

CLARK COUNTY STAFF REPORT



DEPARTMENT: Public Works / Parks Division

DATE: August 11, 2015

REQUESTED ACTION: Sign and approve the agreement with Vancouver West Soccer Club for the use of the sports fields and the installation of lighting for fields #4 & #5 at Luke Jensen Sports Park.

 X Consent Hearing County Manager

PUBLIC WORKS GOALS:

- Provide safe and efficient transportation systems in Clark County
- Create and maintain a vibrant system of parks, trails and green spaces
- Continue responsible stewardship of public funds
- Promote family-wage job creation and economic development to support a thriving community
- Maintain a healthy, desirable quality of life
- Increase partnerships and foster an engaged, informed community
- Cultivate a nimble, responsive work force
- Make Public Works a great place to work

BACKGROUND

The construction of Luke Jensen Sports Park was completed in 2012. Vancouver West Soccer Club (VWSC) (formerly Westside Soccer Club) was designated as a priority user of the sports fields as part of a fee and use policy that was approved by the BOCC at its December 18, 2011 meeting. The park's amenities include a community building that houses a meeting room and concessions stand, and five sports fields (three are synthetic turf). The large synthetic turf field is lighted. The two smaller synthetic turf fields, #4 & #5, are not lighted.

VWSC has offered to fund the \$34,000 installation of six lights on the existing light towers adjacent to fields #4 and #5. The addition of lights on fields #4 and #5 would potentially result in an additional three to six hours per day of field use in the fall/winter and an additional one to two hours per day of field use in the spring/summer to the citizens of Clark County.

In exchange for the installation of field lights on the existing light towers, VWSC will be charged 25% of the current hourly field rental rate, with a value not to exceed \$17,000 annually, for two years. This charge shall be in effect from the start date of the field use agreement until such time that the dollar amount of the discount received by VWSC is equivalent to the cost of installation (\$34,000). After this term has concluded, VWSC will pay the full field rental rate.

COUNCIL POLICY IMPLICATIONS

This action does not propose a change in policy or a refinement of existing policy. It is a confirmation of existing policy to partner with youth sports organizations to deliver a service Clark County may not otherwise be able to provide.

ADMINISTRATIVE POLICY IMPLICATIONS

The agreement is consistent with existing policy and practice. There will be no additional expense to the current budget as a result of these agreements.

Handwritten initials/signature

PW15-066

COMMUNITY OUTREACH

Clark County has created numerous partnerships with local youth sports organizations. The primary role of these partnerships is to provide and encourage athletic opportunities for youth, to make sure County assets remain safe and of high quality, and to partner with groups who can deliver a service the County may not otherwise be able to provide. These partnerships also ensure that children at most, if not all, ages and abilities have ample opportunity to participate in a variety of athletic endeavors. Staff worked closely with officials from VWSC to develop this agreement.

BUDGET IMPLICATIONS

YES	NO	
X		Action falls within existing budget capacity.
		Action falls within existing budget capacity but requires a change of purpose within existing appropriation
		Additional budget capacity is necessary and will be requested at the next supplemental. If YES, please complete the budget impact statement. If YES, this action will be referred to the county council with a recommendation from the county manager.

BUDGET DETAILS

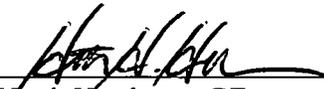
Local Fund Dollar Amount	\$34,000
Grant Fund Dollar Amount	
Account	GCPD 1032 633 347304
Company Name	West Vancouver Soccer Club (non-profit)

DISTRIBUTION:

Public Works Administration – Anita Temme
Public Works/Parks Administration – Bill Bjerke

Board staff will post all staff reports to The Grid. <http://www.clark.wa.gov/thegrid/>

Bill Bjerke
Parks Division Manager



Heath Henderson, PE
Public Works Director/County Engineer

APPROVED: 

CLARK COUNTY, WASHINGTON
BOARD OF COUNTY COUNCILORS

APPROVED: _____
Mark McCauley, Acting County Manager

DATE: Aug. 11, 2015

DATE: _____

SR# SR 1165-15

PW 15-066

BUDGET IMPACT ATTACHMENT

Part I: Narrative Explanation

I. Vancouver West Soccer Club (VWSC) will install lighting at a cost of approximately \$34,000. In exchange for paying for the installation of field lights on the existing light towers, VWSC will be charged 25% of the current hourly field rental rate. This charge shall be in effect from the start date of the field use agreement until such time that the amount of discount received is equivalent to the cost of installation (\$34,000), but no later than July 31, 2017. Clark County and VWSC have the option to mutually agree to extend the term of the discount if VWSC's investment is not recovered after 2 years. After its costs have been recovered, VWSC will pay the full field rental rate.

Staff has budgeted an income reduction from VWSC of approximately \$17,000 per year for two years under this agreement. This income reduction would be offset by an anticipated \$20,000 per year in additional, non-VWSC rentals generated by the new lighting.

Part II: Estimated Revenues

Fund #/Title	Current Biennium		Next Biennium		Second Biennium	
	GCPD	Total	GCPD	Total	GCPD	Total
1032 / GCPD	-\$17,000	-\$17,000	-\$17,000	-\$17,000		
1032 / GCPD	\$20,000	\$20,000	\$20,000	\$20,000		
Total	\$3,000	\$3,000	\$3,000	\$3,000		

II. \$34,000 in rental fee revenue is anticipated during the current and next biennium after the installation of lighting on Fields 4 and 5.

Part III: Estimated Expenditures

III.A.

Fund #/Title	FTE's	Current Biennium		Next Biennium		Second Biennium	
		GCPD	Total	GCPD	Total	GCPD	Total
Total							

III. B. Expenditure by object category

Fund #/Title	Current Biennium		Next Biennium		Second Biennium	
	GCPD	Total	GCPD	Total	GCPD	Total
Salary/Benefits						
Contractual						
Supplies						
Travel						
Other controllables						
Capital Outlays						
Inter-fund Transfers						
Debt Service						
Total						

JP

**AGREEMENT BETWEEN
VANCOUVER WEST SOCCER CLUB
AND CLARK COUNTY, WASHINGTON
FOR USE OF SPORTS FIELDS AT LUKE JENSEN SPORTS PARK**

THIS AGREEMENT (“Agreement”) is made and entered into between Clark County (“County”), and Vancouver West Soccer Club (“VWSC”), a Washington nonprofit corporation.

The County and VWSC desire to enter into an agreement for use of sports fields at Luke Jensen Sports Park, the real property owned by the County and legally described in Exhibit A, attached to this Agreement and incorporated by this reference (the “Property”); VWSC shall contribute capital improvements to the site, namely the costs for purchase and installation of sports field lighting on Fields 4 and 5. The amount of the capital investment to be made by VWSC at the Property is approximately \$34,000 as of July 1, 2015.

NOW, THEREFORE, in consideration of the capital investment made by VWSC, the mutual promises and covenants contained herein, and for other good and valuable consideration, the parties agree as follows:

1. TERM

A. This Agreement shall be effective when fully executed by all the parties for an initial term, commencing as of September 1, 2015 and ending on August 31, 2018. At the end of the three-year term, upon VWSC’s request to the County, this Agreement may be administratively reviewed, based upon current economic conditions and needs, and may be extended by the County for up to five (5) additional, three (3) year terms on a rolling basis at the end of each successive term. Each extension is subject to the approval of the County’s Director of Public Works (“Director”). The overall term of this agreement shall not exceed eighteen (18) years, with an ending date of no later than August 31, 2033. VWSC shall notify the Director of its request for extension on or before June 1st immediately prior to the expiration of the initial or extended term.

B. VWSC shall have twelve (12) months after the execution of this Agreement to secure all permits and approvals, and to complete installation of the sports field lighting on Fields 4 and 5. Failure to secure all permits and approvals and/or to complete installation of the sports field lighting within this period of time may result in the immediate termination of this Agreement. If VWSC has purchased the lights but through no fault of its own it cannot proceed with installation, then the County may not terminate this Agreement but instead the County and VWSC shall meet to discuss the timing for installation of the lights and resolution of any barriers to installation.

2. RESERVATION OF FIELDS

A. Requests for priority field reservations at the Property will be accepted at least twice yearly, beginning the third Tuesday of January and the third Tuesday of June. VWSC shall provide County with all requested field time for the spring/summer season by February 28 of each year. VWSC shall provide County with all requested field time for the fall/winter season by July 31 of each year.

B. VWSC shall reserve time for VWSC use only and shall not sublet to or reserve fields for other groups or individuals.

C. VWSC shall schedule all games with at least thirty (30) minutes between the end of one game and the start of the next to ensure adequate parking capacity.

D. If VWSC decides to relinquish some of its reserved use, the VWSC representative shall contact the County, and the County will make the unreserved times available for reservations by other groups. Reservations cancelled by VWSC at least 10 business days prior to the time reserved will be refunded in full. No refunds will be issued if VWSC cancels permitted use with fewer than 10 business days' notice.

E. VWSC acknowledges County policy regarding cancellation and rescheduling of fields. Reserved time may be cancelled and/or rescheduled as needed by VWSC unless a time requested for rescheduling has been reserved by others.

F. The fields shall be available for free, unscheduled use by the general public between 8 a.m. and 3 p.m., five days a week as well as 10 percent of the time during peak use hours (3 p.m. – 10 p.m. weekdays; 8 a.m. – 10 p.m. weekends). The County reserves the right to schedule other users and enter into Use Agreements and/or field use permits with other organizations in order to maximize use of the fields.

G. Each year, the County shall reserve November 15 to February 28 and August 1 to August 30 for maintenance of fields 2 and 3 (see Exhibit A). During these periods, VWSC shall not schedule use of fields 2 and 3 or allow any activity on fields 2 and 3.

H. VWSC field equipment may be stored on-site in an area designated by the County. The County will provide VWSC with one (1) storage locker located in the dugout of Field 1 during its primary season dates of September 1 through December 31. VWSC shall be responsible for off-site storage of all such other equipment. The County assumes no responsibility for any equipment stored on site.

3. USAGE RESTRICTIONS AND FEES

A. VWSC acknowledges and agrees to the most current Operation and Use Policy for Luke Jensen Sports Park. VWSC is responsible for ensuring that all players, parents, officials, volunteers and operations persons in the VWSC program follow the

most current Operation and Use Policy. The Operation and Use Policy in effect as of the first effective date of this Agreement is attached as Exhibit B.

B. All parking available at the Property shall be available equally to all site users and no stalls shall be specifically reserved during the term of this Agreement. Additional offsite parking may be made available through an agreement between the County and King's Way Christian School. Offsite parking must be arranged through the County by request.

C. VWSC will adhere to any restrictions placed upon the County in connection with the development and use of the Property, including but not limited to the Good Neighbor Agreement, attached hereto and incorporated herein as Exhibit C, and the Clark County Hearing Examiner's Decision, attached hereto and incorporated herein as Exhibit D.

D. As a Primary User, VWSC will be charged the current hourly rate for Clark County Youth as established and revised by the County, less the discount described in section 3(E), but only for the term of the discount described in 3(G). The current hourly rate schedule is included within Exhibit B, which is attached hereto. This Agreement incorporates herein the most recent version of the hourly rate schedule for Clark County Youth, as established and revised by the County. The hourly rate is subject to change during the term of this Agreement.

E. In consideration for the approved capital improvements made to the Property by VWSC, VWSC will receive a 75% discount from the current hourly rental rate for all practice and game time.

F. County will keep record of the amount of discount received from the current hourly rate. County will inform VWSC of this amount quarterly.

G. The discount described in 3(E) shall be in effect when the agreement is executed. VWSC will receive this discount until its \$34,000 investment is equal to the amount of field discount received, but no later than August 31, 2017. If by August 31, 2017 the amount of discount received is not equal to its \$34,000 investment, VWSC may submit a written request to County, notifying of the need for an extension of the term of the discounted rate. An extension of the term must be mutually agreed upon by County and VWSC.

H. VWSC tournaments with a majority of players from Clark County will receive the same discount. VWSC tournaments with a majority of players from outside Clark County will be charged full tournament rental prices.

I. Billing for VWSC field use will be sent quarterly and will be based upon actual field usage hours. The County will inform VWSC of its actual field usage hours monthly. All invoices shall be paid within 30 days of invoice date, unless alternate arrangements are approved by the Parks Manager.

J. All capital improvements made by VWSC shall become the sole and exclusive property of the County.

K. The County shall be responsible for the replacement or repair of any broken or damaged light poles and/or light bulbs, and shall replace any inoperable or defective light bulbs within a reasonable amount of time.

L. VWSC may not make any changes or alterations to the site beyond the installation of the sports field lighting on Fields 4 and 5.

M. VWSC will be responsible for any damage beyond normal wear and tear that occurs to the fields, but only if that damage is caused by VWSC.

N. The property will be used and occupied by participants in VWSC only for the purpose of soccer activities sanctioned by Southwest Washington Youth Soccer Association and U.S. Club Soccer for youth ages nineteen (19) and under.

O. VWSC may not charge admission or parking fees for VWSC sponsored activities.

P. Clark County complies with Washington's Fair Play and Community Sports Act that prohibits discrimination against any person in a community athletics program on the basis of gender. All programming and activities scheduled under this Agreement will comply with current County policies prohibiting discrimination and the County's Gender Equity Statement. This Statement and the Fair Play and Community Sports Act are attached and incorporated herein as Exhibit E.

4. COUNTY RESPONSIBILITIES

A. The County shall be responsible for the following:

- i. Turf maintenance, including mowing, aerating and fertilizing, watering and patching of holes, and removal of other obstructions
- ii. Striping of the fields
- iii. Field repair
- iv. Field grooming and raking
- v. Field conditions and water extraction
- vi. Service, maintenance, and repair of all site features, including lighting, restrooms, and fencing
- vii. Installation and removal of temporary fencing
- viii. Setup, removal, and relocation of all goals, corner flags, and accompanying nets

5. VWSC RESPONSIBILITIES

A. VWSC shall be responsible for the following:

- i. Field orientation and training for coaches, officials, volunteers and other league representatives

- ii. Scheduling of required conferences with County
- iii. Complying with current operation and use policies and with requests made by County staff or its designees
- iv. Dugout and field cleanliness
- v. Complying with all specified field closures

B. VWSC may assist with maintenance upon request by and under the supervision of County staff.

C. VWSC shall comply with all site safety protocols related to all site buildings and features as established by County.

6. SITE SIGNAGE AND ADVERTISING

A. VWSC may sell advertising signage. All signage must follow the County Banners/Signage/Advertising policy that is current as of the time of their placement or display.

B. County shall receive 10% of all gross advertising sales, including but not limited to banners and signage at the Property.

C. All advertisements in any form must be approved by County prior to posting at the Property. VWSC shall submit advertising to the County's Parks Manager or designee. If the County does not respond and approve the advertising within ten (10) business days, the advertising shall be deemed approved.

7. LIABILITY AND INSURANCE

A. VWSC shall obtain and maintain throughout the first five years of the Term insurance coverage with a Best's minimum rating of A-VII and minimum liability limits of one million dollars (\$1,000,000) per occurrence and two million dollars (\$2,000,000) in the aggregate for its liability exposures, annually renewing occurrence based coverage, including commercial general liability (CGL), no fault Med Pay of \$5,000, completed operations, property damage, and auto liability for all vehicles used by VWSC. The deductible for any one liability coverage shall be no more than \$5,000 unless otherwise agreed.

B. VWSC must give the County seven (7) days' notice of cancellation of insurance coverage required by this Agreement, and the cancellation of required insurance coverage, without simultaneous coverage under a replacement policy that meets the requirements of this section 7 constitutes a material breach of this Agreement.

C. Such insurance shall name the County, and its officers, employees, and agents as additional insureds under policy endorsement CG 20 11 01 96. No less coverage under the additional insured endorsement will be provided to the County and its officers, employees and agents than exists in the underlying insurance contract. Before VWSC has access to the Luke Jensen Sports Park, the County shall have a complete policy set, including the underlying policy and the additional insured endorsement.

D. The County and VWSC shall review the amounts of the insurance limits specified herein prior to the end of the first five years of the term of this Agreement. The County may determine to adjust such limits as necessary and appropriate to a reasonable amount in light of changes in market and/or operational conditions. Thereafter, the County may similarly adjust such insurance limits as necessary and appropriate prior to each successive five-year period during the Term. Insurance carried by VWSC on the County's behalf shall be primary in all cases and not seek contribution from any other insurance held by the County.

E. A copy of the Certificate of Insurance must be provided to the Director or Designee, annually and prior to the start of the primary playing season and the initial use of the premises. The certificate must be provided, after that, on an annual basis by the renewal date of the policy. Failure to submit evidence of coverage will constitute a breach of contract.

8. HOLD HARMLESS/INDEMNIFICATION

A. VWSC shall exercise its privileges hereunder at its own risk. VWSC shall indemnify, hold harmless and defend the County, its officials, employees and agents from any and all liability, demands, claims, causes of action, suits or judgments, including costs, attorney fees and expenses incurred in connection therewith, of whatsoever kind of nature, arising out of, or in connection with, or incident to, the exercise of its rights pursuant to this Agreement.

B. In the event that any suit based on such a claim, demand, loss, damage, cost or cause of action is brought against VWSC, the County retains the right to participate in said suit.

C. This indemnity, hold harmless and defense provision shall include any claim made against the County by an employee, subcontractor or agent of the VWSC even if VWSC is otherwise immune from liability pursuant to the worker's compensation statute, Title 51 RCW, except to the extent that such liability arises from the sole gross negligence of the County. VWSC specifically acknowledges that the parties have mutually negotiated the provisions contained herein and it is the intent of the parties that VWSC provides the broadest scope of indemnity permitted by RCW 4.24.115.

9. TERMINATION

A. Either party may terminate this Agreement for any reason upon giving the other party a minimum of ninety (90) days' written notice in advance of the date sought for such termination. Such termination will not affect VWSC's practice, game or postseason schedules, or VWSC's obligation to pay rental fees at the currently hourly rate less the discounted rate in accordance with 3(E) for schedules that have been submitted by February 28 and/or July 31.

B. If for any cause either party fails to fulfill its obligations under this Agreement in a timely and proper manner, or if either party violates the terms and conditions of this Agreement, then the aggrieved party will give the other party written

notice of such failure or violation. Except for a breach of section 7 of this Agreement, the responsible party will be given the opportunity to correct the failure or violation. If the failure or violation is not corrected within fifteen (15) business days of such notice, this Agreement may be terminated immediately by written notice from the aggrieved party to the other. In the case of a breach of section 7, the County may terminate the Agreement immediately.

C. The County reserves the right to suspend or terminate this Agreement at any time without prior written notice if it becomes necessary to end operations of the park, either temporarily or permanently. Provided, that if operations are only temporarily suspended then this Agreement shall be only temporarily suspended, and in such case the time during which the Agreement is suspended shall toll and be added to the total term or renewal term. A permanent end to operations shall mean that the park is no longer usable for any purpose.

D. During the first three years that this Agreement is in effect, if the County terminates this Agreement for a reason other than VWSC's material breach, then the County shall reimburse VWSC for the portion of VWSC's actually incurred development and construction costs that is equal to the portion of the three-year term that has not yet transpired.

10. NOTICES

A. Any notices to be given under this Agreement shall be in writing and be delivered, postage prepaid and addressed to:

Clark County
Attn: Director of Public Works
PO Box 5000
Vancouver, WA 98666

Vancouver West Soccer Club
Attn: President
PO Box 65622
Vancouver, WA 98665

B. The name and address to which notices shall be directed may be changed by either party by giving the other one notice of such change as provided in this section.

11. COORDINATION

A. VWSC will meet with County in the department's administrative office no less than twice each year, first, between January 1 and March 31 and second, between August 1 and September 30 to review yearly plans and progress.

B. Each party grants the other full access to its records and plans during reasonable hours, to the extent that such access is needed for any phase of planning, operations, or administration of this Agreement or any project carried out pursuant to this agreement.

12. MISCELLANEOUS

A. This Agreement, including the Exhibits incorporated herein, constitutes the entire agreement between the County and VWSC and supersedes all prior agreements and proposals, oral or written and all other communications between the parties, in relation to the subject matter of this Agreement. No other agreement or understanding exists among the County and VWSC regarding this matter, except as expressly put forth in this instrument.

B. Any modification of this Agreement must be in writing as an amendment that is executed by both parties.

C. No waiver by either party of any term or condition of this Agreement shall be deemed or construed to constitute a waiver of any other term or condition or of any subsequent breach, whether of the same or different provision. No waiver shall be construed to be a modification of the terms and conditions of this Agreement.

D. If any section or part of this Agreement is held by a court to be invalid, such action shall not affect the validity of any other part of this Agreement.

E. This Agreement will be construed in accordance with the law of the State of Washington.

F. Venue for any litigation arising from or related to this Agreement shall be in the Superior Court for the State of Washington in Clark County.

G. The prevailing party in any litigation arising from or related to this Agreement shall be entitled to recover from the other party or parties its reasonable costs and attorney fees, including costs and attorney fees on appeal.

Dated this 11th day of August, 2015.

Clark County, Washington

By: 
David Madore, Chair of the Board of County Councilors

By: _____
Tom Mielke, Councilor

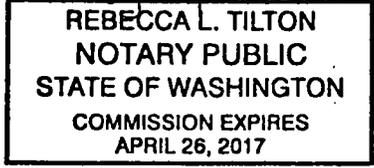
By: _____
Jeanne E. Stewart, Councilor

STATE OF WASHINGTON

COUNTY OF CLARK

I certify that I know or have satisfactory evidence that David Madore, duly elected, qualified and acting County Councilor(s) of Clark County, Washington, who executed the foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of Clark County, for the uses and purposes therein mentioned, and on oath stated that he/they is/are authorized to execute said instrument by resolution of the Board of County Councilors of Clark County and that the seal affixed is the official seal of Clark County.

