

Type III Development and Environmental Review Staff Report and Recommendation

Project Name: HOCKINSON MIDDLE SCHOOL

Case Numbers: CUP2015-00006; PSR2015-00035; EVR2015-00034;
WET2015-00023; BLA2015-00054

Request: Conditional Use and Site Plan Review approval for the construction of a new middle school located on roughly 25 acres in the RC-1 zone district

Location: 15916 NE 182nd Avenue, Parcels 204235 and 204260 in the Southwest quarter of Section 18, Township 3 North, Range 3 East of the Willamette Meridian

Applicant: DOWA - IBI Group
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Owner: Hockinson School District
17912 NE 159th Street
Brush Prairie, WA 98606

Recommendation

Approval, subject to conditions Manager initials:  Date issued: 12/2/15
Public Hearing date: December 22, 2015

Review staff

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Revised 5/6/13



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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
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Applicable Laws

Clark County Code (CCC): Title 14 (Building), Title 15.12 (Fire), Title 24 (Public Health), 40.210.030 (Rural Center Districts), 40.320 (Landscaping), 40.340 (Parking), 40.350 (Transportation), 40.360 40.385 (Stormwater/Erosion Control), 40.450 (Wetlands), 40.500 (Procedures), 40.510.030 (Type III Process), 40.520.030 (Conditional Use), Site Plan Review), 40.520.040 (Site Plan Review), 40.570 (SEPA), and 40.610 (Impact Fees)

Neighborhood Contact

Greater Brush Prairie, **Contact** - Rob Pearson (President), 158001 NE 180th Street, Brush Prairie, WA 98606, **Phone** - (360) 666-2756, **E-mail** - rpearson7@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 (PAC) on this matter was held on June 18, 2015. The PAC information was sufficiently complete to qualify for contingent vesting and the formal application was submitted within the required 180 days from issuance of the PAC report. Therefore, the application is vested on the PAC submittal date of May 28, 2015.

Time Limits

The application was determined to be fully complete on October 13, 2015. Therefore, the County Code requirement for issuing a decision within 92 days lapses on January 13, 2016.

Public Notice

Notice of application and public hearing was mailed to the applicant and property owners within 500 feet of the site on November 25, 2015.

Public Comments

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

Project Overview

The applicant proposes an approximate 75,000 square foot 2-story public middle school including a gymnasium, commons, administration, and classrooms with a student capacity of 500 or 600. A 400 meter track and grass sports field will provide recreational activities for the school and community. The school building will be constructed while maintaining the existing school in session.

The subject site is roughly 25 acres. Approximately seven acres of the site is developed with the remainder covered with native vegetation and wetlands. Impervious surfaces comprise roughly six acres of the site consisting of buildings/structures, athletic facilities, associated walkways, asphalt parking and access drives. The portion of the parcel west of the existing track and field consists of a six and three quarter (6.7) acre wetland area.

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

Compass	Comp Plan	Zoning	Current Land Use
Site	RCR	RC-1	School
North	RCR	RC-1 & RC-2.5	Residential
South	RC	CR-2	Residential & Commercial
East	RC & RCR	CR-2 & RC-1	Residential & Church
West	RCR	RC-1 & RC-2.5	Municipal & Vacant

Staff Analysis

Staff has 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, and/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 - Use

The proposed public school is allowed in the RC-1 zone subject to conditional use and site plan reviews (see CCC Table 40.210.030-1, 5a).

Finding 2 - Conditional Use

Under CCC 40.520.030 G, the establishment, maintenance or operation of a conditional use cannot be significantly detrimental to the health, safety or general welfare of persons residing or working in the neighborhood or detrimental to the general welfare of the county.

The applicant is proposing to replace an existing public school with a 75,000 square foot building in the northern portion of the site. Residential and commercial zoning surrounds the site, and a mix of residential, commercial, municipal (the Fire District), and church uses surrounds the site.

Staff finds noise, lighting glare, and visual impacts from the proposed conditional use will not be significantly detrimental to the health, safety or general welfare of persons residing or working in the neighborhood or detrimental to the general welfare of the county with conditions of approval. The school use already exists on the site and additional landscape screening will be required to soften impacts that might be created.

Finding 3 - Conditional Use/Noise

Although unlikely to create an impact, staff notes that the proposed public school is required to comply with state noise standards. See Washington Administrative Code (WAC 173-60-040) for details about dBA noise limits. (See Condition A-7)

Finding 4 - Conditional Use/Lighting

The applicant has submitted a lighting plan which appears to indicate lighting will not impact property off site. The applicant needs to ensure that lighting from the proposed development does not cast significant light or glare off-site on adjacent properties or public roadways. (See Conditions A-8)

Finding 5 - Conditional Use/Landscape screening

The applicant has submitted a landscape plan that shows proposed landscaping, but staff finds additional screening is needed to ensure there are not significant impacts from the proposed school. The following additional landscaping should be provided:

