

Notice to Parties of Record

Project Name: ROJDK Cluster Subdivision

Case Number: PLD2015-00021

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

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

Motion for Reconsideration:

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

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

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

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

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

Mailed on: October 20, 2015

DS1333

Revised 7/15/13



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E-mail: ADA@clark.wa.gov

**BEFORE THE LAND USE HEARINGS EXAMINER
OF CLARK COUNTY, WASHINGTON**

Regarding an application by Cascade Field Services for approval) **FINAL ORDER**
of a preliminary plat to divide 40.63-acres into 9 lots in the R-5) **PLD2015-00021¹**
zone southwest of the intersection of SE 20th Street and SE 342nd) **(ROJDK**
Avenue in unincorporated Clark County, Washington) **Cluster Subdivision)**

A. SUMMARY

1. The applicant, Cascade Field Services, requests approval to divide a 40.63-acre parcel into 9 lots, including 8 one-acre cluster lots and one 31.49-acre remainder lot, utilizing the Cluster Development provisions of CCC 40.210.020.D. The subject property is located in the southwest quadrant of the intersection of SE 20th Street and SE 342nd Avenue. The legal description of the site is tax lot 130047-000 (the site). The site and surrounding properties to the north, south and west are zoned R-5 (Rural, 5-acre minimum lot size). Properties to the east are zoned R-30 (multi-family Residential, 30-units per acre) with a UH-20 (Urban Holding, 20-acre minimum lot size) overlay zone. The site is currently vacant and has recently been logged in accordance with the Class 4 General Forest Practices Permit and revised Timber Management Plan approved for the site. A new single-family detached dwelling will be built on each of the proposed cluster lots. The remainder lot will remain in undeveloped forestry use and wildlife habitat. The site is encumbered by an unnamed creek, geologic hazards and riparian habitat conservation areas. The majority of these critical areas are contained within the proposed remainder lot. The applicant proposed building envelopes for each cluster lot to show that all proposed lots will comply with the minimum dimensional standards for the R-5 zone as modified by the Cluster Development provisions of CCC 40.210.020.D. The City of Washougal will supply potable water to the proposed homes on the site. Sanitary waste will be treated in individual on-site septic systems. The applicant will construct a dead-end public street into the site from SE 342nd Avenue to serve the proposed cluster lots. The applicant will collect stormwater runoff from the roadway and treat and discharge it via sheet flow dispersion. Runoff from roof and footing drains will be discharged to individual private stormwater systems.

2. Clark County Hearing Examiner Joe Turner (the "examiner") conducted a public hearing about the application. County staff recommended that the examiner approve the application subject to conditions. See the Type III Land Division and Environmental Review Staff Report and Recommendation to the Hearing Examiner dated September 23, 2015 (the "Staff Report"). The applicant accepted the findings and conditions in the Staff Report without exceptions. One person testified in writing in opposition to the proposed development.

3. Based on the findings provided or incorporated herein, the examiner approves the preliminary plat subject to the conditions at the end of this final order.

¹ This decision also addresses SEP2015-00034, WET2015-00032, GEO2015-00012 and HAB2015-00048..

B. HEARING AND RECORD HIGHLIGHTS

1. The examiner received testimony at a public hearing about this application on October 8, 2015. That testimony and evidence, including a video recording of the public hearing and the casefile maintained by the Department of Community Development (“DCD”), are included herein as exhibits, and they are filed at DCD. The following is a summary by the examiner of selected testimony and evidence offered at the hearing.

2. County planner Amy Wooten summarized the Staff Report and showed photographs of the site.

3. Tom self appeared on behalf of the applicant, Cascade Field Services. Mr. Self accepted the findings and conditions in the Staff Report without exceptions.

4. The examiner closed the record at the end of the hearing and announced his intention to approve the proposed subdivision subject to the conditions of approval in the Staff Report.

C. FINDINGS:

Only issues and approval criteria raised in the course of the application, during the hearing or before the close of the record are discussed in this section. All approval criteria not raised by staff, the applicant or a party to the proceeding have been waived as contested issues, and no argument with regard to these issues can be raised in any subsequent appeal. The Examiner finds those criteria to be met, even though they are not specifically addressed in these findings. The following issues relate to the mandatory applicable approval criteria for this proposal and were addressed by County staff in their reports, by agency comments, by the applicant and others. The Examiner adopts the following findings with regard to each:

Land Use

Finding 1 – Uses

According to Table 40.210.020-1, single-family detached residential uses are permitted outright in the R-5 zone.

Finding 2 – Lot Requirements

The site is approximately 40.63 acres in size. In the R-5 zone, according to Table 40.210.020-2, this parcel could accommodate eight (8) 5-acre lots; therefore, the maximum number of lots allowed for this development is eight (8), plus one (1) remainder parcel used only for agriculture and forestry uses. This project meets density requirements as proposed. [See Condition D-14.f]

Finding 3 – Development Standards

Table 40.210.020-4 prescribes lot requirements for rural cluster development in the R-5 zone. Minimum lot area is established at one (1) acre, with a minimum lot width of 100 feet, a minimum lot depth of 140 feet, and the remainder lot must contain at least 65% of

the overall lot area. The development proposes eight (8) one (1) –acre lots, dimensioned 145-feet by 307-feet, with a remainder parcel totaling 31.49 acres (77% of the overall lot area). The proposed development meets lot requirements for cluster subdivisions in the R-5 zone.

