

Type III Land Division and Environmental Review Staff Report and Recommendation

Project Name: ANNA MARIE LANE SUBDIVISION

Case Number: PLD2015-00020; SEP2015-00031

Location: 8003 & 8013 NE Ward Road, Tax Lots 15 (153938) and 30 (153953) in the Southwest Quarter of Section 1, Township 2, Range 2 east of the Willamette Meridian

Request: Subdivision approval to divide roughly 2.2 acres into 12 single-family lots located in the R1-6 zone district

Applicant: Sterling Design, Inc.
2208 E. Evergreen Blvd
Vancouver, WA 98661
Phone - (360) 759-1794
E-mail - joel@sterling-design.biz

Owner: Peter Bauer & Collen Dapper
20433 SE Walgren Road
Damascus, OR 97089

Recommendation

Approval, only if adequate provisions for safe walking conditions for students can be made

Land Use Review manager's initials: W **Date issued:** 9/9/15

Public Hearing date: September 24, 2015

County Review Staff

Department/Program	Name		
Community Development			
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Public Works			
Engineering Team Leader	Ali Safayi, P.E.	4102	ali.safayi@clark.wa.gov
Engineer/Concurrency	David Jardin	4354	david.jardin@clark.wa.gov
Fire Marshal Office	Ken Hill	3318	ken.hill@clark.wa.gov

Revised 5/9/13



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1300 Franklin Street, Vancouver, Washington
Phone: (360) 397-2375 Fax: (360) 397-2011
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For an alternate format,
contact the Clark County
ADA Compliance Office.
Phone: (360) 397-2322
Relay: 711 or (800) 833-6384
E-mail: ADA@clark.wa.gov

Applicable Laws

Clark County Code Chapter: 15.12 (Fire), 40.220.010 (Urban Single-family Districts), 40.350 (Transportation), 40.350.020 (Concurrency), 40.370 (Sewer & Water), 40.385 (Stormwater & Erosion Control), 40.540.040 (Land Division), 40.500 (Process), 40.570.080 (SEPA), 40.610 (Impact Fees), and RCW 58.17 (State Land Division Laws)

Neighborhood Association and Contact

Heritage, Contact - Christie BrownSilva, 13504 NE 84th Street, Suite 103-141, Vancouver, WA 98682, Phone - (360) 326-4353, E-mail - heritageneighborhood@gmail.com

Vesting

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on March 5, 2015 (PAC2015-00016). The PAC information was sufficiently complete to qualify for contingent vesting and all fully complete application submittals items were received within the required 180 days from issuance of the Pre-Application Conference Report. Therefore, the application is vested on February 12, 2015. The application is vested for transportation concurrency on the June 30, 2015.

Time Limits

The application was determined to be fully complete on July 17, 2015. Therefore, the County Code requirement for issuing a decision within 92 days lapses on October 14, 2015.

Public Notice

Notice of application and Likely SEPA determination was mailed to the applicant, the neighborhood association, and property owners within 300 feet of the site, and SEPA Agencies on August 25, 2015

Public Comments

The County has not received written public comments on the proposed subdivision.

Project Overview

The applicant proposes to divide the subject site into 12 single-family residential lots for detached housing. The subject site is located on the southeast side of NE Ward Road Street at the 156th Avenue block. Access to all lots will be from the on-site road NE 79th Way. There does not appear to be environmentally sensitive areas on the site or within proximity of the property that would encumber the site with buffers.

The following is a comprehensive plan, zoning, and use chart of the area surrounding the site:

Compass	Comp Plan	Zoning	Current Land Use
Site	UL	R1-6	Single-family residential
North	UL	R1-6	Single-family residential
South	UL	R1-6	Single-family residential
East	UL	R1-6	Single-family residential
West	UL	R1-6	Single-family residential

Staff Analysis

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

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

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

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

Major Issues

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

Land Use:

Finding 1 - Lot Standards

Staff notes that density calculations do not apply to standard single-family residential subdivisions, but they are subject to lot standards.

The proposed subdivision is located in the R1.6 zone which requires an average minimum lot size of 6,000 square feet and an average maximum lot size of 8,500 square feet.

