



CLARK COUNTY STAFF REPORT

DEPARTMENT: Community Development

DATE: December 3, 2013

REQUEST: Modify a turn-around easement and the dimensions of a stormwater easement on a recorded short plat located in an R-5 zoning district

CHECK ONE: X Consent CAO

BACKGROUND

Preliminary approval was granted (PLD2013-00001) for a Plat Alteration to modify a turn-around easement and the dimensions of a stormwater easement on a recorded short plat located in an R-5 zoning district [Book 3, Page 138]. Clark County Public Works, Engineering has determined the proposed changes comply with County Code.

To finalize this plat alteration, the applicant is required to record a "Declaration Amending Short Plat" with the County Auditor. As required by RCW 58.217.215, signature of the legislative body is required on this document prior to recording.

Chief Deputy Prosecuting Attorney Chris Horne has reviewed and approved the declaration for this plat alteration.

COMMUNITY OUTREACH

A notice of application was mailed to the applicant, the Felida Neighborhood Association, and property owners within 500 feet of the site on April 9, 2013.

BUDGET AND POLICY IMPLICATIONS

None

FISCAL IMPACTS

Yes (see attached form) No

ACTION REQUESTED

Sign original declaration with maps, and return to Community Development for recording.

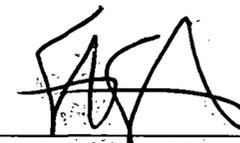
DISTRIBUTION

Chris Horne, Chief Deputy Prosecuting Attorney



Name: Marty Shell
Title: Community Development Director

Approved: _____



CLARK COUNTY
BOARD OF COMMISSIONERS

Attachments: Preliminary Plat Alt Decision - Exhibit A
Declaration Amending Plat - Exhibit B

DEC 3, 2013
SR 244-13



**TYPE II
DEVELOPMENT REVIEW,
STAFF REPORT & DECISION**

Form DS1201 PSR



Project Name: SP BK3 PAGE 138 PLAT ALT
Case Number: PLD2013-00001
Location: 26013 NE 59th Court
Request: Plat Alt approval to move a turn-around easement and modify dimensions of a stormwater easement on a recorded short plat located in an R-5 zoning district
Applicant: Matt and Adriana Van Dyke
26013 NE 59th Court
Ridgefield, WA 98642
Phone - (360) 887-7114, E-mail - mvandyke@easystreet.net
Owner: Curtis and Sheila Everett
26013 NE 59th Court
Ridgefield, WA 98642
E-mail - curtiseverett50@yahoo.com

DECISION

Approval subject to conditions

Planner's Initials: *RD* Date Issued: **July 10, 2013**

County Review Staff:

	<u>Name</u>	<u>Phone Ext</u>	<u>E-mail Address</u>
Planner:	Richard Daviau	4895	richard.daviau@clark.wa.gov
Engineer:	Brad Hazen	4346	brad.hazen@clark.wa.gov
Permit Manager:	Chuck Crider	4667	chuck.crider@clark.wa.gov

Comp Plan: R-5

Zoning: R-5

Legal Description: Parcel 225250, Short Plat recorded in Book 3, Page 138 in the Southwest Quarter of Section 19; Township 4 North; Range 2 East of the Willamette Meridian

Applicable Laws:

Clark County Code 15.12 (Fire Prevention); 40.210.020 (Rural Residential Districts); 40.350 (Transportation); 40.385 (Stormwater & Erosion Control), 40.500.010 (Procedures); 40.510.020 (Type II Process); 40.540.030 (Short Plats); 40.540.120 (Plat Alterations); and RCW 58.17 (State Platting Laws)

Neighborhood Association/Contact:

No mapping indicators

Time Limits:

The application was determined to be fully complete on March 15, 2013 and ready for review on March 26, 2013. The project was on hold for a total of 32 days for the applicant to submit required revised plans and to pay owed engineering review fees. Therefore, the County Code requirement for issuing a decision within 78 days lapses on July 11, 2013.

Vesting:

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

Approval of a pre-application waiver was granted; therefore, the project was vested on the fully complete submittal date of March 15, 2013.