Dated: Aug. 11, 2015



Rebecca L. Tilton
Notary Public in and for the State of WA
Residing at: Vancouver, WA
My commission expires: 4/26/17

STATE OF WASHINGTON

COUNTY OF CLARK

I certify that I know or have satisfactory evidence that Heath Henderson is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he is authorized to execute the instrument and acknowledged it as the Director of Clark County's Department of Public Works, to be free and voluntary act and deed of such party for the uses and purposes therein mentioned in the instrument.

Dated: _____

Notary Public in and for the State of WA
Residing at:
My commission expires:

Clark County Department of Public Works

By: _____
Heath Henderson, Director

Vancouver West Soccer Club

By: _____
Leo Ruiz, President

Approved as to form only

ANTHONY F. GOLIK,
Clark County Prosecuting Attorney

By: _____
Christine Cook
Sr. Deputy Prosecuting Attorney

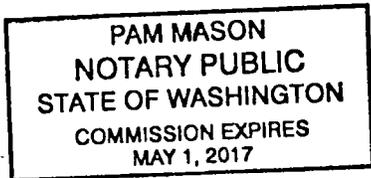
NOTARIAL ACKNOWLEDGEMENT

STATE OF WASHINGTON

COUNTY OF CLARK

I certify that I know or have satisfactory evidence that Leo Ruiz is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he is authorized to execute the instrument and acknowledged it as the Vancouver West Soccer Club President to be the free and voluntary act and deed of such party for the uses and purposes therein mentioned in the instrument.

Dated: 7-27-15



Notary Public in and for the State of WA
Residing at: Vancouver WA
My commission expires: 5-01-2017

Exhibit A
Legal Description

Tax Lot #19

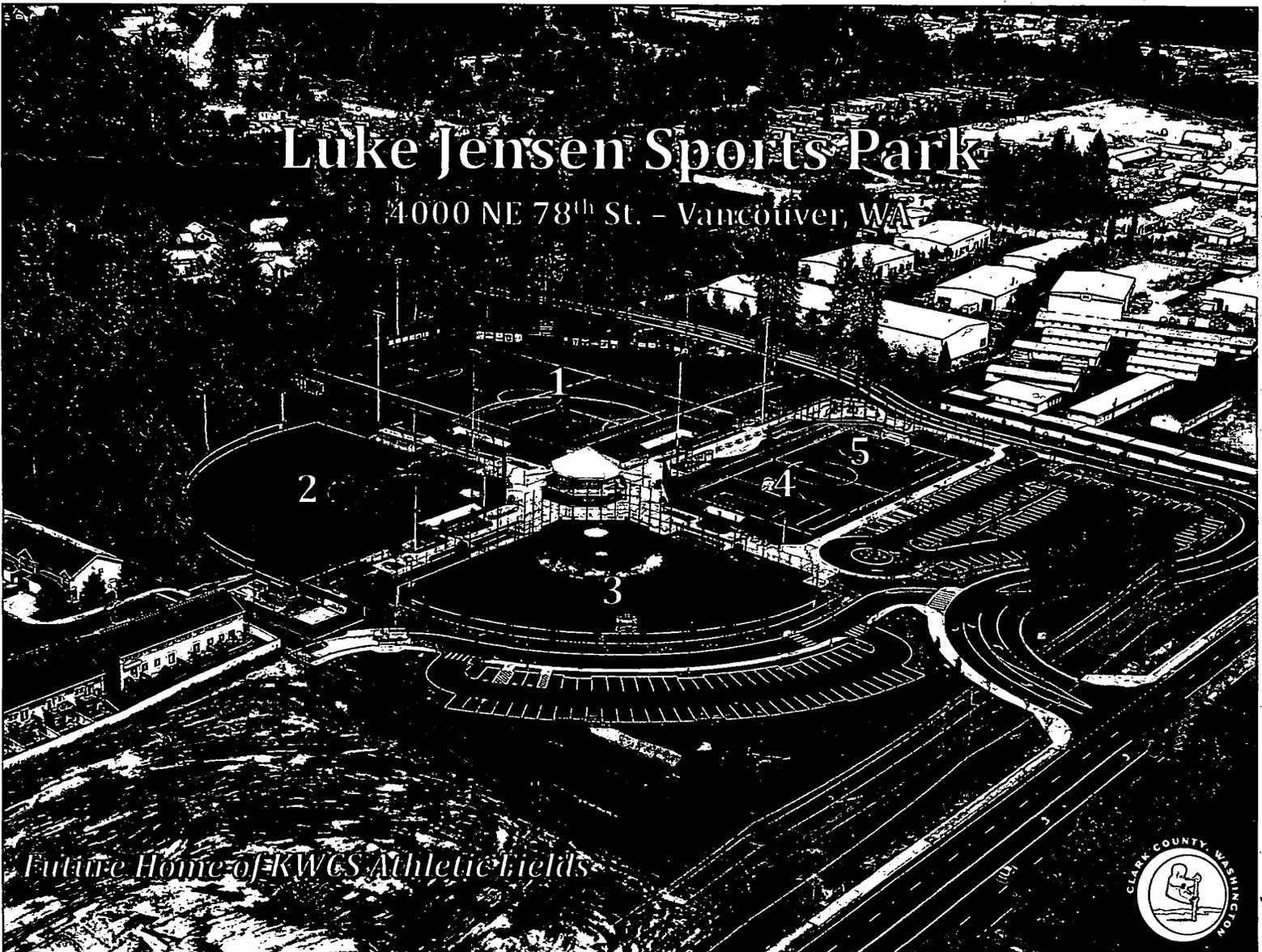
AFN 144505-000

Located in the SE Quarter of Section 1, Township 2 North, Range 1 East of the
Willamette Meridian

The property is approximately 20.87 acres in area.

Luke Jensen Sports Park

4000 NE 78th St. - Vancouver, WA



Future Home of KWCS Athletic fields





Luke Jensen Sports Park Field Rental & Operations Guide

Guidelines for establishing use requirements, field allocations, and fees
for Luke Jensen Sports Park
2014-15

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Introduction

The Luke Jensen Sports Park is located at 4000 Northeast 78th Street, about a quarter mile west of St. John's Road. It is a 20-acre sports facility that was built in 2011-12 to meet the needs of the county's youth sports programs. The project was developed as part of the Greater Clark Parks District using real estate excise taxes, grant funding, and donations from Salmon Creek Little League.

Named after a local boy who lost his battle with leukemia in 2010, the Luke Jensen Sports Park features one lighted, multi-purpose synthetic turf field, one lighted natural turf baseball field, two smaller multi-purpose synthetic turf fields, 3 wireless scoreboards, dug-outs, batting cages, a combined concessions/restrooms/community room building, a small playground, parking lots, access roads, walking/biking paths, picnic tables, and benches. A six-acre forested neighborhood park on the north side of the property also offers walking trails, a bench and picnic table, and opportunities for passive nature exploration.

This is the first sports park with synthetic turf fields owned by Clark County. The County partnered with Salmon Creek LL to install scoreboards and lighting on one of the baseball fields, and partnered with the adjacent King's Way Christian Schools to allow shared use of the schools' parking facilities and their planned soccer fields and football stadium.

The purpose of this manual is to outline the allocation priority procedure, field use policies, and rental policies for the use of Luke Jensen Sports Park. It has been established to assure that the fields are utilized for recreational, cultural, educational, social, and community service functions that meet the needs of the community, as well as to set clear policies, procedures, regulations, and rental fees for such uses.

Statement of Philosophy

Clark County is dedicated to creating partnerships with local sports organizations to ensure there is ample opportunity to participate in athletics at various ability levels. Our primary role in these partnerships is to provide athletic opportunities and to make certain our fields remain safe and of high quality. The allocation and reservation process provides an organization with exclusive use of a field to the exclusion of all others. The objective of this manual is to create clear allocation policies and procedures that:

- Fairly distribute available fields
- Maximize playing time
- Incorporate turf recovery periods to maintain safe, quality fields
- Communicate financial issues and recovery policy
- Outline field use regulations

Definition of Terms

Resident Status

Resident status is defined as groups, teams, or organizations comprised of at least a majority of Clark County residents. Proof of residency will be required by County staff to verify resident status.

Youth Status

Youth status is defined as persons 18 years of age or under.

Non-Profit Status

To qualify as a non-profit user, the organization must meet all criteria as identified by the Internal Revenue Service. The organization must be registered as a not-for-profit corporation by the State of Washington. If the organization is not registered with the State, they must have a constitution, or a set of by-laws or mission statement which clearly states the objectives of the organization are of a non-profit, non-commercial nature. Visit www.irs.gov for additional information of non-profit status.

Process for Obtaining a Field Reservation

Reservations are required for any organized sport associated with a team, league or school that requests exclusive use of any field at Luke Jensen Sports Park. To be considered for priority use, Field Use Reservations are applied for and awarded near the end of summer for fall/winter use, and near the end of winter for spring/summer use.

Groups who wish to use a field must submit a field use application. An application is found at the end of this document and can also be found at www.clark.wa.gov/parks or by calling the Parks Facilities Coordinator at 360-397-2285 x 1680. An application must be submitted a minimum of 10 working days prior to the requested use date. Proof of insurance must be submitted prior to a reservation being approved. Payment is due in full at the time the reservation is approved. Submission of an application does not constitute approval.

Reservations are issued to priority groups 1, 2, and 3 as identified under the Priority Group Classifications section below. After the original requests are processed and issued on this priority basis, subsequent and non-seasonal requests shall be processed and issued on a first come, first served basis.

Applications for priority use must be submitted to the Parks Facilities Coordinator:

- Fall/Winter Season – starting 3rd Tuesday in June but no later than July 31
- Spring/Summer Season – starting 3rd Tuesday in January but no later than February 16

Fall/Winter Season

The fall/winter season shall be defined as August 31 through March 11.

Spring/Summer Season

The spring/summer sports season shall be defined as March 14 through August 30.

Priority Group Classifications

The Clark County Board of Commissioners has established criteria for priority use. The County will award field use priority to game use over practice use, and it shall be awarded in the following order:

1. Clark County Youth Sports Groups and Teams
 - Salmon Creek Little League
 - Vancouver West (formerly Westside) Soccer Club
2. Other Clark County Youth Sports Groups
3. Clark County Adult Sports Groups and Teams
4. Non-Clark County Sports Groups and Teams

Allocation Process

Allocation of fields will follow the guidelines of this document. Fields will be allocated and reserved semi-annually.

1. Field use applications for approximately March 15 through Labor Day (spring/summer season) will be accepted beginning the 3rd Tuesday in January. Applications must be submitted no later than February 16. Field space will be allocated approximately March 1.
2. Field use applications for the day after Labor Day through approximately March 15 (fall/winter season) will be accepted beginning the 3rd Tuesday in June. Applications must be submitted no later than July 31. Field space will be allocated beginning August 1.

Sport Season Priority

1. Traditional sports seasons have priority use over select and/or "shoulder" seasons.
2. Spring/Summer sports (baseball, softball, lacrosse) have priority use approximately March 15 – Labor Day.
3. Fall/Winter sports (soccer, football) have priority use the day after Labor Day – approximately March 15.
4. November 15 to February 28 and August 1 to August 30 are turf recovery periods, during which time fields 2 and 3 will be closed and/or limited field use will occur.

5. Fields will be allocated to teams/organizations based on the percentage of verifiable total Clark County residents relative to all teams within that priority group. The total number of verifiable Clark County residents will be the second determining factor.
6. Verification of Clark County residency will be established by providing appropriate documentation to the County. It may include, but not be limited to: team rosters, player addresses, picture ID, utility bill, etc.
7. National, Regional, or State events will be taken into consideration for final field use allocations.
8. For sports that play year round (with primary and off-season play), the primary season of each sport will determine whether the multiple use fields are considered a baseball/softball field or a soccer/utility field.
9. Allocation requests for off-season sports will be reviewed after allocations are granted for the primary season sports.
10. Teams and organizations may be required to provide schedules to show that all of the allocated fields are being utilized. If an allocated field(s) is not utilized by the reserving organization a total of three times per season or per reserved period of use, the remaining reserved field(s) times will be reassigned. Organizations will be notified by Clark County Parks staff when it has been determined a field(s) is not being used (and prior to reassignment).
11. A field use reservation will be issued after all requirements have been met and payment has been received. A request for field use and/or a submitted field use application do not constitute approval.
12. All field users must have a copy of their approved reservation available for inspection by Clark County staff, park patrol, code enforcement, and/or sheriff.
13. Requests for additional use, programs, or facilities not covered by the Field Use and Allocation Policy should be addressed in writing to Clark County.

Tournaments

1. All general rules and reservation procedures as specified in the Field Use and Allocation Policy are applicable during tournaments. Additional provisions for tournaments are stated in this section.
2. Tournament applicants must complete a Field Use Application.

3. Tournament applicants may not sell food, beverage, or merchandise on site. Luke Jensen Sports Park's concessions building offers a wide variety of food and beverage options.
4. 100% of the field rental fee will be refunded if the event is cancelled 20 or more working days before the event, or if:
 - a. Clark County cancels the event due to weather conditions or scheduling error
 - b. Cancellations are instituted by Police, Fire, and/or other emergency personnel wherein the health and/or safety of the participants and/or spectators may be at risk.
5. 50% of the field rental fee will be refunded if the reservation is canceled by the user 15 to 19 working days before the event.
6. A refund will not be issued if the reservation is canceled by the user with less than 15 or working days' notice, or if the user does not appear for a scheduled event.
7. Game times and field use must follow all policies outlined in the Field Allocation and Use Policy.
8. For Inclement Weather closures during tournaments, playoffs, and other large scale events, please see the Inclement Weather section.
9. Tournament applicants must turn in a tournament checklist at least 3 days before their scheduled event. The checklist shall include:
 - a. Tournament game schedule showing dates, times, equipment layout, and fields to be used. They shall be submitted by Noon on the Wednesday prior to the event.
 - b. Electronic copies of all promotional materials (press releases, handouts, flyers, etc.)
 - c. Any and all relevant contact information (phone #'s, email, etc.) for the event, including the management staff and day of game personnel.
10. Clark County must approve tournament schedules prior to the start of the event.
11. Tournament applicants shall be responsible for entry fees, invitations, public relations, and tournament/special event information.
12. Sponsoring group will provide proper supervision throughout scheduled event at all times.

Practices and Games

Practices and games are to be scheduled on appropriately sized fields. It is County policy to schedule fields on a year-round basis, field conditions permitting. It is County's policy to regulate practices, games, and tournaments as follows:

Practices

Games will be given priority over practices. The number of practices scheduled will be on an equitable basis, contingent on the availability of fields. Youth practices must be scheduled prior to the start of the season. Adult practices will be scheduled on a first-come, first-served basis. Adult weeknight practices will be limited to one and one-half hours and weekend practices to two hours. All practices will end by 10 p.m.

Games

The number of games scheduled for each league will be on an equitable basis, contingent upon field availability. The amount of time scheduled and allowed for games shall be as follows:

- Youth baseball - 2 ½ hours
- Slowpitch Softball and T-Ball - 1 ½ hours
- Fastpitch Softball - 2 hours
- Adult baseball - 3 hours
- Youth soccer - 1 ½ hours
- Adult soccer - 2 hours
- Rugby - 1 ½ hours
- Adult football - 1 ½ hours
- Youth football - 2 hours
- Lacrosse - 2 ½ hours
- All other sports - 2 hours

Field Use Fees/Rental Fees

Field use fees for Luke Jensen Sports Park have been approved by the Board of Clark County Commissioners. The field use fees are intended to:

1. Support operations and maintenance beyond the base level of funding from the GCPD levy
2. Provide necessary funds for future repair and replacement of the synthetic turf fields
3. Allow for exclusive reservations on specific days and times to support leagues, teams, tournaments, and events
4. Encourage the responsible use of a premier multi-million dollar, taxpayer-owned asset
5. Encourage the efficient management of scheduled field use time by permitted users so a wide range of sports groups may use the facility

Field	Priority Level 1 Clark County Youth		Priority Level 2 Clark County Adults		Priority Level 3 Non-Clark County Youth & Adults		Tournaments Per Day
	Hourly	With Lights	Hourly	With Lights	Hourly	With Lights	
Field 1 Synthetic Turf	\$35	\$45	\$45	\$55	\$55	\$65	\$750
Field 2	\$25	\$35	\$35	\$45	\$45	\$55	\$750
Field 3	\$25		\$35		\$45		\$750
Field 4 Synthetic Turf	\$15		\$25		\$35		\$750
Field 5 Synthetic Turf	\$15		\$25		\$35		\$750
Daily Prep & Maintenance	\$20/day		\$45/day		\$45/day		\$55/day

Other Fees

Tournament Deposit	None
Field Rental Deposit	None; damages charged according to repair cost
Scoreboard/Booth Deposit	None; damages charged according to repair cost

User groups requiring special services and/or supervision (i.e., parking, traffic, or law enforcement assistance) may be assessed an additional fee as appropriate.

Fee Payment & Refunds

Payment

An approved reservation will not be issued until all rental fees, deposit fees, and proof of insurance have been received. Payment plans may be arranged for multiple-use reservations.

Refunds

For activities cancelled by the field user:

- 20 business days or more in advance = 100% refund of fees paid less a \$5 processing fee.
- 15 - 19 business days in advance = 50% refund of fees paid less a \$5 processing fee.
- Less than 15 business days of a scheduled activity = No refund of fees paid

See the inclement weather section for refunds due to inclement weather.

Deposits

A deposit is required for field use. The deposit will be refunded if the group abides by all Athletic Field Use and Allocation Policy Rules and Regulations, as well as all pertinent County codes. The deposit may not be refunded if additional fees are assessed for damages, fines, unauthorized, and/or extended field use beyond times listed on the reservation.

Liability Insurance Requirements

The field users shall be responsible for any and all damage to County premises, equipment, and property. If (after an activity) additional maintenance is required (in excess of normal services/time), the applicant will be charged accordingly. The County is not responsible for accidents, injuries, or loss/damage to property of individuals/groups using the fields and facilities. The applicant will be held responsible for all actions, behavior, and damages caused by its participants/guests/attendees. All applicants requesting use of the athletic fields will be required to provide the County with an original Certificate of Insurance providing proof of the following coverage:

1. Insurance coverage with a Best's minimum rating of A-VII and minimum liability limits of one million dollars (\$1,000,000) per occurrence and two million dollars (\$2,000,000) in the aggregate for its liability exposures, including comprehensive general liability, errors and omissions, auto liability and police professional liability. Such insurance shall have a thirty (30) day notice of cancellation. **Clark County, its officers, employees, and agents must be named as additionally insured.**
2. The coverage shall not be canceled or reduced without a minimum of 30 day written notice to Clark County.
3. The certificate must be submitted to Clark County, located at 4700 NE 78th St., Vancouver, WA, 98665 a minimum of 10 days prior to the event.
4. Field Users shall indemnify, hold harmless, and defend Clark County, its officials, employees and agents from any and all liability, demands, claims, causes of action, suits or judgments, including costs, attorney fees and expenses incurred in connection therewith, of whatsoever kind of nature, arising out of, or in connection with, or incident to, the exercise of the Property by the field user.
5. This indemnity, hold harmless, and defense provision shall include any claim made against the County by an employee, subcontractor, or agent of the field user even if the field user is otherwise immune from liability pursuant to the worker's compensation statute, Title 51 RCW, except to the extent that such liability arises from the sole gross negligence of the County.

Restrooms

Luke Jensen Sports Park has ample restroom facilities for both men and women. The restrooms will be open during the park's normal hours of operation. Restrooms will be opened and closed by County staff. Restrooms may be closed due to weather conditions.

Lights

1. Lights are available on Fields 1 and 2. The field use fee matrix in this document contains the use fees for lights. Fields 3 and 4 do not currently have lights but are equipped for a future installation.
2. Field users are required to pay lighting fees at the time of reservation.
3. The park's hours of operation are 8 a.m. – 10 p.m. Lights will be turned off no later than 10 p.m.

Field Use Rules & Regulations

An approved Field Rental application is required before a reservation is issued. Applicants are required to abide by specific rules and County codes. ***Failure to comply may result in retention of the group's deposit and/or revocation of any current and/or future reservations.*** These rules include (but are not limited to):

1. Park hours of operation are 8 a.m. – 10 p.m. Lights will be turned off no later than 10 p.m. No person shall remain in a County park during non-operating hours.
2. Field use shall not start before 8 a.m. or extend past 10 p.m. Organizations are responsible for making necessary changes and/or alterations to their rules and regulations regarding game times to reflect park hours.
3. Groups of 10 or more individuals wishing to use a field must acquire a field use reservation.
4. Coaches must have a copy of their field use reservation when using the fields.
5. A field use reservation must be available during use and shall be presented to any County representative upon request.
6. Field lighting is controlled remotely by County staff. Illumination will begin 30 minutes prior to sunset. It will end when the approved rental time expires and/or no later than 10 p.m.
7. League officials are directly responsible for informing managers, coaches, players, and spectators of field use policies.

