- **b.** The developer shall prepare and record a covenant with title to the land prohibiting any future request for a comprehensive plan change or rezone of the commercial portion of the property that is part of the mixed use master plan. <u>See</u> Land Use Finding 6.
- c. If the developer desires to revise the boundary to create a different lot pattern or configuration to create additional lots, those requests should be processed as a Post Decision review or replat. <u>See</u> Land Use Finding 1.
- **d.** The portions of Parcel Nos. 157492-001 and 157492-002 located on the west side of NE 115th Avenue shall be included in the subdivision as tracts and be maintained by the HOA unless they are conveyed to, or absorbed by, abutting parcels. <u>See</u> Land Use Finding 1.
- **D-2 Fire Marshal Requirements:** The developer shall comply with or otherwise implement the Fire Marshal's recommended conditions, including the following:

- **a.** The developer shall demonstrate that water mains supplying fire flow have been installed and approved. <u>See</u> Fire Protection Finding 2.
- b. The developer shall submit a current utility review letter from the water purveyor indicating required fire flow remains available at the site or the commercial building will be required to be sprinklered. <u>See</u> Fire Protection Finding 2.
- **c.** Parking is prohibited on access roads that are narrower than 24 feet wide, and roads that are narrower than 24 feet wide shall be posted, "NO PARKING FIRE LANE." <u>See</u> Fire Protection Finding 5.
- **D-3 Developer Covenant** The developer shall prepare and submit for county review a Developer Covenant to Clark County for recording that includes the following:
 - a. <u>Critical Aquifer Recharge Areas</u>: "The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."
 - **b.** <u>Erosion Control</u>: "Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."
 - c. <u>Impact Fees</u>: "In accordance with CCC Chapter 40.610, impact fees for all new dwellings on lots in this plat shall be assessed for impacts on schools and transportation facilities based for the following districts: Evergreen School District (SIF), Park District 6 (PIF) and the Orchards Transportation Sub-area (TIF). Consistent with CCC 40.610.040, impact fees shall be calculated at the time of building permit issuance using the thenapplicable rates." <u>See</u> Impact Fees Finding 1.
 - **d.** <u>Private Road Maintenance Covenant</u>: A covenant that sets 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 CCC 40.350.030(C)(4)(g).
 - e. <u>Private Roads</u>: "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."
 - f. <u>Responsibility for Stormwater Facility Maintenance</u>: 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 CCC Ch. 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-4 Plat Notes** The following notes shall be placed on the final plat:
 - a. <u>Archaeology</u>: "If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Department of Archaeology and Historic Preservation in Olympia, the Cowlitz Indian Tribe, and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines." <u>See</u> Archaeology Finding 2.
 - b. <u>Impact Fees</u>: "In accordance with CCC Chapter 40.610, impact fees for all new dwellings on lots in this plat shall be assessed for impacts on schools and transportation facilities based for the following districts: Evergreen School District (SIF), Park District 6 (PIF) and the Orchards Transportation Sub-area (TIF). Consistent with CCC 40.610.040, impact fees shall be calculated at the time of building permit issuance using the thenapplicable rates."
 - c. Direct Access to/from SR 503: "Direct access to/from SR 503 is prohibited."
 - **d.** <u>Maximum Lot Coverage</u>: "Maximum lot coverage for the non-residential parcels shall not exceed 85%, and maximum lot coverage for each of the residential lots shall not exceed 75%." <u>See</u> Land Use Finding 7.
 - **e.** <u>Setbacks</u>: "All single-family and duplex construction on this property shall comply with the following setbacks and dimensional requirements:
 - Minimum Front Yard:10 feet

 - Minimum Street Side Setback:....10 feet
 - Minimum Side or Rear Setback: .5 feet or 0 if attached single-family
 - Maximum Front Yard Setback:....20' feet
 - f. <u>Sidewalks</u>: "Prior to issuance of occupancy permits, sidewalks shall be constructed along all lot frontages abutting streets."
 - **g.** <u>Utilities</u>: "An easement is hereby reserved under and upon the exterior 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 6 feet along the front boundary lines of all lots adjacent to public streets."

- h. <u>Private Roads</u>: "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."
- i. <u>Driveways</u>: "All residential driveway approaches entering public roads shall comply with the applicable requirements in CCC Ch. 40.350."
- **j.** <u>Privately Owned Stormwater Facilities</u>: "The following party(s) is responsible for longterm maintenance of the privately owned stormwater facilities: _____."
- **k.** <u>Roof and Crawl Space Drains</u>: "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 on whose lot the stormwater system is located."
- I. Residential use of Commercial parcels prohibited: "Residential use of the commercial parcels in this plat is prohibited." <u>See</u> Land Use Finding 2.

D-5 Sewer and Water Requirements:

- a. The developer shall provide documentation to the County from Clark Regional Wastewater that sewer has been installed and approved. <u>See</u> Water and Sewer Finding 1.
- **b.** The developer shall provide documentation from City of Vancouver that water service has been installed and approved. <u>See</u> Water and Sewer Finding 1.
- **c.** The locations of all decommissioned wells, septic systems, cesspools, drywells, or pump chambers discovered on site shall be decommissioned and locations shown on the face of the plat. <u>See</u> Water and Sewer Finding 3.
- **d.** The developer shall submit with the Mylar a copy of the final acceptance letter from Clark Regional Wastewater and the City of Vancouver. <u>See</u> Water and Sewer Finding 3.
- **D-6 Right-of-ways/Easement** All right-of-way dedications and easements shall be recorded with the final plat.
 - **a.** If not recorded previously, the developer shall convey with the final plat a right-of-way dedication along NE 71st Street necessary to achieve a minimum 30-foot half-width. <u>See</u> Transportation Finding 3.
 - b. If not recorded previously, the developer shall convey with the final plat a right-of-way dedication along NE 115th Avenue necessary to achieve a minimum 27-foot half-width. <u>See</u> Transportation Finding 3.
 - c. The developer shall convey a minimum 20-foot wide access easement over for the private alley benefiting all lots in the subdivision of Phase 6. <u>See</u> Transportation Finding 3.

d. If not recorded previously, the developer shall record a reciprocal access easement agreement benefiting all lots in this development. <u>See</u> Transportation Finding 4.

E Building Permits

Review and Approval Authority: Land Use, Fire Marshal, & Permit Services

Prior to issuance of a building permit, the following conditions shall be met:

E-1 Land Use:

- **a.** All commercial uses on this property shall be uses allowed in the MX zone. <u>See</u> Land Use Finding 3.
- **b.** All nonresidential uses on the ground floor shall maintain a minimum structural ceiling height of 13 feet. <u>See</u> Land Use Finding 4.
- **c.** All commercial Buildings shall meet the 75% window area requirement. <u>See</u> Land Use Finding 7.
- **d.** All ground floor elevations of residential uses within 10 feet of a pathway shall be raised at least 18 inches above street level. <u>See</u> Land Use Finding 7.
- **e.** Formal review for compliance with accessible standards, including parking and access will be verified at the time of building permit review. <u>See</u> Land Use Findings 7 & 10.
- **f.** Covered porches with a minimum dimension of 4 feet by 6 feet deep are required above the main entry for each single family home or duplex unit. <u>See</u> Land Use Finding 7.
- **g.** Maximum floor area ratio shall be limited to 0.5 for single-family detached and duplex dwellings, but not for townhomes, multi-family or commercial buildings. <u>See</u> Land Use Finding 7.
- **h.** If the overall height of the solid waste and recycling enclosure exceeds 7 feet in height, a separate building permit is required. <u>See</u> Land Use Finding 11.
- i. Garage faces shall occupy no more than 50% of the ground level façade facing the street. <u>See</u> Land Use Finding 7.
- E-2 Impact Fees In accordance with CCC Chapter 40.610, impact fees for all new dwellings on lots in this plat shall be assessed for impacts on schools and transportation facilities based for the following districts: Evergreen School District (SIF), Park District 6 (PIF) and the Orchards Transportation Sub-area (TIF). Consistent with CCC 40.610.040, impact fees shall be calculated at the time of building permit issuance using the then-applicable rates.
- **E-3** Fire Sprinklers Fire sprinkler systems require separate reviews, permits and approvals issued by the Clark County Fire Marshal. Sprinkler systems indicating valves consisting of fewer than 100 heads shall be wall or post indicating valves unless the control valves are located in a room with direct access to the exterior of the building within 5 feet of the sprinkler riser. <u>See</u> Fire Protection Finding 7.