The smallest lot in the proposed plat is 5,408 square feet and the largest lot is 9,151 square feet with an average lot size of 6,720. The proposed plat meets the lot size standards. The R1-6 also requires an average lot width of 50 feet and an average lot depth of 90 feet. All proposed lots comply with the lot width and depth requirement.

Finding 2 - Existing Residential Structures

There is an existing residence and several accessory structures on the site. The applicant has indicated that all existing buildings on the site will be removed. (See Condition D-4)

Finding 3 - Setbacks

Although details of home construction on the proposed lots have not been provided or required, the following setbacks apply to the proposed lots. Building setbacks are defined as the minimum horizontal distance between the property line and the foundation wall, exclusive of other building elements:

- Ten foot front setback
- 18 foot to garage
- Ten foot street side setback
- Five foot side setback
- 10 foot rear setback

Finding 4 - Manufactured Homes

The applicant has not indicated that manufactured homes would be placed on the lots in the proposed plat. Therefore, pursuant to CCC 40.260.130, manufactured homes are prohibited on any lot in this plat (see Condition D-8d).

Finding 5 - State Platting Standards (RCW 58.17)

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

The site is located within the Evergreen School District and the applicant has provided a letter from the district, but it did not include specific information if students would be bussed to the three schools. In fact, it appears from the letter that middle and high school students will need to walk to school and it's not clear whether elementary students will walk or be bussed. The applicant has not addressed safe walking for students in the project narrative including the safe walking path for students who walk to school. **Staff cannot recommend approval of the proposed subdivision unless** the applicant can make adequate provisions for safe walking conditions for students who walk to school.

Conclusion (Land Use)

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

Archeological:

Finding 6

The proposal is located within a medium to high probability area for containing cultural resources. The applicant has submitted a predetermination report to The Washington State Department of Archaeology and Historic Preservation (DAHP). DAHP agrees that no further archaeological work is necessary at this time. In the event that archaeological or historic materials are discovered during project activities, work in the immediate vicinity must stop and the area secured. The concerned tribes cultural staff, cultural committee, and DAHP shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines. (See Conditions A-6 and D-8e)

Transportation Concurrency:Finding 7 - Trip Generation

County concurrency staff has reviewed the proposed Anna Marie Lane Subdivision. The traffic study submitted indicates that the proposed development will divide two (2) existing lots, totaling 2.3 acres, into 12 single family residences. The applicant's traffic study has estimated the a.m. peak-hour trip generation at 8, p.m. peak-hour trip generation at 10 trips and an average daily trip generation (ADT) of 100 trips. The trip generation was estimated using the nationally accepted data published by the *Institute of Transportation Engineers Ninth Addition*. The proposed development site is located at 8003 & 8013 NE Ward Road in Vancouver.

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

Finding 8 - Site Access

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

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

The traffic study indicates that the proposed subdivision will extend NE 79th Way, a public local access road, from the east, through the development connecting with NE Ward Road, an Urban Principle Arterial (Pr-4cb). The connection of NE 79th Way, at NE Ward Road, will be constructed as a right-in/right-out. NE 79th Way public street extension will provide individual lot access.

The applicant's study evaluated the level of service and found that the intersections analyzed will have an estimated LOS C or better, in the 2018 build-out horizon. The study also shows that the LOS was evaluated during am and pm peak hour traffic conditions in existing and build-out scenarios. County Staff concurs with the traffic study findings.

Finding 9 - Clark County Concurrency

The proposed development is required to meet the standards established in CCC 41.350.020(G) for corridors and intersections of regional significance within 2 mile of the proposed development. Typically, the County's transportation model is used to determine what urban area developments are currently being reviewed, approved, or are under construction and in the vicinity of the proposed development. The traffic these developments generate is referred to as "*in-process traffic*" and will ultimately 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, helping to determine if roadway mitigation 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. This analysis showed that individual movements during peak hour traffic conditions had approach delays that did not exceed the maximum 240 seconds, or 2 cycles, of delay in the build-out year.

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

Unsignalized Intersections

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

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

Concurrency Corridors

Evaluation of the concurrency corridor operating levels and travel speeds represented in the County's model yielded operating levels and travel speeds with an acceptable level of service.