8. It is the responsibility of the organization's president, coaches, and/or the individual in charge of the permit to enforce the rules and regulations regarding the conduct of the group while on the facilities.
9. Only the approved field(s) may be used.
10. Field use begins and ends at the times stated on the reservation, including setup and clean up. Preparation and warm-up may take place only within the hours listed on the reservation.
11. Additional fees may be charged for unauthorized or extended use beyond times listed on the reservation.
12. Staff must be notified immediately if a field(s) reserved by your group is no longer needed or if there is a change in your playing schedule. Failure to do so may result in the loss of field rental fee(s) and/or allocation privileges.
13. User groups must leave the field/facility in satisfactory condition. User groups damaging the property will be held responsible for the cost of repair, replacement, and/or clean-up.
14. Each user group is responsible for picking up trash and debris and depositing it into the proper trash bins at the conclusion of games and practices. Adjoining areas must also be clear of all trash.
15. No subleasing of fields is allowed under any circumstance. Subleasing of fields will result in revocation of all current and future reservations.
16. Users, its members, guests, and invitees shall not solicit, sell, or provide goods and/or services on the premises (premises to include all facilities including parking lot areas) without written permission from Clark County.
17. Do not hit, throw, kick or propel balls objects into fencing.
18. Climbing, hanging, and/or standing on goals and fences, including dugout fences is prohibited.
19. County staff will complete all field prep and maintenance. User groups will not be allowed to rake or maintain any part of the fields.
20. No tarps or material which may damage the grass may be placed on the turf. No tarps may be placed on fencing as well.
21. Balls and/or any other equipment which are thrown, batted, kicked, or propelled and land on private property may not be retrieved without permission of the

property owner. Do not climb walls or enter gates to gain access onto private property.

22. Property boundary walls and fences are not to be used as backstops at any time.
23. Amplified sound (except for the site's sound system) is not allowed on any field without County approval and must be noted on the reservation. Use of artificial noisemakers, horns, rattles, bells, or whistles by spectators are not allowed. User groups must abide by the County's sound ordinance.
24. User groups may not store items or keep a storage unit of any kind on the property without prior approval from Clark County.
25. Portable goals and/or markers are allowed but must be removed daily unless prior written approval has been received from Clark County.
26. Groups may not play on fields that have been closed due to wet and/or unsafe field conditions.
27. Practices and games must be suspended in the event thunder and/or lightning is observed or heard.
28. Misuse of a public park (or field) or the failure to follow established procedures, rules, and regulations by any group or individual of a group is cause for denial of future applications.
29. Bicycles, skateboards, scooters, and rollerblades are not permitted.
30. No group or individual is permitted to alter a field in any way (i.e. remove or change pitching rubbers, pitching mounds, bases, fences, goals, etc.) without written approval from Clark County.
31. Please leave the park safely and quietly immediately after games and practices, especially after late games. For the benefit of the community, please practice being good neighbors in residential neighborhoods.

Synthetic Turf Field Use Restrictions (Fields 1, 4, and 5)

The following are prohibited on the synthetic turf fields at Luke Jensen Sports Park:

32. Propelling objects into fencing
33. Metal Spikes (rubber/plastic cleats or sneakers only)
34. Food
35. Gum, Sunflower Seeds, Peanuts, and/or similar food items
36. Beverages except water
37. Skating, Bicycling, Scooters, Rollerblading
38. Glass Bottles and Sharp Objects
39. Pets
40. Alcohol, Smoking, and Tobacco Products
41. Fires, BBQ's, & Camping
42. Firearms, Fireworks
43. Unauthorized Vehicles
44. Use of Stakes
45. Golf, Cricket, and Archery
46. Any item or substance that may damage, stain, or permanently alter facilities, structures, or playing surfaces

Turf Preservation/Management

Cooperation is needed for the preservation of the natural turf on fields 2-3 by following these guidelines:

1. Field use, especially practices, should be conducted in such a way that the action takes place on different sections of turf, thus reducing excessive turf damage in one area. Rotate use of areas, and when possible, stay off fringe or bare areas to limit erosion and further damage.
2. Replace turf divots at end of each day to help re-root grass.
3. No tarps or material which may damage the grass may be placed on the turf. Any turf coverings used must be made of a breathable material.
4. Do not use fields during or after a heavy rain, or when wet or muddy (see inclement weather policy).
5. Baseball and softball are the only sports which may be played on fields 2 and 3.
6. All equipment must be removed at the conclusion of each day.
7. Report hazardous conditions to County staff.

8. Report immediate emergencies (broken water lines, gushing sprinkler heads, etc.) to County staff. When calling, be prepared to fully identify yourself, your location, and the specific nature of the emergency so that staff can bring the appropriate repair equipment.
9. Do not drive or park cars, motorcycles, or other motorized vehicles on the facility and turf areas.
10. Field lining/marking is prohibited unless prior written approval is given by Clark County.
11. Any user failing to comply with established guidelines and notification requests are subject to pay for all damages occurring to the facility including termination of field use permit.

Inclement Weather Policy

Luke Jensen Sports Park was designed, and will be maintained, for the enjoyment and use of Clark County residents. The purpose of this policy is to guide the use the fields, to prevent injuries, and damage to the playing surfaces brought upon by inclement weather and/or unsafe playing conditions. An effective field maintenance program is essential for safe, quality fields and sport complexes. User groups are asked to help us by accepting and adhering to these rules. Groups who use fields are expected to assist in protecting their participants and the fields during periods of rain or inclement weather.

Policy

During inclement weather, County staff will assess the playability of the fields to determine if use will occur. Staff shall have the authority to close any/all fields within the park as appropriate. Staff reserves the right to cancel or suspend field use permits when field conditions could result in injury to players or cause damage to the fields. Reservations may also be cancelled when the health and safety of participants are threatened due to impending conditions, including but not limited to, heavy rains, smog alerts, or pesticide application.

Refunds due to Inclement Weather

If your program becomes disrupted by weather, the following policies will be enforced:

1. If your program is halted from the beginning (you never get to the field or start setup), your field use fee will be refunded minus a \$10 administrative fee.
2. When games are in progress, the umpire or referee shall make the decision to continue or stop play.
3. If your program commences, and then is shortened by weather, you will be charged for the time used.

Criteria for Establishing Field Playability

The following information is Clark County's policy regarding the use of fields 2 and 3 in wet conditions. These criteria, policies, and procedures will serve as the general guidelines for determining field playability for all activities conducted on fields 2 and 3. Fields 2 and/or 3 will be deemed unsafe and unplayable when any of the following conditions are present.

Baseball and Softball Infields

1. There is standing water within the base paths
2. Your feet slip as you walk through the infield
3. The depth of your footprint is greater than one inch
4. Any of the above conditions are present within the pitching area

Baseball and Softball Outfields

1. There is standing water within the majority of a single playing position (playing positions will be determined based on the user group)
2. Your feet suction to the ground as you walk within the majority of a single playing position
3. Your footprints fill with water in the majority of a single playing position
4. The depth of your footprint is greater than two inches in the majority of a single playing position
5. Grass can be easily dislodged from the fields during play

Other Considerations

1. There has been 1 inch or more of rain in the preceding 12 hours.
2. The outside air temperature is 32 degrees or below.
3. Ice, snow, frost, or slush is present on the playing surface.

The following procedures are to be followed regarding the use of fields when there has been rain, over-watering, or other serious weather conditions:

1. If it has rained within the preceding 24 hours, groups scheduled to use public fields must call the Parks Department's YOUTH SPORTS FIELD CONDITION HOTLINE at 360-397-2285 x 1680. The hotline is designed to relay same day information regarding field closures and playability, except in the case of extreme conditions or scheduled maintenance. The hotline message will be updated by 3:00 pm Monday-Friday and by 8:00 am Saturday and Sunday. County personnel will make determination of field conditions/closures, and the decisions are not negotiable.
2. ***The County may declare a field subject to "re-inspect"***. Re-inspect fields should be evaluated by the user group at practice/game time for playability. The user group must employ the playability criteria used by County staff.

3. In the event that the hotline has not been updated or is unavailable, user groups are expected to make educated, responsible decisions regarding field condition playability. The groups should employ the playability criteria used by County staff and take into consideration the current and future quality of the turf.
4. Groups witnessing misuse of fields by other scheduled or unscheduled users are advised to contact the Clark County Sheriff and/or the Parks Facilities Coordinator.
5. Abuse/use during wet conditions shall result in a minimum \$100.00 fine upon the first occurrence and a minimum \$250.00 fine for the second infraction. A third infraction in a calendar year will result in the loss of all field rental/allocation privileges at the park. It is the user group's responsibility to ensure that all coaches/parents understand and enforce this policy.
6. Fines may also include the cost to repair the damage cause by the group's misuse of the field(s) and the cost of all rental revenues lost by damages that result in field closures.
7. **FAILURE TO FOLLOW THE GUIDELINES OF THIS POLICY WILL RESULT IN THE CANCELLATION OF EXISTING RESERVATION(S) AND LOSS OF RENTAL/ALLOCATION PRIVILEGES. NOTE: THE FIELDS WILL BE INSPECTED BY COUNTY STAFF FOR MISUSE WHEN CLOSED DUE TO INCLEMENT WEATHER.**

Annual Field Closure Periods

An annual rest and renovation program is scheduled for fields 2 and 3 to maintain field sustainability.

Fields 2 and 3 will be closed for rest and maintenance from November 15 to February 28 and from August 1 to August 30.

The County reserves the right to set aside additional time during the year for turf recovery, improvement, and maintenance.

The County makes every effort to accommodate groups and organizations. However, the health and safety of the user and the condition and playability of the fields are the top priorities. As a result, the County may close the fields; deny use of a field, and/or alternate sites for athletic use. Closures are kept to a minimum when the fields are in playable condition.

Permit Cancellation

Clark County reserves the right to cancel any field use reservations for any of the following reasons:

1. Inclement Weather
2. Conflict with any previously sponsored league, program, activity, or event
3. Hazardous field and/or facility conditions
4. Maintenance needs/issues
5. When cancellations must be initiated by Police or Fire personnel for emergency purposes

In these cases, all attempts will be made to provide advance notice and to schedule an alternate location. In the event of an emergency, when only short or no notice can be afforded, groups must cooperate with the cancellation so as not to risk the loss of rental/allocation privileges. If there are no alternate fields available, the County is not obligated to provide an alternate field(s).

Non-Use of Scheduled Fields

When permits are issued, a specific field(s) is reserved for the user, to the exclusion of others. Recognizing this exclusivity, groups should only reserve the fields they intend to use. Field users must notify County staff to report any reserved time that can be released for general public use. Failure to report scheduled, but unused field time will result in warnings and may eventually lead to the loss of rental/allocation privileges.

Policy for Violations by Permitted Field Users

Clark County utilizes a three-strikes policy for violations of Field Use and/or Allocation Policy:

- First Offense:** Written warning to the user group/individual and restitution for damages/costs if applicable.
- Second Offense:** Written warning to the user group/individual and restitution for damages/costs if applicable.
- Third Offense:** Written notice of termination of any existing permits, loss of future rental/allocation privileges and restitution for damages/costs if applicable.

Banners/Signage/Advertising

Banners may not be posted without application to the County. Organizations should obtain appropriate approval and/or permit(s) to meet the established standards required by the Clark County sign ordinance policy prior to any public display or advertising on County property. Signboards or banners displayed in public parks should not be located where they could potentially create a negative visual impact. They should neither distract nor interfere with the overall park experience for the general public. Signs or banners must be confined and orientated to the area of use by the organization.

1. No permanent structure can be erected in a park for the purpose of supporting advertising signage or banners.
2. Banners must be vinyl and may not exceed 4 ft. width by 6 ft. length.
3. Banners placed on ball fields are restricted to the outfield fence and must face the inside of the ball field. Banners should be spaced evenly across the fence to create a uniform pattern.
4. Banners may be installed on an outfield fence that is a maximum of 8 ft. high.
5. The banners should be centered between posts with the bottom of the banner no greater than 2 ft. above the ground. The banners must be spaced no closer than 20 ft. on center (every other section of fencing).
6. The bottom of a banner must be located a minimum of 8 inches off the ground and may not extend over the top rail.
7. Banners should be made with flaps to allow wind to pass through.
8. Banners must be tied with zip ties.
9. Messages and graphics must be professional. All banners must be approved prior to placement.
10. Banners and signage must be neat, cleaned and maintained throughout the season.
11. No inappropriate language or messages may be displayed.
12. Banners, tarps or similar materials may not be hung from any bleachers, dugouts or backstops (one-day signage and/or banners placed on dugout and/or sideline fencing is permissible).

13. Banners may be displayed only during the dates of use indicated on the field use permit (and must be removed on the final day of the permit).
14. It is the sole responsibility of the group to put up and take down all signage/banners.
15. Park staff may require banners to be removed if torn, in bad condition, and/or they create an unacceptable appearance.
16. Damage to public property caused by banner installation, display, or removal is the sole responsibility of the organization.
17. A breach of contract may limit the number of signs/banners allowed to be displayed, or may prohibit the display of any signage/banners for the upcoming season.

Traffic and Parking

1. Field users must instruct participants and spectators to park in facility parking lots and legal public parking areas.
2. If traffic/parking is an issue, the user group must provide volunteers to direct participants and spectators to designated parking areas.
3. It is the user's responsibility to alleviate parking and traffic issues.
4. Please notify the County if you expect parking to be a problem for your event. The County has a formal agreement with Kings Way Christian Schools to share parking facilities during certain times.
5. No vehicles are allowed on the property (other than parking lots) without written permission noted on the permit issued by Clark County.
6. Parking is allowed only in designated areas.
7. Other facility or park users may share the facility's parking during your scheduled event.
8. Clark County is not responsible for loss, theft, or damage to vehicles.

Appeals Process

The Director of Public Works will make interpretation of language in this Field Rental, Operations, and Allocation Policy Manual. An appeal to the Parks Facilities Coordinator's decision must be submitted in writing with justification within 10 working days from the decision. Field users or potential field users may appeal any section of this policy, in writing, within 10 days of the notice of violation to the Clark County Public Works Department at:

Clark County Parks
Parks Facilities Coordinator
4700 NE 78th St.
Vancouver, WA 98665

All appeal letters will be forwarded to the Director for review.

**Luke Jensen Sports Park
Field Use Application**

Name of Organization	
Primary Rental Contact	
Mailing Address	
Day Phone	
Cell Phone	
Email	

Field (s) Requested	
Day(s) Requested	
Date(s) Requested	
Start Time	
End Time	

SPECIAL REQUESTS

Goals: YES NO
 Goal type: SOCCER LACROSSE FIELD HOCKEY
 Bases (specify distance): YES NO DISTANCE:
 Portable OF fencing: YES NO
 Portable pitching mounds: YES NO DISTANCE:
 Lights (F1 & F2 only): YES NO
 Fields lined: YES NO
 Scoreboards (F1, F2, F3 only): YES NO

USAGE DETAILS

Is this a tournament? YES NO
 Tournament type: BASEBALL SOCCER SOFTBALL LACROSSE OTHER:
 Age group:
 Number of teams - games - participants:

2014-15 AGREEMENT CONTRACT

I have applied for field use as an official representative of: _____

I hereby certify, on behalf of my organization, that we understand and agree:

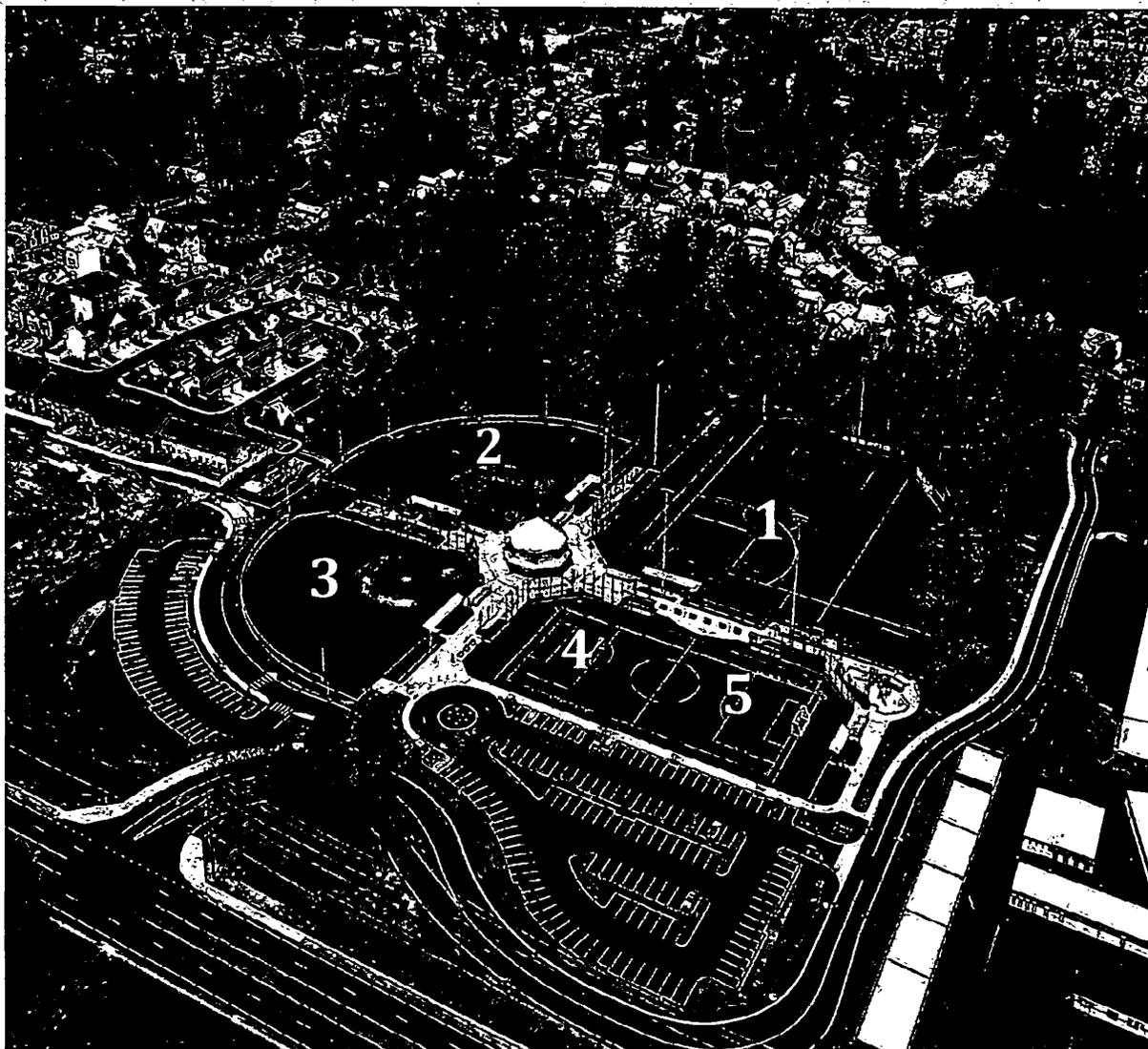
1. To accept the terms and conditions outlined in the 2014-15 Luke Jensen Sports Park Field Rental and Operations Guide.
2. To abide and enforce all guidelines and regulations listed in the 2014-15 Field Rental and Operations Guide, and inform our members of the guidelines and regulations.
3. To pay the required fees and deposits as listed in the 2014-15 Field Rental and Operations Guide.
4. To schedule our organization's activities only on the hours, dates, and fields assigned for our use by Clark County. I understand that sub-letting of fields is not allowed and is grounds for revocation of all my group's reservations.
5. To procure and maintain for the duration of the agreement, the appropriate levels of required insurance as is specified in the 2014-15 Field Rental and Operations Guide.
6. To indemnify, hold harmless, and defend the County, its officials, employees and agents from any and all liability, demands, claims, causes of action, suits or judgments, including costs, attorney fees and expenses incurred in connection therewith, of whatsoever kind of nature, arising out of, or in connection with, or incident to, the exercise of the Property by my organization.

I have read and understand all conditions, rules, and regulations specified in the 2014-15 Field Rental and Operations Guide and in the Agreement Contract. I am authorized to sign on behalf of the group listed above.

Name (Please print): _____

Signature: _____ **Date:** _____

CLARK COUNTY APPROVAL: _____ **Date:** _____



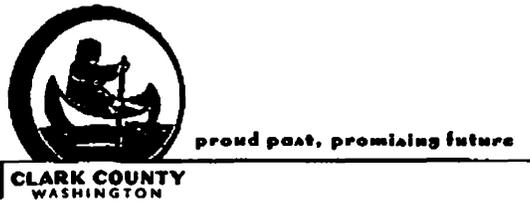


Exhibit C

VANCOUVER-CLARK
**PARKS &
Recreation**

GOOD NEIGHBOR COMMITMENT
by
Vancouver-Clark Parks and Recreation
and Clark County Public Works
for the Hazel Dell Sports Fields

Introduction and Background

This Good Neighbor Commitment represents the good faith intentions of the parties involved, but it is not intended, nor may it be construed, to be a legally binding document. The commitment depends on the spirit of cooperation between community partners to work together to resolve issues.

The Vancouver-Clark Parks and Recreation Department, along with Clark County Public Works, is developing the Hazel Dell Sports Fields along the north side of Northeast 78th Street west of Northeast St. Johns Road. The complex will include two intermediate-size baseball/softball fields, two tee ball fields that also will serve as a multiuse field, and one large full-size baseball field that also can be used for softball, tee ball, soccer, lacrosse, rugby and field hockey.

The project will include parking lots, stormwater facilities, a concessions/restrooms/storage building, bleachers, batting cages, lighting, pedestrian connections and a road between Northeast 78th Street and Northeast 82nd Street. In addition, a neighborhood park immediately north of the sports fields will be partially developed with a pathway, picnic tables and benches.

This is a public facility that, at times, will be scheduled for use by project partners, including sports leagues.

Goals of the Commitment

- Provide a framework for what neighbors should expect.
- Address neighborhood concerns and resolve issues.
- Share open and honest communication.