- **E-4** Fire Alarm Where applicable, an approved fire alarm system is required at the time of building construction. <u>See</u> Fire Protection Finding 8.
- **E-5 Emergency Escape and Rescue Openings** Provide emergency escape and rescue openings (sidewalks and gates) that open directly to a public way from the backyard of any portion of the development where section R310 of the International Residential Code would apply. A minimum of 3 feet is required. <u>See</u> Fire Protection Finding 9.
- **E-6 Radio Coverage** New and existing buildings must have approved radio coverage for emergency responders as outlined by Section 510 of the fire code and may require the installation of an Emergency Responder Radio Coverage System (ERRCS). <u>See</u> Fire Protection Finding 10.

E-7 Mixed use Design Standards:

- **a.** All Building Materials and Color shall comply with the standards in Section D.4. <u>See</u> Land Use Finding 7.
- **b.** The following materials are prohibited: mirror glass covering more than 10% of the exterior of the building; textured or scored plywood (including T-111 or similar plywood); and stucco board. <u>See</u> Land Use Finding 7.

E-8 Engineering requirements:

- **a.** <u>Excavation and Grading</u>: All excavation and grading shall be performed in compliance with CCC Ch. 14.07.
- b. <u>Roof and Crawl Space Drains (Subdivision Lots)</u>: 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. <u>See</u> Stormwater Finding 2.

F Occupancy Permits

Review and Approval Authority: Building Department

Prior to issuance of an occupancy permit, the following conditions shall be met:

F-1 Landscaping - Landscaping features such as street trees and other landscaping situated on individual lots can be installed prior to occupancy of the structure occupying the lot. See Land Use Finding 9.

G Development Review Timelines & Advisory Information

G-1 Land Division - Within 7 years after the effective date of this decision, the developer shall submit to the Planning Director a fully complete final plat consistent with CCC 40.540.070 and the requirements of this preliminary plat approval. Otherwise, this preliminary plat approval shall automatically expire and become null and void.

G-2 DOE and Related Environmental Permitting:

- **a.** <u>Stormwater Permit</u>. A stormwater permit from the Department of Ecology (DOE) is required if both of the following conditions occur:
 - 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 1-acre threshold. This applies even if the developer is responsible for only a small portion (less than one acre) of the larger project planned over time. The developer shall Contact the DOE and check its website for further information. <u>https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Stormwater-general-permits/Construction-stormwater-permit</u>

- b. <u>Solid Waste Management</u> (Derek Rockett: 360-407-6287). All grading and filling of land must utilize only clean fill. All other materials may be considered solid waste and permit approval may be required from your local jurisdictional health department prior to filling. All removed debris resulting from this project must be disposed of at an approved site. Contact the local jurisdictional health department for proper management of these materials.
- **c.** <u>Toxics Cleanup</u> (Sam Meng: 360-999-9587). There are 2 cleanup sites located within ¼ mile from the project area: Commercial Radiator Service (Cleanup Site ID: 98665473) and Whatley Pit Decant Facility (Cleanup Site ID: 7838213). To search and access information about these sites see https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-sites. If contamination is suspected, discovered, or occurs during construction, testing of the potentially contaminated media must be conducted. If contamination of soil or groundwater is readily apparent, or is revealed by sampling, the contractor shall notify the Department of Ecology, Environmental Report Tracking System Coordinator at the Southwest Regional Office at (360) 407-6300. For assistance and information about subsequent cleanup and to identify the type of testing that will be required, the contractor should contact Sam Meng with the Toxics Cleanup Program at the Southwest Regional Office.
- d. <u>Water Qualify/Watershed Resources Unit</u> (Greg Benge: 360-690-4787). Erosion control measures must be in place prior to any clearing, grading, or construction. These control measures must be effective to prevent stormwater runoff from carrying soil and other pollutants into surface water or stormdrains that lead to waters of the state. Sand, silt, clay particles, and soil will damage aquatic habitat and are considered to be pollutants. Any discharge of sediment-laden runoff or other pollutants to waters of the state is a violation of RCW Ch 90.48, Water Pollution Control, and WAC 173-201A, Water Quality Standards for Surface Waters, and is subject to enforcement action.
- e. <u>Construction Stormwater General Permit</u> (Carol Serdar: Carol.Serdar@ecy.wa.gov and 360-742-9751). The following construction activities require coverage under the Construction Stormwater General Permit:

1. Clearing, grading and/or excavation that results in the disturbance of one or more acres and discharges stormwater to surface waters of the State; and

2. Clearing, grading and/or excavation on sites smaller than one acre that are part of a larger common plan of development or sale, if the common plan of development or sale will ultimately disturb one acre or more and discharge stormwater to surface waters of the State. This includes forest practices (including, but not limited to, class IV conversions) that are part of a construction activity that will result in the disturbance of one or more acres, and discharge to surface waters of the State; and

3. Any size construction activity discharging stormwater to waters of the State that Ecology determines to be a significant contributor of pollutants to waters of the State of Washington or reasonably expects to cause a violation of any water quality standard.

If there are known soil/ground water contaminants present on-site, additional information (including, but not limited to: temporary erosion and sediment control plans; stormwater pollution prevention plan; list of known contaminants with concentrations and depths found; a site map depicting the sample location(s); and additional studies/reports regarding contaminant(s)) will be required to be submitted.

Additionally, sites that discharge to segments of waterbodies listed as impaired by the State of Washington under Clean Water Act §303(d) for turbidity, fine sediment, high pH, or phosphorous, or to waterbodies covered by a TMDL may need to meet additional sampling and record keeping requirements. <u>See</u> condition S8 of the Construction Stormwater General Permit for a description of these requirements. To see if this site discharges to a TMDL or 303(d)-listed waterbody, use Ecology's Water Quality Atlas at: https://fortress.wa.gov/ecy/waterqualityatlas/StartPage.aspx.

The developer may apply online or obtain an application from Ecology's website at: http://www.ecy.wa.gov/programs/wq/stormwater/construction/ - Application. Construction site operators must apply for a permit at least 60 days prior to discharging stormwater from construction activities and must submit it on or before the date of the first public notice.

- **G-3 Building and Fire Safety** The developer and all builders shall satisfy the building and fire, life, and safety requirements 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 land use conditions. It is the responsibility of the owner, agent, tenant, or developer to ensure that Building Safety and Fire Marshal requirements are satisfied or brought into compliance. Land use decisions do not waive any building or fire code requirements. See Fire Protection Finding 1.
- **G-4 SWCAA Requirements Construction Dust** [SWCAA 400: General Regulations for Air Pollution Sources]: The following SWCAA requirements apply and shall be satisfied by the developer and all contractors working on this site:
 - **a.** <u>Construction and earthmoving activities</u> have the potential to generate excessive dust emissions if reasonable control measures are not implemented. SWCAA Regulation 400-040(2) requires that "no person shall cause or permit the emission of particulate matter from any stationary source to be deposited beyond the property under direct control of the owner or operator of the stationary source in sufficient quantity to interfere</u>

unreasonably with the use and enjoyment of the property upon which the material is deposited." Furthermore, SWCAA Regulation 400-040(8)(a) requires that "the owner or operator of any source of fugitive dust shall take reasonable precautions to prevent fugitive dust from becoming airborne and shall maintain and operate the source to minimize emissions."

- b. <u>Common control measures to mitigate the emission of dust</u> from construction and earthmoving activities include: application of water before and during earthmoving operations, application of water to disturbed surface areas (including access roads and staging areas) after earthmoving operations, application of chemical dust control products and/or surfactants, limiting access to open/disturbed areas, reducing equipment/vehicle speeds, establishing vegetative cover on inactive areas and ceasing operations altogether during high wind events.
- **c.** <u>Violations</u> of SWCAA Regulation 400-040 may result in civil penalties being assessed against the project operator and/or property owner.

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

G-5 Screening - Roof-mounted mechanical equipment shall be located so as not to be visible from the street, public open space, parking areas, or from the ground level of adjacent properties. <u>See</u> Land Use Finding 7.

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

- **H-1 Fire Marshal Requirements:** The following requirements recommended by the Fire Marshal's Office shall be maintained by future property owners:
 - **a.** A 3-foot clear space shall be established and maintained around the circumference of every fire hydrant <u>See</u> Fire Protection Finding 3.
 - b. Access roads shall maintain an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13.5 feet with an all-weather driving surface capable of supporting the imposed loads of fire apparatus. <u>See</u> Fire Protection Finding 4.
- H-2 Landscape Maintenance: Maintenance of landscaped areas is the ongoing responsibility of the property owner. Required landscaping must be continuously maintained in a healthy manner. Plants that die must be replaced with in-kind materials unless otherwise authorized by the responsible official. Vegetation shall be controlled by pruning, trimming or otherwise so that it will not interfere with the maintenance or repair of any public utility, restrict pedestrian or vehicular access, or obstruct sight distance at intersections as provided in CCC 40.320.020. See Land Use Finding 9.
- **H-3 Signs** There are no signs proposed at this time. Any applications for sign permit in the future shall adhere to standards put forth in Section F of the Mixed Use Design Standards. <u>See</u> Land Use Finding 7.