Table 40.210.020-4. Lot Requirements – Rural Cluster Development					
Lot Type	Zoning District	Minimum Lot Area	Maximum Lot Size	Minimum Lot Width (feet)	Minimum Lot Depth (feet)
Cluster Lot	R-20, R-10, R-5	1 acre ²	None ³	100 ⁴	140
Remainder Lot	R-5	65% of site	None ²	None	None
	R-20, R-10	75% of site	None ²	None	None

Table 40.210.020-5 provides dimensional standards including a 35-foot height limitation for single family dwellings and 20-foot front, side and rear yard setbacks for this development. The applicant’s preliminary plan shows 20-foot setbacks on each of the lots; however, the private driveway easement serving lots 2, 3, 8 & 9 is located along the westerly boundary of lots 8 & 9. Because the front lot line is considered the edge of the driveway easement, the 20-foot front yard setback must be calculated from the edge of that easement. Therefore, prior to final plat approval, the setback lines for lots 8 & 9 shall be revised to reflect a 20-foot setback from the edge of the driveway easement line. [See Condition D-1]

Area resident, John Warta, objected to the proposed cluster configuration. (Exhibit 4). He argued that it is a far better use of the property to divide the lot into five, 5–acre parcels. The proposed one–acre lots are too small to be allow agricultural use and the large open space tract will become overrun with weeds and have limited if any public value.

The purpose of the Rural Cluster Development Code is to:

[P]rovide for small lot residential development in the rural zoning districts (R-5, R-10 and R-20) which maintains rural character, maintains and conserves larger remainder parcels, protects and/or enhances sensitive environmental and wildlife habitat areas, and minimizes impacts to necessary public services. These goals are achieved by allowing the placement of homes on a small portion of the property while maintaining the majority of the site in a remainder parcel. This is consistent with the goals and policies of the Growth Management Act, especially the provisions for innovative development techniques to conserve open space and resource lands.

² Unless a larger size is required by the Clark County Health Department. Cluster lots can use right-of-way to meet the minimum lot size as permitted by Section 40.200.040(C)(1).

³ The minimum standard for remainder parcels controls the maximum size of cluster lots.

⁴ Unless a greater width shall be required by the Clark County fire code.

CCC 40.210.020(D)(1)

The examiner finds that the proposed development is consistent with this purpose. The residential portion of the proposed development is located within the southeast corner of the site and proposes eight (8) one (1) –acre lots. The 31.49-acre remainder lot will set aside and protect a Type N creek, steep slopes, and heavily timbered lands. No homes are proposed on the remainder lot, which will be maintained for forestry uses and wildlife habitat consistent with the applicant’s Timber Management Plan. The proposed development meets the goals for rural cluster development while protecting the rural nature of the site and sensitive lands. The proposed development complies with all applicable approval criteria for a cluster subdivision, based on the findings in this Final Order.

Finding 4 – Design Requirements

In conformance with standards put forth in Subsection 40.210.020(D)(5), the following note shall be placed on the face of the final plat:

- a. No entryway treatments, monument or other permanent development signs are permitted. This shall not be construed to prohibit landscaping;
- b. Sight-obscuring fences of any height are not permitted within fifty (50) feet of the public right-of-way, nor along cluster lot lines adjacent to the remainder lot. Sight-obscuring fences are at least fifty percent (50%) opaque;
- c. To the maximum practicable extent, existing historic rural features shall be preserved as part of the cluster development. These features include but are not limited to rock walls, fences, functional and structurally safe farm buildings, monuments and landscape features. [See Condition D-2]

Finding 5 – Landscaping

Cluster subdivision provisions contained in Subsection 40.210.020(D)(6) require, at a minimum, proposed or existing landscaping and vegetation of sufficient size and type to provide a buffer of vegetation six (6) feet in height and fifty percent (50%) opaque year round within three (3) years of planting. Additionally, Table 40.320.010-1 requires an L2, 10-foot buffer between developments zoned R-5 and multi-family parcels that are separated by a street.

The applicant’s narrative indicates that the development will install Western Azalea (*Rhododendron Occidentale*) and Shore Pine (*Pinus Contorta*) along SE 342nd Avenue. The plants are proposed to be staggered every 6-feet with each variety spaced at 12-feet on center. However, there is no mention of any landscape strip along SE 342nd Avenue. Therefore, prior final construction review, the applicant shall submit a landscape plan that portrays vegetation to the L2 standard within a 10-foot wide strip along SE 342nd Avenue. [See Condition A-8]

Finding 6 – Notice of Resource Activities

The applicant submitted a Timber Management Plan for the subject parcel in conjunction with this application. The plan indicates that “... *timber will be harvested in the future and will be restocked with commercial forest species.*” Therefore, in conformance with

Subsection 40.320.010(D)(9), the following note shall be recorded as part of the Developer Covenants to Clark County for each parcel within the cluster:

“The subject property is adjacent to commercial agricultural or forest lands on which a variety of commercial activities may occur that are not compatible with residential development. Potential discomforts or inconvenience may include, but are not limited to: Noise, odors, fumes, dust, smoke, insects, operation of machinery (including aircraft) during any twenty-four (24) hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides.” [See Condition D-7.c]

Finding 7 – Pedestrian Facilities

According to state platting laws (RCW 58.17.110) appropriate provisions shall be made to assure safe walking conditions for students who only walk to and from school.

The subject development is located within the Washougal School District, and specifically within the boundaries of Gause Elementary, Jemtegaard Middle and Washougal High Schools. According to available GIS information, there are no schools located within one (1) mile of the subject site.