- a. The landscape plan appears to be at the scale 1" = 50 feet, but is not properly labeled. The scale on the final landscape plan needs to be correctly shown.
- b. Staff finds there is not adequate landscaping around the church use on Tax Lots 204230 & 204233 (fronting NE 182nd Avenue). At least an L2 Landscape Buffer should be provided along the north, south, and west sides of these two Tax Lots. (See Condition A-9)
- c. Staff finds there may not be adequate landscaping along the site's northern property line. The applicant is proposing adequate landscape screening along the first 280 feet (roughly) from NE 182nd Avenue. Then, there appears to be adequate existing screening in front of the maintenance building along NE 164th Street, but it is not shown on the landscape plan. Staff also finds there should be an L3 Landscape buffer from the end of NE 164th Street (where it turns north to serve seven homes) west for roughly 250 feet. Existing landscaping can be used. The final landscape plan needs to clearly show all existing landscape screening along the north property line and an L3 Landscape buffer from the end of NE 164th Street (where it turns north to serve seven homes) west for roughly 250 feet (See Conditions A-10)

Finding 6 - Student Capacity

The project narrative indicates there will be a 500 student capacity, but the SEPA Determination and Checklist indicates a 600 student capacity. This review will consider a 500 student capacity. (See Condition A-11)

Finding 7 - Site Plan

Staff reviewed the submitted site plan and has the following comments:

- a. The site plan does not clearly show NE 164th Street along the north property line. The final site plan needs to clearly show all of NE 164th Street along the north property line and where it turns north to serve seven homes (see Condition A-12).
- b. The site plan does not contain any dimensions of on-site improvements for setbacks, parking areas, landscape islands, and width of pedestrian walkways. All pedestrian walkway widths, landscape islands, setbacks, parking space dimensions (standard, handicap & compact) including vehicle maneuvering areas, and typical parking space dimensions are required on the final site plan. (See Condition A-13)
- c. There is a 25 foot front setback along all street frontages (NE 164th Street, NE 182nd Street, and NE 159th Street) and parking is not allowed in the front setback. It appears parking is proposed in the front setback along NE 182nd Street in the northeast portion of the site, but there are no dimensions. All parking shall be relocated outside of the 25 foot setback areas along NE 182nd Street. (See Condition A-14)

- d. Based on a 500 student capacity, 125 parking spaces are required. The applicant indicates in the project narrative that 139 parking spaces have been provided. Staff counted 131, but that's still meet 125 space requirement.
- e. The applicant has cited the correct amount of solid waste and recycling storage, but it is not shown on the site plan and is possibly located inside the building. The applicant needs to clearly identify the solid waste and recycling storage area and how it will be accessed by the service vehicles. Also, F2 screening around the solid waste and recycling enclosures needs to be provided and clearly shown on site plan. (See Condition A-15).

Finding 8 - Boundary Line Adjustment (BLA)

The applicant proposes a boundary line adjustment (BLA) with the main school tax lot (Parcel 204235) and the two Hockinson Church tax lots (Parcels 204230 & 204233). It's not clear to staff if the two church tax lots are two or only one legal lot and whether they have been adjusted since the county last reviewed building permits for these lots in 1987. The proposed BLA needs to be filed with Clark County Assessor's Office with a copy submitted to the planner prior to final site plan approval. (See Condition A-16)

Finding 9 - Signs

For all proposed identification signs, the applicant should make application for a separate sign permit pursuant to CCC 40.310 (see Condition E-2).

Conclusion (Land Use):

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

ARCHEOLOGICAL:

Finding 10

The proposal is located within a moderate 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-17)

SEPA CHECKLIST REVIEW:

Finding 11

SEPA checklist review is required for the proposed school replacement. The Hockinson School District decided to take lead agency status for the SEPA review and on July 13, 2015, issued a Determination on Non-Significance for the proposed school replacement. That determination is final. See the SEPA Determination and checklist review in Tab 14 of the application packet (Exhibit 1).

WETLANDS:Finding 12

Clark County GIS indicates the presence of mapped wetlands and hydric soils on the subject parcel (201235000) and adjacent parcels. County staff conducted a site visit on May 21, 2015 and issued a wetland determination (WET2015-00023) which confirmed the location and ranking and buffers of the Category IV wetland. The Category IV wetland is functionally separated from the neighboring Category III wetland by a ditch on the northern, southern and western boundaries of the parcel. Per the Wetland Protection Ordinance (Table 40.450.030-2) a Category IV wetland is afforded a fifty (50) foot buffer for high intensity use. The proposed project will avoid impacts to the Category IV wetland and its associated buffers.

Finding 13

Approximately ten thousand four hundred (10,400) square feet of permanent Category III wetland buffer impact will result from the construction of the proposed access road and isolated wetland buffer (see attached map). County staff shall require that the applicant provide a mitigation plan which accounts for approximately seven thousand four hundred and twenty five (7425) square feet of Category III wetland buffer impact at a 1:1 ratio and two thousand nine hundred and seventy five (2975) square feet of indirect wetland impact (within the low intensity use buffer) at an 8:1 ratio utilizing native vegetation (as indicated in the conditions) within the category IV wetland.

No mitigation plan was provided by the applicant for impacts to the Category III wetland buffer. The applicant shall include a planting plan (including numbers, sizes, and types of species to be planted), performance standards for five (5) years of maintenance and monitoring, a schedule for release or reports, adaptive management plans, any contingency plans financial assurances for both the construction and maintenance of the site and site protection instrumentation. There is sufficient space on the parcel to accomplish the mitigation requirements. Any plants which have died in excess of these percentages shall be replaced, with maintenance and monitoring continuing.