H-4 Parking Lot Maintenance - Pursuant to CCC 40.340.010(A)(11), required parking and loading spaces, associated access and maneuvering drives, and striped pedestrian crossings shall be maintained in good repair at all times. <u>See</u> Land Use Findings 10 & 13.

Date of Decision: January 11, 2023.

O M K By:

Daniel Kearns, Land Use Hearings Examiner

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

Motion for Reconsideration

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

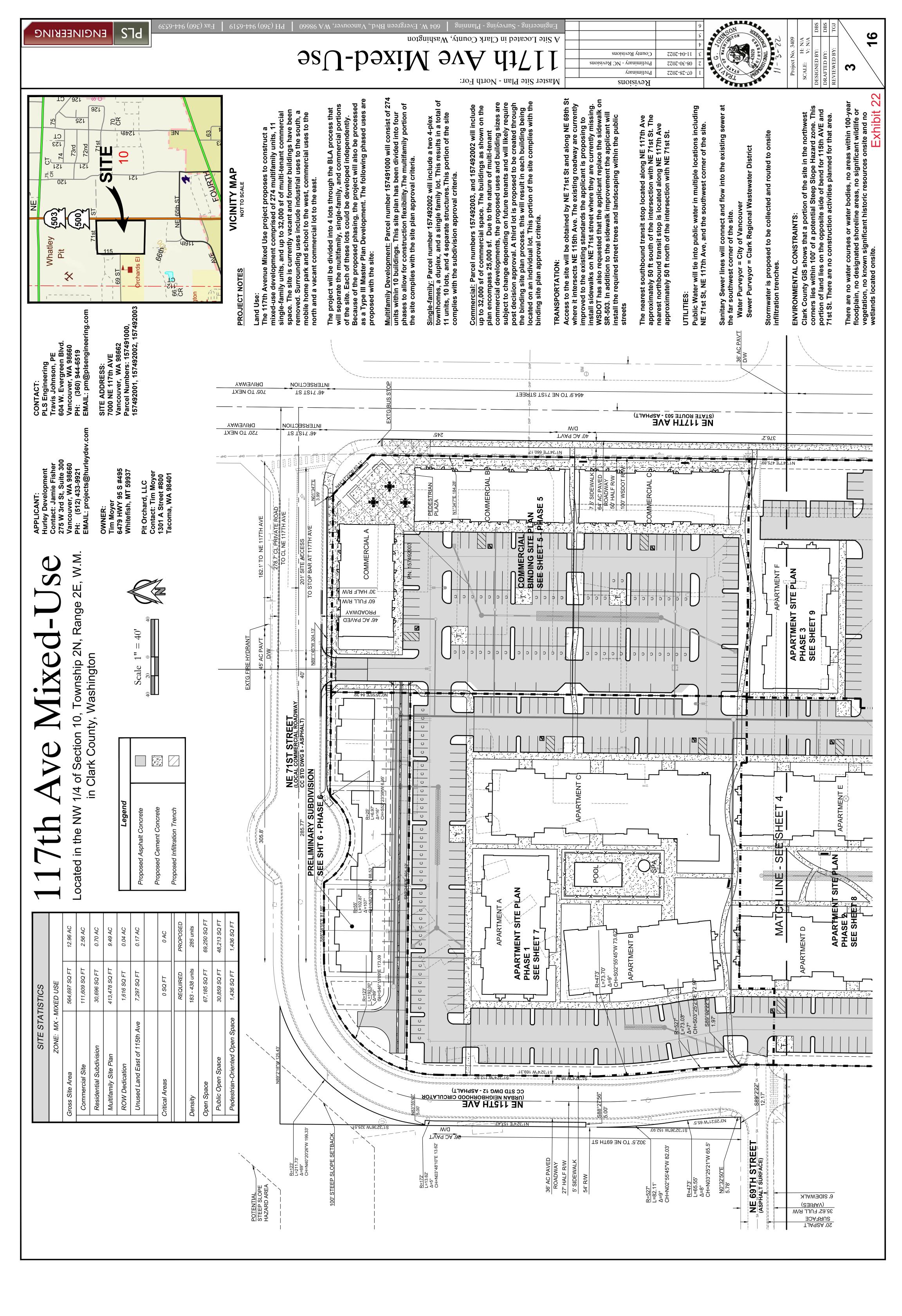
- a. Procedural irregularity or error, clarification, or scrivener's error, for which no fee will be charged;
- b. Newly discovered evidence, which the moving party could not with reasonable diligence have timely discovered and produced for consideration by the examiners;
- c. The decision is not supported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

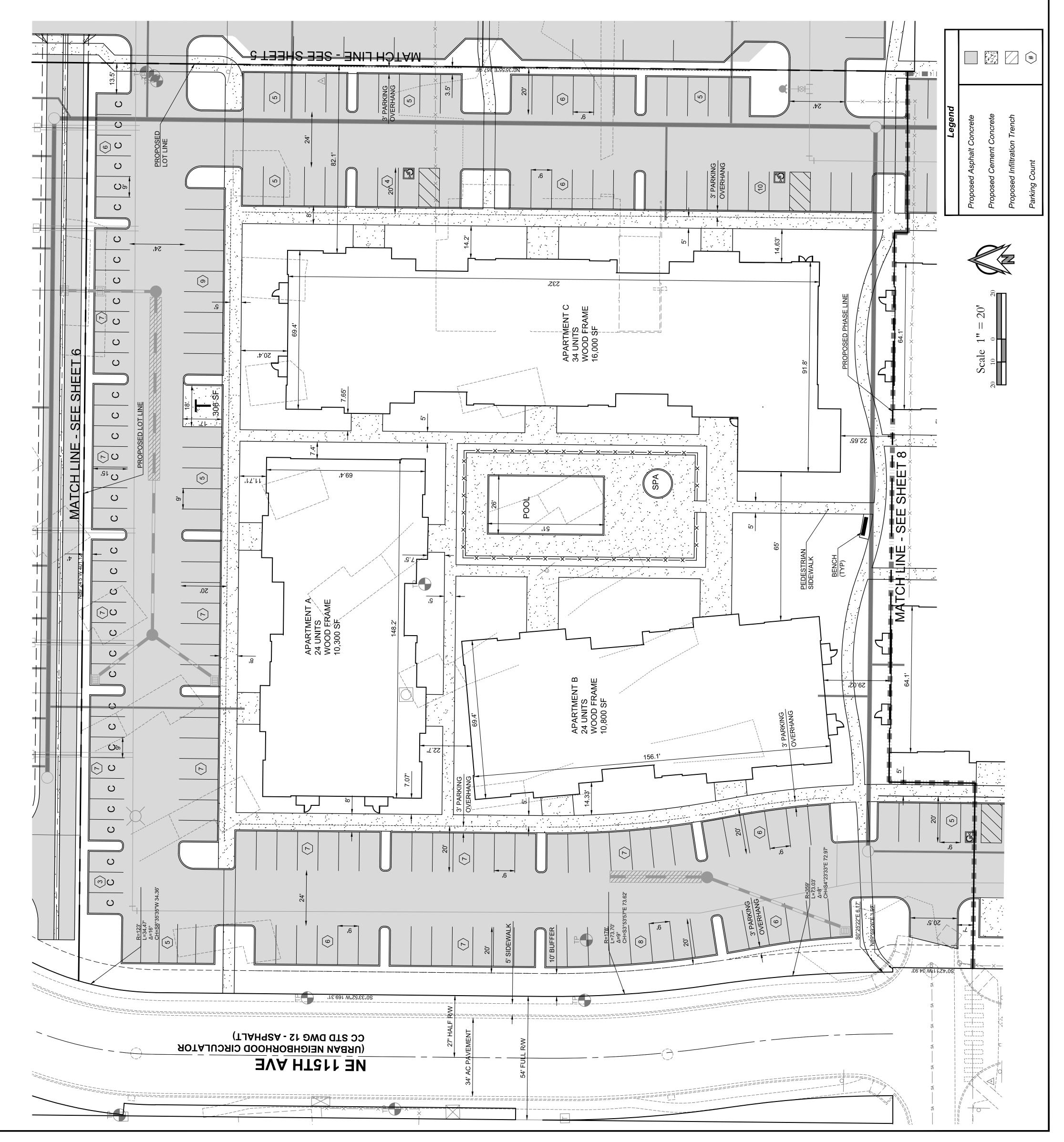
Any party of record may file a written response to a Motion for Reconsideration if filed within 14 calendar days of the motion for reconsideration. In response to a timely Motion for Reconsideration, the Examiner will issue a decision on reconsideration within 28 calendar days of the date the motion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