Neighbor Concerns

Neighbors living near the sports fields have expressed concerns about the impact of the project on their quality of life. In response to these concerns, Vancouver-Clark Parks and Recreation and Clark County Public Works make the following commitments:

1. Sports Fields Lighting

The county will comply with restrictions for when sport fields lighting can and cannot be used. The county pledges to use the latest available technology to minimize the "spillover" of lighting onto adjacent areas.

2. Noise Impacts

Activities will abide by all local codes and laws related to noise, and the public address system will not be used later than 10 p.m. The county also will maintain a vegetation buffer on its property between the site and adjacent properties as appropriate. Some thinning/clearing may be needed to maintain habitat requirements, reduce fire hazard, remove invasive species and promote overall vegetation health.

3. Fencing

The sports fields will be surrounded by fencing. All fields will be opened for public use when not scheduled for use by sports leagues or other project partners.

4. Public Use

Most amenities on this property, with the exception of the concessions building that will be managed by the youth sports groups, will be available for public use when not being used by sports league partners. At the time of development, partner leagues include Salmon Creek Little League, Clark County Junior Baseball Association, Hazel Dell Metro League, Westside Soccer Club and King's Way Christian Schools sports teams. Fields may be closed for maintenance or repair, as needed. A schedule of all games and practices will be managed by Vancouver-Clark Parks and Recreation.

Restrooms will be open to the public during typical park operating hours (7 a.m. to dusk) and during evening games. Restrooms may be subject to seasonal closures. The county and parks department reserve the right to close facilities during certain hours if vandalism or other problems arise.

5. Groundwater Monitoring

The county will ensure that the U.S. Environmental Protection Agency has full access to its monitoring and treatment equipment on the southeast side of the property.

Communication

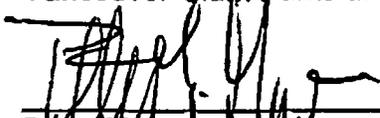
Vancouver-Clark Parks and Recreation and Clark County Public Works commits to responding to neighborhood concerns and questions in a timely manner.

Neighborhood questions and concerns regarding the use and operation of this facility, once it has opened, should be sent to:

Vancouver-Clark Parks and Recreation
Brian Potter, Park Resource Manager: (360) 619-1111
E-mail: parksrec@ci.vancouver.wa.us
Street Address: 610 Esther Street, Vancouver, WA 98660
Mailing Address: P.O. Box 1995, Vancouver, WA 98668-1995

Signatures

Vancouver-Clark Parks and Recreation



Peter Mayer, Director

Date: 6-26-10

Clark County Public Works



Peter Capell, Director

Date: 6/28/2010

Exhibit D

Office of the
CLARK COUNTY LAND USE HEARING EXAMINER

1300 Franklin Street
P.O. Box 9810
Vancouver WA 98668-9810
Phone (360) 397-2375
Form DS1333

NOTICE TO PARTIES OF RECORD

Project Name: HAZEL DELL SPORTS FIELDS

Case Numbers: PSR 2010-00010; SEP2010-00018; EVR2010-00008

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

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 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:

- a. Procedural irregularity or error, clarification, or scrivener's error, for which not 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 of a motion fro reconsideration.

Mailed on: July 14, 2010

HAZEL DELL SPORTS FIELDS
PSR 2010-00010; SEP2010-00018;
EVR2010-00008
Hearing Date: 6/29/10

PLANNER
ALAN BOGUSLAWSKI

Clark County Public Works
PO Box 9810
Vancouver WA 98666-9810

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1300 Franklin St
PO Box 9810
Vancouver WA 98666
matt.griswold@clark.wa.gov

NE Hazel Dell Neighborhood Association
Bud Van Cleve, President
1407 NE 68th St
Vancouver, WA 98665
E-mail: BSVANC@aol.com

Jilayne Jordan
Clark County Public Works
Jilayne.jordan@clark.wa.gov

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8018 NE 38th Ave.
Vancouver WA 98665
mejhannon@yahoo.com

Jack Davis
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Vancouver WA 98665

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EPA
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Vancouver WA 98686

Christine Gillingham
Jeff Gillingham
2114 NE 154th Circle
Vancouver WA 98686

Sherill Long
4106 NE 82nd St
Vancouver WA 98665

Cliff Yount
3016 NE 115th Circle
Vancouver WA 98686

Todd Juenger
13603 NW 46th Ct
Vancouver WA 98685

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EPA
805 SW Broadway #500
Portland OR 97205

Ann Hordquist
8919 NE 32nd Ave
Vancouver WA 98665

John R Hardwick
1328-117th Drive SE
Lake Stevens WA 98258

Chris Roberson
1104 Main St Ste 100
Vancouver WA 98666

Scott Brantley
City of Vancouver
Park and Recreation
Scott.brantley@ci.vancouver.wa.us

HAZEL DELL SPORTS FIELDS
PSR 2010-00010; SEP2010-00018;
EVR2010-00008
Alan Boguslawski
Hearing Date: 6/29/10

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MR JOE TURNER
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THE COLUMBIAN
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Stephanie.Rice@columbian.com
(Email)

VANCOUVER SCHOOL DIST
ATTN: HEIDI ROSENBERG
PO BOX 8937
VANCOUVER WA 98668-8937

VANCOUVER/CLARK PARKS
INTEROFFICE MAIL

WA DEPT. OF TRANSPORTATION
ATTN: JEFF BARSNESS
BarsneJ@wsdot.wa.gov
(Email)

FT VANCOUVER REGIONAL LIBRARY
1007 EAST MILL PLAIN BLVD.
VANCOUVER WA 98663

CARLA SOWDER
HEALTH DEPARTMENT
INTEROFFICE MAIL
(Email)

JANET SEEKINS
ASSESSOR'S OFFICE
(Email)

STEVE SCHULTE
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(Email)

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ROSIE HSIAO
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DAVID JARDIN
PUBLIC WORKS
(Email)

SUSAN RICE
(Email)

LINDA MOORHEAD
CODE ENFORCEMENT
(Email)

DEVELOPMENT ENG
(Email)

DESIREE DE MONYE
(Email)

HOLLY GAYA
(Email)

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

In the matter of a Type III application for Site Plan approval to develop five sports fields and associated improvements, a community building, off-street parking, internal streets and walking paths on approximately 20.87 acres split-zoned R1-6 and R-22 in unincorporated Clark County, Washington.

FINAL ORDER

**HAZEL DELL SPORTS FIELDS
PSR2010-00010, SEP2010-00018 &
EVR2010-00008**

I. Summary:

This Order is the decision of the Clark County Land Use Hearings Examiner approving with conditions this application for site plan and related approvals (P SR2010-00010, SEP2010-00018 & EVR2010-00008) to develop five athletic fields, and associated improvements including a community building, off-street parking, internal streets and walking paths on approximately 20.87 acres split-zoned R1-6 and R-22.

II. Introduction to the Property and Application:

Applicant & Owner Clark County Public Works Dept.
P.O. Box 9810
Vancouver, WA 98666

Contact..... Matt Griswold, PE
1300 Franklin Street
P.O. Box 9810
Vancouver, WA 98666

Property Legal Description: Tax Lot 19 (parcel number 144505) located in the SE Quarter of Section 1, Township 2 North, Range 1 East of the Willamette Meridian.

Applicable Laws Clark County Code (CCC) 15.12 (Fire), Title 24 (Public Health), 40.220.010 (Single-family Residential Districts), 40.220.020 (Residential Districts); 40.260.070 (Community Buildings), 40.260.080 (Forest Practices), 40.320 (Landscaping/Screening), 40.340 (Parking), 40.350 (Transportation), 40.360 (Solid Waste/Recycling), 40.370 (Sewer/Water), 40.385 (Stormwater/Erosion Control), 40.450 (Wetlands Protection), 40.500 (Procedures), 40.510.030 (Type III Process), 40.520.010 (Legal Lot Determination), 40.520.040 (Site Plan Review), 40.550.010 (Road Modifications), 40.570 (SEPA), 40.610 and 40.620 (Impact Fees).

The property is approximately 20.87 acres in area, undeveloped, and is owned by Clark County Department of Public Works. The County seeks preliminary site plan approval for a public sports complex, consisting of 5 athletic fields, one of which will

have a synthetic surface and an amplified sound system, and three of which will have field lighting, a community building, off-street parking, internal streets and walking paths.

The property is generally located north of NE 78th Street, east of NE 30th Avenue and is bounded on the west by vacant property owned by the First Church of God, where the County recently approved construction of two sports fields and related facilities in CUP2009-00011 and PS R2009-00044. The land north of the site is zoned R1-6 and developed with single-family residences. The site is split-zoned R-22 and R1-6, where sports facilities are allowed outright, subject to site plan approval. Due to the potentially controversial nature of this proposal, the owner/applicant (Clark County) opted to use a Type III process for this site plan review. There are no dwellings or other structures on the property, but it is underlain by piping, monitoring wells and extraction wells associated with a groundwater recovery system for the Boomsnub/Airco Federal Superfund Site. The source of contamination for this EPA designated superfund site is approximately one mile away, and EPA has declared this use at this site safe from contact or vapors associated with the groundwater contamination 50 to 90 feet below the surface (Exs. 25 & 31). The property is within the Vancouver urban growth area, the territory of the NE Hazel Dell Neighborhood Association, Fire District 5, Park Improvement District 8, the Hazel Dell Traffic Impact District, and the Vancouver School District. The property is within the service territory of Clark Public Utilities for water and Clark Regional Wastewater District for public sewer.

The proposal consists of an application packet and plans (Exs. 5 & 6), which includes a narrative (Ex. 6) notes from the May 28, 2009 preapplication conference (Ex. 6, tab 2), a geotechnical investigation and infiltration test results (Ex. 6, tab 12) and preliminary stormwater design report and one addendum (Ex. 6, tab 13 & Ex. 22), a traffic study and two addenda (Ex. 6, tab 14 & Exs. 20 & 30), a road modification request and two addenda (Ex. 6, tab 17, Exs. 17 & 21), a sample reciprocal use agreement with the Kings Way Christian School for field use in exchange for use of the parking lot (Ex. 6, tab 19), a good neighbor commitment (Ex. 35), an archaeology predetermination and survey report (Ex. 6, tab 7), a lighting plan (Ex. 5, sheets E1.1 & E1.2), water and sewer utility review letters (Ex. 6, tabs 8 & 9), a noise study and analysis (Ex. 6, tab 18), and a SEPA checklist (Ex. 6, tab 6),

III. Summary of the Local Proceeding and the Record:

A preapplication conference for this development proposal was held May 28, 2009 (Ex. 6, tab 2), but was not contingently vested. An application was submitted on April 28, 2010 (Exs. 5 & 6) and deemed fully complete on May 4, 2010 (Ex. 7). From this sequence, this development is deemed vested as of April 28, 2010. Notice of the Type III application and a June 29, 2010, public hearing on the application was mailed to property owners within 300 feet and the NE Hazel Dell Neighborhood Association on May 13, 2010 (Exs. 8 & 9). Notices of the application and hearing were also posted on and near the site on June 14, 2010 (Ex. 27). The County issued a preliminary SEPA Mitigated Determination of Nonsignificance (MDNS) on June 14, 2010 (Ex. 9), and it received two agency comments and no appeals by the June 28, 2010 submission deadline: one from the Washington Department of Ecology (Ex. 33) and the other from the SW Washington Clean Air Agency (Ex. 29). Agency comments on the preliminary site plan proposal were received from the City of Vancouver regarding traffic and concurrency impacts (Ex. 24), Washington Department of Fish & Wildlife regarding the wildlife habitat potential of the mature trees on site (Ex. 12), and the U.S. EPA (Exs. 25

& 31). County departmental comments were received from engineering on stormwater and transportation issues (Ex. 26), from transportation engineering on the road modification requests (Exs. 23 & 26), from transportation concurrency staff (Ex. 34). Planning staff issued a comprehensive report on the project on June 14, 2010 (Ex. 28) recommending conditional approval, followed by one addendum (Ex. 32).

At the commencement of the June 28th hearing, the Hearings Examiner explained the procedure and disclaimed any ex parte contacts, bias, or conflicts of interest. No one objected to the proceeding, notice or procedure. No one raised any procedural objections or challenged the Examiner's ability to decide the matter impartially, or otherwise challenged the Examiner's jurisdiction.

At the hearing, Alan Boguslawski, County planning staff on the project, Ali Safayi, engineering staff, Steve Schulte, concurrency engineering staff, and George Fomes, County Habitat Biologist, all provided verbal summaries of the project, the staff report and the various agency and departmental comments already in the record. Judy Smith of the U.S. EPA's Portland office, appeared and provided information about the Boomsnub/Airco Superfund Site, the groundwater recovery infrastructure in the ground and testified that the proposed development was consistent with (and would not interfere with) the EPA's groundwater recovery and monitoring operations. At the time of the hearing, the following neighbors to the site had submitted written comments in opposition to the proposal: John Hannon (Ex. 10), Jack and Naomi Davis (Exs. 14 & 15), James Kinney (Ex. 18) and Richard Duncan (Ex. 19).

Appearing on behalf of the applicant were Chris Robertson, of Harper, Houf, Peterson, Righellis, Inc., Scott Brantley, of the County's Parks and Recreation Department, and Matt Grizwald, of the County Public Works Department, who collectively described the project, explained the impacts of the field lighting and sound systems and responded to questions. Del Gai ther submitted a letter (Ex. 16) in general support of the project, but asking several questions about its impacts. Appearing in opposition to the proposal were Jack and Naomi Davis, Jon Hannon, Jim Kinney, Cheryl Long and Ed Maresh. No one else requested an opportunity to testify, and no one requested a continuance or that the record be left open. The Examiner closed the record at the conclusion of the June 28th hearing and took the matter under consideration.

IV. 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.

A. Issues raised in public comment and testimony: The following issues were raised in opposition to this proposal:

1) Jack Davis testified and submitted a letter (Ex. 14) raising several issues. First, he asserts that the presence of the Boomsnub/Airco Superfund Site precludes this development. The testimony of Judy Smith, the U.S. EPA representative, conclusively

resolves that issue (Exs. 25 & 31). The only credible focused evidence in the record about the possible health hazards to people using these sports fields from the groundwater contamination demonstrates that there will be no risk to human health or the environment. The contamination plume is 50 to 90 feet below the surface and is overlain by clean groundwater. While it is true that groundwater migrates vertically, there is no credible evidence that this contaminated plume of groundwater will ever connect with the surface of this site. Moreover, the only credible evidence about possible chemical vapors is that there are none and thus no risk to human health or the environment from vapors emanating from the contamination plume. This issue was raised and addressed in the First Church of God Athletic Fields application (CUP2009-00011, PSR2009-00044), in which Mr. Davis participated and raised the same issues. The Examiner resolves those issues today in the same way as before, *i.e.*, by relying on the focused and credible expert testimony of the U.S. EPA representative on the nature and extent of the contamination plume from the Boomsnub/Airco Superfund Site.

Mr. Davis raises two legitimate off-site impact issues in the form of noise and light from these sports fields. These issues are addressed in findings below.

Mr. Davis asserts that use of the sports fields, presumably the motor vehicles that it will generate, will cause increased CO₂ levels and the stormwater run-off will contribute to area flooding. The County does not have any applicable regulations addressing CO₂ emissions and this argument therefore cannot serve as a basis to deny or condition this application. The facility will include a stormwater collection and disposal system that meets the County's stormwater design requirements. This issue is discussed in more detail below, but suffice it to say that there is no credible evidence that this development will cause flooding so long as it designs and constructs a stormwater system in compliance with the County's standards.

Mr. Davis argues that this development will attract vehicle trips and increase traffic and traffic-related congestion in the area, especially the proposed north-south street (NE 39th Avenue). While it is true that this development will increase traffic, and thus traffic-related impacts, that is not prohibited, it is merely regulated by the County. In particular, this development has provided a detailed transportation impact analysis and circulation model and has been required to assess all traffic impacts predicted to occur. The development will be required to construct all on-site and adjacent streets to County standards, unless a road modification is approved. The development will also be required to pay traffic impact fees to mitigate for system-wide traffic impacts. Finally, any traffic safety hazards will have to be corrected. In that light, these impacts have been addressed and serve as the basis for certain conditions of approval.

2) Naomi Davis testified and submitted a letter (Ex. 15) in opposition to this proposal. First, Ms Davis argues that this project is too expensive and not needed. She also predicts that the on-site pedestrian pathways will not be needed and will not be used. These are purely political questions that do not relate to any of the approval criteria that apply to a site plan approval. The pedestrian pathways seem like a good idea, are not required by the code but are not prohibited. Ms Davis reiterates the groundwater contamination issues previously addressed and raises a number of public health claims associated with chemical contamination generally. The Examiner is limited to deciding this site plan application based on the specific facts of this proposal and the applicable approval criteria. These arguments relate to neither.

Ms Davis argues that this project should have coordinated its traffic impact study with the First Church of God sports field proposal. In fact, the traffic impact study for this proposal was required to take into consideration all near-by approved developments, and in that context it addressed potential traffic impacts from the First Church of God development. Ms Davis asserts without any evidence that this development will reduce property values. The Examiner rejects this unfounded assertion. Ms Davis argues that this development will destroy a valuable neighborhood resource that is the forest patch on the property. While she may be correct as a practical matter, as a legal matter, the trees are owned by the property owner and the County cannot prohibit the removal of these trees. As things stand, most of the trees will be preserved, and the County cannot require more. Finally, Ms Davis' arguments about impacts to the quality of life of neighboring property owners does not relate to any of the applicable site plan approval standards and is too ill-defined and unsubstantiated to serve as a basis to condition or deny this proposal.

3) Jon Hannon testified at the hearing and submitted a letter in opposition to the project (Ex. 10). Mr. Hannon asks for additional screening and landscaping to buffer the adjacent residential areas north and west of the site. The application's landscaping plan shows what landscaping is proposed and to what standard (Ex. 5, sheets 6, 7 & 8). This complies with the Code and is the limit of what the Examiner can require of this applicant. Mr. Hannon questions what measures will be taken or imposed to ensure that over-flow parking does not inundate surrounding residential neighborhoods. This proposal provides the requisite amount of on-site parking, and additional parking will be provided through a shared use agreement with the First Church of God, which has additional parking next-door. With the County's on-site parking requirement met, the Examiner lacks the authority to require more. Finally, Mr. Hannon asserts that there are too few sidewalks in the proposal and that NE 39th Avenue, especially, will create a traffic safety hazard for pedestrian without sidewalks. This issue is addressed in more detail under the road modifications, but suffice it to say that NE 39th Avenue is proposed to have a sidewalk along the west side.

4) Jim Kenney testified at the hearing and submitted a letter in opposition to the project (Ex. 18). Mr. Kenney reiterates many of the public health concerns associated with the plume of contaminated groundwater under the site that were raised by others. Again, the only party to this proceeding to provide specific, relevant and credible evidence and testimony on this subject is Judy Smith, the U.S. EPA representative. She testified that the development of the site for a sports field complex, with no below ground spaces, was safe and that there would be no chance for human contact with chemical contamination, which is 50 to 90 feet below the surface. Absent any equally credible, focused and relevant evidence, the Examiner must rely on the testimony of the U.S. EPA on these issues.

Mr. Kinney next asserts that the shared use agreement with the First Church of God is violates the First Amendment of the U.S. Constitution (the so-called "Establishment Clause"). This argument is misplaced because the proposed condition requiring a shared-use agreement is facial neutral, secular and free of any religious requirement or implication. The condition simply requires this development to coordinate with the adjacent development in the use of parking and sports fields. The adjacent development happens to be owned by a church, but the parking lots and sports fields are secular. This condition is consistent with the State and federal Constitutions and is a reasonable

religion-neutral means of advancing the County's interest in obtaining a sufficient amount of parking for this sports field complex.

5) Cheryl Long, who lives adjacent to this site along NE 82nd Street, testified that she has plantings and landscaping on the subject site that she hopes will not be disturbed, but expressed the hope that the entrance to this sports field complex would be visually attractive. The subject site is owned by Clark County, and the County, like any private property owner, is entitled to use its land in accordance with county zoning regulations. Trespass onto publicly owned is just as lawful or unlawful as trespass onto private property. In any event, neither of these issues relates to any of the approval criteria for a site plan. Ms Long expressed the opinion that there were too many sidewalks and pedestrian paths proposed for this development. Again, this argument does not relate to any of the approval criteria for a site plan, and it also contradicts Mr. Hannon's assertion that there are too few sidewalks in the development plan.

6) Ed Maresh testified that the project cost was too high, was a waste of public resources and would create too many baseball fields. None of these arguments, to the extent they are true, relates to any of the approval criteria for a site plan.

7) Richard Duncan submitted a letter (Ex. 19) asserting that the noise light and other physical pollutants will invade his "sphere of privacy." The Examiner interprets these remarks to relate to potential off-site impacts from this development and finds that they are adequately addressed by the mitigation proposed by the applicant and required by conditions of this approval. These impact issues are addressed below in detailed findings.

B. Applicable Approval Criteria: The Examiner adopts the following findings related to issues and criteria that were addressed in the application and staff report:

LAND USE:

Finding 1 - Zoning and Uses: The site is split-zoned, with the north half zoned the R1-6 and the south half zoned R-22. The proposed sports fields are permitted outright in both zones as public park and recreation facilities, subject to site plan approval, in accordance with CCC 40.520.040

Finding 2 – Process: Based upon the guidance in CCC 40.500.010(D), the Development Services Manager determined, with the consent and concurrence of the applicant, that a Type III process is appropriate for this application due to the level of public interest in the proposal. CCC 40.500.010(D)(3)(c)(3) provides for a Type III process, where one is not otherwise required. The Services Manager made the determination, no one objects to the process, and the Examiner concurs that this application should follow a Type III process.