The applicant must show that impacts to the buffer and wetland are minimized (if possible), and that buffer functions, as they pertain to protection of the adjacent wetland and its functions, are replaced.(40.450.040 (C) (5) (a) (b). Minimizing impact to the wetland buffer could consist of moving the road to the east as to not incur indirect wetland impacts and planting the area to the west of the road or a bio filter to protect the wetland from any potential runoff from the buildings and roadway.

Conclusion (Wetlands):

Based upon the development site characteristics and the proposed development plan, staff concludes that the proposed Development application complies with the requirements of Chapters 40.450 Wetland Protection Ordinance addressed herein, PROVIDED that certain conditions (listed below) are met (see Exhibit 9). Therefore, the requirements of the preliminary plan review criteria are satisfied.

TRANSPORTATION CONCURRENCY:Finding 14 - Trip Generation

County concurrency staff has reviewed the proposed Hockinson Middle School traffic study dated October 2015, prepared by Heath & Associates, Inc.

The proposed development is proposing to construct one new 74,000 – square feet middle school structure with associated parking and landscaping. The applicant is proposing to retain many of the existing structures on the southern portion of the site.

The applicant's traffic study has provided existing trip generations with the current student population estimated at 490 – 500. The study then estimated the anticipated trip generation with at student population of 500 from the *Institute of Transportation Engineers (ITE) Trip Generation Manual*. The study estimated the weekday a.m. peak-hour trip generation at 270 new trips, the p.m. peak-hour trip generation at 150 new trips.

The breakdown of the estimated trips generated is as follows:

Description	Units	Weekday	
		AM	PM
Existing Trip Generation - Field Count	490-500 Students	309	181
74,000 SF Middle School (Proposed) - ITE Trip Estimate	500 Students	270	150
ITE Underestimate for 500 Students		39	31

The applicant has indicated that the student population for this school facility has not, and will not exceed 500 students with the build out of the proposed new school structure. Therefore, if the student enrollment should exceed 500 students, it may be necessary to re-evaluate the transportation impacts based on the increase in students.

The applicant's study used the existing count data for intersection and corridor operational analysis.

The trip generation was estimated using the nationally accepted data published by the *Institute of Transportation Engineers Ninth Edition*.

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

Finding 15 - 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 submitted plan indicates that the proposed development will close 2 access locations on NE 159th Street, nearest the intersection of NE 182nd Avenue, and the westernmost driveway on NE 159th Street would be reconstructed to accommodate school bus and employee traffic.

The applicant's plan also shows that 2 new entrances on NE 182nd Avenue are proposed. One of the new proposed driveways is located approximately 360 feet north of the intersection NE 159th Street/NE 182nd Avenue (southern driveway). The other proposed driveway is located approximately 450 feet south of the intersection NE 164th Street/NE 182nd Avenue (northern driveway).

The new proposed southern driveway will primarily facilitate parent parking and student drop-off, while the northern driveway will accommodate school staff.

The applicant's study evaluated the level of service and found that the site access intersections analyzed will have an estimated LOS C or better, in the 2019 build-out horizon. The study also shows that the LOS was evaluated during the a.m. and p.m. school peak hour traffic conditions in existing and build-out scenarios. County Staff concurs with the traffic study findings.

Finding 16 - 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 1 miles 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.

Unsignalized Intersections

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

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

Concurrency Corridors

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

Summary

The County has determined that this development can comply with adopted Concurrency Standards for corridors 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 17 - Turn Lane Warrants

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

The applicant’s engineer analyzed both proposed access locations on NE 182nd Avenue and found that left turn lanes were warranted. The applicant’s study recommended a continuous two-way left-turn lane connecting the two access locations, with the appropriate tapers. The recommendation also included intersection geometry improvements in the southbound approach of NE 159th Street/NE 182nd Avenue. These southbound approach improvements include a dedicated left turn lane, a through lane and a free right-turn lane. The applicant’s plan shows that any additional right-of-way, on NE 182nd Avenue, would come from the development frontage. Staff concurs with the applicant’s findings.

Therefore, the applicant will need to submit construction drawings for review and approval. These construction plans, for the NE 182nd Avenue frontage improvements, need to include signing and striping plans, additional right-of-way dedication to support additional roadway width, installation of a left-turn lane at the southern site access with appropriate lane tapers and the installation of a continuous left-turn lane with appropriate lane tapers. The construction drawings will also need to show NE 159th Street/NE 182nd Avenue intersection improvements, in the southbound approach, that include the installation of a left-turn lane, a through lane and a free right-turn lane. These intersection and corridor improvements to NE 182nd Avenue will need to maintain all existing appurtenances (i.e. bike lanes, striping, pedestrian facilities, etc). (See Conditions A-2a & A-2b)

Finding 18 - Historical Accident Situation

The applicant’s traffic study analyzed the crash history as obtained from Clark County for the period January 1, 2010 through July 1, 2015.