Summary

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

SAFETY:

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

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

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

Finding 10 - Turn Lane Warrants

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

Staff's review of the traffic study found that with the low right and left turning traffic volumes and lack of crash history at and near the proposed NE 79th Way/NE Ward Road intersection, a right turn lane would not be warranted.

Finding 11 - Historical Accident Situation

The applicant's traffic study analyzed the crash history as obtained from Clark County for the period January 1, 2009 through December 31, 2014.

The intersection crash rates, for the study intersections do not exceed thresholds that would warrant additional analysis. The studied intersections are as follows:

- NE Padden Parkway/NE 152nd Avenue
- NE 152nd Avenue/NE Ward Road/NE 78th Street
- NE 78th Street/.NE 159th Avenue
- NE Ward Road/NE 79th Way (Project Access)

The applicant's study did not recommend any safety mitigations as a part of this development. Staff concurs with the applicant's finding.

Finding 12 - Roadside Safety (Clear Zone) Evaluation

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

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

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

Staff's review of the submitted subdivision plan shows that the proposed NE 79th Way extension will be constructed as local access road and will comply with the County's Standard Detail Drawing 13 – Urban Local Residential Access. The frontage improvements associated with the NE 79th Way/NE Ward Road intersection are not dimensioned therefore, construction and relocation of objects within the right-of-way is unclear and Staff cannot determine if these relocated objects are outside of the Design Clear Zone area.

The applicant will need to submit construction plans that identify the Design Clear Zone area, or that the frontage improvements associated with the proposed intersection NE 79th Way/NE Ward Road will be constructed to comply with the requirements of CCC 40.350.030 , for review and approval . The plans should also show the locations of objects along the roadways as they relate to the Design Clear Zone area or roadside design as established in the applicable County standard detail. These objects may include but are not limited to, utility locations (i.e. poles, pedestals, transformers, etc.), mail boxes, monument signs, hydrants and trees. (See Condition A-2b)

Finding 13 - Vehicle Turning Movements

The applicant's narrative does not indicate the types of vehicles that may serve the proposed development. The applicant's plan shows an entry from NE Ward Road at NE 79th Way with a curb return radii that are not dimensioned. These curb return radii will need to comply with the minimum 35-foot radius at an intersection with an arterial.

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

The applicant will need to submit construction plans that show the design of the intersection geometry will accommodate all applicable design vehicles for review and approval. The plans will also need to show that all applicable design vehicles have the ability to enter and exit the development without swinging into opposing or adjacent travel lanes, which may result in no on-street parking areas on NE 79th Way near the intersection with NE Ward Road. (See Condition A-2c).

Conclusion (Concurrency)

In summary, Concurrency staff recommends conditional approval of the development application.

Transportation:

Finding 14 - Pedestrian/Bicycle Circulation Plan

Pedestrian circulation facilities in compliance with the Americans with Disabilities Act (ADA) are required within urban areas. When pedestrian circulation facilities are required they shall be in accordance with the provisions of Section CCC 40.350.010.

The applicant has proposed to divide two (2) parcels totaling 2.3 acres into a total of 12 single family residential lots. The proposed development is at 8003 & 8013 NE Ward Road in Vancouver. Parcels in this area are zoned R1-6. The R1-6 zoning classification is an urban designation with a minimum 6,000 square-foot lot area.

The applicant's plan indicates that there will be pedestrian improvements constructed with the proposed NE 79th Way street extension through the proposed development. The applicant's plan and narrative indicates that pedestrian improvements will also be constructed with the frontage improvements associated with the proposed NE 79th Way/NE Ward Road intersection. The applicant's narrative also states that all pedestrian facilities will be constructed to comply with ADA standards. (See Condition A-1a)

The applicant's proposal for the construction of public pedestrian facilities shows that the development can comply with the County Code.

Finding 15 - Circulation Plan

The applicant has submitted plans and a narrative that indicate the proposed development will be served by the extension of NE 79th Way, a local access road. The plan shows that the proposed development is located between NE Ward Road and NE 156th Place which are approximately 400 feet apart and that the extension of NE 79th Way will connect to two roadways providing east-west circulation for the area. The applicant's drawing shows that north-south circulation is provided by NE 156th Place.