Finding 3 - Development Standards: CCC 40.220.010(C) contains standards for developments in the single-family residential districts, which apply to the north half of the site, and CCC 40.220.020(C) provides the standards for the medium-density residential districts, which apply to the south half of the site. The following setbacks for buildings from lot boundaries apply and shall be met for all structures in this development:

R1-6 (north half)
20 feet – front
10 feet – street side
5 feet – side
5 feet – rear

R-22 (south half)
20 feet – front
10 feet – street side
10 feet – side
20 feet – rear

With the construction of NE 41st Avenue through the site, the front setback will be measured from the 41st Avenue right-of-way line, making the west property boundary the rear property line. Street side setbacks will apply from the NE 82nd Street right-of-way on the north and the NE 78th Street right-of-way on the south, as well as from the portion of the on-site circulation road labeled NE 79th Street on the site plan. The preliminary site plan appears to comply with these standards, but in any event, the final site plan and any construction on the site shall comply with these and all dimensional standards of the applicable zone. The maximum building height for structures in the R1-6 and R-22 zones are 35 feet and 45 feet, respectively. The applicant's building elevation plans show that the community building, proposed to be located within the R-22 zone, will be 37 feet high. Under CCC 40.200.060, the proposed light poles and stadium lighting are exempt from height standards.

Finding 4 – Landscaping: Landscape buffers are required around the perimeter of the site based on the zoning of the abutting property, in accordance with Table 40.320.010-1 as follows:

- North & east (adjoining R1-6): None
- East (abutting 41st Ave): 5-foot buffer w/ L1 landscaping (R-22) or none (R1-5)
- East (abutting ML): 20-foot buffer w/ L3 landscaping/screening
- South (adjoining BP): 10-foot buffer w/ L1 landscaping
- South (adjoining CL): 5-foot buffer w/ L2 landscaping
- West (abutting C-3): 10-foot buffer w/ L3 landscaping/screening
- West (abutting R-22): 5-foot buffer w/ L3 landscaping/screening

The applicant's landscape plan and narrative propose an alternative landscape design that incorporates existing vegetation and new landscape plantings that will meet the intent of landscape screening and buffering code, in accordance with CCC 40.320.010. The preliminary landscape plan (Ex. 5, sheets 6, 7 & 8) is somewhat conceptual in that it does not identify specific species and planting locations in some of the buffer areas, but instead clouds the buffer area and provides a label identifying the required buffer. The final landscape plan must provide the planting detail required in CCC 40.320.030 and Table 40.510.050-1. See Condition A-7a. The existing vegetation to be preserved along the north property boundary and along the north portion of the west property boundary will meet or exceed the screening requirements in those areas.

The preliminary landscape plan (Ex. 5) proposes plantings meeting the L3 standard within a 5-foot buffer along the west property line for approximately 120 feet north from existing 80th Street, which will meet the requirement in that location. It also proposes to plant the L-3 standard within a 10 foot buffer along the west boundary south of 80th Street, which meets the required standard. The L-3 standard provides physical and visual separation between developments principally using screening. It requires a shrub screen 6 feet high and 95% opaque year around plus a canopy tree every 30 feet

and live ground cover over the remainder of the buffer strip. A fully sight-obscuring fence or wall may be substituted for the shrubs.

The preliminary landscape plan identifies the correct landscape buffers required along the south property boundary abutting NE 78th Street, and the correct buffers required along the on-site north-south circulation road. The applicant proposes to create a landscape tract using the remainder property located between the on-site circulation road and the east and south property boundaries. The plantings within the tract, in combination with the street trees proposed along the circulation road, will, according to the applicant, meet the intent of the required screening between the site and the properties abutting the site on the east. Staff reviewed the landscaping plans and determined that it complied with the code's requirements. Staff promised to scrutinize the final landscape plan for plantings that will meet the intent of the screen.

The proposed landscape tract needs to be separately created by the property owners since this project does not involve a platting process. The public street running through the site creates a de facto land division as a result of the dedication of public right-of-way that is exempt from platting requirements pursuant to CCC 40.540.020(D)(4)(c). The remainder parcel east and south of the street resulting from the dedication and acceptance of right-of-way for the street will not, in this case, meet the zoning standards for a buildable lot of record. However, it may be dedicated as a landscape tract. See Condition A-7b.

In accordance with CCC 40.320.010(E)(1), a minimum 5-foot wide strip landscaped to at least an L2 standard shall be provided where vehicle parking or loading abuts a public road right-of-way. The preliminary landscape plan identifies and provides the correct required buffering for the parking lots. Landscape islands are required in the parking area at a ratio of one landscape island for every seven parking spaces, in accordance with CCC 40.320.010(E)(3)&(4). The preliminary landscape plan provides the required landscape islands. Landscape plantings are required in a planting strip within the right-of-way along the site frontage of NE 78th Street, in accordance with CCC 40.320.020 and the Standard Details Manual, because 78th Street is an arterial. The required street trees are identified on the preliminary landscape plan. CCC 40.320.010(D)(1) provides that:

Storage and equipment areas shall be screened from property used or zoned for residential purposes or a public road right-of-way to at least an F2 or L3 standard if within one hundred (100) feet of the property or right-of-way and to at least an F1 standard if equal to or more than one hundred (100) feet from the property or right-of-way. Storage areas include storage of solid waste and recyclables from the site and, where permitted, storage of goods, materials or equipment.

The preliminary site plan proposes an 8-foot tall sight-obscuring chain link fence enclosure for the maintenance area located near the center of the west property boundary. Typically, a chain link fence with slats is not fully-sight-obscuring and meets only the F1 standard. The final site plan shall provide a fence meeting the F2 standard, as required. See Condition A-7c.

A landscaped feature is proposed at the east end of NE 80th Street as monumentation for the neighborhood park trailhead. This feature, located within the 80th Street right-of-way, is shown on the landscape plan to be located west of the

current property boundary. In the proposed location, the landscape feature may constitute an obstruction for the homeowner of the adjacent lot when backing out of the existing driveway. Therefore, the feature shall be relocated on the final site plan to prevent any obstruction to the homeowner's access. See Condition A-7d. Prior to the issuance of an approval of occupancy for a site plan, 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 plans. See Condition F-1. A forest practices permit is required for the proposed clearing of trees for development of the sports fields. See the Forest Practices section below.

Finding 5 – Parking: Off-street parking is required in accordance with CCC 40.340.010. Where Table 40.340.010-4 does not list the parking requirements for a proposed use, the responsible official shall determine the minimum parking requirements for the use, based on requirements in Table 40.340.010-4 for other similar uses, if any, or on substantial evidence of parking needs for similar uses in other, similar locations. Table 40.340.010-4 does not contain a category for the proposed sports fields; therefore, the applicant has provided a parking needs analysis as part of the submitted traffic study (Ex. 6, tab 14). The analysis is based on experience with Hockinson Meadows Community Park, a similar sports field park, using data provided by the parks & recreation department. The applicant's parking analysis estimates that, in the worst case scenario where all fields are in simultaneous use, 184 parking spaces would be necessary. The preliminary site plan provides 184 on-site parking spaces. The applicant proposes also to have a reciprocal agreement with the King's Way Christian Schools to the west that would allow the county park to use the King's Way parking lot for overflow parking when overflow parking is needed. A deficiency of on-site parking will cause sports field users to inundate the neighborhood streets in the adjoining residential subdivision located west of the site. The parking demand analysis and the traffic study make projections based on assumptions that rely on game scheduling considerations and the ability to channel overflow parking vehicles to the off-site parking located some distance west of the site, none of which is assured without imposing the following conditions of approval that ensure that a suitable parking arrangement is in place between the County Parks and Recreation Department and the adjoining Kings Way Christian School:

- Scheduling the use of the sports fields shall be in accordance with the criteria used in the applicant's traffic study (Ex. 6, tab 14) as the basis for the parking demand estimates. See Condition H-1.
- Prior to final site plan approval, the applicant shall submit a recorded easement/agreement between Clark County and the property owners of the King's Way school site containing provisions for overflow parking for the county sports fields on the King's Way site. See Condition A-1a.
- Prior to final site plan approval, the applicant shall submit a procedural plan for approval by the Development Services Manager that can be implemented when needed and which will effectively channel vehicles to the overflow parking lot on the King's Way school site. See Condition A-1b.

All parking used to meet the parking requirements for this sports field complex shall include accessible parking spaces in compliance with IBC Table 1106.1, except as required by Sections 1106.2 through 1106.4. Where more than one parking facility is provided on a site, the number of parking spaces required to be accessible shall be calculated separately for each parking facility. The preliminary site plan indicates six

ADA parking spaces all in one parking lot. Code requires not less than eight ADA parking spaces that are located in each parking area. The east lot shall have no fewer than five ADA parking spaces, one of which shall be van accessible. The west lot shall have no fewer than three ADA parking, one of which shall be van accessible. See Condition A-1c.

Finding 6 – Easements: The existing conditions plan and the site plan identify the locations of public utility easements on the site (Ex. 5). Two sets of bleachers are proposed to be located in the 15-foot sanitary sewer easement that runs east/west across the site. Also, a concrete block structure for landscaping materials and three storage containers are proposed to be located within the 50-foot water and sanitary sewer easement running along the west property boundary. These structures are normally prohibited from being located within easements. Therefore, the site plan shall be amended to locate these structures outside of these easements, or the applicant shall provide written permission from the utility purveyors, Clark Public Utilities and Clark Regional Wastewater District. See Condition A-1d. The applicant proposes to grant an access easement to the abutting King's Way property between the west property boundary and the on-site public road. This easement shall be recorded prior to final site plan approval. See Condition A-1e.

Finding 7 – Lighting: According to the county's SEPA policy in CCC 40.570.080(C), "It is the county's policy to maintain and enhance the aesthetic quality of the community, including preservation of scenic views and vistas, and to avoid or minimize adverse impacts of light and glare or other visual impacts associated with land use changes." The Development Code contains only one other reference relating to lighting, in CCC 40.340.010(A)(7), which provides that "Light fixtures in parking or loading areas shall be consistent with RCW 47.36.180 on public roadways and not cast significant light or glare off-site on adjacent properties." The applicant proposes to install exterior lighting in the parking lots and the pedestrian routes, and field lighting in three of the five sports fields. According to the application narrative:

Parking lot lighting will be achieved using 30 foot poles with fixtures utilizing 250W pulse start Metal Halide lamps. Pedestrian pathway lighting will be achieved using 16 foot poles utilizing 100W pulse start Metal Halide lamps. Both the parking lot and pedestrian pathway lighting fixtures are labeled as Dark Sky friendly. Lighting levels around the parking and pedestrian pathways will be designed per Dark Sky guidelines.

Field lighting will be achieved using Musco LSG flood lights which will be mounted on 60-90 foot poles. Musco LSG flood lights utilize a spill and glare light control visor and internal reflector system to help minimize glare at the surrounding property line and night glow.

While the narrative makes reference to "Dark Sky" guidelines and "Musco" lighting products, the submittal does not contain any additional information regarding these features and products. Planning staff examined information in this regard on the web sites for the Dark Sky Society (<http://www.darksksociety.org>) and Musco Lighting (<http://www.musco.com>). Information from the web sites help to support the applicant's contentions regarding the feasibility of controlling and mitigating light and glare. However, the applicant has the burden to provide evidence and argument to

demonstrate that the applicable approval criteria are met. The applicant has submitted photometric lighting plans (Ex. 5, sheets E1.1 & E1.2) showing luminosity at various points on and off site. Based upon these plans, it appears that light levels at the property boundaries will generally not exceed one foot candle. In the SEPA checklist, the applicant's response to proposed measures to reduce or control light and glare impacts includes proposing to turn off field lights by 10:00 p.m. Based on the applicant's lighting plan and information about the Musco lighting products, as well as staff's favorable recommendation, the Examiner finds that it is possible for this proposal to avoid significant adverse light impacts on surrounding residential neighbors so long as mitigating conditions of approval are met that ensure that the development's lighting will not result in substantial glare off-site, and that lighting duration will be limited. See Conditions H-2 & H-3.

Finding 8 – Noise: According to the county's SEPA policy in CCC 40.570.080(C):

It is the county's policy to minimize noise impacts associated with land use changes, including those related to existing sources of noise. To this end, it is the policy of the county to require that new sources of noise be limited to the maximum environmental noise levels of Chapter 173-60 WAC; even within these regulatory standards, an increase of more than five (5) decibels (dBA) over ambient noise levels at the receiving properties may be considered significant. It is further the county's policy to encourage that sources of noise otherwise exempt from Chapter 173-60 WAC that may affect existing or proposed residential uses (e.g., traffic, discharge of firearms, utility installations, etc.) be mitigated to the standards thereof as a Class B source of noise (i.e., fifty-seven (57) dBA), and to require noise studies where necessary to assure that proposals address these policies.

CCC 9.14.10 prohibits certain "Public Disturbance Noises," including the of amplified public address systems commonly used at sports fields, that "produces or reproduces loud and/or raucous sounds which emanate frequently, repetitively or continuously from any building, structure or property so as to unreasonably disturb or interfere with the peace, comfort or repose of owners or possessors of neighboring real property." This section also provides that where applicable, proof of violation of the noise level limitations set out in WAC chapter 173-60 shall be prima facie evidence of a noise violation. The applicant submitted a noise study conducted by MBF Audiovisual (Ex. 6, tab 18), which evaluates the sports field sound system, crowd noise associated with site use and traffic noise and makes the following conclusions:

Sports Field Sound System Conclusion: Provided the hours of operation of the sports fields do not enter the timeframe between 10 PM to 7 AM the sound system is not expected to present any excessive sound at the property line of the sports fields. The continuously allowable decibel level at Class A property lines is 57 dBA per WAC Rule 17360-D40. The maximum decibel level anticipated at the edge of the property line is 66.1 dB. A 5 dBA to 10 dBA increase in sound is permissible at the property line for a total of fifteen minutes during any given one hour period. Above a 10 dBA increase the permissible amount of time decreases to five minutes.

Traffic Noise Model Conclusion: Based on criteria provided by the FHWA traffic impacts occur where the worst hourly traffic noise is predicted for the design year to increase 10 dBA or more above existing modeled sound levels. Table 1 of 23 CFR 772 further defines that the allowable "Leq" measured exterior to a residence is 67 dBA. The data compiled in this report reflects an increase of 5.2 dBA in sound level based on the traffic counts provided over the 2009 to 2011 design years. The maximum anticipated dBA at any residence adjacent to the sports fields north of NE 78th Street will be 55.5 dBA. The traffic noise model identifies "Receivers" adjacent to NE 78th Street as having an dBA of 74.1 to 75.0 dBA. This data represents "Receivers" located at the edge of the street and are provided for reference only. The traffic noise model identifies "Receivers" at approximately 70' increments beginning at NE 78th Street and continuing north along the east property line. The first eight of these receivers are for reference only. The last two, N-S No.9 and 10 are adjacent to residential properties.

Based on the applicant's noise study and staff's favorable review and recommendation, the Examiner finds that it is feasible for the development to stay within maximum noise parameters allowed by state law. To ensure that the underlying assumptions needed for this compliance are met, actual noise levels shall be monitored under operating conditions to ensure that the maximum noise levels are not exceeded once the facility is in operation. See Condition H-4. In accordance with CCC 9.14.10, use of the public address system shall end by 10:00 p.m. See Condition H-5.

Finding 9 - Solid Waste Storage Areas: Storage areas for solid waste and recyclables are required by CCC chapter 40.360. The preliminary site plan identifies a 96 sf area for solid waste and recycling with a 6-foot tall concrete enclosure on three sides. The design standards in CCC 40.360.030 require the enclosure to be gated so that it is fully sight obscuring on all sides. See Condition A-1f.

Finding 10 - Pedestrian Circulation and Accessibility: The public facilities proposed for this site are required to meet the accessibility standards of the Americans with Disabilities Act, including the pedestrian routes, pathways, bleachers, and the playground. See Condition A-1g.

Finding 11 - Underground Contamination: According to the US Environmental Protection Agency, a plume of contaminated groundwater from the nearby Boomsnub/Airco Superfund Site extends under the Hazel Dell Sports Fields site (Ex. 25). The southern portion of the site contains monitoring wells and an extraction well associated with the EPA's cleanup efforts. The existence of the contamination is the subject of neighborhood concern and a lot of public comment letters. The applicant's SEPA checklist (Ex. 6, tab 6) indicates that the contamination poses no threat to potential users of the sport fields because the contamination is 50 to 90 feet below the surface. The SEPA checklist references the EPA web site for further information. Judy Smith, Community Involvement Coordinator for EPA testified at the June 29th hearing about the ground water contamination, explaining the location, extent, nature and risk posed by the contamination plume. According to Ms Smith, whom the Examiner regards as an expert on this subject, the contaminated groundwater is 50 to 90 feet below the surface and is overlain by clean (uncontaminated) groundwater

(Exs. 25 & 31). Ms Smith testified that, even during the rainy season, the contamination has not and will not connect with the surface except at the Boomsnub/Airco site. According to Ms Smith, there has been no, and will be no, surface contamination at this sports field site, and there is no vapor hazard either. This testimony and evidence shows that this contamination does not pose a risk to children or other users of the site. The fact sheet speaks directly to the proposal to develop the site with sports fields, and the Examiner finds this to be credible and relevant evidence on this issue.

Finding 1 - Archaeological Predetermination: Much of the property is designated on the county archaeological predictive model maps as having a Moderate to High (40-100%) probability for containing artifacts. The proposal has high ground disturbance impacts; therefore, in accordance with CCC Table 40.570.080-1, an archaeological predetermination was prepared and submitted to the State Department of Archaeology and Historic Preservation (DAHP) prior to submittal of the application (Ex. 6, Tab 7). The DAHP concurs with the recommendation of the pre-determination that no additional studies are necessary. However, a note on the final construction plans will require that if resources are discovered during ground disturbance, work shall stop and DAHP and the county will be contacted. See Condition A-1h.

FOREST PRACTICES:

Finding 1 - Forest Practices: Pursuant to CCC 40.260.080(A)(2)(d) and WAC 222-16-050(2), Class IV general forest practices are those forest practices occurring on lands within UGAs, on lands platted after January 1, 1960, on lands which are being converted to a use other than commercial timber production, or on lands which are subject of land divisions. This development proposes to harvest timber on the north half of the site, which qualifies as a Class IV general forest practice. Therefore, a permit is required. See Condition A-1i.

CRITICAL AREA:

Finding 1 - Wetland: There is a jurisdictional wetland on the northern half of the site, which the applicant does not propose to impact as part of this development. Any development activities that will or could impact this wetland or its buffers will require a habitat permit from the County and compliance with CCC chapter 40.450. George Fornes, the County's habitat biologist, testified at the June 28th hearing that, in order to remove all doubt, the wetland boundaries should be identified on the ground with signs and on the final site plan with, including a plan note. A conservation covenant shall also be prepared and recorded prior to final site plan approval. See Conditions A-1j

TRANSPORTATION:

Finding 1 – Pedestrian/Bicycle Circulation Plan: CCC 40.350.010 requires pedestrian circulation facilities that comply with the Americans with Disabilities Act. According to the applicant, all sidewalks and driveway aprons will be ADA compliant. A sidewalk is proposed along the proposed on-site public roadway. A 12-foot wide bike and pedestrian pathways are provided throughout the park. The applicant has requested a road modification to allow a sidewalk along only one side of the road (NE 39th Avenue) connecting NE 78th Street to NE 82nd Street, instead of both sides. See Transportation Finding 4.

Finding 2 – Road Circulation: The applicant proposes to provide road cross-circulation from NE 78th Street to NE 82nd Street. Circulation to the east from the site is not possible as a result of developed parcels to the east. Circulation to the west has been addressed as part of the road modification analysis. See Transportation Finding 4.

Finding 3 – Roads: NE 78th Street, classified as an Urban Principal Arterial (Pr-4cb), will require a minimum of 50-foot half-width right-of-way dedication, half-width roadway width of 35 feet, curb, gutter, detached sidewalk width of 6 feet and landscaping along the frontage. The applicant proposed a conforming right-of-way but requested for relief from widening NE 78th Street by 2 feet through a road modification request. See Transportation Finding 4. The applicant also proposed half-width roadway improvements for the purpose of improving the frontage of NE 82nd Street. The half-width requirements include 27 feet of right-of-way, 18 feet of paved width, curb, gutter and 5-foot sidewalk. The applicant proposes new roads connecting NE 78th Street and NE 82nd Street through NE 39th Avenue, NE 79th Street, and NE 41st Avenue. These roads are local access roads. The applicant requested road modifications to eliminate parking lanes along both sides and the sidewalk along one side of these roads. See Transportation Finding 4. Private developers are generally required to dedicate right-of-way for road purposes by deeds; however, the County owns the property that is proposed for this development of the Hazel Dell Sports Fields. The land cannot be conveyed from the county, acting in its corporate capacity, to the county government through a dedication deed. Instead of dedication by deed, the properties needed for road purposes must be dedicated to Clark County on behalf of the public for right-of-way purposes by an alternative method acceptable to county legal staff. See Condition A-1a.