The applicant provided a letter from the Director of Facilities for the Washougal School District. The letter indicates that bus transportation will be provided to students who live more than one (1) mile from school. The on-site public road, serving eight lots, will carry minimal traffic and therefore provides a safe walking route between the proposed lots and the bus stop on SE 342nd Avenue.

Finding 8 – County/State Platting Standards

With conditions of approval, the examiner finds the proposed subdivision will make appropriate provisions for the public health, safety and general welfare of the community. Connection to public water and private sewer facilities (septic), as well as treatment of any future stormwater runoff will be provided to protect groundwater supply and integrity. Impact fees will also be required to ensure that the development will contribute a proportionate share toward the costs of school, park and transportation facilities, maintenance and services.

Conclusion

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

Archaeology

Finding 9 – DAHP Compliance

The applicant has submitted an archaeological pre-determination to the Washington State Department of Archaeology and Historic Preservation (DAHP) in conjunction with the Type IV Forest Practices permit that finalized in November 2014.

At that time, DAHP concurred with the recommendation of the pre-determination that no additional studies are necessary [See Exhibit 13]; however, a note on the final grading plans will require that if resources are discovered during ground disturbance, work shall stop and DAHP and the county will be contacted. [See Conditions A-6 & D-14.a]

Conclusion

The examiner finds that the proposed preliminary plan, subject to conditions identified above, meets the archaeology requirements of the Clark County Code.

Habitat

Finding 10 – Stream Typing

The Washington Department of Natural Resources indicates a mapped Type Ns (Non fish-bearing, seasonal) stream flowing through the site from east to west and continuing off-site. On July 21, 2015, County Environmental Staff conducted a determination (HAB2015-00048; WET2015-00032) to confirm the flow regime and location of the stream. County staff concur that the stream is a Type Ns stream, and according to the Habitat Conservation Ordinance (40.440.010.C.1.a) streams are a priority habitat and a Type Ns stream requires a seventy-five (75) foot riparian habitat conservation zone (HCZ) to protect water quality and riparian habitat functions. The applicant's preliminary plat proposes building envelopes for each lot, which are located entirely outside of the 75-foot HCZ. Therefore the proposed development will have no impact on the HCZ.

Finding 11 – Habitat Permit Exemption

Per Clark County Code 40.440.010.D (Table 40.440.010-1), an exemption may be issued on proposed lots with riparian habitat conservation zones (HCZ) if the impacted lots establish building and clearing envelopes which are clearly outside of the habitat area. Building envelopes shall be clearly labeled on the plat or site plan and a note must be included on the face of the plat indicating that no construction will occur outside of the development envelope area. The applicant has proposed building envelopes on the "Preliminary Plat" which clearly avoid the riparian habitat conservation zone. As such, a Habitat Permit is not required and no further habitat review is needed.

Finding 12 – Additional Requirements

Any development outside of the proposed building envelopes will require additional review by County staff and potentially a Habitat Permit with applicable mitigation. [See Conditions A-4, D-14.c & E-5]

Conclusion

The hearing examiner concludes that the proposed preliminary plan, subject to conditions, meets habitat requirements of the Clark County Code.

Geo-Hazard

Finding 13 - Applicability:

All development activities in or adjacent (within 100 feet) to geologic hazard areas shall comply with the provisions of CCC 40.430. The site contains mapped geologic hazard

areas, slopes > 15%. Therefore the provisions of CCC 40.430 apply to this development. The applicant submitted a preliminary geotechnical report that is dated January 29, 2015, prepared by Paul Williams, P.E., evaluated the slopes and other geologic features of the site. The applicant has identified the steep slope area on the proposed preliminary plat and an associated 100 setback. [See Condition A-3]

A building permit is required for retaining walls greater than 4 feet tall or when the wall is surcharged. [See Condition D-6]

Conclusion

Based upon the development site characteristics, the proposed geotechnical plan, the requirements of the County's geologic hazard area ordinance, and findings above, the examiner concludes that the proposed preliminary geotechnical engineering plan, subject to conditions identified above, is feasible. Therefore, the requirements of the preliminary plan review criteria are satisfied.

Transportation

Finding 14 - Roads

SE 20th Street and SE 342nd Avenue are "Rural Local Access" roads, and the required minimum half-width frontage dedication is 25 feet. Thirty feet of half-width right of way currently exists along the site's SE 342nd Avenue frontage. The applicant shall propose dedication along the frontage of SE 20th Street in order to meet the 25-foot half-width right-of-way requirement. [See Condition D-3]

The applicant is proposing an on-site public road that meets the standards associated with a "Rural Cul-de-Sac" that requires a 24-foot paved-width and 42 feet of right-of-way, and a 45-foot radius cul-de-sac. Per associated Standard Detail #25 and Table 40.350.030-3, the curb return radii shall be at least 25 feet. [See Condition A-1]

Per CCC Table 40.350.030-2 and Standard Detail Drawing #21, parking shall be prohibited along the proposed rural local access road. [See Condition D-4]

Driveways longer than 300 feet shall be constructed with an approved turnaround at the terminus and approved turnouts at maximum 500-foot intervals (see the Standard Details Manual, Drawings #27 and #29). [See Condition E-1]

Finding 15 – Sight Distance

The approval criteria for sight distances are found in CCC 40.350.030(B)(8). This section establishes minimum sight distances at intersections and driveways. Landscaping, trees, utility poles, and miscellaneous structures will not be allowed to impede required sight distance requirements. Per the applicant's sight distance analysis, dated January 29, 2015, 500 feet of sight distance has been achieved to the north and south of the intersection of the proposed cul-de-sac and SE 342nd Avenue. However, a note on the preliminary plan states that vegetation must be removed to improve sight distance at the intersection of onsite road and SE 342nd Avenue. [See Condition D-5]

Conclusion (Transportation):

The examiner concludes that the proposed preliminary plan meets the transportation requirements of the Clark County Code, subject to the conditions above.