The applicant's plan for cross-circulation has shown feasibility and compliance with the County Code.

Finding 16 - Roads

Road Right-of-Way and Frontage Improvements

NE Ward Road

NE Ward Road, along the proposed development frontage, is classified as an Urban Principle Arterial (Pr-4cb). The applicant's plan shows that NE Ward Road, along the development frontage has been fully developed to include a 50-foot half-width right-of-way, 30 feet of pavement, curb, gutter, 8-foot planter area and a 6-foot wide detached sidewalk. The applicant's plans does not show any additional right-of-way dedication, or frontage improvements to NE Ward Road, with the exception of a new proposed public road intersection NE Ward Road/NE 79th Way.

Staff concurs with the applicant's findings that no additional right-of-way dedication or frontage improvements to NE Ward Road are required, with the exception of the required improvements necessary to construct the proposed public road intersection NE Ward Road/NE 79th Way.

NE 79th Way

The proposed NE 79th Way is classified as an urban local access road with a minimum total right-of-way of 46 feet. The applicant's plan shows that NE 79th Way will be extended to the west through the proposed development ending at a new proposed right-in/right-out intersection with NE Ward Road.

Starting at the proposed intersection with NE Ward Road, the plans indicate that the construction of NE 79th Way will include a 36-foot wide paved surface, curb, gutter and an attached sidewalk inside of a 50-foot right-of-way. The improvements inside the 50-foot right-of-way will then transition to a 46-foot wide right-of-way, which will include a 28-foot wide paved surface, curb, gutter and an attached sidewalk in compliance of table 40.350.030-2 and Standard Drawing 13. Staff concurs with the applicant's findings. The applicant will need to submit final construction drawings for review and approval. (See Condition A-1b)

Driveways

The applicant's narrative indicates that all lots within the proposed development will access NE 79th Way and then enter the larger public street network at the intersection of NE 79th Way/NE

Ward Road, to the west, or the intersection of NE 79th Way/NE 156th Place, to the east. The applicant's plan shows driveways for lot 7 in relation to the new intersection of NE 79th Way/NE Ward Road. However, the applicant's plan does not show the joint driveway location for lot 6, therefore, Staff is unable to determine driveway compliance for corner lot requirements. The applicant will need to submit final construction drawings that show driveways for lots 6 and 7 will comply with CCC 40.350.030 (B)(4)(b). Further, as lots 1 through 5, and 8 through 12 develop they shall comply with CCC 40.350.030 (B)(4)(b). (See Conditions A-1c and D-8c)

Finding 17 - Sight Distance

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

The applicant submitted a sight distance analysis dated April 20, 2015, prepared by H. Lee and Associates. The applicant's engineer states that the posted speed on NE Ward Road, along the development frontage, is 45 MPH. Further, the engineer states that based on the posted speed the required 450 feet of sight distance is available at the proposed project access, NE 79th Way/NE Ward Road. The applicant's engineer indicates that vegetation and other physical objects should be placed in a manner to not encumber sight lines of the motorist.

The engineer's analysis concluded that once frontage improvements have been constructed, sight distance at the intersection of NE 79th Way/NE Ward Road be re-verified. The applicant will need to submit final construction drawings for review and approval. These plans will need to show sight distance triangles at the intersection of NE 79th Way/NE Ward Road. The plans will also need to show objects that are within the sight distance triangle. Notes on the plans shall indicate the vegetation within the sight distance triangle that needs to be maintained, trimmed or removed. (See Conditions A-1-d and C-1)

Conclusion (Transportation)

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

Stormwater:

Finding 18 - Stormwater Applicability

The provisions of Clark County Code Chapter 40.385 shall apply to all new development, redevelopment, and drainage projects consistent with the Stormwater Management Manual for Western Washington (SMMWW) as modified by CCC 40.385 and the county's stormwater manual.

Minimum Requirements

The Anna Marie Lane Subdivision is located in an area that is designated urban low density residential. The project proposes to add more than 5,000 square feet or more of new impervious surface and have a potential land disturbance greater than 7,000 square feet.