Public Notice:

Notice of application was mailed to the applicant, the neighborhood association, and property owners within 300 feet of the site on April 9, 2013.

Public Comments:

The County has not received written public comments on the proposal.

Project Description/Background

The three lot short plat was recorded in Book 3, Page 138 on January 6, 1997. The required turnaround was not built in the approved location. The applicant proposes to amend the recorded plat to officially approve the existing location of the turnaround and modify the stormwater easement location between Lots 1 and 2.

Staff Analysis

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

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

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

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

Major Issues:

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

LAND USE:

Finding 1

This application has been processed consistent with CCC 40.540.120(B)(2). Specifically, the preliminary approval of a plat alteration will be processed as a Type II application with an optional Type III process if a public hearing is requested. In this case, no public hearing was requested.

Finding 2 - Plat Alteration Criteria

CCC 40.540.120 establishes procedures and criteria for the alteration of recorded plats to ensure consistency with state law [RCW 58.17.215 and 58.17.217]. In order to be approved, a plat alteration must meet the following criteria:

- a. *The plat alteration is within the public interest; and*
- b. *The approval criteria in Section 40.540.040(D); as applicable to the proposed plat alteration, are met; and*
- c. *The approval of the plat alteration will not result in violation of any requirements of the original approval unless conditions necessitating such requirements have changed since the original plat was recorded.*

Finding 3 - Response to Plat Alteration Criteria

- a. The original short plat (recorded in Book 3, Page 138) was found to be in the public interest because adequate provisions were made for public health, safety, and general welfare of the community. The only proposed changes to the existing plat and engineering plans are to approve the location of the existing turnaround and modify the existing stormwater easement. The turnaround and the stormwater easement will be required to meet applicable code requirements.

- b. At the time of preliminary plat approval, the short plat met the approval criteria in CCC Section 40.540.040 (D) with conditions. Since the proposed complies with transportation and stormwater standards, staff concludes that the approval criteria are still met.
- c. The conditions of approval for the preliminary plat have been implemented. The stormwater and erosion control facilities have been constructed as approved. The existing turnaround was not constructed as approved, but staff supports the proposed turnaround location because it can comply with transportation standards. The proposed changes are consistent and do not conflict with the original approval.

Based on the above, staff finds the proposed plat alter complies with the standards of CCC 40.540.120 and should be approved.

Finding 4 - Final Approval

CCC 40.540.120(B) requires that within five years of the date of preliminary approval of the vacation or alteration, the applicant shall submit for final plat approval through the final plat process of CCC 40.540.070. If the nature of the plat alteration is minor, the review authority may set appropriate conditions and processes for final review and recording of the alteration at the time of preliminary approval."

This proposal is considered a minor plat alteration. An appropriate process for final review is for the applicant to submit a declaration which identifies the changes to the recorded plat and approved engineering plans. Staff will then process the document to obtain the necessary county signatures. (See Condition A-1)

Conclusion (Land Use):

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

ENGINEERING:

Finding 5 - Stormwater Easement for Retention Pond #1

The applicant proposes to reduce the size of the existing storm drainage easement between lot 1 and 2 from the original 128 feet by 166 feet to 80 feet by 166 feet. This original easement was for the location of Retention Pond #1 according to the engineering as-builts for the project. The engineering as-builts show the location of this retention pond completely on the north side of lot 1; however, Retention Pond #1 was built half on Lot 1 and half on Lot 2. Therefore, the existing stormwater easement is in the wrong place. The applicant is proposing to narrow and move the location of the stormwater easement so the new easement fits over the location of the existing Retention Pond #1. Engineering staff concurs with the new location and dimensions of the new stormwater easement. (See Condition A-2)

Finding 6 - Transportation Turnaround

The applicant is requesting to move the existing turnaround easement 50 feet to the north to align with the existing paved turnaround. The existing easement for this turnaround was delineated incorrectly on the plat. Engineering staff concurs with the proposed location of the turnaround easement located over the existing paved turnaround. (See Condition A-2)

Conclusion (Transportation and Stormwater):

Staff concludes that the proposed plat alteration, subject to the condition identified above, can meet the transportation and stormwater requirements of the Clark County Code.