Transportation Concurrency

Finding 16 – Trip Generation

County concurrency staff has reviewed the proposed ROJDK Subdivision. The traffic profile submitted indicates that the proposed development will divide 40.6 acres into 9 lots. The applicant’s traffic profile has estimated an average daily trip generation of 77 at buildout. The development is not anticipated to generate more than 10 peak hour trips. Therefore, no further traffic analysis is required.

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

Conclusion

The examiner concludes that the proposed preliminary plan, subject to conditions identified in their attached report, meets transportation concurrency requirements of the Clark County Code.

Stormwater

Finding 17 - 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. The property is located in rural areas of the county and, therefore, the applicable minimum requirements must be determined per CCC 40.385.020(A)(5).

Finding 18 – Stormwater Proposal

The applicant has submitted a technical information report dated January 25, 2015. The applicant has proposed stormwater mitigation consisting of dispersion as part of addressing minimum requirements 1 – 5 which are applicable per the applicant. [See Condition A-2]

For each individual lot, a single-family residential stormwater review will be necessary with each building permit application. The future owners of each lot are responsible for obtaining approval of a stormwater plan with each building permit and constructing the individual onsite stormwater systems. [See Plat Note D-14.e and Condition E-2]

Conclusion

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

Fire Protection

Finding 19 – Building Construction

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. [See Condition E-4.a]

Finding 20 – Residential Construction

One and two family homes over 3,600 square feet (excluding attached garages) will have additional fire protection requirements. And, any reduced setbacks will require additional fire protection features such as automatic fire sprinklers and fire resistive construction methods. Contact the Clark County Fire Marshal's Office for additional information. [See Condition E-4.b]

Finding 21 – Fire Flow

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 3,600sf type V-B constructed building. [See Conditions A-10.a & E-4.c]

Finding 22 – Fire Hydrants

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. [See Conditions A-10.b & D-11.a]

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 A-10.c, D-11.b and H-1.a]

Finding 23 – Fire Apparatus Access

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 Standards, 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. [See Conditions A-10.d, D-11.c & H-1.b]

Finding 24 – Fire Apparatus Turnarounds

Dead end fire apparatus access roads in excess of 150 feet require an approved turnaround, and shall comply with the Clark County Road Standards. [See Conditions A-10.e & D-11.d]

Finding 25 – Parking and Gated Access

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”. [See Conditions D-11.e & H-1.c]

Gates that obstruct fire apparatus access roads require permits and approval by the Fire Marshal prior to their installation. [See Conditions D-11.f & H-1.d]

Conclusion

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

Sewer and Water Service

Finding 26 – Service Availability

The site will be served by the City of Washougal for potable water and privately via on-site septic systems. A letter from the City of Washougal confirms that services are available to this site.

Finding 27 – Septic Service

The applicant proposes the use of new septic systems to serve new homes within this development. A Development Review Evaluation was completed by the Clark County Public Health Department in April, 2015. The following conditions are included in the evaluation:

- a. Lots 2 - 9 must have current ‘site approvals’ at the time of final plat. [See Condition D-10.h]
- b. The drainfields or soil dispersal components of the on-site sewage system must be located on the same lot they serve. [See Condition D-10.c]
- c. Surveyed test hole locations must be shown on the face of the final plat. [See Condition D-10.d]
- d. The Health Department must receive written confirmation that no stormwater plan is required or a copy of the final drainage plan which has been signed off by Development Engineering prior to final plat approval. [See Condition D-10.g]
- e. The following note shall be placed on the face of the final plat:
“THE APPROVED INITIAL, RESERVE, AND/OR EXISTING SEWAGE SYSTEM SITES SHALL BE PROTECTED FROM DAMAGE DUE TO DEVELOPMENT. These sites shall be maintained so they are free from encroachment by buildings, roads and other structures. These areas shall not be covered by any impervious material and not be subject to vehicular traffic or other

structures. These areas shall not be covered by any impervious material and not be subject to vehicular traffic or other activity which would adversely affect the soil (WAC246-272-140(5)).”
[See Condition D-14.b]

Finding 28 – Water Service

The applicant is required to connect to public water services, City of Washougal purveyor. Prior to final plat approval, the applicant shall procure all required permits and approvals and pay all related fees to the City of Washougal. [See Condition D-15]

Finding 29 – Public Health Department Evaluation

A *Public Health Evaluation Letter* was submitted for this development. A final approval letter must be submitted to the county that will confirm that all existing wells and/or septic systems have been abandoned, inspected and approved by Public Health staff, if applicable. [See Condition A-9]

Finding 30 – Final Plat

Where use of wells or septic systems are proposed, Public Health staff must sign the final plat prior to submittal to the county for final plat review and recording. [See Condition D-8]

Conclusion

The examiner finds that the proposed preliminary plan, subject to conditions identified above, meets water and sewer service requirements of the Clark County Code.

Impact Fees

Finding 31 – Impact Fees

The additional residential lots created by this plat will produce impacts on schools, parks, and traffic, and are subject to School (SIF), Park (PIF), and Traffic Impact Fees (TIF) in accordance with CCC 40.610.