The applicant's engineer has evaluated the proposed project against the criteria found in CCC 40.385.020(A)(4). The engineer concluded that this project will meet all the criteria and that Minimum Requirements 1 through 10 will apply to this project. The applicant will need to submit final construction plans and a final Technical Information Report for review and approval. The final construction plans and a final Technical Information Report shall show compliance with CCC 40.385. (See Condition A-3a)

Finding 19 - Stormwater Proposal

The applicant has proposed storm catch basins and infiltration trenches on-site as the primary means of stormwater collection, treatment and disposal for the proposed development (see Condition C-2).

The applicant has stated that all of the stormwater facilities within the proposed right-of-way will be owned and maintained publicly and the stormwater facilities within the lots will be privately owned and maintained.

Stormwater plan proposes to collect and route the roof runoff to infiltration systems on the individual lots. These systems shall be constructed and maintained by the homeowners. (See Plat Note D-3d and Condition E-1)

Soils Evaluation

The applicant's geotechnical engineer, Deep River Geotechnical has identified the soils associated with the proposed development site as Lauren gravely loam. The applicant's geotechnical engineer stated that no groundwater was encountered in the on-site test pits to a depth of 12 feet. The geotechnical engineer also performed a total of two (2) infiltration tests, two (2) in each test pit. One test at 3 feet and one test at 12 feet below ground surface. The engineer concluded that the infiltration rate, as measured in Test Pit 1, ranged from 22 inches per hour at a depth of 3 feet and 540 inches per hour at a depth of 6 feet. The engineer's study did not report on infiltration rates at Test Pit 2.

Review of the geotechnical engineer's site plan, identifying the test pits in relation to the proposed subdivision layout, Staff found that the geotechnical engineer's site plan did not match the proposed subdivision stormwater facilities as submitted by the design engineer. However, the applicant's geotechnical engineer has indicated that infiltration on-site was feasible in either of the two test pit locations.

Further, the applicant's engineer cites that the *Depth to Groundwater Maps*, as shown on Clark County Maps Online, data indicates the groundwater table elevation is approximately 241 - 242 feet amsl. The geotechnical engineer concluded that based on the groundwater table elevation at approximately 241 - 242 feet amsl, the corresponding depth to groundwater was 14 to 17 feet below ground surface elevation.

The applicant will need to provide evidence to show the highest groundwater elevation is at least 15 feet below the bottom of proposed infiltration facilities as required per CCC 40.385.020(C)(3). (See Condition A-3b)

Conveyance Systems

The submitted plan indicates that all roof drains and low point drains will be directed to individual private infiltrations systems located on each lot.

The public impervious area will be collected and treated in a StormFilter Drywell located within the proposed development. Once treated, the stormwater will be conveyed to infiltration trenches within the NE 79th Way road section.

The applicant's stormwater narrative indicates that the proposed infiltration trenches have been designed to accommodate and completely infiltrate the 100-year, 24-hour design storm. The applicant's engineer designed the stormwater facilities by using an infiltration rate of 100-inches per hour. According to the 540-inches per hour, reported by Deep River Geotechnical Services geotechnical investigation dated April 11, 2015, the design engineer indicates that a factor of safety of 5.4 was used.

Per CCC 40.380.040(C)(1)(g), the project shall not materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots. (See Condition A-3c)

The applicant will need to submit final construction plans for review and approval. The applicant will need to submit a letter, or documentation from the stormwater treatment system manufacturer indicating that the treatment devices were sited and sized appropriately. The construction plans and the manufacturer's letter shall be submitted for review and approval prior to the approval of construction plans. (See Condition A-3d)

Conclusion (Stormwater)

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

Fire Protection:

Finding 20 - Fire Marshall Review

This application was reviewed by Ken Hill in the Fire Marshal's Office. Ken can be reached at (360) 397-2186 x3318, or e-mail at ken.hill@clark.wa.gov. Where there are difficulties in meeting these conditions or if additional information is required, contact Ken immediately.

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

Finding 21 - Fire Flow/Hydrants

One and two family homes over 3,600 square feet (excluding attached garages) will have additional fire protection requirements. Contact the Clark County Fire Marshal's Office for additional information. Reduced setbacks will require additional fire protection features such as automatic fire sprinklers and fire resistive construction methods.