Decision

Based upon the proposed plan, and the findings and conclusions stated above, the Planning Manager hereby **APPROVES** this request, subject to the following conditions of approval:

Conditions of Approval

A Final Plat Review & Recording (Plat Declaration)

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

- A-1 The applicant shall submit for final plat through the following alternative process:
 - a. A signed, notarized declaration with attachments shall be submitted for review and shall be in substantial conformity with this application.
 - b. The declaration shall be recorded with the Clark County Auditor. A copy of the recorded document shall be submitted to the Department of Community Development within 5 years of preliminary plat alteration approval.
 - c. The declaration shall clearly indicate that the original plat is only amended as described in this report. All other aspects of the final plat are unaffected.

- A-2 The applicant shall obtain the services of a professional land surveyor licensed in the State of Washington to make the proposed revisions to the stormwater and turnaround easements. This surveying documentation including a plan shall be submitted with the plat declaration.

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

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

- B-1 All notes and requirements of the recorded plat remain except as modified with this application.

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

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

None

**D Development Review Timelines & Advisory Information
Review & Approval Authority: None - Advisory to Applicant**

D-1 **Plat Alteration** - Within five years of preliminary approval, a Fully Complete application for Final Plat review shall be submitted

Note: The Development Services Manager reserves the right to provide additional comment and findings of fact regarding this decision, if appealed.

Decision Appeal Process:

An **appeal** of any aspect of this decision may be appealed to the County Hearing Examiner only by a party of record. A "Party of Record" includes the applicant and those individuals who submitted written testimony to the Development Service Manager within the designated comment period.

The appeal shall be filed with the Department of Community Development, Permit Services Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record. This decision was mailed on July 10, 2013. Therefore any appeal must be received in this office by July 24, 2013.

Any appeal of the final land use decisions shall be in writing and contain the following:

- Case number designated by the County;
- Name of the applicant;
- Name of each petitioner;
- Signature of each petitioner or his or her duly authorized representative;
- A statement showing the following:
 - That each petitioner is entitled to file the appeal as an interested party in accordance with CCC 40.510.030(H);
 - The specific aspect(s) of the decision being appealed;
 - The reasons why each aspect is in error as a matter of fact or law;
 - The evidence relied on to prove the error; and,
- The appeal fee of \$1,727 (Planning = \$1,260 + Engineering = \$468).

Attachment:

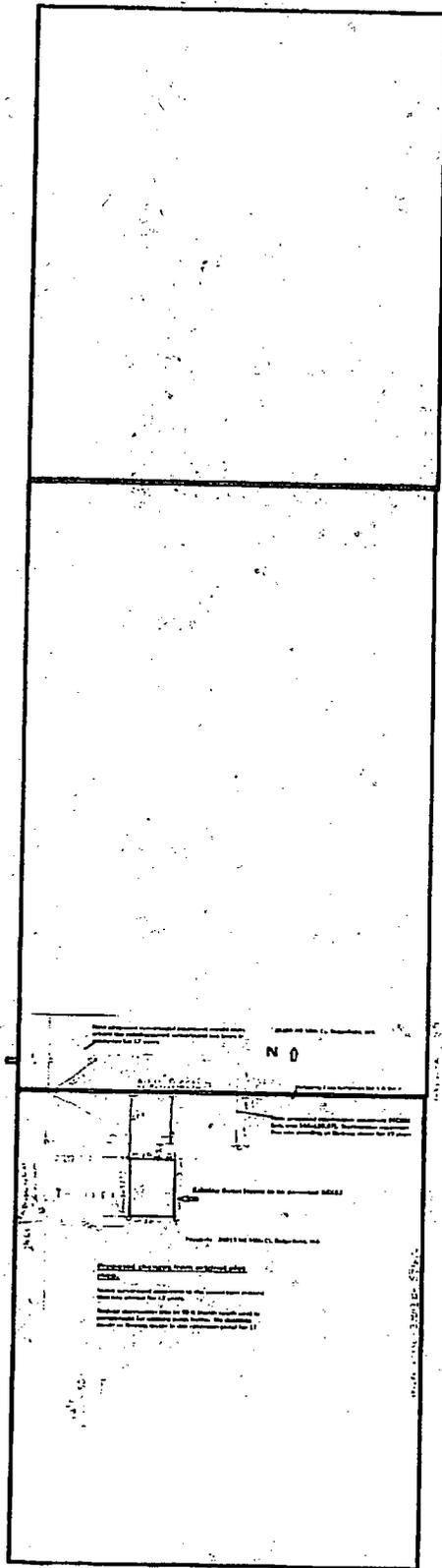
Copy of Proposed Preliminary Plans

A copy of the approved preliminary plan and Clark County Code are available for review at:

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:
Web Page at: <http://www.clark.wa.gov>

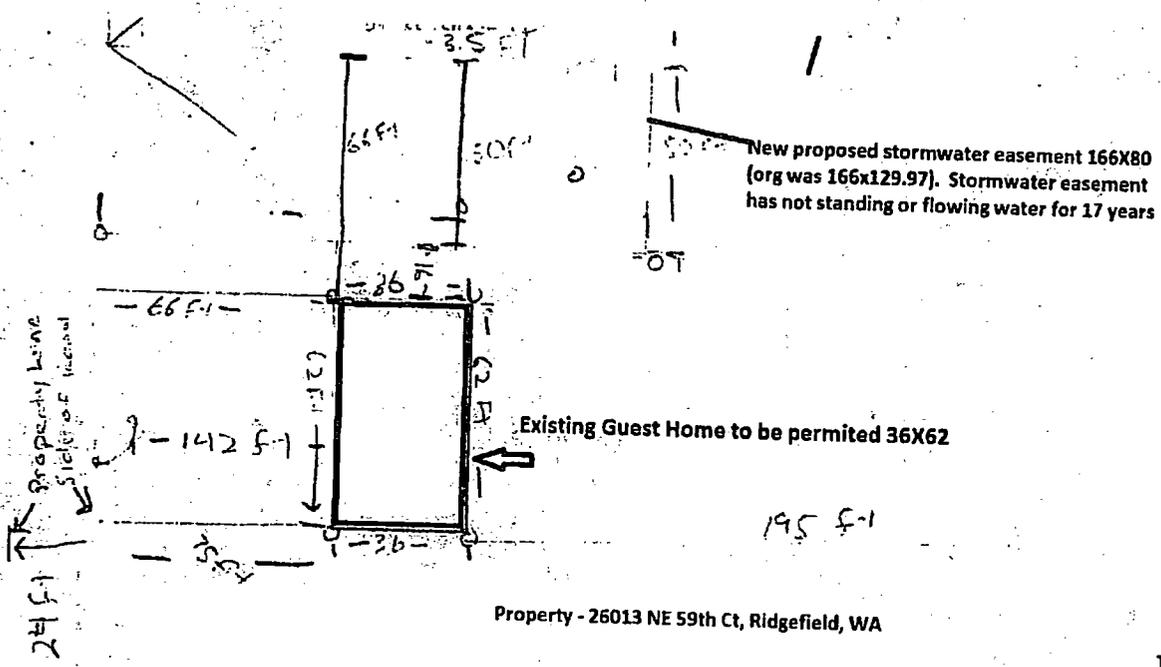
**Overview of project as it relates to the original plat map
Bl 3 Page 138. Short Plat**



**Lot 3 - not shown to scale
5 acres**

Lot 2 5 acres

Lot 1 5 acres



Proposed changes from original plot map.

- Move turnaround easement to the paved turn around that has existed for 17 years.
- Reduce stormwater size by 50 ft (north south size) to compensate for existing guest home. No standing water or flowing water in this retention pond for 17

Scale
1 inch = 50 ft

Property Line - 26013 NE 59th Ct

Return Address:

**Curtis W. and Sheila M. Everett
26013 NE 59th Court
Ridgefield, WA 98642**

Serial #: 225250

Sec-T-R SW ¼, Section 19, T4N, R2E

Project: PLD2013-00001 SP BK3 PAGE 138 PLAT ALT

DECLARATION AMENDING PLAT BOOK 3 PAGE 138

We, Curtis W. and Sheila M. Everett, husband and wife, the owners of certain real property in Clark County, Washington, legally described therein below (hereinafter "Site"), pursuant to RCW 58.17.215 and CCC 40.540, which, under specific circumstances, allows Clark County to approve alterations to recorded plats, file this declaration to accomplish that end.