The studied intersections are as follows:

- NE 159th Street/NE 182nd Avenue
- NE 164th Street/NE 182nd Avenue

The studied corridors are as follows:

- NE 159th Street between NE 172nd Avenue and NE 182nd Avenue
- NE 182nd Avenue between NE 159th Street and NE 164th Street

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

Finding 19 - 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 un-encumbered roadside recovery area that is as wide as practical...". Further, this concept "allows for errant vehicles leaving the roadway for whatever reason and supports a roadside designed to minimize the serious consequences of roadway departures."

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

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

The applicant shall consider the WSDOT Design Manual – Roadside Safety Mitigation Guidance (Section 1600.04) in the final engineering design of all proposed roadways and frontage improvements. (See Condition A-2c)

Finding 20 - Vehicle Turning Movements

The applicant's narrative indicates that the site access on NE 159th Street is the primary ingress and egress for school busses. Curb return radii will need to comply with County requirements.

It shall be noted that, the curb return radii listed in the Clark County Code 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 accesses onto NE 159th Street and NE 182nd Avenue 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. (See Condition A-2d).

Conclusion (Concurrency):

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

TRANSPORTATION:Finding 21 - Pedestrian/Bicycle Circulation Plan

Pedestrian circulation facilities in compliance with the Americans with Disabilities Act are required in accordance with the provisions of Section CCC 40.350.010. The applicant's engineering drawings comply with this finding therefore no conditions of approval are warranted for this finding.

Finding 22 - NE 159th Street

NE 159th Street is classified as a Rural Major Collector 2-lane roadway (R-2). It requires 30 feet of half-width right-of-way and 20 feet of half-width pavement with concrete curb/gutter and a 5-foot wide detached sidewalk. Right-of-way has been dedicated along NE 159th street. The applicant has submitted a road modification request addressing the frontage improvements that are required. (See Road Modification Finding 26)

Finding 23 - NE 182nd Avenue

NE 182nd Avenue is classified as a Rural Major Collector 2-lane roadway (R-2). It requires 30 feet of half-width right-of-way and 20 feet of half-width pavement with concrete curb/gutter and a 5-foot wide detached sidewalk. The applicant shall dedicate a minimum 30-foot right-of-way along the frontage of NE 182nd Avenue. The applicant has submitted a road modification request addressing the frontage improvements that are required. (See Road Modification Finding 26 and Condition A-1a)

Finding 24 - NE 164th Circle

NE 164th Circle is classified as a Rural Private Road. It requires a minimum 30 feet easement and 20 feet of roadway width. Due to the fact that this property is in a Rural Center zoning district, the applicant is required to create an easement that will include the following: A minimum 20-foot roadway with concrete curb/gutter and a 5-foot wide detached sidewalk. The applicant has submitted a road modification request addressing the frontage improvements that are required. (See Road Modification Finding 26)

Finding 25 - 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 at all intersections. 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 shall show the sight distance triangles on final construction plans for all driveways onto NE 159th Street and NE 182nd Avenue. (See Condition A-1b)

Finding 26 - EVR 2015-00026, Road ModificationApplicant's Discussion

The applicant has submitted a narrative to provide justifications for the requested road modifications as follows: "The purpose of this memo is to outline justification for proposed technical road modification for the Hockinson Middle School Project. The project proposes the following road modifications from the requirements outlined in the Pre-application Conference Final Report (Case Number PAC2015-00066) for the project.

Section 40.550.010 (C.2) of the Clark County Municipal Code (CCMC) lists the following requirements for approval of a road modification:

Approval Criteria:

2. *Modifications to the standards contained in Chapter 40.350 may be granted when the applicant demonstrates at least one (1) of the following:*
 - a. *Topography, right-of-way, existing construction or physical conditions, or other geographic conditions make compliance with standards clearly impractical for the circumstances;*
 - b. *A minor change to a specification or standard is required to address a specific design or construction problem which, if not enacted, will result in an unusual hardship;*
 - c. *An alternative design is proposed which will provide a plan that is functionally equivalent or superior to the standards;*
 - d. *Application of the standards of Chapter 40.350 to the development would be grossly disproportional to the impacts created;*
 - e. *A change to a specification or standard is required to ensure consistency with existing features adjacent to or affected by the site where those existing features are not expected to change over time.*

NE 159th Street:

Requirement from PAC Final Report:

NE 159th Street is classified as a Rural Major Collector 2 lane roadway. It requires 60 feet of right of way and 40 feet of pavement width. Due to the fact this property is in a Rural Center Zone, the applicant shall dedicate a minimum 30 foot half width right-of-way and construct a 20 foot half width roadway with concrete curb/gutter and an attached 8 foot wide sidewalk or a detached 5 foot wide sidewalk. (See Clark County Standard detail number 19)

Applicable Code Section: 40.350.030.B.5

Justification for Road Mod:

The existing half street right-of-way (ROW) width along the NE 159th Street frontage is 30' with an additional 10' ROW dedication as part of AFN: 8805240124. The typical existing half-width roadway consists of a paved 14' through lane with a paved 8' wide shoulder, an 8' wide landscape strip that contains a stormwater treatment/conveyance swale, and a 6' asphalt sidewalk.

Installing a curb and gutter would block drainage from entering the existing adjacent swale and require redesign and alteration of the existing stormwater treatment system. This would require significant additional construction costs to the project just to add curb and gutter to a road section that already meets or exceeds all other half-street road requirements. Thus, no improvements other than at the intersection of 159th Street and NE 182nd Ave along the 159th Street frontage are proposed.