Fire flow in the amount of 1,000 gallons per minute supplied for 1 hour duration is required for this application. Prior to obtaining building permits, submit proof from the water purveyor indicating that the required fire flow is available at the site. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to the commencement of combustible building construction. Fire flow is based upon a 3,600 sq. ft. type V-B constructed building.

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

Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. A 3-foot clear space shall be maintained around the circumference of all fire hydrants. The local district fire chief (Vancouver Fire Department) approves the exact locations of fire hydrants.

(See Conditions D-1 and D-2)

Finding 22 - Fire Apparatus Access/Turnaround

Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standard, and provide fire apparatus access. Ensure that fire apparatus access roads maintain an unobstructed width of not less than 20 feet to within 150 feet of all lots and parcels. Maintain access roads with 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.

Dead end fire apparatus access roads in excess of 150 feet require and approved turnaround, and shall comply with the Clark County Road Standard.

Parallel parking is prohibited on streets that are less than twenty-four (24) feet wide. Streets that are less than twenty-four (24) feet wide shall be posted "NO PARKING".

Gates that obstruct fire apparatus access roads require permits and approval by the Fire Marshal prior to their installation. (See Condition D-3)

Conclusion (Fire Protection):

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

Water & Sewer Service:

Finding 23

The applicant has submitted utility reviews from the City of Vancouver and Clark Regional Wastewater indicating that public water and sewer is available to the subject site. All lots in the proposed plat must connect to public water and sewer. A copy of the final acceptance letter from the sewer and water purveyor should be submitted to the Health Department with the final plat mylar. The applicant needs to comply with all requirements of the purveyor. (See Condition D-7 and D-8)

Impact Fees:

Finding 24

All residential lots created by this plat will produce impacts on schools, parks, and traffic, and will be subject to School (SIF), Park (PIF), and Traffic Impact Fees (TIF) per dwelling. The site is within the Evergreen School District with a SIF of \$6,989.00, Park District 5 with a PIF of \$1,359.00 (acquisition) + \$440.00 (Development), and the Evergreen Transportation Subarea with a TIF of \$3,611.72.

Impact fees shall be paid prior to issuance of a building permit for each lot. If a building permit application is made more than three years following the date of preliminary plat approval, the impact fees will be recalculated according to the then-current ordinance rate. Impact fees will be waived for two lots in the proposed plat due to the two existing residences and a note shall be added to the face of the plat which state which lots impact fees will not apply. (See Condition D-7c & E-2)

SEPA Determination

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

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

The likely SEPA determination of Non-Significance (DNS) in the Notice of Development Review Application issued on August 25, 2015, is now final.

SEPA Appeal Process

An appeal of this SEPA determination and any required mitigations, must be filed with the Department of Community Development within fourteen (14) calendar days from the date this notice.

The hearing examiner shall hear appeals in a public hearing. Notice of the appeal hearing shall be mailed to parties of record, but shall not be posted or published.

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

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

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

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

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

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

The decision of the Hearing Examiner is final unless:

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

Staff Contact Person: Richard Daviau, (360) 397-2375, ext. 4895.

Responsible Official: Marty Snell, Community Development Director

Recommendation

Based upon the proposed plan and the findings and conclusions stated above, staff **cannot recommend approval of the proposed subdivision unless** the applicant can make adequate provisions for safe walking conditions for students who walk to school (see Finding 5). If this issue is resolved, the following are conditions of approval subject to the understanding that the application is required to adhere to all applicable codes and laws.