- ✓ Rural 1 sub-area with a TIF of \$2,562.37 per dwelling
- ✓ Washougal School District, with a SIF of \$2,683.00 per dwelling

TIFs are payable prior to issuance of building permits. [See Conditions D-7.d & E-3]

D. CONCLUSION

Based on the above findings and discussion, the examiner concludes that PLD2015-00021 SEP2015-00034, HAB2015-00048, and GEO2015-00048 (ROJDK Cluster Subdivision) should be approved, because it does or can comply with the applicable standards of the Clark County Code and the Revised Code of the State of Washington, subject to conditions of approval necessary to ensure the final plat and resulting development will comply with the Code.

E. DECISION

Based on the foregoing findings and except as conditioned below, the examiner hereby approves PLD2015-00021 SEP2015-00034, HAB2015-00048, and GEO2015-00048 (ROJDK Cluster Subdivision) in general conformance with the applicant's preliminary plat and the related plans, reports and proposal (Exhibit 1). The approval is granted subject to the requirements that the applicant, owner or subsequent developer (the "developer") shall comply with all applicable code provisions, laws and standards and the following conditions. These conditions shall be interpreted and implemented consistently with the foregoing findings.

Conditions of Approval

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

- A-1** The on-site public road shall be constructed according to the standards associated with a "Rural Cul-de-Sac" and standard detail drawings #21 and #25. Per detail #25 and Table 40.350.030-3, the curb return radii shall be at least 25 feet. [See Finding 14]
- A-2** The applicant's engineer shall submit a stormwater plan in compliance with applicable stormwater minimum requirements per CCC 40.385. [See Finding 18]
- A-3** A setback of 35 feet from existing slopes shall be delineated on the final construction plan and final plat. The proposed project shall implement the recommendations identified in the preliminary geotechnical report unless further studies present new or different facts. [See Finding 13]
- A-4** Any development outside of the proposed building envelopes will require additional review by County staff and potentially a Habitat Permit with applicable mitigation. [See Finding 12]
- A-5** **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-6** **Excavation and Grading** - Excavation/grading shall be performed in compliance with CCC14.07.
- A-7** **Grading Plan** – the following note shall be placed on the final grading plans, "If resources are discovered during ground disturbance, work shall stop and DAHP and the county will be contacted." [See Finding 9]

A-8 Final Landscape Plan - The applicant shall submit a landscape plan that portrays vegetation to the L2 standard, within a 10-foot wide strip along SE 342nd Avenue. [See Finding 5]

A-9 Public Health Review - Submittal of a *Public Health Evaluation Letter* is required as part of the Final Construction Plan Review or early grading application. If the evaluation letter specifies that certain actions are required, the evaluation letter will specify the timing of when those activities must be completed, such as prior to Final Construction Plan Review, construction, Provisional Acceptance, Final Plat Review, building permit issuance, or occupancy, and approved by Public Health.

A-10 Fire Marshal Requirements

- a. 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 3,600sf type V-B constructed building. [See Condition 21]
- b. 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. [See Finding 22]
- c. 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. [Finding 22]
- d. 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. [See Finding 23]
- e. Dead end fire apparatus access roads in excess of 150 feet require an approved turnaround, and shall comply with the Clark County Road Standard. [See Finding 24]

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 None**

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

- D-1** The setback lines for lots 8 & 9 shall be revised to reflect a 20-foot setback from the edge of the driveway easement line. [See Finding 3]
- D-2** The following note shall be placed on the face of the final plat:
 - a. No entryway treatments, monument or other permanent development signs are permitted. The shall not be construed to prohibit landscaping;
 - b. Sight-obscuring fences of any height are not permitted within fifty (50) feet of the public right-of-way, nor along cluster lot lines adjacent to the reminder lot. Sight-obscuring fences are at least fifty percent (50%) opaque;
 - c. To the maximum practicable extent, existing historic rural features shall be preserved as part of the cluster development. These features include but are not limited to rock walls, fences, functional and structurally safe farm buildings, monuments and landscape features. [See Finding 4]

- D-3 Right-of-Way Dedication** – The applicant shall dedicate 10 feet of right-of-way along the frontage of SE 20th Street. [See Finding 14]
- D-4 No Parking** - “No Parking” signs shall be installed along the onsite road. [See Finding 14]
- D-5** The applicant shall submit a sight distance certification letter stamped by a licensed engineer in the state of Washington after vegetation removal to show 500 feet of sight distance is available in both direction at the intersection of onsite road and SE 342nd Avenue. [See Finding 15]
- D-6 Retaining Walls** - A building permit is required for retaining walls greater than 4 feet tall or when a wall is surcharged. [See Finding 13]
- 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. Notice of Resource Activities: “The subject property is adjacent to commercial agricultural or forest lands on which a variety of commercial activities may occur that are not compatible with residential development. Potential discomforts or inconvenience may include, but are not limited to: Noise, odors, fumes, dust, smoke, insects, operation of machinery (including aircraft) during any twenty-four (24) hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides.”
 - d. Impact Fees: "In accordance with CCC 40.610, the School and Traffic Impact Fees for each dwelling in this subdivision are: \$ 2,683.00 (Washougal School District), and \$ 2,562.37 (Rural 1 TIF sub-area) 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 October 20, 2015, and expiring on October 20, 2018. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule.”