Finding 4 - Road Modification (EVR2010-00008): The applicant requested a road modification (Ex. 6, tab 17), which was amended twice (Exs. 17 & 21), seeking the following five specific modifications to the County's road standards that would otherwise apply to this project:

- 1) Eliminate parking lanes on NE 39th Avenue, NE 79th Street and NE 41st Avenue.
- 2) Eliminate sidewalk on east side of NE 39th Avenue and along NE 79th Street and NE 41st Avenue.
- 3) Reduce the design speed for NE 39th Avenue, NE 79th Street and NE 41st Avenue
- 4) Eliminate the eastward extension of NE 80th Street through the site to NE 78th Street.
- 5) Reduce curb to curb half-width of NE 78th Street from 35 to 33 feet and provide a curb-tight sidewalk along the site's frontage

This or any development that cannot comply with the Transportation Standards, may seek a modification to those standards pursuant to the process in CCC 40.550, which requires that at least one of the following circumstances exist in order to grant a specific road modification:

- a. *Topography, right-of-way, existing construction or physical conditions, or other geographic conditions impose an unusual hardship on the applicant, and an equivalent alternative, which can accomplish the same design purpose, is available.*

- 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 equal to or superior to these standards.*
- d. *Application of the standards of the Transportation Standards to the development would be grossly disproportional to the impacts created.*

1) The applicant justifies relief from the on-street parking requirement under the first and third criterion by claiming that 184 off-street parking spaces are provided, off-street parking is more dangerous for pedestrians crossing the street, and a reduction of impervious surface and trees that have to be removed. The first two grounds strike the Examiner as legitimate. The third ground seems weak, and if valid, would be an argument every developer would use to avoid providing street and frontage improvements. The fourth justification seems legitimate. In that light, and based on staff's favorable recommendation (Ex. 23), the Examiner finds this road modification is justified and it is approved under CCC 40.550.010(A)(1)(a) and (c). However, "No Parking" signs shall be posted along the proposed on-site roads including NE 39th Avenue, NE 79th Street, and NE 41st Avenue. See Condition A-1b.

2) The applicant justifies the elimination of a sidewalk along the east side of NE 39th Avenue under the first and third criterion. The applicant claims that the multiple pedestrian pathways cutting through the site, that go well beyond what is required for pedestrian circulation, will more than make up for the missing sidewalk. Additionally, the sidewalk on the west side will be provided, and elimination of the east sidewalk will reduce impervious surface. Staff supports this modification (Ex. 23), and the Examiner agrees that it is justified under CCC 40.550.010(A)(1)(a) and (c). On this basis the second road modification is approved.

3) The applicant seeks a road modification under the third standard to reduce design speed for the proposed Urban Local Residential Access road from 25 mph down to 15 mph to discourage high speeds and cut-through trips, i.e., for traffic calming purposes. Curves have also been designed into the proposed on-site public road for the purpose of discouraging high speeds and promoting safety. Posted cautionary 15-mph speed limit signs are proposed in both directions entering the curve at the intersection of NE 79th Street and NE 41st Avenue. Staff supports this modification (Ex. 23), and the Examiner agrees that it is justified under CCC 40.550.010(A)(c). On this basis the second road modification is approved.

4) The applicant seeks a road modification to avoid constructing cross-circulation and extension of NE 80th Street pursuant to the third criterion. The applicant indicates traffic impacts to the adjacent neighborhood will be reduced and a north/south connector between NE 78th Street and NE 82nd Street will be provided. Public pedestrian access from the park will connect with the sidewalks associated with NE 80th Street. Staff supports this modification (Ex. 23), and the Examiner agrees that it is justified under CCC 40.550.010(A)(c). On this basis the second road modification is approved, provided vehicles traveling north from the proposed eastern most driveway approach to the proposed parking lot are limited to local traffic. The applicant shall provide signing and striping, that is acceptable to Clark County Transportation staff, to the east of the driveway approach for the purpose of allowing only local traffic traveling north to NE 82nd Street. See Condition A-1c.

5) In the May 25, 2010 addendum (Ex. 17), the applicant seeks relief from the requirement to widen the existing frontage road (NE 78th Street) to 35 feet, and instead leave it at its current 33-foot paved half-width. The Examiner agrees with the applicant's assessment that the request can be justified under the first criterion, and to leave NE 78th Street at a 33-foot half width. In addition, the attached sidewalk can remain; however, there currently is no sidewalk at the location of an existing driveway approach near the lot's southwest corner. The existing sidewalk along the frontage shall be extended to at least the western property line. See Condition A-1d. On this basis, this road modification is approved.

Finding 5 – Sight Distance: The applicant submitted an April 2010 sight distance analysis (Ex. 6, Tab 14), which reports that, with regular vegetation maintenance, required sight distance can be achieved and will be sufficient at the proposed intersections of NE 78th Street/NE 39th Avenue and 82nd Street/NE 41st Avenue. CCC 40.350.030(B)(8) provides the sight distance approval standards and establishes minimum sight distances at intersections and driveways. Landscaping, trees, utility poles, and miscellaneous structures shall not be allowed to impede the achievement of any sight distance requirement at any of the proposed driveway approaches or intersections. See Condition A-1e. Based on the foregoing findings, the applicant's preliminary site plan and staff's favorable review, the Examiner concludes that the proposed preliminary plan, subject to conditions identified above, can meet the transportation requirements of the Clark County Code.

TRANSPORTATION CONCURRENCY:

Finding 1 - Trip Generation: County concurrency staff reviewed the proposed Hazel Dell Sports Fields development consisting of five sports fields and six acres of neighborhood park. The applicant's traffic study (Ex. 6, tab 14) estimated the weekday PM and Saturday peak-hour trip generation at 250 and 400 trips respectively. These estimates were modeled after the trip generation characteristics of the Hockinson Meadows Park because of the similarities in size and usage. The traffic study reports that land uses of this nature are very seasonal, so the estimated trip impacts will not occur throughout the year. Additionally, the trip generation rates assumed in the traffic study are for the case when all 5 sports fields are concurrently in operation; therefore, the trip generation estimates represent a worst-case scenario when all ball fields are operating. The site is located at 4120 NE 78th Street. The applicant also submitted two addenda that address use of the community building (Exs. 20 & 30). This community building was further described as a two-story 4,396 sf facility with a 2,198 sf footprint. The applicant's addenda states that the bottom floor would serve as a concession and bathroom facility and the second floor would be a community room. The applicant's study indicates that the community room would be used as a combination score tower/team room, including a small office, two restrooms, two stairways and an elevator. The study states that the proposed community room may be used for neighborhood meetings whenever fewer than four (up to three) of the fields scheduled for organized use. The community room would be scheduled such that the meeting would not conflict with game times, and the applicant shall prepare a community room scheduling procedure to ensure that this limitation is met. See Condition A-3a. The applicant's study analyzed the potential number of PM peak hour trips for the community room outside of game times to compare impacts in the worst case scenario. The study indicates that the weekday PM peak hour trip generation for the community room is 60, based from the potential community room occupancy and average vehicle

occupancy. The applicant's traffic study addendum concludes that, because the proposed road infrastructure will accommodate the peak trip generations of a fully occupied sports field complex, the estimated 60 PM peak hour trips in the 'off-periods' can also be accommodated. Staff reviewed and concurred with the applicant's findings (Ex. 26), and on that basis, so too does the Examiner.

Finding 2 - Site Accesses: 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 site will have access to NE 78th Street to the south and NE 82nd Street to the north. These locations were analyzed in the applicant's traffic study for the weekday pm peak hour and during the Saturday midday peak-hour. NE 78th Street at the proposed NE 39th Avenue, proposed as the primary ingress/egress for the site, was analyzed for signal warrants under several different trip scenarios including:

- Diverted Traffic only, which includes traffic from NE 82nd Street and surrounding neighborhoods and Church/School traffic
- Diverted plus park and ball fields traffic only
- Diverted plus park and ball fields plus Padden Parkway Business Park plus Gaither Commercial Center Traffic (Total traffic)

The applicant's study concluded, under the total traffic condition, that the traffic on the proposed southbound approach of NE 78th Street/NE 39th Avenue is not a critical approach causing the need for a signal. Further, the applicant's study indicates that the proposed intersection of NE 78th Street/NE 39th Avenue will not meet signal warrants until build-out of the sports field complex and build-out of multiple phases of either the Padden Parkway Business Park and/or Gaither Commercial Center. Staff concurred with the applicant's findings and recommended no further signal warrant analysis (Ex. 26). It is important to note that both the Padden Parkway Business Park and Gaither Commercial Center have been required to construct a signal at the proposed NE 39th Avenue/NE 78th Street intersection. NE 82nd Street is identified as a secondary access location for the proposed development. The applicant's study indicates that this access onto NE 82nd Street will operate at a LOS C or better in the 2011 build-out horizon. Staff reviewed and concurred with the applicant's findings, and on that basis, the Examiner agrees. No further analysis is required.

Finding 3 – NE 39th Avenue/NE 78th Street Intersection. The applicant's traffic study assumed that a majority of team play at the baseball field (80%) would be by the Salmon Creek Little League, the geographical area for which is northwest of this site. This assumption drove the applicant's assumptions about capacity at the NE 39th Avenue/NE 78th Street intersection and the safety of its turning movements. The most dangerous and near-capacity movement is the left-turn out of NE 39th Avenue onto east-bound NE 78th Street. This movement is deemed safe and at an acceptable LOS only if at least 80% of the trips into and out of the site are from and to the west. This assumption can only be credited as valid if the Salmon Creek Little League dominates use of the baseball field. Concurrency staff noted the unreliable assumption, especially over time (Ex. 34) and recommended a condition of approval. The Examiner agrees that this assumption is not totally reliable, especially over the long-term. In the event that future use of the site is by teams that reduce the amount of site-related traffic arriving from and departing to the west on NE 78th Street to less than 80% of the site-related traffic, the applicant shall restrict field use and/or make

intersection improvements to ensure that traffic signal warrants are not met for peak hour traffic conditions at the NE 39th Avenue/NE 78th Street intersection. Alternatively, if signal warrants are met and a signal is installed, this condition shall no longer be valid. See Condition A-3d.

Finding 4 - Concurrency Compliance: The proposed development is required to meet the County's standards in CCC 40.350.020(G) for corridors and intersections of regional significance within 2 miles of the proposed development. The County's transportation model is used to determine what other urban area developments are currently in review, have been 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.

The County's model evaluated the operating levels, travel speeds and delay times for the regionally significant signalized intersections. This analysis showed that individual movements during peak hour traffic conditions had approach delays that did not exceed the maximum 240 seconds (2 cycles) of delay in the build-out year. On this basis, County Staff determined that this development would comply with adopted Concurrency standards for signalized intersections. County Staff evaluated the operating levels and standard delays represented in the County's model, which yielded operating levels and standard delay times with a LOS better than the minimum allowable LOS E for unsignalized intersections. On this basis, County staff determined that this development will comply with adopted Concurrency Standards for unsignalized intersections. Evaluation of the concurrency corridor operating levels and travel speeds represented in the County's model yielded operating levels and travel speeds with an acceptable level of service. Based on staff's review and favorable recommendation, the Examiner concludes that this development can comply with adopted Concurrency Standards for corridors, signalized and unsignalized intersections under County jurisdiction.

Finding 5 - Traffic Signal Warrants: This applicant was required to prepare and submit a traffic study addressing the following safety issues:

- traffic signal warrant analysis,
- turn lane warrant analysis,
- accident analysis, and
- any other issues associated with highway safety.

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

The applicant's traffic study analyzed traffic signal warrants at the intersection of NE St. Johns Road/NE 82nd Street and concluded that this intersection will not meet signal warrants and will operate at a LOS E in the 2011 build-out horizon. Staff reviewed and concurred with the applicant's findings, recommending no additional signal analysis. The applicant's study anticipated a reduction in vehicles using the intersection of NE 82nd Street/NE St. Johns Road with the construction of the proposed NE 39th Avenue/NE 41st Avenue connection. According to staff, this reduction in volume helps to decrease delay times and increase the intersection LOS.

Finding 6 - 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 traffic study performed a left turn lane warrants analysis at the site access and found that left turn lane warrants are met on NE 78th Street at the proposed NE 39th Avenue site access. The applicant indicated that a 275-foot eastbound left-turn lane on NE 78th Street is need. The Examiner agrees and requires that the applicant restripe the two-way left-turn lane to facilitate a 275-foot eastbound left turn lane on NE 78th Street at the proposed NE 39th Avenue site access. See Conditions A-2 & F-1.

Finding 7 - Historical Accident Situation: The applicant's traffic study analyzed the accident history as obtained from Clark County for intersections in the vicinity of the site. The intersection accident rates for these intersections do not exceed thresholds that would warrant additional analysis. Staff reviewed and concurred with the applicant's findings, recommending approval. On this basis, the Examiner agrees and concludes that no further analysis is required. Based on the development site characteristics, the requirements of the County's transportation concurrency ordinance CCC 40.350.020, CCC40.350.030 (B)(6), the foregoing findings and staff's favorable review, the Examiner concludes that the proposed transportation plan can meet the requirements of the concurrency ordinance and the off site transportation improvement section of the County Code.

STORMWATER:

Finding 1 - 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 chapter 40.385 and the county's stormwater manual. The project adds more than 5,000 sf of new impervious surface. Therefore, it is subject to and shall comply with Minimum Requirements 1 through 10 for the new impervious surfaces and converted pervious surfaces in CCC 40.385.020(A)(4).

Finding 2 – Existing Site Conditions: According to the applicant, three small depressions and a wetland inside a depression receive all runoff from the site and a portion of the adjacent properties. The wetland does not have an outfall and runoff exclusively infiltrates in its native soil. Groundwater levels fluctuate in the surrounding area and limit infiltration capacity of the wetland during periods of consistent rainfall. The project does not propose to discharge directly or indirectly to the wetland through a conveyance system and thus does not require an analysis of the wetland per Minimum Requirement #8. Emergency overflow systems from infiltration systems serving the First Church of God to the west and the Gaither Industrial Park to the east outfall to the site. Preliminary stormwater report indicates

that the flow from these facilities has not been observed and the facilities appear to be functioning properly.

The applicant indicates the project site consists of mostly Hillsboro silt loams of hydrologic type B. Soil samples have low coefficients of permeability consisting of 0 to 0.7 inches per hour. Only the pond in the south basin has been designed for the secondary disposal method of infiltration. Monitoring well data indicates groundwater has been within 10 feet of the existing ground surface.

Finding 3 – Groundwater Analysis: The applicant reports there are groundwater monitoring and extraction wells on the property related to remediation of the Boomsnub/Airco Environmental Protection Agency (EPA) Superfund Site. The wells are located in the southern area of the site and they extract and monitor contaminated groundwater containing both Chromium and VOCs including TCE, PCE, and Freon 11. The extracted groundwater is conveyed via dual containment pipe system to an off-site air stripper facility that removes the contaminants from the groundwater and injects the treated water back into the alluvial aquifer via infiltration galleries. According to EPA, the contaminants have migrated through the alluvial aquifer to the site. These contaminants were generated by an off-site metal plating facility and compressed gas manufacturing facility. EPA states that a contaminated groundwater plume exists under the southern portion of the site adjacent to the NE 78th Street; however, the contaminants from 50 to 90 feet below the surface. Per the EPA, groundwater cleanup under the site is ongoing and will take 20 years until the groundwater in the area meets the federal drinking water standards.

During periods of extended precipitation from 1995 to 1997, groundwater levels associated with the underlying alluvial aquifer on and near the site remained high and recovered slowly. Aerial photography of adjacent closed depressions connected to the same alluvial aquifer and data from the on-site EPA monitoring wells for this period were analyzed. The highest groundwater levels were recorded on May 4, 1997 at monitoring wells MW-16 and MW-23D which have recorded levels at 257.06 feet NGVD and 255.07 feet NGVD, respectively. Recovery of runoff volumes from the on-site closed depressions appear to be affected by these periods of high groundwater limiting vertical infiltration rates within the native soil. It appears that during periods of average precipitation, draw down for these closed depressions increase exponentially with lower groundwater levels.

Finding 4 – Stormwater Management Proposal: The applicant submitted an April 15, 2010 stormwater TIR (Ex. 6, tab 13) and a June 4th addendum (Ex. 22). The applicant proposes pocket rain gardens, a constructed stormwater wetland and underground storage/infiltration facilities for the purpose of stormwater quality and quantity control. Pocket rain gardens may be partially used in the final design. The applicant states that the proposed facilities will receive runoff from the proposed site, the half-street roadway improvements on NE 82nd Street, and from off-site runoff from adjacent properties. Smaller storm events will be infiltrated and large storm events will be partially discharged to surface water via the release of detained flows to an existing 15-inch diameter storm sewer in NE 78th Street.

An outfall has been proposed that will consist of an overflow pipe to an existing storm sewer in NE 78th Street. The applicant states that the storm sewer appears to be functioning properly and there are not any known capacity issues. Continuous

simulation modeling demonstrates runoff rates discharged to the storm sewer will be minimal due to the proposed on-site detention and infiltration. The storm sewer in NE 78th Street consists of 15-inch to 24-inch diameter pipe and captures runoff from NE 30th Avenue to NE St. Johns Road. The storm sewer drains to a stormwater facility that is located adjacent to NE St. Johns Road and approximately 650 feet to the south of the site. The stormwater facility outfalls to another 24-inch diameter storm sewer within NE St. Johns Road. Ultimately, the storm sewer continues south and eventually discharges to Cold Creek.

The Stormwater Management Manual of Western Washington required that the calculated runoff rates from the predeveloped site were based on fully forested land cover. Currently, the site is slightly more forested than it was in 1955. The applicant states that runoff calculated by the Western Washington Hydrology Model for the off-site contributing area has been analyzed using its current land use cover of meadow and pasture which is allowed by code.

Runoff from the site discharges to both groundwater and surface water, thus implicating criteria from the Stormwater Management Manual of Western Washington and the Underground Injection Control guidance document. The proposal conforms to both sets of criteria to ensure both protection of groundwater and surface water quality. The proposed constructed wetlands and rain gardens promote the removal of total suspended solids, oil, and metals and soluble contaminants such as nutrients and pesticides associated with field maintenance.

The applicant indicates the location of the individual storage units (StormTech) are based on potential impacts to the migration of the existing groundwater contamination plume and groundwater mounding effects due to the periodic presence of high groundwater at the site. Per the applicant, the storage units have been located away from the contamination plume and have been divided through the site. The divided locations were chosen in areas where infiltration rates were favorable. The sizes and locations of the individual units were chosen to lessen the impact of groundwater mounding. According to the applicant, the locations, volumes, and rates of infiltration for each of the facilities will be reviewed by the EPA to verify if there is a potential for the facilities to impact the existing contamination plume. In addition, a local groundwater mounding analysis will be performed for the individual storage units to help predict any effects of groundwater levels on the infiltration capacity of the proposed storage units.

Finding 5 - Stormwater Issues: Per CCC 40.385.020(C)(1)(a), no new development or redevelopment shall be allowed to materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots. See Condition A-4a. The base of all infiltration basins or trench systems shall be greater than five feet above the seasonal high-water mark, bedrock (or hardpan) or other low permeability layer. A separation down to three feet may be considered if the groundwater mounding analysis, volumetric receptor capacity, and the design of the overflow and/or bypass structures are judged by the county to be adequate to prevent overtopping and meet the site suitability criteria specified in the SMMWW. The applicant indicated that a groundwater mounding analysis will be performed prior to final engineering review. Due to the size of the site, the Examiner finds there will be sufficient area to move a proposed stormwater facility or facilities if the groundwater mounding analysis dictates it is necessary. A groundwater mounding

analysis shall be performed and reviewed by staff for compliance with CCC 40.385.020(C)(3)(f). See Condition A-4b. Based on the foregoing findings, the proposed stormwater plan and staff's favorable review and recommendation, the Examiner 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 1 - Building Construction: Building construction occurring subsequent to this application shall comply with the county's building and fire codes. Additional specific requirements may be imposed at the time of building construction as a result of the permit review and approval process.

Finding 2 - Fire Flow: Fire flow in the amount of 1,000 gallons per minute supplied for 2 hours duration is required for this application. A utility review from Clark Public Utilities (Ex. 9, Tab 8) indicates that the required fire flow is available at the site and is estimated at 2,085 GPM.

Finding 3 - Fire Hydrants: Fire hydrants are required for this application and either the indicated number or the spacing of the fire hydrants is inadequate. The applicant shall provide fire hydrants such that the maximum spacing between hydrants is not more than 700 feet and no portion of any building exterior is farther than 300 feet from a fire hydrant, as measured along approved fire apparatus access roads. Hydrant locations shall be reviewed and approved by the District 5 Fire Chief. See Condition A-9a. Water mains supplying fire flow and fire hydrants shall be installed, approved, and operational prior to commencement of combustible building construction. See Condition B-1a. Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection and a 3-foot clear space shall be maintained around the circumference of each hydrants. See Condition B-1b.

Finding 4 - Fire Apparatus Access: Fire apparatus access is required for this application, and fire apparatus access roads shall maintain an unobstructed width of not less than 20 feet to within 150 feet of all exterior points of all buildings. Access roads shall have 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 Condition A-9b.

Finding 5 - Gates: The preliminary site plan proposes to install an access gate on the west property boundary access point to and from the King's Way property. Gates that obstruct fire apparatus access roads require permits and approval by the Fire Marshal prior to installation. See Condition A-9c.

WATER & SEWER SERVICE:

Finding 1 - Utilities: The site will be served by Clark Public Utilities for public water and by the Clark Regional Wastewater District for public sewer. Utility Reviews from the purveyors (Ex. 6, tabs 8 & 9) confirm that these services are available to the site and cite the connection requirements.

Finding 2 - Health Department Review: Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable Health Department

Final Approval Letter must be submitted, the Evaluation Letter will specify the timing of when the Final Approval letter must be submitted to the county, e.g., at Final Construction Plan Review, Final Plat Review or Prior to Occupancy. The Health Department Evaluation Letter will serve as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer. The Health Department Final Approval Letter will confirm that all existing wells and/or septic systems have been abandoned, inspected and approved by the Health Department (if applicable). See Condition A-8.