Specific Approval Criteria: This meets the Approval Criteria requirements outlined in section 2.a and 2.b above.

NE 164th Circle frontage improvements:Requirement from PAC Final Report:

NE 164th Circle is classified as a Rural Private Road. It requires a minimum 30 feet easement and 20 feet of roadway width. Due to the fact this property is in a Rural Center Zone, the applicant shall create an easement that will include the following: A minimum 20 foot roadway with concrete curb/gutter and an attached 8 foot wide sidewalk or a detached 5 foot wide sidewalk. See Clark County Standard detail number 22.

Applicable Code Section: 40.350.030.B.5Justification for Road Mod:

NE 164th Circle is within an existing 72.4 ingress and egress easement as part of AFN: 3309628. The typical existing roadway section consists of a paved 20' roadway with landscape strips of varying width on either side. The road is sloped to the southern landscape strip to be treated in a grass filter strip and collected and conveyed by an existing swale. There is no existing curb and gutter or sidewalk. Lastly, there are existing underground utilities (sanitary sewer, communications, and power) located adjacent to the pavement within the southern landscape strip.

There is no existing sidewalk for the required sidewalk to connect to and the existing adjacent residential development is fully developed. Additionally, installing a curb and gutter and sidewalk would block drainage from entering the swale and require redesign and alteration of the existing stormwater treatment/conveyance system. Installing curb, gutter, and/or sidewalk that does not connect to any existing sidewalk or planned future sidewalk would require significant additional construction costs to the project. Thus, no improvements are proposed along NE 164th Circle.

Specific Approval Criteria: This meets the Approval Criteria requirements outlined in section 2.a and 2.b above.

Number of driveways permitted onto collectors:Requirement from PAC Final Report:

The Clark County Road Standards state for commercial use the first driveway is allowed for 0 to 1,000 ADT, then a second driveway is allowed.

The applicant has stated there will be over 1,000 ADT to the site therefore the applicant may have 2 driveways to enter the site. If the applicant wants more than two driveways onto the site a technical road modification shall be submitted to request additional driveways.

Applicable Code Section: 40.350.030.B.4.cJustification for Road Mod:

The estimated ADT to the site is over 1,000. Per table 40.350.030-5 of the CCMC, two driveways are allowed to access rural collectors.

The existing site has three driveway accesses to NE 159th Street. One of these existing accesses will be removed, resulting in two accesses to NE 159th Street which meets the CCMC. There are no existing driveway access points to NE 182nd Avenue. The project proposes to add two accesses to NE 182nd Avenue. Project development will result in two proposed accesses to NE 182nd Avenue and two existing accesses to NE 159th Street for the site. The additional two proposed accesses for NE 182nd Avenue are necessary to provide adequate fire access to the site and to provide safe vehicular movements on the site. By providing these separate accesses, the bus, teacher, and parent drop-off vehicular movements can be separated to provide a safer environment for pedestrians on the site.

Specific Approval Criteria: This meets the Approval Criteria requirements outlined in sections 2.b and 2.e above.

Driveway spacing requirements onto collectors:

Requirement from PAC Final Report:

The Clark County Road Standards state for a 35 mph roadway the minimum driveway spacing is 150 feet measured near edge of driveway to near edge of driveway on both sides of the roadway. The applicant shall comply with the minimum 150 foot spacing requirement or submit a technical road modification to address the proposed location of the driveways.

Applicable Code Section: 40.350.030.B.4.c

Justification for Road Mod:

There are two proposed accesses on NE 182nd Avenue. Per table 40.350.030-4 of the CCMC, driveway spacing for 35 MPH collectors is 150 feet. There are multiple existing accesses for adjacent properties along NE 182nd Avenue.

The southernmost proposed access on NE 182nd Avenue is located such that it aligns with the existing access for parcel 204934000 located on the east side of NE 182nd Avenue. Parcel 204233000, located immediately north of the proposed southernmost access, has no defined existing driveway access. There is a large gravel parking lot that abuts NE 182nd Avenue; the southernmost edge of the existing parking lot is approximately 340 feet from the proposed southernmost access to the site.

The northernmost proposed access on NE 182nd Avenue is located between the existing accesses for parcels 204230000 and 204941000. The existing access for parcel 204941000 is an approximately 90 foot wide gravel driveway. The northernmost edge of our proposed access is approximately 125 feet from the southern edge of the existing access to parcel 204941000. Parcel 204230000 has two existing accesses. The northern edge of the northernmost proposed access is approximately 100 feet from the northern property line of said parcel and 64 feet from the southern edge of our proposed access.

Due to constraints of corner clearance from intersections with NE 164th Circle and NE 159th Street, existing site features such as power poles, and existing accesses location and widths from adjacent parcels, the 150 foot minimum access spacing on NE 182nd Avenue cannot be provided by the proposed project

Specific Approval Criteria: This meets the Approval Criteria requirements outlined in sections 2.a and 2.b above.

Approval Criteria

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

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

Staff's Evaluation

Staff is of the opinion that these road modification requests can be approved per approval criteria (a) ,(b), and (e).