- D-8 Public Health Signature Requirement** – Public Health is required to sign the final plat, as the use of septic systems is proposed.
- D-9 Abandonment of On-Site Water Wells and Sewage Systems** - The location of abandoned septic tanks and decommissioned wells (if any) shall be shown on the face of the final plat.
- D-10 On-Site Water Wells and Sewage System Requirements** - For on-site water wells and sewage system, the following requirements shall be completed:
- a. A 100-foot radius of protection for any wells shall be shown on the final plat map and be located within the boundaries of the land division;
 - b. The location of all existing wells (in use, not in use, or abandoned) shall be indicated on the final plat map;
 - c. Each on-site sewage system shall be on the same lot it serves;
 - d. Test hole locations corresponding to the designated treatment sites shall be surveyed and indicated on the final plat map;
 - e. No public or private easements or rights-of-way shall be extended through the approved reserve or existing on-site sewage system sites;
 - f. Provisions shall be made to prevent flow or accumulation of surface water over the area where an on-site sewage system is located;
 - g. A copy of the county approved final drainage plan shall be submitted for review; and,
 - h. All proposed lots shall have a current approved septic system site evaluation or septic system permit. Should either be allowed to expire, subsequent approval of an on-site sewage treatment system cannot be assured and, therefore, Public Health will not sign the final plat.

D-11 Fire Marshal Requirements -

- a. 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. [See Finding 22]
- b. 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 Finding 22]
- c. 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 Standards, 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. [See Finding 23]

- d. Fire Apparatus Turnarounds. Dead end fire apparatus access roads in excess of 150 feet require an approved turnaround, and shall comply with the Clark County Road Standard. [See Finding 24]
- e. Parking and Gated Access. 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". [See Finding 25]
- f. Gates that obstruct fire apparatus access roads require permits and approval by the Fire Marshal prior to their installation. [See Finding 25]

D-12 Addressing - At the time of final plat, existing residence(s) that will remain may be subject to an address change. Addressing will be determined based on point of access.

D-13 Verification of Landscape Installation - The applicant shall provide verification in accordance with CCC 40.320.030(B) that the required landscape has been installed in accordance with the approved landscape plan.

D-14 Plat Notes - The following notes shall be placed on the final plat:

- a. Archaeological (all plats): "If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Department of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."
- b. Septic Systems: "The approved, initial, reserve, and/or existing sewage system sites shall be protected from damage due to development. All sites shall be maintained so they are free from encroachment by buildings and not be subject to vehicular traffic or other activity which would adversely affect the site or system function."
- c. Habitat Development Envelopes: "No clearing or development activities shall occur outside the development envelopes shown on the face of this plat unless the activities are exempt from, or approved under, the provisions of the Clark County Habitat Conservation Ordinance (CCC 40.440). Other building setbacks may apply within the development envelopes"

- d. 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."
- e. "The owners of each of the lots are responsible for obtaining approval of stormwater plan with the building permit and constructing the individual onsite stormwater system. These drainage systems will be owned and maintained by the property owner on whose lot the system is located."
- f. Rural Cluster Development: "The remainder lot in this rural cluster subdivision/short plat shall not be further subdivided until the property is rezoned and brought into an urban growth area (UGA)."

D-15 Prior to final plat approval, the applicant shall procure all required permits and approvals and pay all related fees to the City of Washougal. [See Finding 28]

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** Driveways shall have a minimum width of 12 feet of clear, unobstructed driving surface. Driveways longer than 300 feet shall be provided with an approved turnaround at the terminus. There shall also be approved turnouts constructed such that the maximum distance from turnout to turnout or from turnout to turnarounds does not exceed 500 feet. [See Finding 14]
- E-2** The owners of each of the lots are responsible for obtaining approval of stormwater plan with the building permit and constructing the individual on-site stormwater system. [See Finding 18]
- E-3** **Impact Fees** - The applicant shall pay impact fees based on the number of dwelling units in the building, as follows:
 - a. \$2,683.00 per dwelling for School Impact Fees (Washougal School Dist.)
 - b. \$2,562.37 per dwelling for Traffic Impact Fees (Rural 1 TIF Sub-area)

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

E-4 Fire Marshal Requirements

- a. 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. [See Finding 19]
- b. One and two family homes over 3,600 square feet (excluding attached garages) will have additional fire protection requirements. And, any reduced setbacks will require additional fire protection features such as automatic fire sprinklers and fire resistive construction methods. Contact the Clark County Fire Marshal's Office for additional information. [See Finding 20]
- c. 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 3,600sf type V-B constructed building. [See Condition 21]

E-5 Any development outside of the proposed building envelopes will require additional review by County staff and potentially a Habitat Permit with applicable mitigation. [See Finding 12]

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

F-4 None

G	Development Review Timelines & Advisory Information Review and Approval Authority: None - Advisory to Applicant
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G-1 **Land Division** - Within seven (7) years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.

G-2 **Department of Ecology Permit for Construction Stormwater** - A permit from the Department of Ecology (DOE) is required if:

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

The cumulative acreage of the entire project whether in a single or in a multiphase project will count toward the one acre threshold. This applies even if the applicant

is responsible for only a small portion (less than one acre) of the larger project planned over time. **The applicant shall contact DOE for further information.**

G-3 Building and Fire Safety

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

G-4 Building Elevation Approvals – Approval of building elevations submitted for preliminary plan review does not ensure compliance with other requirements (such as building setbacks) under other construction codes. Compliance with other construction codes is the responsibility of the applicant at the time of building permit issuance.