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

- A-1 **Final Transportation Plan/On-Site** - The applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350 and the following conditions of approval:
- a. Pedestrian Circulation: The applicant shall submit final construction drawings for review and approval. These construction plans shall show construction of 5-foot wide ADA compliant sidewalks and all appurtenances on the proposed NE 79th Way and NE Ward Road improvements. The construction plans shall also ensure that there are ADA compliant sidewalks and all appurtenances, to include reconstruction of sidewalks as necessary, along the development frontage of NE Ward Road. (See Finding 14)

- b. Right-of-way and Road Extension: The applicant shall submit final construction plans that comply with Drawing 13 with regard to the construction of NE 79th Way. The construction drawings shall include a 28-foot wide paved surface, curb, gutter, and sidewalk. The plans shall also include construction of the intersection NE Ward Road/NE 79th Way to comply with Table CCC 40.350.030-3 and CCC 40.350.030 (B)(4)(d). (See Finding 16)
- c. Driveways: The applicant will need to submit final construction drawings that show driveways for lots 6 and 7 will comply with CCC 40.350.030 (B)(4)(b)(1)(b). Further, as lots 1 through 5, and 8 through 12 develop they shall comply with CCC 40.350.030 (B)(4)(b). (See Finding 16)
- d. Sight Distance: The applicant shall submit construction drawings that show sight distance triangles at the intersection of NE 79th Way/NE Ward Road. These plans will also need to show objects that are within the sight distance triangle. Notes on the plans shall indicate the fixed objects and vegetation within the sight distance triangle that need to be maintained, trimmed or removed. (See Finding 17)

A-2 **Transportation Concurrency:**

- a. The applicant shall submit a signing and striping plan for review and approval. This plan shall show signing and striping and all related features for required frontage improvements and any off-site improvements. The applicant shall obtain a work order with Clark County to reimburse the County for required signing and striping.
- b. The applicant shall submit construction plans that identify the Design Clear Zone area, or that the frontage improvements associated with the proposed intersection NE 79th Way/NE Ward Road will be constructed to comply with the requirements of CCC 40.350.030, for review and approval, unless modified by the County Engineer. The plans shall also show the locations of objects along the roadways including but not limited to, utility locations (i.e. poles, pedestals, transformers, etc.), mail boxes, monument signs, hydrants and trees. (See Finding 12)
- c. **Final Transportation Plan/Off Site (Concurrency)** - The applicant shall submit construction plans that show the design of the intersection geometry will accommodate all applicable design vehicles for review and approval, unless modified by the County Engineer. The plans will also need to show that all applicable design vehicles have the ability to enter and exit the development without swinging into opposing travel lanes, which may result in no on-street parking areas on the local residential access road, at/near the NE 79th Way/NE Ward Road intersection. (See Finding 13)

A-3 **Final Stormwater Plan** - The applicant shall submit and obtain County approval of a final stormwater plan designed in conformance to CCC 40.385 and the following conditions of approval (See Findings 18 and 19):

- a. The applicant shall submit final construction plans and a final Technical Information Report for review and approval. The final construction plans and a final Technical Information Report shall show compliance with CCC 40.385.

- b. The applicant shall submit evidence of groundwater separation to show compliance with CCC 40.385.020(C)(3)(c).
 - c. Per CCC 40.380.040(C)(1)(g), the project shall not materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots.
 - d. The applicant shall submit a letter, or documentation from the stormwater treatment system manufacturer indicating that the treatment devices were sited and sized appropriately.
- A-4 **Erosion Control Plan** - The applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.385.
- A-5 **Excavation and Grading** - Excavation/grading shall be performed in compliance with CCC14.07.
- A-6 **Archaeology** - A note shall be placed on the face of the final construction plans as follows: "If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Department of Archaeology and Historic Preservation in Olympia shall be notified. Failure to comply with these state requirements may constitute a Class C Felony, subject to imprisonment and/or fines."

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

- B-1 **Pre-Construction Conference** - Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.
- B-2 **Erosion Control** - Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.
- B-3 **Erosion Control** - Erosion control facilities shall not be removed without County approval

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

- C-1 **Sight Distance** - In accordance to the engineer's recommendation, the applicant shall submit a sight distance certification letter after the completion of improvements at NE 79th Way/NE Ward Road (see Finding 17).

- C-2 **Stormwater** - In accordance with CCC 40.385.020(C)(3)(i), before acceptance of any infiltration facility by the county, the completed facility must be tested and monitored to demonstrate that the facility performs as designed. If the tested coefficient of permeability determined at the time of construction is at least ninety-five percent (95%) of the uncorrected coefficient of permeability used to determine the design rate, construction shall be allowed to proceed. If the tested rate does not meet this requirement, the applicant shall submit an additional testing plan to Clark County that follows the requirements in Chapter 2 of the Stormwater Manual. This plan shall address steps to correct the problem, including additional testing and/or resizing of the facility to ensure that the system complies with the provisions of this chapter.