Staff's Recommendation

Staff's recommendation is Approval of the technical road modification request.

Conclusion (Transportation):

Staff concludes that the proposed preliminary plan, subject to a condition identified above, meets the transportation requirements of the Clark County Code.

STORMWATER:

Finding 27 - Stormwater Applicability

The provisions of Clark County Code Chapter 40.385 shall apply to all new developments, redevelopments, 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. The project shall comply with Minimum Requirements 1 through 10 per CCC 40.385.020(A)(5).

Finding 28 - Stormwater Proposal

The applicant provided a preliminary stormwater technical information report dated August 2015, prepared by AHBL Engineering. Water quality is proposed to be managed through bioretention areas located within the wetland buffer.

Water quantity control will be managed via detention ponds. The facilities will be owned and maintained by the School District. (See Condition A-3a).

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 29 - Fire Marshall Review

This application was reviewed by Curtis Eavenson in the Fire Marshal's Office. Curtis can be reached at (360) 397-2186 x3320, or e-mail at curtis.eavenson@clark.wa.gov. Information can be faxed to Curtis at (360) 397-2076. Where there are difficulties in meeting these conditions or if additional information is required, contact Curtis in the Fire Marshal's Office immediately.

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

Finding 30- Fire Flow/Hydrants

Fire flow in the amount of (1625) gallons per minute supplied for 120 minutes duration is required for this application. Prior to obtaining building permits, submit proof from the water purveyor indicating that the required fire flow is available at the site. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to the commencement of combustible building construction.

Fire hydrants are required for this application. Either the indicated number or the spacing of the fire hydrants is inadequate. Provide fire hydrants such that the maximum spacing between hydrants does not exceed 300 feet and such that no portion of the building exterior is in excess of 300 feet from a fire hydrant as measured along approved fire apparatus access roads. 4 or 5 fire hydrants required.

Unless waived by the fire district chief fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact fire district # 3 at 892-2331 to arrange for location approval. Provide and maintain a six-foot clear space completely around every fire hydrant.

Buildings provided with automatic fire sprinkler systems shall be provided with a minimum of two fire hydrants. One of the two fire hydrants shall be within 100 feet of approved fire department connections to the sprinkler systems.

Finding 31 - Fire Apparatus Access/Turnaround

Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application do not adequately provide required fire apparatus access.

Provide fire apparatus access roads with an unobstructed width of not less than 20 feet, an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus. Increase access road on the north side of the school to 20ft width paved.

Approved fire apparatus turnarounds are required for this project. The indicated provisions for turning around fire apparatus are adequate.

An approved fire alarm system is required at the time of construction for buildings subject to this application. Such systems require separate reviews, permits and approvals issued by the fire marshal's office.

An automatic fire sprinkler is required at the time of construction for buildings subject to this application. Such systems require separate reviews, permits and approvals issued by the fire marshal's office.

Fire department connection for the fire sprinkler system shall be located remote from the building a minimum distance equal to the height of the building.

WATER & SEWER SERVICE:

Finding 32

The applicant has submitted a utility reviews from Clark Public Utilities (water) and Clark Regional Wastewater (sewer) indicating that the subject site is currently serviced by public water and sewer and will be available to the new school. The proposed building will be required to connect to approved public water and sewer systems. The applicant needs to comply with all requirements of the purveyor. (Condition E-2)

IMPACT FEES:

Finding 33

This application is not subject to payment of impact fees, pursuant to CCC 40.630.050(A). Please contact David Jardin at 397-6118, Ext. 4354 for further questions regarding the TIF.

Recommendation

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

G	General Conditions
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These are conditions that are not specifically tied to subsequent review and approval processes that may need to be met at a time specified in each condition or apply generally as described.

- G-1 Clearing and development shall only occur in areas indicated in the plans provided (attached). Any clearing or grading within a wetland or wetland buffer beyond the impacts shown in these reports shall require additional consultation with Clark County Environmental services Staff, and potentially additional permits and mitigation.

- G-2 The applicant shall utilize best management practices to control erosion and prevent sediment from entering and degrading adjacent wetlands and wetland buffers.

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

- A-1 **Final Transportation Plan/On-Site** - The applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350 and the following conditions of approval:
- a. The applicant shall dedicate a minimum of 30-foot half-width right-of-way along NE 182nd Avenue (see Finding 23).
 - b. The applicant's engineer shall show the sight distance triangles on final construction plans for all driveways that enter the public roadways (see Finding 25).
- A-2 **Transportation Off Site 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 drawings for review and approval. The construction plans, for the NE 182nd Avenue frontage improvements, shall include signing and striping plans, additional right-of-way dedication to support additional roadway width, installation of a left-turn lane at the southern site access with appropriate lane tapers and the installation of a continuous left-turn lane with appropriate lane tapers. The construction drawings shall also show NE 159th Street/NE 182nd Avenue intersection improvements, in the southbound approach, that include the installation of a left-turn lane, a through lane and a free right-turn lane. These intersection and corridor improvements to NE 182nd Avenue shall maintain all existing appurtenances (i.e. bike lanes, striping, pedestrian facilities, etc).
 - c. The applicant shall consider the WSDOT Design Manual – Roadside Safety Mitigation Guidance (Section 1600.04) in the final engineering design of all proposed roadways and frontage improvements. (See Finding 19)
 - d. The applicant shall submit construction plans that show the design of the intersection geometry will accommodate all applicable design vehicles for review and approval, unless modified by the County Engineer. The plans will also need to show that all applicable design vehicles have the ability to enter and exit the development without swinging into opposing travel lanes. (See Finding 20).
- 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 condition of approval:
- a. The applicant's engineer shall submit a stormwater plan in compliance with stormwater minimum requirements 1-10 per CCC 40.385 (see Finding 28).