IMPACT FEES:

Finding 1 - Traffic Impact Fees: The proposed sports field complex is subject to Traffic Impact Fees (TIF) in accordance with CCC chapters 40.610 and 40.620. The site is located within the Hazel Dell TIF district with a fee rate of \$451 per new trip, and the adjusted trip rate for sports fields is 71.33 trips per sports field. From this the TIF is calculated as follows:

$$\text{TIF} = F \times T \times A \times \text{BEF} \times \text{PB}$$

$$\text{TIF} = \$451 \times (71.33 \times 5) \times 0.85 \times 1 \times 1$$

$$\text{TIF} = \$136,721.78 \text{ (based on 5 fields)}$$

Where F = Fee rate

T = adjusted daily trips

A = 15% reduction adjustment for future tax revenues

BEF = Business Enhancement Factor

PB = Pass-by factor

This TIF is payable prior to issuance of building permits. See Condition E-1.

SEPA DETERMINATION

Based on the application materials and agency comments, staff determined that there were no probable significant adverse environmental impacts associated with this proposal that could not be avoided or mitigated through the conditions of approval listed below. Accordingly, the County, as the lead agency, determined that an environmental impact statement was not needed and issued and published its Mitigated Determination of Nonsignificance (MDNS) for this project on June 14, 2010 (Ex. 9). Two timely comments, one from the Washington Department of Ecology (Ex. 33) and the other the SW Clean Air Agency (Ex. 29), were received by the comment and appeal deadline of June 29, 2010. Those comments are adequately addressed in findings and conditions of approval; therefore, the County's MDNS SEPA determination is final, with the imposition of the following mitigating conditions of approval

- H-1 Parking** - Scheduling the use of the sports fields shall be in accordance with the criteria used in the applicant's traffic study (Ex. 6, tab 14) as the basis for the parking demand estimates. See Land Use Finding 6.

- H-2 Outdoor Lighting** – Exterior lighting shall be located, shielded, and directed to prevent significant off site glare, in accordance with CCC 40.340.010(A)(7) and RCW 47.36.180. Light levels beyond the site boundaries shall not exceed one foot candle. See Land Use Finding 7.

- H-3 **Field Lighting** – The applicant shall use the Musco Light-Structure Green™ lighting system. Sports field lights shall be extinguished by 10:00 pm and shall not be used before 7:00 am. See Land Use Finding 7.
- H-4 **Noise** – Within three months from beginning use of the sports field complex, the applicants shall commission a noise study to be conducted by a qualified noise consultant and performed under operational conditions of the facility. If any noise levels exceeding the limitations in WAC 173-60-040 are identified, the applicants shall employ additional noise mitigation measures, to be identified in the noise study. See Land Use Finding 8.
- H-5 **Noise** – Use of the public address system shall be terminated by 10:00 pm. See Land Use finding 8.

V. Decision and Conditions:

Based on the foregoing findings and except as conditioned below, this application is approved in general conformance with the applicant's proposal, the preliminary site plan and related plans (Exs. 5 & 6). This 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.

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

- A-1 **Final Site Plan** – The developer shall submit and obtain County approval of a final site plan in conformance with CCC 40.520.040 and the following additional requirements:
 - a. Prior to final site plan approval, the developer shall submit a recorded easement and shared use agreement between Clark County and the property owners of the King's Way school site containing provisions for overflow parking for the county sports fields on the King's Way site. See Land Use Finding 5.
 - b. Prior to final site plan approval, the developer shall submit a procedural plan for approval by the Development Services Manager that can be implemented when needed and which will effectively channel vehicles to the overflow parking lot on the King's Way school site. See Land Use Finding 5.
 - c. The site plan shall be amended to provide not less than five ADA parking spaces in the east parking lot, of which one shall be van accessible. The west lot shall have not less than three ADA parking of which one shall be van accessible. See Land Use Finding 5.
 - d. Prior to final site plan approval, the developer shall amend the site plan to remove the bleachers, materials storage structure, and storage containers from

the public utility easements. Alternatively, the developer shall provide copies of written permission from Clark Public Utilities and Clark Regional Wastewater District for any structures to be located within the easements. See Land Use Finding 6.

- e. The proposed easement between the on-site public street and the King's Way property abutting the site on the west shall be recorded prior to final site plan approval. See Land Use Finding 6.
- f. The final site plan shall provide a gated, fully-enclosed storage area for solid waste and recyclables in accordance with CCC 40.360.030. See Land Use Finding 9.
- g. The public facilities proposed for this site shall meet the accessibility standards of the Americans with Disabilities Act, including the pedestrian routes, pathways, bleachers, and the play ground. See Land Use Finding 10.
- h. Final Plan Notes: The following note shall be placed on the face of the final construction plans:

"Archaeology: If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Department of Archaeology and Historic Preservation in Olympia shall be notified. Failure to comply with these State requirements shall constitute a Class C Felony, subject to imprisonment and/or fines."
See Archaeology Finding 1.
- i. Prior to commencing a timber harvest on the parcel subject of this proposed land use, the developer shall secure an approved Class IV general forest practice permit for removing trees within the boundaries of the associated site plan. See Forest Practices Finding 1.
- j. Wetland and Buffers: If there are wetlands and wetland buffers on the site, the requirements of CCC chapter 40.450 apply even if no impacts are proposed, including the following (See Critical Areas Finding 1):
 - (1) The developer shall mark the wetland buffer boundaries prior to construction and maintain the markings throughout the construction process, e.g., sediment fence;
 - (2) The developer shall provide permanent physical demarcation of the wetland boundaries in a manner approved by the Development Services Manager, e.g. fencing, hedgerows, berms etc., and posting of approved signage on each lot or every 100 feet of the boundary, whichever is less;
 - (3) The developer shall record a conservation covenant with the County Auditor that runs with the land requiring that the wetlands and buffers remain in natural state; and,

- (4) The developer shall show the wetland and buffer boundaries on the face of the Final Site Plan and including a note that refers to the separately recorded conservation covenant.

A-2 Final Transportation Plan/On-Site - The developer shall submit and obtain County approval of a final transportation design in conformance with CCC chapter 40.350 and the following additional requirements:

- a. In lieu of dedication by deed, the property needed for road purposes must be dedicated to Clark County on behalf of the public for right-of-way purposes by an alternative method acceptable to the county's legal staff. See Transportation Finding 3.
- b. "No Parking" signs are required along the proposed on-site roads including NE 39th Avenue, NE 79th Street, and NE 41st Avenue. See Transportation Finding 4.
- c. The developer shall provide signing and striping, that is acceptable to Clark County Transportation staff, to the east of the driveway approach of the proposed eastern most parking lot for the purpose of allowing only local traffic traveling north to NE 82nd Street. See Transportation Finding 4.
- d. The sidewalk along the frontage of NE 78th Street shall be extended to at least the western property line. See Transportation Finding 4.
- e. The developer shall achieve and comply with the applicable intersection sight distance requirements of CCC 40.350.030(B)(8) at each intersection. See Transportation Finding 5.

A-3 Final Transportation Plan/Off Site (Concurrency):

- a. There shall be limited use of the community room for neighborhood or community meetings while the sports fields are in use. Neighborhood or community meetings shall not be scheduled when four or more sports fields are scheduled for organized use. The developer shall prepare and submit for county approval a community room scheduling procedure to ensure that this requirement is complied with. See Transportation Concurrency Finding 1.
- b. The developer 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. These frontage improvements shall include the restriping of the existing center two-way left-turn lane, on NE 78th Street, to facilitate a 275-foot long eastbound left-turn lane at NE 39th Avenue. See Transportation Concurrency Finding 6.
- c. The developer shall obtain a Work Order from Clark County to reimburse the County for the signing and striping changes needed along the frontage of this development. See Transportation Concurrency Finding 6.
- d. In the event that future use of the site is by teams that reduce the amount of site-related traffic arriving from and departing to the west on NE 78th Street to less than 80% of the site-related traffic, the developer shall restrict field use and/or

make intersection improvements to ensure that traffic signal warrants are not met for peak hour traffic conditions at the NE 39th Avenue/NE 78th Street intersection. Alternatively, if signal warrants are met and a signal is installed, this condition shall no longer be valid. See Transportation Concurrency Finding 3.

A-4 Transportation:

- a. Signing and Striping Plan: The developer shall submit a signing and striping plan and a reimbursable work order, authorizing County Road Operations to perform any signing and pavement striping required within the County right-of-way. This plan and work order shall be approved by the Department of Public Works prior to final plat or final site plan approval.
- b. Traffic Control Plan: Prior to issuance of any building or grading permits for the development site, the developer shall obtain written approval from Clark County Department of Public Works of the developer's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system.

A-5 Final Stormwater Plan - The developer shall submit and obtain County approval of a final stormwater plan designed in conformance with CCC 40.385 and the following additional requirements:

- a. In accordance with CCC 40.385.020(C)(1)(a), no new development or redevelopment shall be allowed to materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots. See Stormwater Finding 5.
- b. A groundwater mounding analysis shall be performed and deemed sufficient by staff per CCC 40.385.020(C)(3)(f). See Stormwater Finding 5.

A-6 Erosion Control Plan - The developer shall submit and obtain County approval of a final erosion control plan and a Stormwater Pollution Prevention Plan (SWPPP) designed in accordance with CCC chapter 40.385.

A-7 Final Landscape Plan - The developer shall submit and obtain county approval of final landscape plans that are consistent with CCC chapter 40.320 and the approved preliminary landscape plan, which incorporate the additional requirements listed below. The landscape plan shall include landscaping within the public rights-of-way and on-site. See Land Use Finding 4.

- a. The final landscape plan shall provide the planting detail required in CCC 40.320.030 and Table 40.510.050-1.
- b. The proposed landscape tract located east and south of the on-site circulation street shall be created prior to final site plan approval by recording the appropriate document, as approved by the Clark County Prosecuting Attorney.
- c. The final site plan and landscape plan shall provide a fence enclosing the storage area that meets the F2 standard, in accordance with CCC 40.320.010(B)(7).

- d. The landscape plan shall be amended to relocate the proposed landscape monumentation for the neighborhood park trailhead at the east end of NE 80th Street as necessary to prevent any obstruction to the adjacent homeowner's access.

A-8 Health Department Review - Submittal of a Health Department Project 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 (e.g., prior to Final Construction Plan Review, construction, Provisional Acceptance, Final Plat Review, building permit issuance, or occupancy), and approved by the Health Department. See Water & Sewer Service Finding 2.

A-9 Fire Marshal Requirements: The developer shall comply with the following conditions required by the District 5 Fire Chief:

- a. Hydrants: Fire hydrants are required for this application and either the indicated number or the spacing of the fire hydrants is inadequate. The developer shall provide fire hydrants so that the maximum spacing between hydrants does not exceed 700 feet and such that no portion of any building exterior is farther than 300 feet from a fire hydrant, as measured along approved fire apparatus access roads. All hydrant locations shall be reviewed and approved by the District 5 Fire Chief. See Fire Protection Finding 3.
- b. Fire Apparatus Access: Fire apparatus access is required for this application. Fire apparatus access roads shall maintain an unobstructed width of not less than 20 feet to within 150 feet of all exterior points of all buildings. Access roads shall have 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 Fire Protection Finding 4.
- c. Gates: Gates that obstruct fire apparatus access roads require permits and approval by the Fire Marshal prior to their installation. See Fire Protection Finding 4.

A-10 Excavation and Grading - Excavation and grading shall be performed in compliance with CCC Chapter 14.07.

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; and water mains supplying fire flow and fire hydrants shall be installed, approved, and operational prior to commencement of combustible building construction. Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection and a 3-foot clear space shall be maintained around the circumference of each hydrants. See Fire Protection Finding 3.

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 & Approval Authority: Development Inspection**

Prior to provisional acceptance of development improvements, construction shall be completed consistent with the approved final construction/site plan and the following conditions of approval:

C-1 Stormwater: In accordance with CCC 40.380.020(C)(3)(i), before acceptance of any infiltration facility by the county, the completed facility must be tested and monitored to demonstrate that the facility performs as designed. If the tested coefficient of permeability determined at the time of construction is at least 95% of the uncorrected coefficient of permeability used to determine the design rate, construction shall be allowed to proceed. If the tested rate does not meet this requirement, the developer shall submit an additional testing plan to Clark County that follows the requirements in Chapter 2 of the Stormwater Manual. This plan shall address steps to correct the problem, including additional testing and/or resizing of the facility to ensure that the system complies with the provisions of this chapter. See Stormwater Finding 4.

**E Building Permits
Review & Approval Authority: Customer Service**

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

E-1 Impact Fees – Prior to issuance of a building permit, the developer shall pay Traffic Impact fees to the Clark County Building Department in the amount of \$136,721.78. If the building permit application is made more than three years following the date of preliminary site plan approval, the impact fees shall be recalculated according to the then-current rate. See Impact Fees Finding 1.

**F Occupancy Permits
Review & Approval Authority: Building**

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

F-1 Landscaping: Prior to the issuance of an approval of occupancy for final site plan, the developer shall submit a copy of the approved landscape plan(s) with a letter signed and stamped by a landscape architect licensed in the State of Washington certifying that the landscape and irrigation (if any) have been installed in accordance with the attached approved plan(s) and verifying that any plant substitutions are comparable to the approved plantings and suitable for the site. See Land Use Finding 4.

- F-2 Transportation (Concurrency)** – The developer shall construct a 275-foot long eastbound left-turn lane on NE 78th Street at the NE 39th Avenue site access. This left-turn lane shall be installed and operational prior to occupancy, unless modified by the Director of Public Works. See Transportation Concurrency Finding 5.

G Development Review Timelines & Advisory Information

- G-1 Final Site Plan:** Within 5 years of preliminary plan approval, the developer shall submit a Fully Complete application for Final Site Plan review, after which the preliminary site plan approval shall automatically expire.
- G-2 DOE Stormwater Permit** - A stormwater permit from the Department of Ecology (DOE) is required if both of the following conditions occur:
- a. The development disturbs one or more acres of land through clearing, grading, excavating, or stockpiling of fill material; AND
 - b. 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 multiple phases will count toward the 1-acre threshold. This applies even if the developer is responsible for only a small portion (less than one acre) of the larger project planned over time. The developer shall Contact the DOE 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 developer 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 (e.g., building setbacks) under other construction codes. Compliance with other construction codes is the responsibility of the developer at the time of building permit issuance.

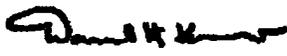
**H Post Development Requirements
Review & Approval Authority: As specified below**

- H-1 Parking** - Scheduling the use of the sports fields shall be in accordance with the criteria used in the developer's traffic study (Ex. 6, tab 14) as the basis for the parking demand estimates. See Land Use Finding 6.
- H-2 Outdoor Lighting** – Exterior lighting shall be located, shielded, and directed to prevent significant off site glare, in accordance with CCC 40.340.010(A)(7) and

RCW 47.36.180. Light levels beyond the site boundaries shall not exceed one foot candle. See Land Use Finding 7.

- H-3 **Field Lighting** – The developer shall use the Musco Light-Structure Green™ lighting system. Sports field lights shall be extinguished by 10:00 pm and shall not be used before 7:00 am. See Land Use Finding 7.
- H-4 **Noise** – Within three months from beginning use of the sports field complex, the developer shall commission a noise study to be conducted by a qualified noise consultant and performed under operational conditions of the facility. If any noise levels exceeding the limitations in WAC 173-60-040 are identified, the developer shall employ additional noise mitigation measures, to be identified in the noise study. See Land Use Finding 8.
- H-5 **Noise** – Use of the public address system shall be terminated by 10:00 pm. See Land Use finding 8.

Date of Decision: July 14, 2010.

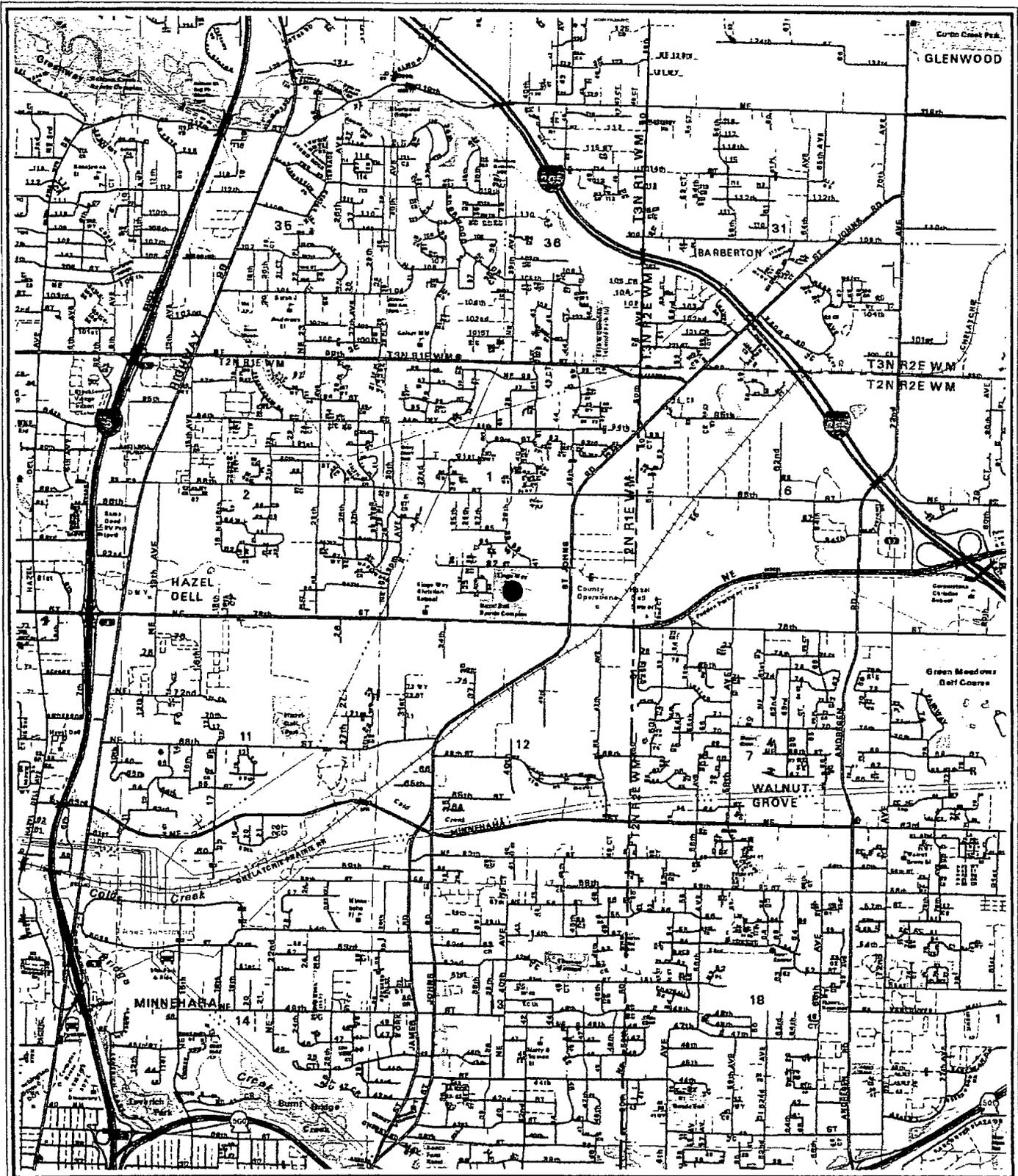
By: 

Daniel Kearns,
Land Use Hearings Examiner

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

Notice of Appeal Rights

This is the County's final decision on this application. Anyone with standing may appeal any aspect of the Hearings Examiner's decision, except the SEPA determination, to Clark County Superior Court pursuant to the Washington Land Use Petition Act, RCW chapter 36.70C.