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

- D-1 Water mains supplying fire flow and fire hydrants shall be installed, approved and operational.
- D-2 Provide fire hydrants such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads. Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection.
- A 3-foot clear space shall be maintained around the circumference of all fire hydrants. The local fire district chief approves the exact locations of fire hydrants.
- D-3 The applicant shall provide 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. Dead end fire apparatus access roads in excess of 150 feet require and approved turnaround, and shall comply with the Clark County Road Standard. Parallel parking is prohibited on streets that are less than twenty-four (24) feet wide. Streets that are less than twenty-four (24) feet wide shall be posted "NO PARKING". Gates that obstruct fire apparatus access roads require permits and approval by the Fire Marshal prior to their installation.
- D-4 The applicant shall remove all structures on the site (see Finding 2).
- D-5 All lots in the proposed plat must connect to an approved public sewer and water systems. A copy of the final acceptance letter from the sewer and water purveyor shall be submitted to the Health Department with the final plat mylar. The applicant shall comply with all requirements of the purveyor.
- D-6 Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Final Approval Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or

prior to occupancy). The Evaluation Letter will serve as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer.

D-7 **Developer Covenant** - A "Developer Covenant to Clark County" shall be submitted for recording to include the following:

- a. **Critical Aquifer Recharge Areas** - "The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."
- b. **Erosion Control** - "Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."
- c. **Impact Fees**: "In accordance with CCC 40.610, the School, Park, and Traffic Impact Fees for each dwelling in this subdivision are: \$6,989.00 (Evergreen School District), \$1,799.00 (\$1,359.00 - Acquisition; \$440.00 - Development for Park District 5), and \$3,611.72 (Evergreen TIF subarea) respectively.

The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated _____, and expiring on _____. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule."

D-8 **Plat Notes** - The following notes shall be placed on the final plat:

- a. **Sidewalks**: "Prior to issuance of occupancy permits, sidewalks shall be constructed along all the respective lot frontages.
- b. **Utilities**: "An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."
- c. **Driveways**: "All residential driveway approaches entering public roads are required to comply with CCC 40.350. Direct driveway access to NE Ward Road is not allowed"
- d. **Mobile Homes**: "Mobile homes are not permitted on any lots of the proposed subdivision."

- e. Archaeological (all plats): "If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, all work in the vicinity shall cease and the Department of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."
- f. Onsite Drainage System: "The homeowner is responsible for construction and maintenance of the individual onsite drainage system on whose lot the system is located."

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

- E-1 Roof and crawl space drains shall be constructed per the approved engineering plans for the project. The onsite drainage system shall be constructed and maintained by the homeowner. (See Finding 19)
- E-2 Impact Fees - The applicant shall pay impact fees for the proposed lots as follows:
 - a. \$6,989.00 per dwelling for School Impact Fees (Evergreen School Dist.)
 - b. \$1,799.00 per dwelling for Park Impact Fees (\$1,359.00 - Acquisition; \$440.00 - Development for Park District 5)
 - c. \$3,611.72 per dwelling for Traffic Impact Fees (Evergreen TIF Sub-area)

If the building permit application is made more than three years following the date of preliminary site plan approval, the impact fees shall be recalculated according to the then-current rate.

F	Development Review Timelines & Advisory Information Review & Approval Authority: None - Advisory to Applicant
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- F-1 **Land Division** - Within 7 years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.
- F-2 **Department of Ecology Permit for Construction Stormwater** - A permit from the Department of Ecology (DOE) is required If:
 - The construction project disturbs one or more acres of land through clearing, grading, excavating, or stockpiling of fill material; **AND**
 - There is a possibility that stormwater could run off the development site during construction and into surface waters or conveyance systems leading to surface waters of the state.

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

F-3 Building and Fire Safety

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

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

Hearing Examiner Decision and Appeal Process

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

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

Motion for Reconsideration

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

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

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

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

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

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

Appeal Rights

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

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

Attachments

- Proposed Plot Plan