- A-4 **Erosion Control Plan** - The applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.385.
- A-5 **Other Required Documents - Developer's Covenant:** 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 Section 32.04.060.
- A-6 **Excavation and Grading** - Excavation/grading shall be performed in compliance with CCC14.07.
- A-7 The proposed private school shall comply with state noise standards. See Washington Administrative Code (WAC 173-60-040) for details about dBA noise limits.
- A-8 The applicant shall ensure that lighting from the proposed development does not cast significant light or glare off-site on adjacent properties or public roadways.
- A-9 The scale on the final landscape plan needs to be correctly shown. Staff finds at least an L2 Landscape Buffer shall be provided along the north, south, and west sides of the church Tax Lots 204230 & 204233 fronting NE 182nd Avenue. (See Findings 5a & 5b).
- A-10 The final landscape plan shall clearly show all existing landscape screening along the north property line and an L3 Landscape buffer from the end of NE 164th Street (where it turns north to serve seven homes) west for roughly 250 feet. Existing landscaping can be used, but needs to be shown on the final landscape plan. (See Finding 5c).
- A-11 This review approves a 500 student capacity (see Finding 6).
- A-12 The final site plan shall clearly show all of NE 164th Street along the north property line and where turns north to serve seven homes (see Finding 7a).
- A-13 All pedestrian walkway widths, landscape islands, setbacks, parking space dimensions (standard, handicap & compact) including vehicle maneuvering areas, and typical parking space dimensions shall be shown on the final site plan (see Finding 7b).

- A-14 All parking shall be relocated outside of the 25 foot setback areas, including along NE 182nd Street (see Finding 7c).
- A-15 The applicant shall clearly identify the solid waste and recycling storage area and how it will be accessed by the service vehicles. Also, F2 screening around the solid waste and recycling enclosures needs to be provided and clearly shown on site plan (see Finding 7e).
- A-16 The proposed BLA shall be filed with Clark County Assessor's Office with a copy submitted to the planner prior to final site plan approval (see Finding 8).
- A-17 **Archaeological Resources** - A note shall be placed on the face of the final construction plans as follows: "In the event that archaeological or historic materials (e.g. bones, shell, stone tools, beads, ceramics, old bottles, hearths, etc.) are observed during project activities, all work in the immediate vicinity should stop and the State Department of Archaeology and Historic Preservation (360-586-3065), the County planning office, and the affected Tribe(s) should be contacted immediately. If any human remains are observed, all work should cease and the immediate area secured. Local law enforcement, the county medical examiner (360-397-8405), State Physical Anthropologist, Department of Archaeology and Historic Preservation (360-586-3534), the County planning office, and the affected Tribe(s) should be contacted immediately. Compliance with all applicable laws pertaining to archaeological resources (RCW 27.53, 27.44 and WAC 25-48) and human remains (RCW 68.50) is required. Failure to comply with these requirements could constitute a Class C Felony."
- A-18 Final Wetland Permit approval shall be required (Construction Plan):
- a. The applicant shall clearly indicate how hydrology for the Category IV and the Category III wetlands to the west of proposed project will be maintained.
 - b. The applicant shall provide an updated mitigation plan for impacts to the Category III wetland buffer.
 - c. The applicant shall provide financial assurances for the construction of the mitigation and five (5) years of maintenance and monitoring.
 - d. The Final Construction plan shall show locations of the outer extent of the wetland buffers for marking in the field. Markings shall be installed prior to construction and maintained throughout the duration of construction
- A-19 Final Wetland Permit approval shall be required (Final Site Plan):
- a. The wetland, wetland buffer boundaries, and mitigation area shall be delineated on the face of the Final Site Plan.
 - b. Recording a conservation covenant with the County Auditor that runs with the land and requires that the wetlands and buffers delineated for this project remain in natural state. There may be additional wetlands which were not delineated as a result of this project on the property which would require County review under the Wetland Protection Ordinance (CCC 40.450) prior to engaging in regulated activities within the wetland or wetland buffer.

- c. The following note shall be placed on the final site plan: Wetland Covenants: "Clark County Wetland Protection Ordinance (Clark County Code Chapter 40.450) requires wetlands and wetland buffers to be maintained in a natural state. Refer to the Conservation Covenant recorded under Auditor's File Number _____ for limitations on the maintenance and use of the wetland and wetland buffer areas identified on the face of this site plan."

B	Prior to Construction of Development Review & 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 Permanent physical demarcation along the upland boundary of the wetland buffer area shall be installed and thereafter maintained. Such demarcation may consist of logs, a tree or hedge row, fencing, or other prominent physical marking approved by the responsible official. In addition, small signs shall be posted at an interval approved by the Resource Permitting and Enhancement Manager, and perpetually maintained at locations along the outer perimeter of the wetland buffer approved by the responsible official worded substantially as follows:

*Wetland and Buffer –
Please retain in a natural state*

D	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:

- D-1 Prior to obtaining building permits, comply with all Fire Marshall requirements (see Finding 29, 30, and 31).