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

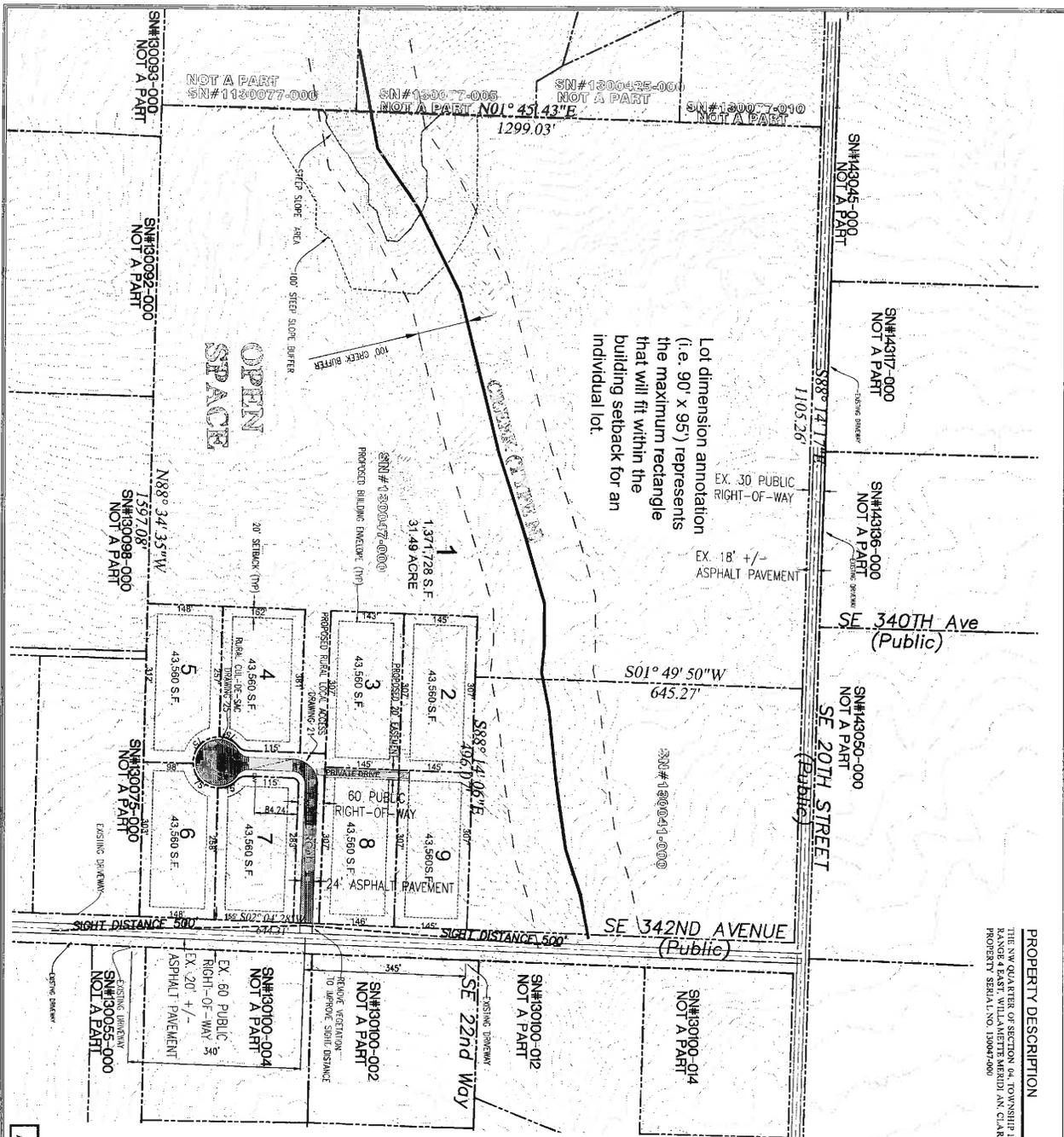
- a. Fire hydrants shall be provided with appropriate ‘storz’ adapters for the pumper connection. A 3-foot clear space shall be maintained around the circumference of all fire hydrants. The local district fire chief (Vancouver Fire Department) approves the exact locations of fire hydrants. [See Finding 22]
- b. 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. [See Finding 23]
- c. 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”. [See Finding 25]
- d. Gates that obstruct fire apparatus access roads require permits and approval by the Fire Marshal prior to their installation. [See Finding 25]

DATED this 20 day of October 2015.

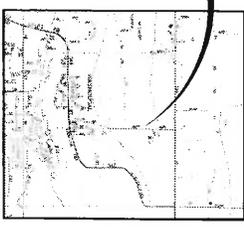


Joe Turner, AICP, Hearings Examiner

Role	Company Name	Name	Address 1	Address 2	City	State	Zip Code	Email Address
Planner	Clark County	Amy Wooten						
Applicant\Contact Person	Cascade Field Services		507 NE 99th St	Unit 60	Vancouver	WA	98665	cascadefs@comcast.net
Owner	Kysar Development, LLC	Derek Kysar	PO Box 2190		Woodland	WA	98674	derek@northwoodcabinets.com
Owner	Kysar Development, LLC	Keith Kysar	PO Box 178		Yacolt	WA	98675	kmass90@gmail.com
Owner	Kysar Development, LLC	Garen Kysar	PO Box 178		Yacolt	WA	98675	garenkysar@gmail.com
N/H Association	Washougl River Neighborhood Association	Brendan Addis	512 NE 302nd Ave		Washougal	WA	98671	brendanaddis@comcast.net
Contact Person								
Utility Contact								
	Clark County	Desiree DeMonye						Desiree.DeMonye@clark.wa.gov
	City of Vancouver	Kristin Lehto						Kristin.Lehto@cityofvancouver.us
		Jennifer Halleck						Jennifer.Halleck@vansd.org
		Jeff Roberts						jeff@crandalgroup.com
		Curtis Achziger						cbachziger45@centurylink.net