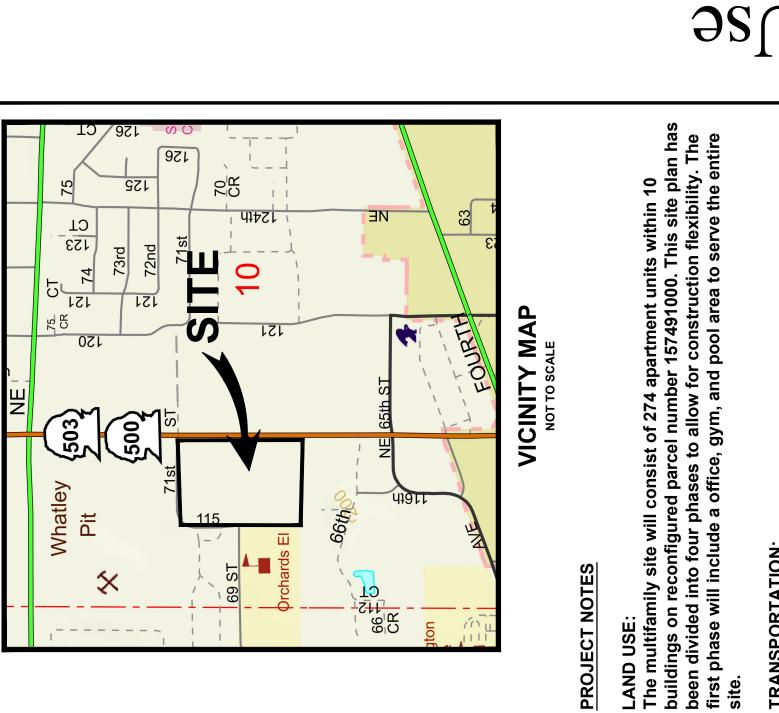
Notice of Appeal Rights

This is the County's final decision on this application. Anyone with standing may appeal any aspect of the Hearings Examiner's decision, except the SEPA determination, to Clark

County Superior Court pursuant to the Washington Land Use Petition Act, RCW chapter 36.70C.







TRANSPORTATION:

Access to the site will be from NE 71st St across from the existing driveway that serves the commercial site to the north. If this driveway is not constructed by the non-residential portion of the project, it will need to be constructed by the multifamily site plan. Secondary access to the site is proposed at NE 69th street. The existing roadway adjacent to the multifamily site are currently improved to the applicable standards. The landscaping on NE 115th Ave will be improved to meet the mixed-use standards.

UTILITIES:

The proposed public water serving the multifamily portion of the site will tie into an existing water main located on the southern property line. This new water main will be extended to serve all buildings on the site as well as the single-family and non-residential development also proposed with this project.

Sanitary Sewer lines will connect and flow into the existing sewer at the southwest corner of the site. This new sewer main will be extended to serve all buildings on the site as well as the single-family and non-residential development also proposed with this project.

Sewer Purveyor = Clark Regional Wastewater District Water Purveyor = City of Vancouve

Stormwater is proposed to be collected and routed to onsite infiltration trenches.

ENVIRONMENTAL CONSTRAINTS: Clark County GIS shows that a portion of the site in the northwest corners lies within 100' of a potential Steep Slope Hazard zone. This portion of land lies on the opposite side of bend for 115th AVE and 71st St. There are no construction activities planned for that area.

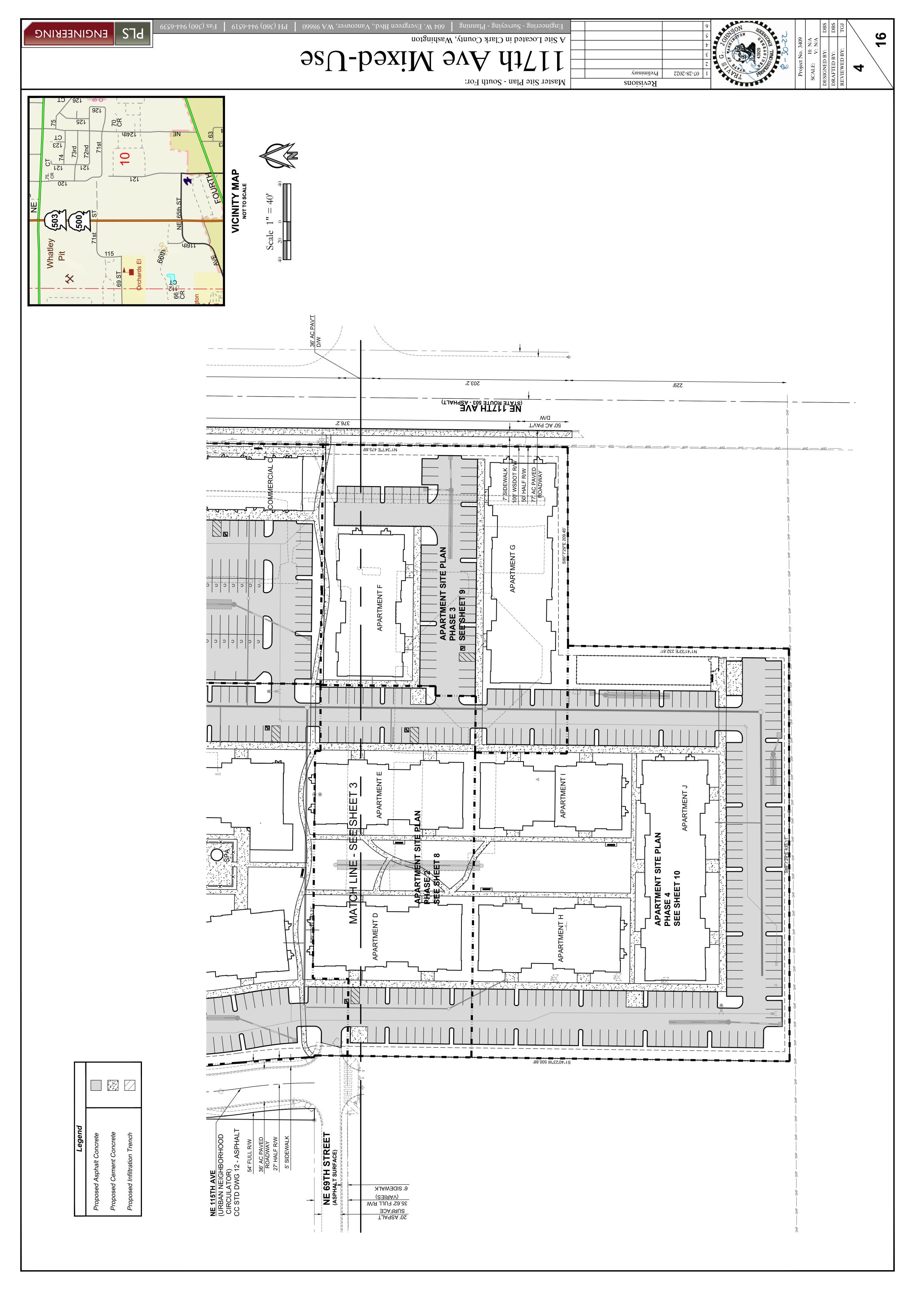
There are no water courses or water bodies, no areas within 100-year floodplain, no designated shoreline areas, no significant wildlife or vegetation, no known significant historic resources onsite and no wetlands located onsite.