File # psr2010-00010, SN 144505000
 Location: T2N R1E SEC 01
 Preliminary Site Plan Review

● Subject Property Location

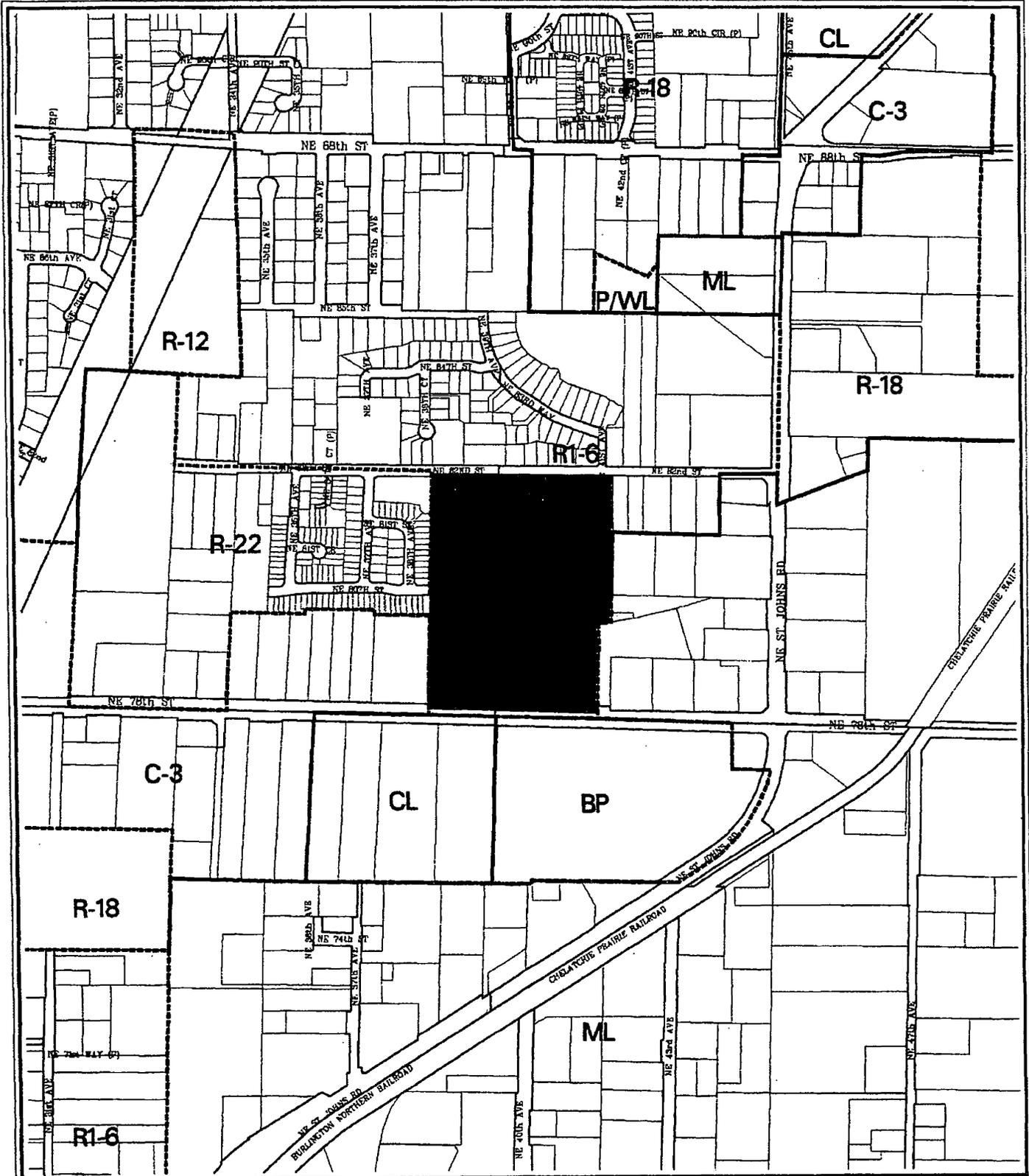


Order 67507 GIS Product 1_188



EXHIBIT #

2

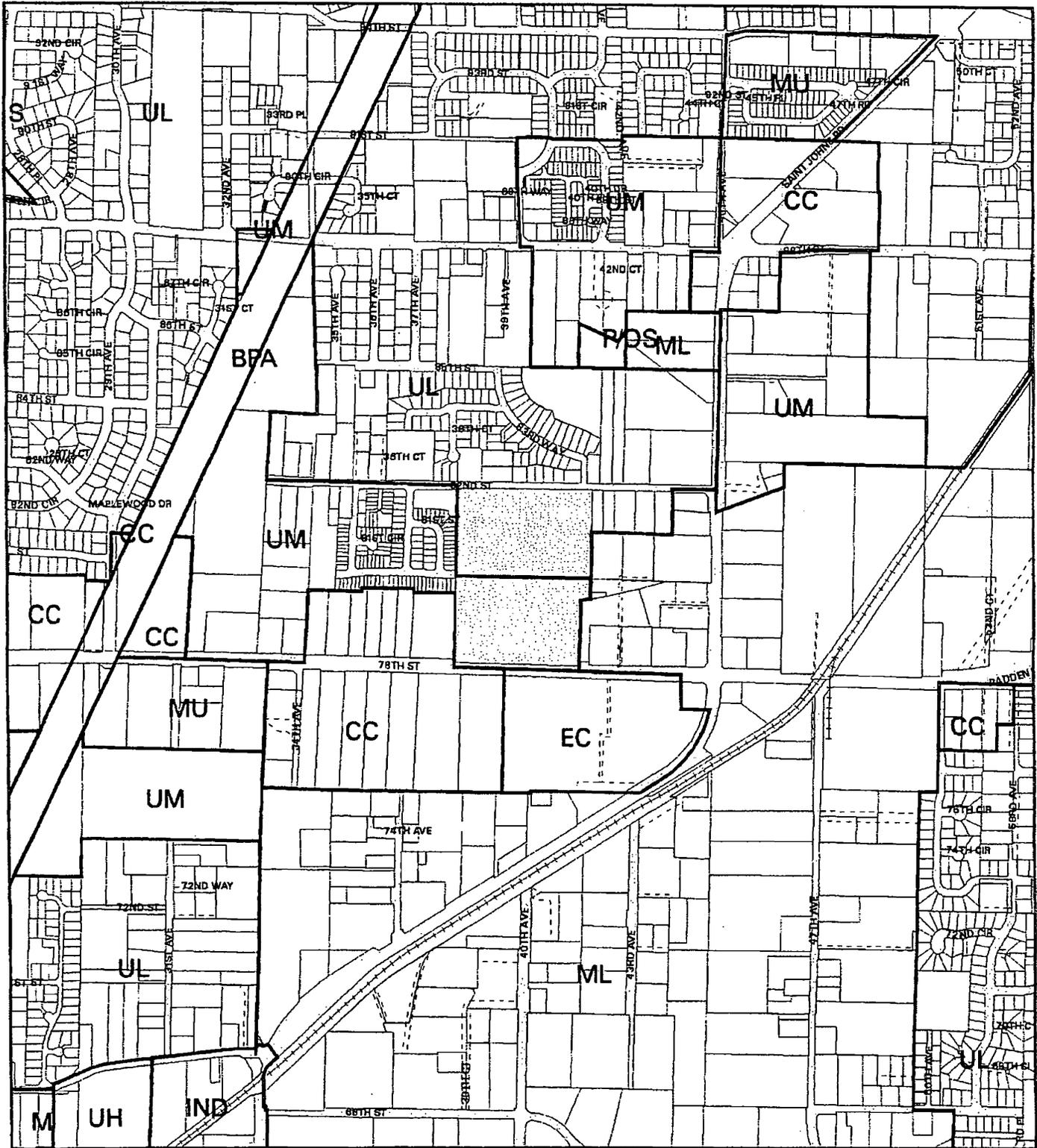


File # psr2010-00010, SN 144505000
 Location: T2N R1E SEC 01
 Preliminary Site Plan Review



EXHIBIT # 3

-  Subject Property
-  Zoning Boundary
-  Mining Combining District
-  Contingent Zoning
-  Urban Holding-10
-  Urban Holding-20



Scale 1:9800

Comprehensive Plan Designation: CC UM UL MU

4

400 0 400 800 1200 Feet

Serial No.: 144505-000
 Owner: CLARK COUNTY
 Address: PO BOX 5000
 C/S/Z: VANCOUVER, WA 98666

EXHIBIT #

31135	31136	32131
21102	21101	22106
21111	21112	22107



Department of Assessment and GIS
 Order 0480 GIS Product 1_24
 Plotted: March 22, 2010

- Subject Parcel
- Public Road
- Mining
- Industrial Reserve
- Open Space/Density Transfer
- Columbia River Gorge N.S.A.
- Transportation or Major Utility Easement
- Comprehensive Plan Boundary

Information shown on this map was collected from several sources. Clark County accepts no responsibility for any inaccuracies that may be present.



HEARING EXAMINER EXHIBITS

Project Name: HAZEL DELL SPORTS FIELDS
Case Number: PSR 2010-00010; SEP2010-00018; EVR2010-00008
Hearing Date: 6/29/2010

EXHIBIT NO.	DATE	SUBMITTED BY	DESCRIPTION
1		CC Development Services	Aerial Map
2		CC Development Services	Vicinity Map
3		CC Development Services	Zoning Map
4		CC Development Services	Comprehensive Plan Map
5	4/15/10	Applicant: Clark County Public Works	Full Size Proposed Development Plans
6	4/15/10	Applicant: Clark County Public Works	1. Application Form 2. Pre-application Report 3. Developer's GIS Packet Information 4. Legal Lot Determination Information (Deed History) 5. Engineers Statement of Completeness and Feasibility 6. SEPA Checklist 7. Department of Archaeology & Historic Preservation Letter 8. Sewer District Utility Review Letter 9. Water Utility Review Letter 10. Covenants, Restrictions and Easements 11. Full-Size Plan Set (22" x 34") and reduced set 11" x 17" (Attached Separately) Please continue to next page... Hazel Dell Sports Fields Type III Site Plan Review Application April 14, 2010 3 of 27 Special Reports (Bound Separately) 12. DRAFT Geotechnical Investigation and Infiltration Testing 13. Preliminary Stormwater Technical Information Report (TIR) 14. Traffic Impact Study 15. Wetland Delineation Report 16. Wetland Determination Staff Report (WET2009-00036) 17. Road Modification Request 18. Noise Study

			19. Draft Clark County / King's Way Christian Schools Use Agreement 20. VCPRD Sign Standards 21. Turning Movements Exhibit
7	5/4/10	CC Development Services	Fully Complete Determination
8	5/13/10	CC Development Services	Affidavit of Sending Type III Public Notice
9	5/13/10	CC Development Services	Notice of Type III Development Review Application, Optional SEPA & Public Hearing
10	5/16/10	John Hannon	Comment Letter
11	5/18/10	CC Development Services	Notice of Public Hearing
12	5/25/10	Washington Dept of Fish & Wildlife	Agency Comments
13	5/25/10	CC Development Services Planner	Early Issues Correspondence
14	5/24/10	Jack Davis	Comment Letter
15	5/28/10	Naomi Davis	Comment Letter
16	5/28/10	Del Gaither	Comment Letter
17	5/25/10	Applicant: Clark County Public Works	Addendum to Road Modification narrative.
18	5/27/10	James Kinney	Comment Letter
19	5/28/10	Richard Duncan	Comment Letter
20	6/1/10	Applicant: Clark County Public Works	Addendum to Traffic Study
21	6/3/10	Applicant: Clark County Public Works	Second Addendum to Road Modification narrative.
22	6/4/10	Applicant: Clark County Public Works	Addendum to Stormwater Technical Information Report
23	6/4/10	CC Engineering Services	Road Modification Report
24	6/7/10	City of Vancouver Transportation	Concurrency Report
25	6/8/10	CC Development Services Planner	EPA Fact Sheet
26	6/9/10	Ejaz Kahn, PE CC Public Works	Memorandum regarding traffic study
27	6/14/10	CC Development Services	Affidavit of Posting Public Notice

28	6/14/10	CC Development Services – Alan Boguslawski, Planner	Type III Development & Environmental Review, Staff Report & Recommendation
29	6/17/10	SW Clean Air Agency	SEPA Comments
30	6/23/10	Ejaz Kahn, PE CC Public Works	2 nd Addendum to traffic study
31	6/21/10	Applicant: Clark County Public Works	Newspaper Article
32	6/25/10	CC Development Services – Alan Boguslawski, Planner	Addendum to Staff Report
33	6/28/10	Washington Department of Ecology	SEPA Comment letter
34	6/28/10	CC Public Works – Steve Schulte, Concurrency Mgr	Addendum to Staff Report
35	6/29/10	Applicant: Clark County Public Works	Good Neighbor Commitment
36	6/29/10	CC Development Services – Alan Boguslawski, Planner	PowerPoint Presentation
37	6/29/10	Clark County Hearings Examiner Daniel Kearns	Final Order for First Church of God Athletic Fields (CUP2009-00011)
38	6/29/10	Jack Davis	2009 Annual Status Report for the Boomsnub/Airco Superfund Site, Hazel Dell, WA
39	6/29/10	George Fornes- Environmental Dept	County Code for Wetland Buffer
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41			

Copies of these exhibits can be viewed at:

Department of Community Development / Planning Division
1300 Franklin Street
Vancouver, WA 98666-9810



Exhibit E

Sub

CLARK COUNTY
STAFF REPORT

DEPARTMENT/DIVISION: Public Works / Vancouver-Clark Parks and Recreation Department

DATE: December 29, 2009

REQUEST: Adopt a gender based non-discrimination policy for County run and third party programs occurring within County facilities so that Clark County complies with the state law in the strictest terms.

CHECK ONE: Consent _____ Chief Administrative Officer

BACKGROUND: The purpose of the Community Athletics Programs Gender Non-Discrimination Policy is to ensure that the Vancouver-Clark Parks and Recreation Department (Department) community athletics programs and related facilities and third-party sponsored community athletics programs do not discriminate against any person on the basis of sex in the operation, conduct, or administration of community athletics programs for youth or adults. The intent of this policy is to expand and support equal participation in community athletics programs and to provide all community athletics programs with equal access to county facilities.

Title IX of the Education Amendments of 1972 to the 1964 Civil Rights Act is a federal statute created to prohibit sex discrimination in education programs that receive federal financial assistance. Nearly every educational institution is a recipient of federal funds, and therefore is required to comply with Title IX.

In 1975, Washington adopted its own Title IX legislation in RCW 28A.640.010, which prohibits inequality in the educational opportunities afforded to women and girls at all levels of public schools in Washington State.

Currently, neither Title IX nor RCW 28A.640.010 extend protection to opportunities in community athletics programs. However, ESSB 5967, to be codified at Chapter 35A.21, was passed by the legislature and became effective on July 26, 2009. The legislature has specifically found that the dramatic increases in participation rates at both the high school and college levels since Title IX was passed show that when doors are opened to women and girls, they will participate. Further, athletic opportunities provide innumerable benefits to participants, including greater academic success, better physical and psychological health, responsible social behaviors, and enhanced interpersonal skills. ESSB 5967 requires cities to adopt a policy that prohibits discrimination against any person on the basis of sex in the operation, conduct, and administration of community athletics programs. The Department fully agrees with and supports the legislature's findings and recognizes the importance of full and equitable participation in community athletics.

COMMUNITY OUTREACH: No community outreach has been completed. Once the policy is adopted, all future formal agreements and permits for use of Clark County property or facilities will include the attached policy language to insure Clark County is in compliance with state law.

This Policy, or an abbreviated reference to this Policy, will be published in any publication that includes information about Clark County's own athletics programs or information about obtaining a permit for operating athletics programs or scheduling athletics events at county facilities. The full Policy shall be made available on the County's website, in addition to correspondence sent to third party users of County facilities and rental forms and literature provided to third party sponsors.

(1) The following abbreviated reference to this Policy may be used as provided in this Section:

"Clark County complies with Washington's Fair Play and Community Sports Act" that prohibits discrimination against any person in a community athletics program on the basis of sex." Any questions or comments,



PW 10-005

please contact the Vancouver-Clark Parks and Recreation Director, at 610 Esther Street, Vancouver, WA 98668, (360)619-1111 or via email at parksrec@ci.vancouver.wa.us

BUDGET AND POLICY IMPLICATIONS: This is a newly adopted policy which will not have budget impacts. It is the policy of the Department that all community athletics programs and related facilities will be operated, maintained, and administered to meet the recreational needs of all citizens, regardless of sex.

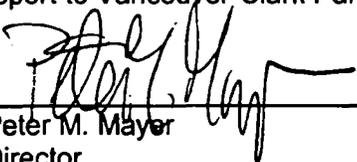
The County strives to treat all participants equally and safely in regard to times, locations, configuration and the quality of programs, equipment and facilities.

All County employees, contractors, vendors, volunteers and third party sponsors working in or providing community athletics programs are required to abide by this policy and to comply with the requirements of the "Fair Play in Community Sports Act".

FISCAL IMPACTS: Yes (see Fiscal Impacts Attachment) No

ACTION REQUESTED: Board of County Commissioners adopt Clark County, Vancouver-Clark Parks and recreation Department Community Athletics Programs Gender Non-Discrimination policy. Be it further resolved, that the Vancouver-Clark Parks and Recreation Department shall be authorized to develop and administer any processes and procedures necessary to implement the gender Non-Discrimination Policy.

DISTRIBUTION: Please forward a copy of the approved staff report to Public Works Administration and Clark County Legal Administration. Please return original copies of the signed agreement and the approved staff report to Vancouver-Clark Parks and Recreation Department Director.



Peter M. Mayer
Director
Vancouver-Clark Parks and Recreation Department

APPROVED: January 26, 2010
CLARK COUNTY, WASHINGTON
BOARD OF COMMISSIONERS



Peter Capell, P.E.
Public Works Director/County Engineer

SR 13-10

SB/PM/aj

c: Scot Brantley, Brian Potter, Peter Mayer, Jane Kleiner, and PW Central Files

1 RESOLUTION NO. M- 2010-01-19

2 A RESOLUTION adopting the Vancouver-Clark Parks and Recreation
3 Department's Community Athletics Programs Gender Non-Discrimination Policy.

4 WHEREAS, the Vancouver-Clark Parks and Recreation Department is committed
5 to meeting community values and supporting the need and desire for accessible parks,
6 facilities, and programs for people of all ages, and the Department provides community
7 athletics programs at Clark County owned facilities; and

8 WHEREAS, with respect to gender, the Department is committed to expanding and
9 supporting equal participation in community athletics programs and providing equal access
10 to Department facilities that support such programs; and

11 WHEREAS, Washington State Engrossed Substitute Senate Bill (ESSB) 5967,
12 signed into law on May 12, 2009, requires (1) that with respect to community athletics
13 programs, the County and its partners provide both genders equal opportunities to
14 participate and equal use of County facilities; and (2) that the County adopt a non-
15 discrimination policy by January 1, 2010:

16 NOW, THEREFORE,

17 BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

18 That the Board of County Commissioners adopts Clark County, Vancouver-Clark
19 Parks and Recreation Department Community Athletics Programs Gender Non-
20 Discrimination Policy, attached as Exhibit A.

21 BE IT FURTHER RESOLVED, that the Vancouver-Clark Parks and Recreation
22 Department shall be authorized to develop and administer any processes and procedures
23 necessary to implement the Gender Non-Discrimination Policy, as set forth in Exhibit A or
24 subsequently amended.

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SIGNED this 26th day of January, ~~2010~~ 2010.

Board of County Commissioners
Clark County, Washington

By: _____
Marc Boldt, Commissioner

By: [Signature]
Steve Stuart, Chair

By: _____
Tom Mielke, Commissioner

Attest:

[Signature]
Clerk

Approved as to form only
By: [Signature]
E. Bonson Potter
Deputy Prosecuting Attorney

Clark County
Vancouver-Clark Parks and Recreation Department
Community Athletics Programs
Gender Non-Discrimination Policy

Purpose Statement

The purpose of the Community Athletics Programs Gender Non-Discrimination Policy is to ensure that the Vancouver-Clark Parks and Recreation Department (Department) community athletics programs and related facilities and third-party sponsored community athletics programs do not discriminate against any person on the basis of sex in the operation, conduct, or administration of community athletics programs for youth or adults. The intent of this policy is to expand and support equal participation in community athletics programs and to provide all community athletics programs with equal access to county facilities.

Background

Title IX of the Education Amendments of 1972 to the 1964 Civil Rights Act is a federal statute created to prohibit sex discrimination in education programs that receive federal financial assistance. Nearly every educational institution is a recipient of federal funds, and therefore is required to comply with Title IX.

In 1975, Washington adopted its own Title IX legislation in RCW 28A.640.010, which prohibits inequality in the educational opportunities afforded to women and girls at all levels of public schools in Washington State.

Currently, neither Title IX nor RCW 28A.640.010 extend protection to opportunities in community athletics programs. However, ESSB 5967, to be codified at Chapter 35A.21, was passed by the legislature and became effective on July 26, 2009. The legislature has specifically found that the dramatic increases in participation rates at both the high school and college levels since Title IX was passed show that when doors are opened to women and girls, they will participate. Further, athletic opportunities provide innumerable benefits to participants, including greater academic success, better physical and psychological health, responsible social behaviors, and enhanced interpersonal skills. ESSB 5967 requires cities to adopt a policy that prohibits discrimination against any person on the basis of sex in the operation, conduct, and administration of community athletics programs. The Department fully agrees with and supports the legislature's findings and recognizes the importance of full and equitable participation in community athletics.

Definitions

"Community Athletics Program" means any athletic program that is organized for the purposes of training for and engaging in athletic activity and competition that is in any way operated, conducted, administered, or supported by Clark County.

"Third Party Sponsor" means a third party receiving a lease, contract or permit from Clark County for a community athletics program.

Policy

It is the policy of the Department that all community athletics programs and related facilities will be operated, maintained, and administered to meet the recreational needs of all citizens, regardless of sex.

The County strives to treat all participants equally and safely in regards to times, locations, configuration and the quality of programs, equipment and facilities.

All County employees, contractors, vendors, volunteers and third party sponsors working in or providing community athletics programs are required to abide by this policy and to comply with the requirements of the "Fair Play in Community Sports Act".

Policy Distribution

This Policy, or an abbreviated reference to this Policy, will be published in any publication that includes information about Clark County's own athletics programs or information about obtaining a permit for operating athletics programs or scheduling athletics events at county facilities. The full Policy shall be made available on the County's website, in addition to correspondence sent to third party users of County facilities and rental forms and literature provided to third party sponsors.

(1) The following abbreviated reference to this Policy may be used as provided in this Section:

"Clark County complies with Washington's Fair Play and Community Sports Act" that prohibits discrimination against any person in a community athletics program on the basis of sex." Any questions or comments, please contact the Vancouver-Clark Parks and Recreation Director, at 610 Esther Street, Vancouver, WA 98668, (360)619-1111 or via email at parksrec@ci.vancouver.wa.us

Contract Provisions

All contracts with third party sponsors and permit applications to organize community athletics programs will contain language that prohibits the third party sponsor from discriminating against any person on the basis of sex in the operation, conduct, or administration of community athletics programs for youth or adults.

Contact Information

This policy shall be administered by the Director of the Vancouver-Clark Parks and Recreation Department or their designee. All complaints of discrimination should be submitted in writing to the Director. Please allow the Department ten business days to respond. The Director may be contacted at (360) 619-1111. The Department's mailing address is PO Box 1995, Vancouver, WA 98668-1995. The Department's office address is 610 Esther Street, Vancouver, WA 98660.