E	Occupancy Permits Review and Approval Authority: Building
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Prior to issuance of an occupancy permit, the following conditions shall be met:

- E-1 All landscaping shown on the approved landscape plan shall be in place.
- E-2 The proposed building shall connect to an approved public water and sewer systems. The applicant needs to comply with all requirements of the purveyor.

F	Development Review Timelines & Advisory Information Review & Approval Authority: None - Advisory to Applicant
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- F-1 Site Plans and Other Land Use Approvals - Within seven (7) years of preliminary plan approval, a Fully Complete application for a building permit shall be submitted.
- F-2 **Signs** - For all proposed identification signs, the applicant shall make application for a separate sign permit pursuant to CCC 40.310.
- F-3 **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.**

<p>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.</p>

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.

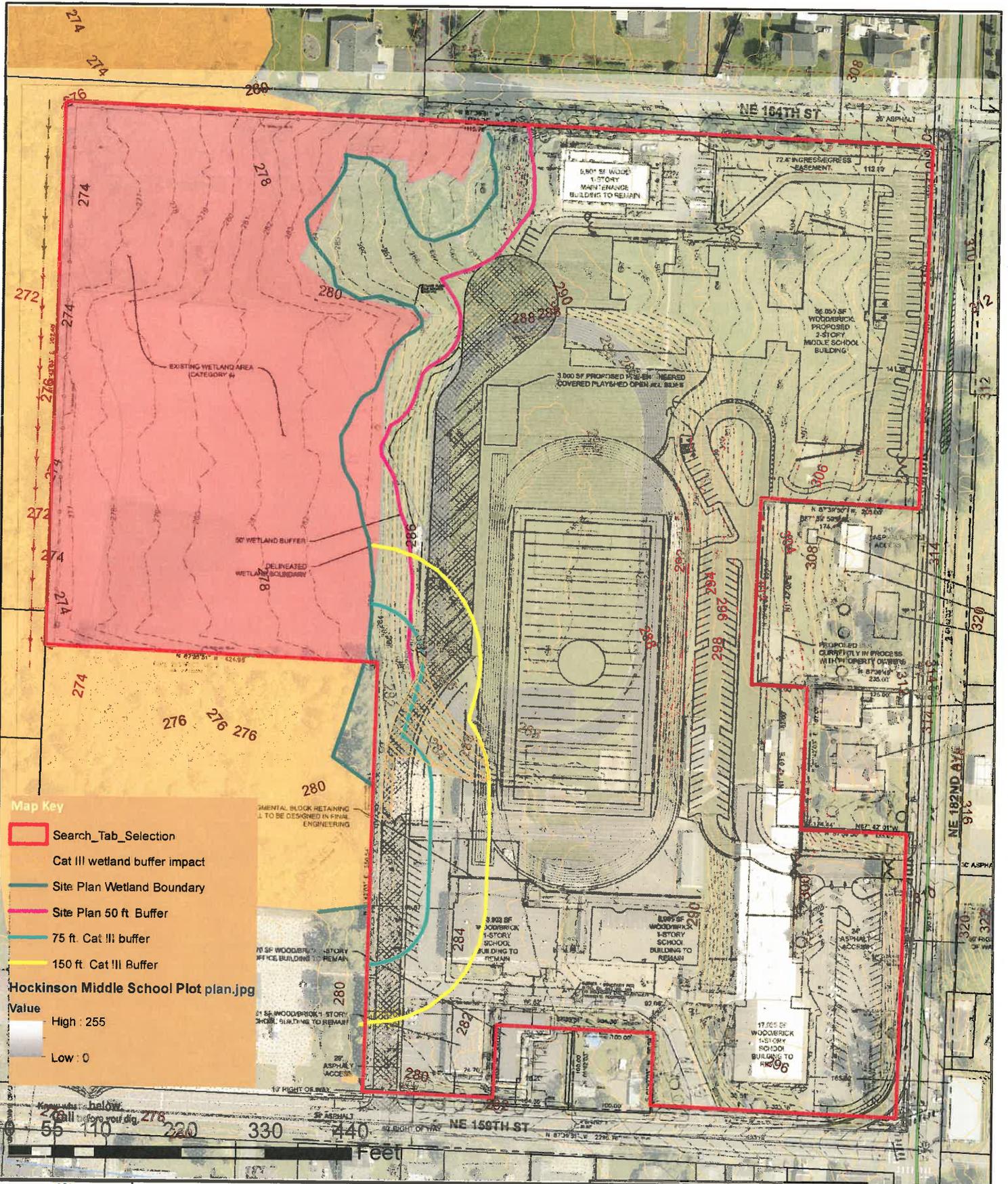
Appeal Rights

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 Site Plan
- Category III Wetland Map



Clark County
Hockinson Middle School
 CLARK COUNTY ENVIRONMENTAL SERVICES



Sheet 1 of 1
 Drawn 12/4/2015 (KBR)