		9.49 AC	3.35 AC	1.42 AC	1.65 AC	3.07 AC	PROPOSED	453	416	37	6
ISTICS	IIXED USE	413,478 SQ FT	145,748 SQ FT	61,958 SQ FT	72,135 SQ FT	133,635 SQ FT	REQUIRED	411	I	I	•
SITE STATISTICS	SONE: MX - WIXED USE	Total Multifamily Site Area	Phase 1, Buildings A,B, and C	Phase 2, Buildings D and E	Phase 3, Buildings F and G	Phase 4, Buildings H,I, and J		Total Parking Spaces	Standard Parking Spaces	Compact Spaces (C)	ADA Spaces (ADA)

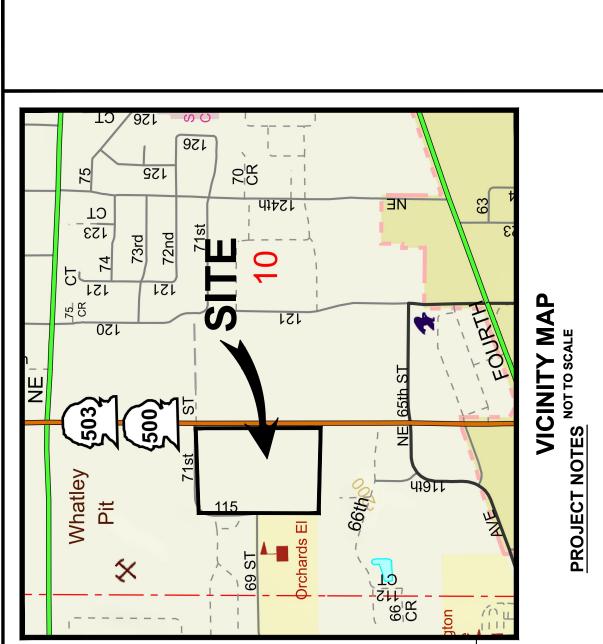
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Exhibit

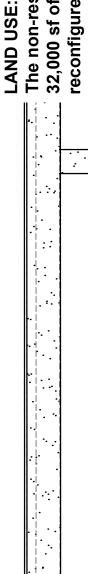


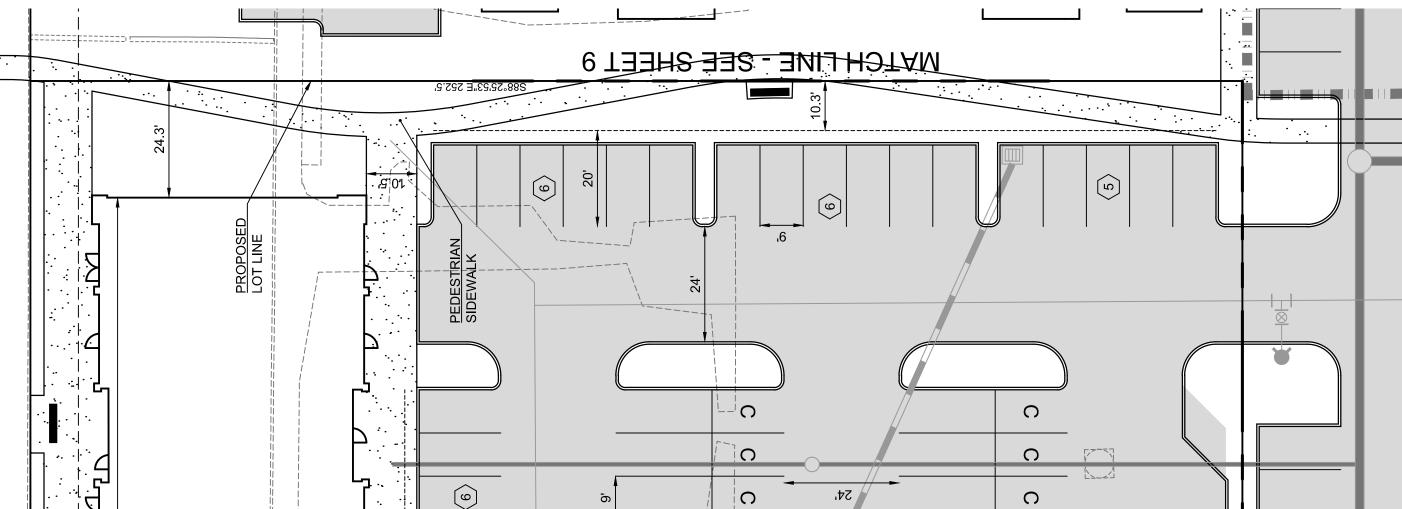


REQUIREMENTS PARKING PARKING RATIO PARKING SPACES RATIO PARKING SPACES RATIO PARKING SPACES 1 SPACE 200 SQ FT 35 200 SQ FT 45 200 SQ FT 125 200 SQ FT 125 200 SQ FT 154 PER 154



ENGINEERING





The non-residential portion of the site will include up to 32,000 sf of multi-tenant commercial space on reconfigured parcels 157492003, and 157492002. The buildings as shown on the plan encompass 25,000 sf. Due to the nature of multi-tenant commercial developments, the proposed uses and building sizes are subject to change depending on future tenants and will likely require post decision approval. A third lot is proposed to be created through the binding site plan process. This will result in each building being located on an individual lot.

A public open space plaza is proposed in the NE corner of the site this is proposed to be a 5,726 sf area with seating an attractive landscaping. The adjacent buildings are proposed to be pedestrian-oriented. A public path is located on the south end of the non-residential site. This path will connect into the SR-503 sidewalk and extend through the multifamily portion of the site.

TRANSPORTATION:

Access to the site will be from NE 71st St across from the existing driveway that serves the commercial site to the north. The existing roadways are currently improved to the applicable standards. The applicant is proposing to install sidewalks on NE 71st street where they are currently missing. A 5' planter and a 5' sidewalk is proposed for the street with row dedication to accommodate the additional width. a private extension of the sidewalk be located onsite for a total sidewalk width of approximately 12'. WSDOT has also requested that the applicant replace the sidewalk on SR-503. In order to accommodate the required frontage standards and features along the primary street frontage, the applicant is proposing to install a parallel sidewalk at between the non-residential buildings and the ROW. Landscaping will be installed

UTILITIES:

The proposed public water serving the non-residential portion of the site will tie into multiple exiting water mains including NE 71st St, NE 117th Ave, and the residential portion of the site that may be developed separately.

Sanitary Sewer lines will connect and flow into the existing sewer at the far southwest corner of the site. If the non-residential development precedes the multifamily development the proposed sewer main will need to be extended through that portion of the site.

Water Purveyor = City of Vancouver Sewer Purveyor = Clark Regional Wastewater District

Stormwater is proposed to be collected and routed to onsite infiltration trenches.

Clark County GIS shows that a portion of the site in the northwest corners lies within 100' of a potential Steep Slope Hazard zone. This portion of land lies on the opposite side of bend for 115th AVE and 71st St. There are no construction activities planned for that area. ENVIRONMENTAL CONSTRAINTS:

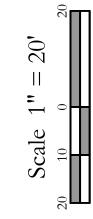
There are no water courses or water bodies, no areas within 100-year floodplain, no designated shoreline areas, no significant wildlife or vegetation, no known significant historic resources onsite and no wetlands located onsite.