PROPERTY DESCRIPTION
 THE S.W. QUARTER OF SECTION 04, TOWNSHIP 10 NORTH,
 RANGE 16 EAST, MERIDIAN 10 WEST, CLATSOP COUNTY,
 PROPERTY SERIAL NO. 130047-000



PROJECT LOCATION

APPLICANT

Thompson and Services
 507 N.E. 99th Street, 400
 Vancouver, WA 98665
 P: (360) 931-4880
 E-mail: casade@thompsonand.com

ENGINEER

Columbia Northwest Engineering
 Paul Williams, P.E.
 754 N.W. 100th Avenue
 Vancouver, WA 98665
 P: (360) 931-3122
 E-mail: paulwilliamspe@gmail.com

SURVEY

KC Development
 Cindy Helcomb, PLS
 1000 N.W. 100th Avenue
 Vancouver, WA 98667
 P: (360) 334-2519
 E-mail: cindy@kcdevelopment.net

PROPERTY OWNER

ROJDK LLC
 Derek Kysar
 1000 N.W. 100th Avenue
 WOODLAND, WA 98674
 E-mail: derek@rojdkdevelopment.com

PROJECT PURPOSE

9 LOT CUL-DE-SAC SHOR-TITLE-T

EXISTING CONDITIONS

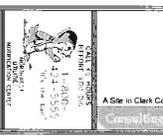
Current Use: Vacant
 Zoning Designation: R-5
 Gross Site Area: 40.83 Acres 1,729,843 Square Feet
 Existing Water & Water: Public water is available. Public Sewer serves is not available.
 Environmental: TOPOGRAHY IS SHOWN ON THE PROPOSED PLAN. THERE ARE NO KNOWN FEMA DESIGNATED FLOOD PLANS. THERE ARE NO DESIGNATED SHORELINE AREAS PER GIS PACKET. THERE ARE NO KNOWN WETLANDS ON SITE. THERE ARE NO UNDESIRABLE SLOPES OR LANDSLIDE HAZARD AREAS ON THE SITE. THERE ARE NO SIGNIFICANT HISTORIC STRUCTURES ON THE SITE.
 Land Use and Transportation: PARCELS SHOWN TO SCALE ARE AS SHOWN ON EXISTING RECORDS ON SITE. ALL ROADWAYS AND EASEMENTS ARE SHOWN ON THE PLAN ALONG WITH LOCATION OF EXISTING ON-SITE & OFF-SITE DRIVEWAYS ARE SHOWN ALONG WITH DISTANCE IN BETWEEN DRIVEWAY EDGE TO EDGE.

LOCATIONS OF EXISTING UTILITIES ARE APPROXIMATE AND MAY BE INCOMPLETE

Scale 1" = 100'



Project No. 3000
 DESIGNED BY: PCW
 DRAWN BY: JAC
 CHECKED BY: JAC
 SHEET NO. C000
 SHEET 02 OF 02



PRELIMINARY PLAT FOR:
ROJDK SUBDIVISION
 PAC2014-00070
 A Site in Clark County, Washington
 Consulting Engineers & Planners 754 N.W. 100th Avenue Vancouver, WA 98665 PH (360) 931-3122

Columbia
 Northwest
 Engineering



EXHIBIT LIST

Project Name: RODJK SUBDIVISION

Case Number: PLD2015-00021

EXHIBIT NO.	DATE	SUBMITTED BY	DESCRIPTION
1	07/6/15	Applicant	Application package
2	08/12/15	CC Land Use	Notice of Type III Application, Optional SEPA Determination of Non-Significance, and Public Hearing
3	08/12/15	CC Land Use	Affidavit of Mailing – Exhibit 2
4	08/17/15	CC Land Use	PCL – John Warta
5	08/19/15	CC Land Use	Notice of Type III Application, Optional SEPA Determination of Non-Significance, and Public Hearing – REMAILED DUE TO CLERICAL ERROR
6	08/19/15	CC Land Use	Affidavit of Mailing – Exhibit 5
7	08/25/15	CC Land Use	PCL – Ecology
8	09/02/15	CC Land Use	Early Issues Email
9	09/02/15	Applicant	Affidavit of Sign Posting, dated 9/1/15
10	09/02/15	CC Land Use	FC Determination, dated 07/27/15
11	09/14/15	CC Land Use	Legal Notice to papers
12	09/15/15	Applicant	Updated Preliminary Stormwater TIR
13	09/21/15	State of Washington	DAHP Letter dated 11/14/14
14	07/30/15	Development Engineering	Concurrency Comments
15	08/03/15	Fire Marshal's Office	Fire Marshall Comments
16	09/22/15	Development Engineering	DE Staff Report
17	9/23/15	CC Land Use	Staff Report & Recommendation
18	9/23/15	CC Land Use	Affidavit of Mailing – Exhibit 17
19	10/20/15	CC Land Use	Examiners Decision

20	10/20/15	CC Land Use	Affidavit of Mailing – exhibit 19
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**Copies of these exhibits can be viewed at:
Department of Community Development
Development Services Division
1300 Franklin Street
Vancouver, WA 98666-9810**