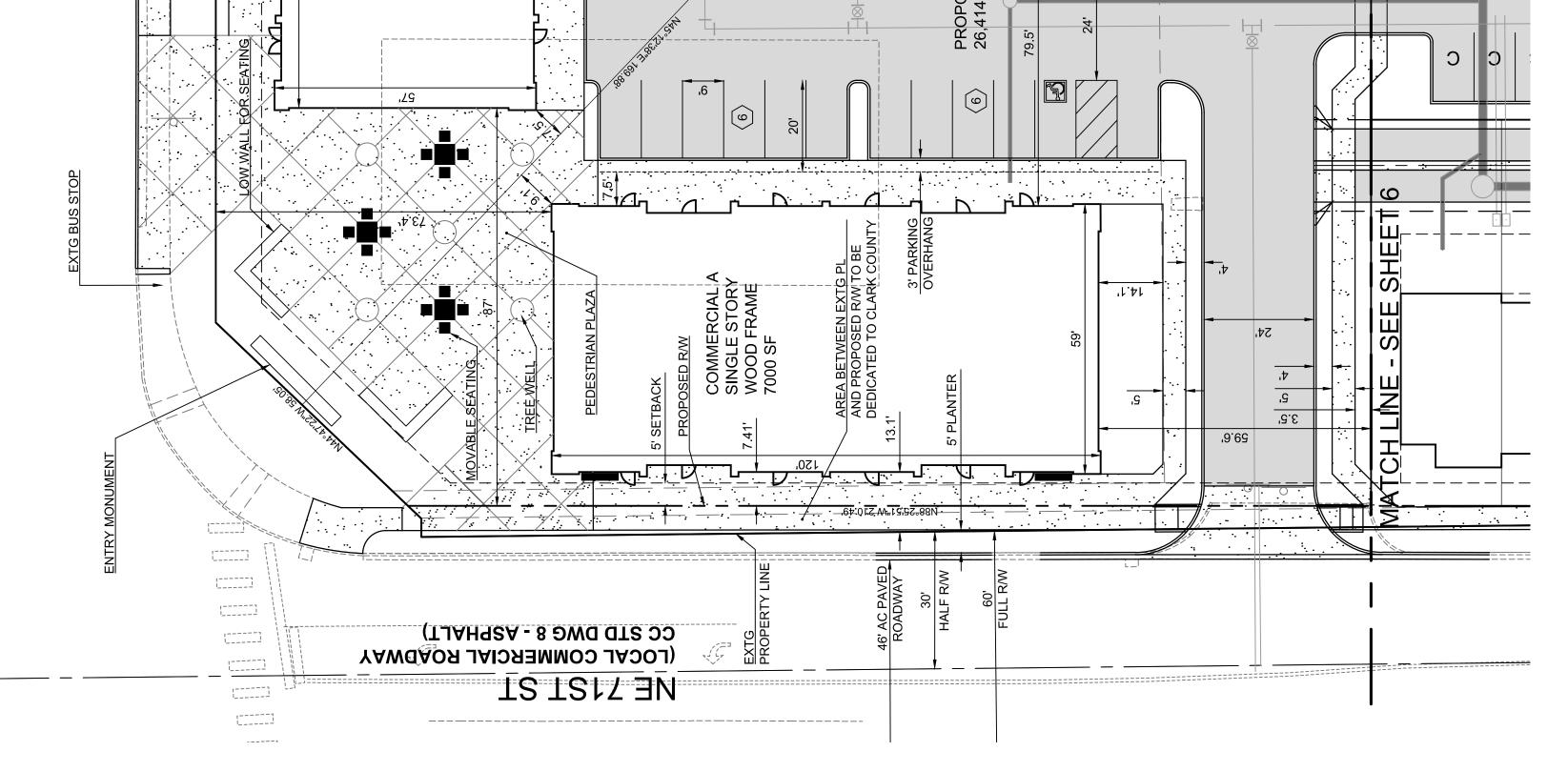
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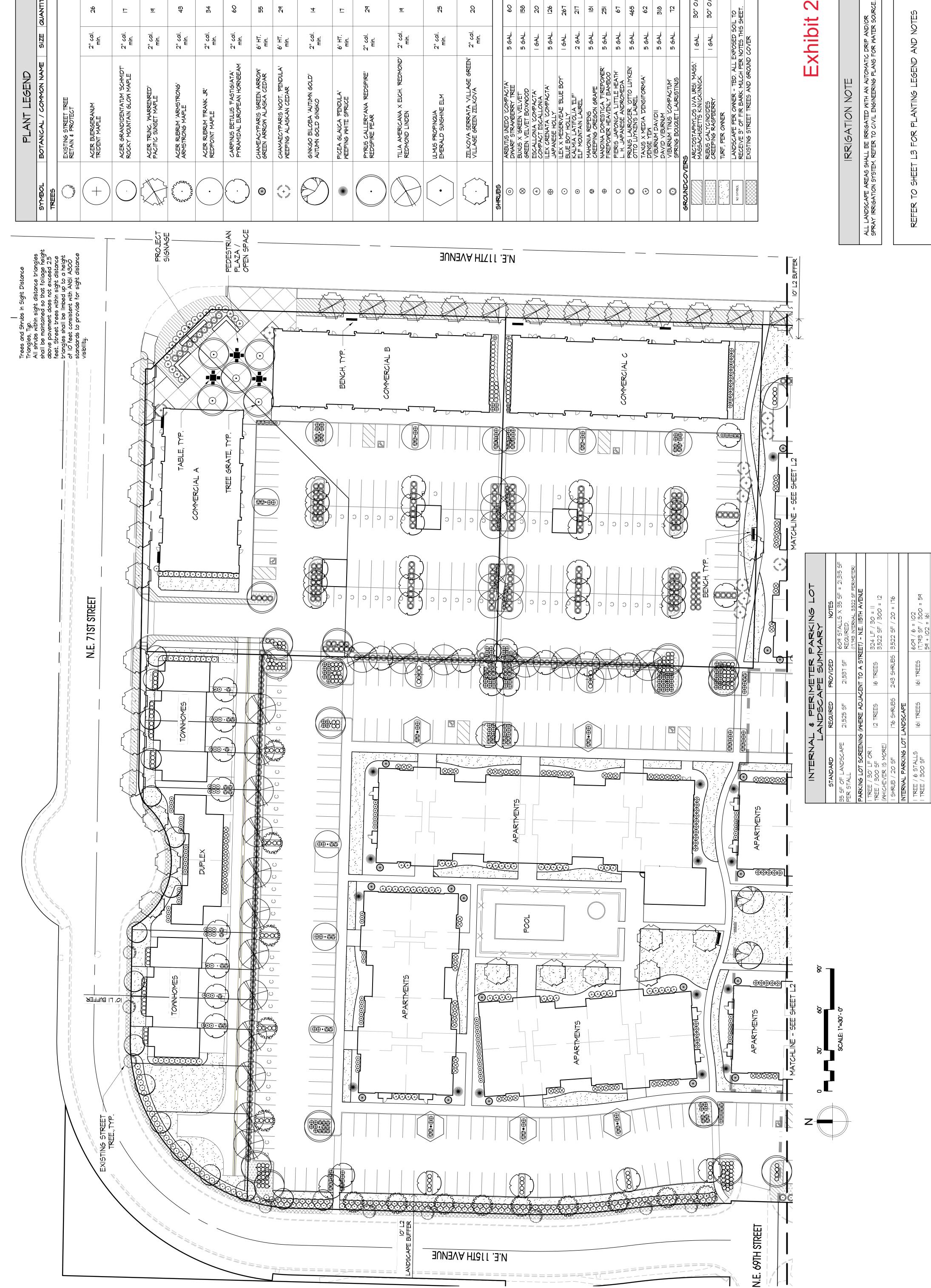
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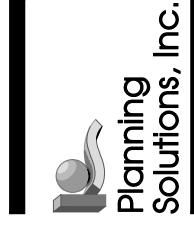
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# FOOTPRINT	7,000 SQ FT	9,000 SQ FT	9,000 SQ FT	CES REQUIRED	ES PROVIDE	-	100' FULL 50' HALF R/W	COMME SINGLE WOOD 9000 SF			
BUILDING #	COMMERCIAL A	COMMERCIAL B	COMMERCIAL C	TOTAL PARKING SPAC	TOTAL PARKING SPAC		7.5' SIDEWALK				
						H AVE		,29			
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L					J		10' SETBACK	CIAL B FORY			
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			1							50,	
		Q	Þ								Posed Lot 1 Posed







	PLANT LEGEND		
SYMBOL TREES	BOTANICAL / COMMON NAME	SIZE	QUANTITY
And the second s	EXISTING STREET TREE RETAIN & PROTECT		
$\left(+\right)$	ACER BUERGERANUM TRIDENT MAPLE	2" cal. min.	26
	ACER GRANDIDENTATUM 'SCHMIDT' ROCKY MOUNTAIN GLOM MAPLE	2" cal. min.	E
	ACER TRUNC. 'WARRENRED' PACIFIC SUNSET MAPLE	2" cal. min.	<u>a</u>
1	ACER RUBRUM 'ARMSTRONG' ARMSTRONG MAPLE	2" cal. min.	64
·	ACER RUBRUM 'FRANK JR' REDPOINT MAPLE	2" cal. min.	<i>б</i>
	CARPINUS BETULUS 'FASTIGIATA' PYRAMIDAL EUROPEAN HORNBEAM	2" cal. min.	60
)	CHAMEACYPARIS 'GREEN ARROW' GREEN ARROW ALASKA CEDAR	6' HT. min.	£
3.001 4/4 ===================================	CHAMAECYPARIS NOOT. 'PENDULA' MEEPING ALASKAN CEDAR	6' HT. min.	54
	GINKGO BILOBA 'AUTUMN GOLD' AUTUMN GOLD GINGKO	2" cal. min.	4
	PICEA GLAUCA 'PENDULA' MEEPING MHITE SPRUCE	6' HT. min.	Ē
·	PYRUS CALLERYANA 'REDSPIRE' REDSPIRE PEAR	2" cal. min.	29
	TILIA AMERICANA X EUCH. 'REDMOND' REDMOND LINDEN	2" cal. min.	۵
	ULMUS PROPINQUA EMERALD SUNSHINE ELM	2" cal. min.	55
	ZELKOVA SERRATA 'VILLAGE GREEN' VILLAGE GREEN ZELKOVA	2" cal. min.	5
	ARBUTUS UNEDO 'COMPACTA' DWARF STRAMBERRY TREE	5 GAL.	60
\otimes	BUXUS X 'GREEN VELVET' GREEN VELVET BOXWOOD	5 GAL.	158
•	ESCALLONIA 'COMPACTA' COMPACT ESCALLONIA ILEX CRENATA 'COMPACTA'	I GAL.	<u>5</u> 70
	JAPANESE HOLLY ILEX X MESERVEAE 'BLUE BOY' BLUE ROY HOLLY	L CAL.	267
۲	KALMIA LATIFOLIA 'ELF' ELF MOUNTAIN LAUREL	2 GAL.	217
Ø	<u>n</u> l	5 GAL.	Ø
⊕ (PILEROMER HEAVENLY BAMBOO PILEROMER HEAVENLY BAMBOO PILERIG JAPONICA "I ITTI F HEATH"		, , , , ,
0	L. H. JAPANESE ANDROMEDA E. H. JAPANESE ANDROMEDA BEIMILS I ALEOCEE 'DITO I LIVEN'	5 GAL.	61
00	OTTO LUYKEN'S LAUREL TAXUS X MEDIA 'DENSIFORMIA'	5 GAL.	465 62
» o	DENSE YEW VIBURNUM DAVIDII	5 6AL.	ନ ସହ
	DAVID VIBURNUM VIBURNUM TINUS 'COMPACTUM' SPRING BOUQUET LAURUSTINUS		5
	ARCTOSTAPHYLOS UVA URSI "MASS." MASSACHUSETTS KINIICKINNICK	I GAL.	30" O.C.
	RUBUS CALYCINOIDES CREEPING RASPBERRY	I GAL.	30" 0.C.
	TURF, PER OWNER		E E
TOBINIS ON	EXISTING STREET TREES AND GROUND COVER	VOTES THIS COVER	SHEET.
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Creating Solution to Complex Issue

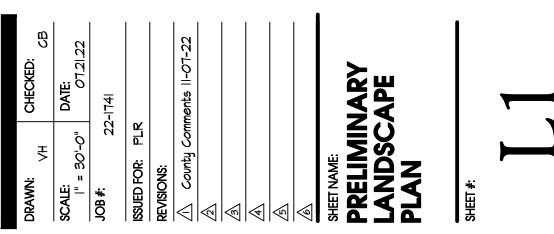


VANCOUVER, WA 98662 VOICE: 360-750-9000 FAX: 360-713-6102

4400 NE 77th Avenue Suite 275

JITH AVENUE MIXED USE

Vancouver, Washington Parcels 157491000, 157492001, 157492002, 157492003



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Exhibit

RRIGATION NOTE

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© COPTRIGHT 2022, PLANNING SOLUTIONS, INC. NO PART OF THIS DRAWING MAY BE COPIED OR REPRODUCED WITHOUT WRITTEN PERMISSION OF PLANNING SOLUTIONS, INC.

	PLANT LEGEND	SIZE	
TREES	5TING STREET TREE AIN \$ PROTECT		
	ACER BUERGERANUM TRIDENT MAPLE	2" cal. min.	26
	ACER GRANDIDENTATUM 'SCHMIDT' ROCKY MOUNTAIN GLOM MAPLE	2" cal. min.	Ľ
	ACER TRUNC. 'WARRENRED' PACIFIC SUNSET MAPLE	2" cal. min.	<u>a</u>
10000000000000000000000000000000000000	ACER RUBRUM 'ARMSTRONG' ARMSTRONG MAPLE	2" cal. min.	43
·	ACER RUBRUM 'FRANK JR' REDPOINT MAPLE	2" cal. min.	34
	CARPINUS BETULUS 'FASTIGIATA' PYRAMIDAL EUROPEAN HORNBEAM	2" cal. min.	60
)	CHAMEACYPARIS 'GREEN ARROW' GREEN ARROW ALASKA CEDAR	o' HT. min.	55
	CHAMAECYPARIS NOOT. 'PENDULA' WEEPING ALASKAN CEDAR	6' HT. min.	24
	GINKGO BILOBA 'AUTUMN GOLD' AUTUMN GOLD GINGKO	2" cal. min.	4
***	PICEA GLAUCA 'PENDULA' MEEPING MHITE SPRUCE	6' HT. min.	Ľ
·	PYRUS CALLERYANA 'REDSPIRE' REDSPIRE PEAR	2" cal. min.	29
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	ULMUS PROPINQUA EMERALD SUNSHINE ELM	2" cal. min.	25
	ZELKOVA SERRATA 'VILLAGE GREEN' VILLAGE GREEN ZELKOVA	2" cal. min.	20
SHRUBS			
0 8	DWARF STRAWBERRY TREE BUXUS X 'GREEN VELVET'	5 GAL. 5 GAL.	60 158
) (1)	GREEN VELVET BOXMOOD ESCALLONIA 'COMPACTA' COMPACT ESCALLONIA	I GAL.	20
Ð	ILEX CRENATA 'COMPACTA' JAPANESE HOLLY	5 GAL.	126
\odot	ILEX X MESERVEAE 'BLUE BOY' BLUE BOY HOLLY KAI MIA I ATIFOI IA 'FI F'	I GAL.	267
0 (ELF MOUNTAIN LAUREL MAHONIA REPENS	2 GAL. 5 GAL.	181
•	CREEPING OREGON GRAPE NANDINA DOMESTICA 'FIREPOMER' EIDEDDIMED JEANENI Y RAMBOOD	5 GAL.	22I
0	ANDROME	5 GAL.	67
0	PRUNUS LAUROCER. 'OTTO LUYKEN' OTTO LUYKEN'S LAUREL	5 GAL.	465
0		5 GAL.	62 ଅନ
	DAVID VIBURNUM VIBURNUM TINUS 'COMPACTUM' SPRING BOUQUET LAURUSTINUS	5 GAL.	72
GROUNDCOVE		1 6A	30" O.C.
	MASSACHUSETTS KINIICKINNICK RUBUS CALYCINOIDES CREEPING RASPBERRY TURF, PER OWNER	I GAL.	30" O.C.
NO STATEOL	LANDSCAPE PER OWNER - TBD. ALL EXPOSED SOIL TO RECEIVE 3" OF FIR BARK MULCH PER NOTES THIS SHEET EXISTING STREET TREES AND GROUND COVER	XPOSED SC NOTES THIS COVER	oil to Sheet.

Vancouver, Washington

Parcels 157491000, 157492001, 157492002, 157492003

JITH AVENUE MIXED USE

VANCOUVER, WA 98662 voice: 360-750-9000 FAX: 360-713-6102

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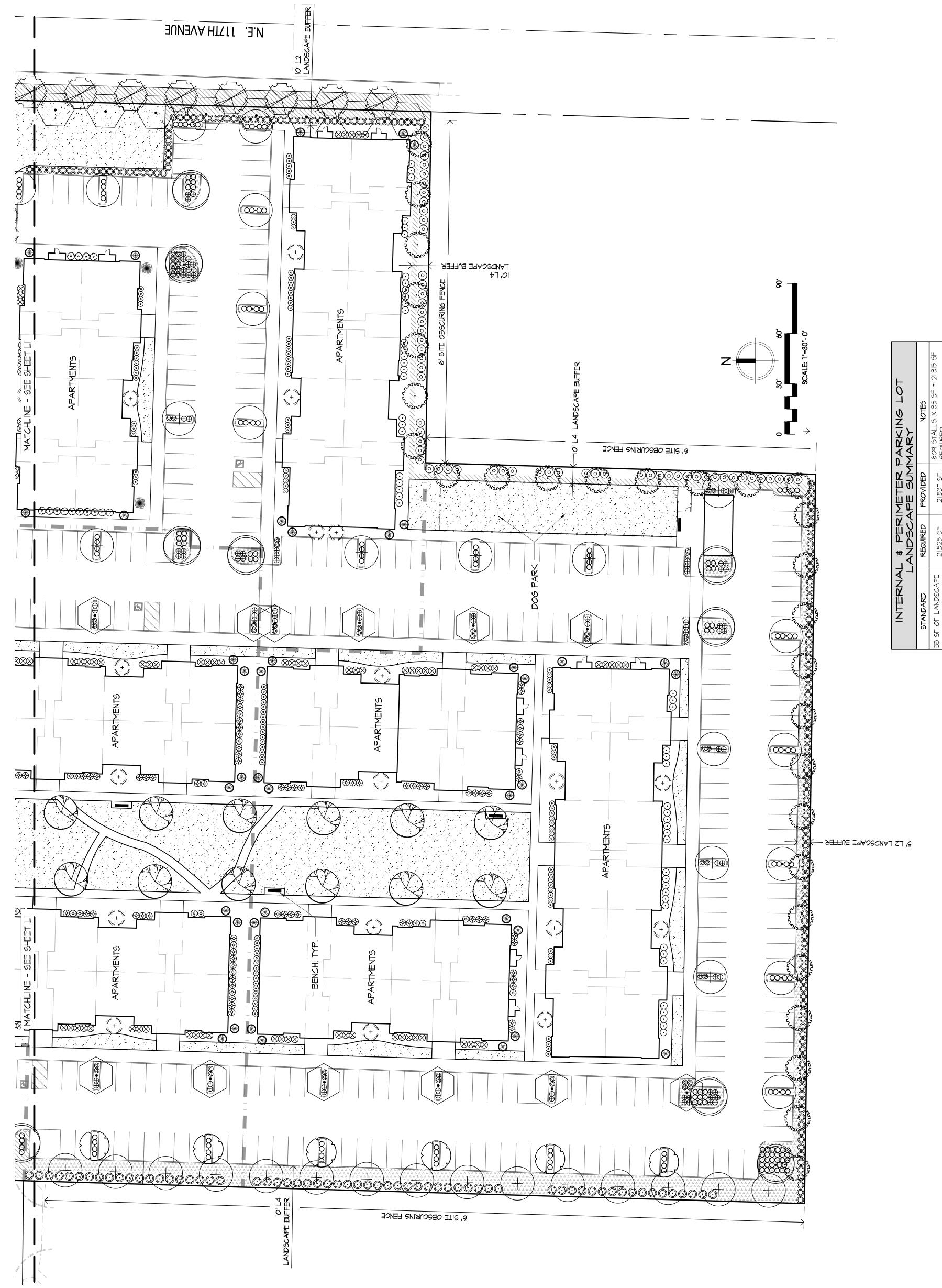
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SHEFT NAME: PRELIMINARY LANDSCAPE PLAN

DATE: 01.21.22

SCALE: SCALE: 1" = 30'-0" JOB #: 22

22-1741

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ISSUED FOR: REVISIONS:

CHECKED:

DRAWN: VH

County Comments II-07-22

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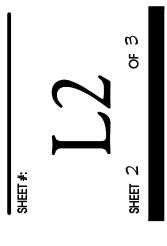
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T INTERNAL L	L & PERIMETER PARK LANDSCAPE SUMMARY	METER F	INTERNAL & PERIMETER PARKING LOT LANDSCAPE SUMMARY
STANDARD	REQUIRED	PROVIDED	NOTES
35 SF OF LANDSCAPE PER STALL	21,525 SF	21,537 SF	609 STALLS X 35 SF = 21,315 SF REQUIRED. (17,793 INTERNAL, 3,522 SF PERIMETER)
PARKING LOT SCREENING (WHERE ADJACENT TO A STREET) - N.E. 115TH AVENUE	(WHERE ADJAC	ENT TO A STRE	eet) - N.E. II5th Avenue
TREE / 30' LF OR TREE / 300 SF (MHICHEVER IS MORE)	12 TREES	I6 TREES	324 LF / 30 = 3,522 SF / 300 = 2
I SHRUB / 20 SF	176 SHRUBS	243 SHRUBS	3,522 SF / 20 = 176
INTERNAL PARKING LOT LANDSCAPE	-ANDSCAPE		
TREE / 6 STALLS TREE / 300 SF	161 TREES	161 TREES	609 / 6 = 102 17,793 SF / 300 = 59 59 + 102 = 161
I SHRUB / 20 SF	840 SHRUBS	978 SHRUBS	978 SHRUBS 17,793 SF / 20 = 890

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117TH AVENUE MIXED USE

Role	Company Name	Name	Address 1	Address 2	City	State	State Zip Code	Email Address
Planner	Clark County	Bryan Mattson						
Applicant	Hurley Development	Jamie Fisher	275 W 2rd St	Ste 300	Vancouver WA	MA	98660	98660 projects@hurleydev.com
Owner	PIT Orchard, LLC		1301 A St	#800	Tacoma	MA	98401	98401 Same as below
Owner		Timothy Moyer	6479 Hwy 95 S	#495	Whitefish	МT	59937	59937 tim@tmoyer.com
N/H Association	Maple Tree Nbhd Assoc							neighborhood.mapletree@gmail.com
Contact Person	PLS Engineering		604 W Evergreen Blvd		Vancouver WA	MA	98660	98660 pm@plsengineering.com
No Type I's	Clark County	Desiree de Monye						desiree.demonye@clark.wa.gov
Type II & III Decisions	Clark County	Susan Ellinger						<u>susan.ellinger@clark.wa.gov</u>
	City of Vancouver	Kristin Lehto						<u>Kristin.Lehto@cityofvancouver.us</u>
		Nicole Daltoso						<u>nicole.daltoso@vansd.org</u>
		Jeff Roberts						jeff@crandallgroup.com
POR		Sativa McGee	9907 NE 74th St		Vancouver WA	MA	98662	98662 neighborhood.mapletree@gmail.com
	WSDOT	Dylan Bass	11018 NE 51st Circle		Vancouver	MA	98682	98682 bassd@wsdot.wa.gov
POR		Taylor Eidt	10600 NE 51st Circle		Vancouver WA	MA	986822	986822 taylor.eidt@c-tran.org



EXHIBIT LIST

Project Name:	117TH AVE	NUE MIXED USE	
Case Number:	PSR-2022-	00243	
EXHIBIT NUMBER	DATE	SUBMITTED BY	DESCRIPTION
1		Applicant	Application Package
2		CC Land Use	Legal Lot Determination
3		CC Land Use	Fully Complete
4	9/14/22	CC Land Use	Notice of Type II Application
5	9/14/22	CC Land Use	Affidavit of Mailing - Exhibit 4
6	9/14/22	WA State Depart of Ecology	SEPA Record Submitted
7	9/14/22	Sativa McGee	Comment Letter_SMcGee
8	9/15/22	WA State Depart of Ecology	SEPA Published
9	9/28/22	WA State Depart of Ecology	SEPA Comments
10	9/29/22	Taylor Eidt	Comment Letter_TEidt
11	10/6/22	Applicant	Revised Road Modification 10-6-2022
12	10/6/22	Applicant	Applicant Responses to Development
			Engineering Early Issues 10-6-2022
13	10/7/22	CC Land Use	Early Issues Memo
14	9/13/22	CC Fire Marshal	Fire Marshal Comments
15	10/7/22	Applicant	Building Elevations
16	10/7/22	Applicant	Sight Distance Certification 10-7-2022
17	10/18/22	Applicant	Applicant responses to Early Issues Memo 10-18-
			2022
18	10/18/22	Applicant	Revised Narrative 10-18-2022
19	10/18/22	Applicant	Revised Preliminary Boundary Survey 10-18-
			2022
20	10/20/22	Applicant	Summary of Road Modification Review Team
			Findings 10-20-2022
21	11/1/22	Applicant	Sign Posting Affidavit
22	11/7/22	Applicant	Revised Site Plan North 11-7-2022
23	11/7/22	Applicant	Revised Commercial Binding Site Plan 11-7-
			2022
24	11/7/22	Applicant	
			Revised Phase 1 Apartments Site Plan 11-7-202
25	11/7/22	Applicant	Revised Technical Road Modification Request 11-
			7-2022
26	11/7/22	Applicant	
			Revised Townhome Preliminary Plat 11-7-2022
27	11/7/22	Applicant	Revised Landscape Plans 11-7-2022

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

EXHIBIT NUMBER	DATE	SUBMITTED BY	DESCRIPTION
28	11/8/22	Applicant	Pedestrian Circulation Map 11-8-2022
29	11/16/22	CC Development Engineering	Technical Road Modification Report & Recommendation
30	11/16/22	CC Development Engineering	Development Engineering Staff Report and Recommendation
31	11/16/22	CC Development Engineering	Transportation Concurrency Staff Report and Recommendation
32	9/28/22	Washington Department of Ecology	Ecology SEPA Comments
33	11/23/22	CC Land Use	Supplemental Legal Lot Review concluding there are at least 4 legal lots within the site
34	11/23/22	CC Land Use	Staff Report and Recommendation
35	12/7/22	Applicant	Steve Morasch Letter 12-7-2022
36	12/9/22	CC Development Engineering	Development Engineering Memo regarding Steve Morasch Letter
37	12/12/22	CC Land Use	Hearing Transcript
38	12/12/22	CC Land Use	Hearing Presentation
39	12/15/22	CC Land Use	Affidavit of Publication
40	12/16/22	WSDOT	WSDOT Response to Steve Morasch Letter 12-16- 22
41	12/16/22	CC Land Use	Land Use Response to Steve Morasch Letter 12- 16-22
42	12/21/22	Applicant	Applicant's Final Legal Arguement 12-19-22
43	1/6/23	CC Land Use	Examiner Decision
44	1/6/23	CC Land Use	Affidavit of Mailing - Exhibit 43
45	1/11/23	CC Land Use	REVISED Examiner Decision
46	1/11/23	CC Land Use	Affidavit of Mailing - Exhibit 45