RECITALS:

Whereas, Curtis and Sheila Everett are the owners of property, part of a plat recorded under Auditor's number 9701060155 Book 3 Page 138, the Site, which legal description is set forth by a copy of the previously recorded plat in Exhibit A attached hereto; and

Whereas, the owners have sought to amend the previously recorded plat to officially approve the existing location of the turnaround and modify the stormwater easement location between lots 1 and 2; and

Whereas, the owners have previously received the plat alteration approval with conditions of Clark County in that planning application numbered PLD2013-00001; and

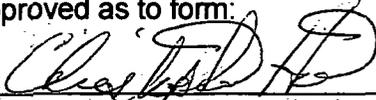
Whereas, this document is required to satisfy the conditions of approval, RCW 58.17.215 and CCC 40.540; now, therefore,

1. The undersigned owners declare that they are the sole and exclusive owners of the real property, described in Exhibit A, that is affected by the plat alteration. The plat is recorded in Book 3 at Page 138, records of Clark County, Washington.

2. Pursuant to the plat alteration, Clark County has authorized that the existing turnaround location complies with transportation and stormwater standards and is consistent with the original approval.
3. A revised drawing of the approved alteration as specified in approval condition note A-2 is attached hereto and incorporated herein as Exhibit B.
4. The final plat is only amended as set forth above and in all other aspects are unaffected by this document. A copy of this declaration shall be filed with the Clark County Auditor so as to appear in the chain of title of the affected parcels.

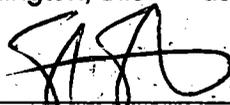
Dated this 13th day of November 2013.

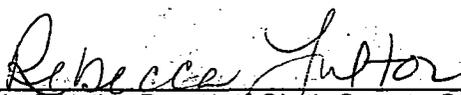
Approved as to form:

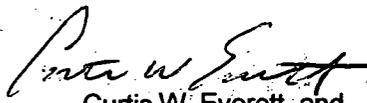
By 
Christopher Horne
Deputy Prosecuting Attorney

County Commissioners

Approved and accepted by the Board of County Commissioners, Clark County,
Washington, this 3rd day of December, 2012 2013.


Chair of the Board of County Commissioners

Attested by: 
Clerk to the Board of Clark County Commissioners


Curtis W. Everett and
Lot 1 Property Owner


Sheila M. Everett
Lot 1 Property Owner

STATE OF WASHINGTON)

:SS

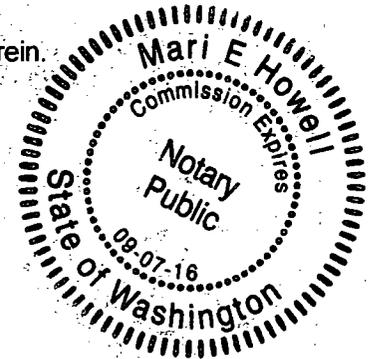
COUNTY OF CLARK)

On this day personally appeared before me Curtis W. Everett, known to me to the person that executed the within and foregoing instrument, and acknowledged said instrument to be his/her free and voluntary act and deed, for the uses and purposes therein mentioned, and on oath stated that he/she was authorized to execute said instrument.

SUBSCRIBED AND SWORN TO BEFORE ME THIS 13th DAY OF November, 2012 ^{ULL} 2013

Mari E Howell

Notary Public in and for the State of Washington, residing at Kalama, therein.
My commission expires: 9/1/2016



STATE OF WASHINGTON)

:SS

COUNTY OF CLARK)

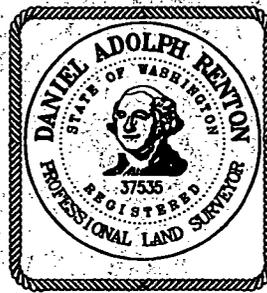
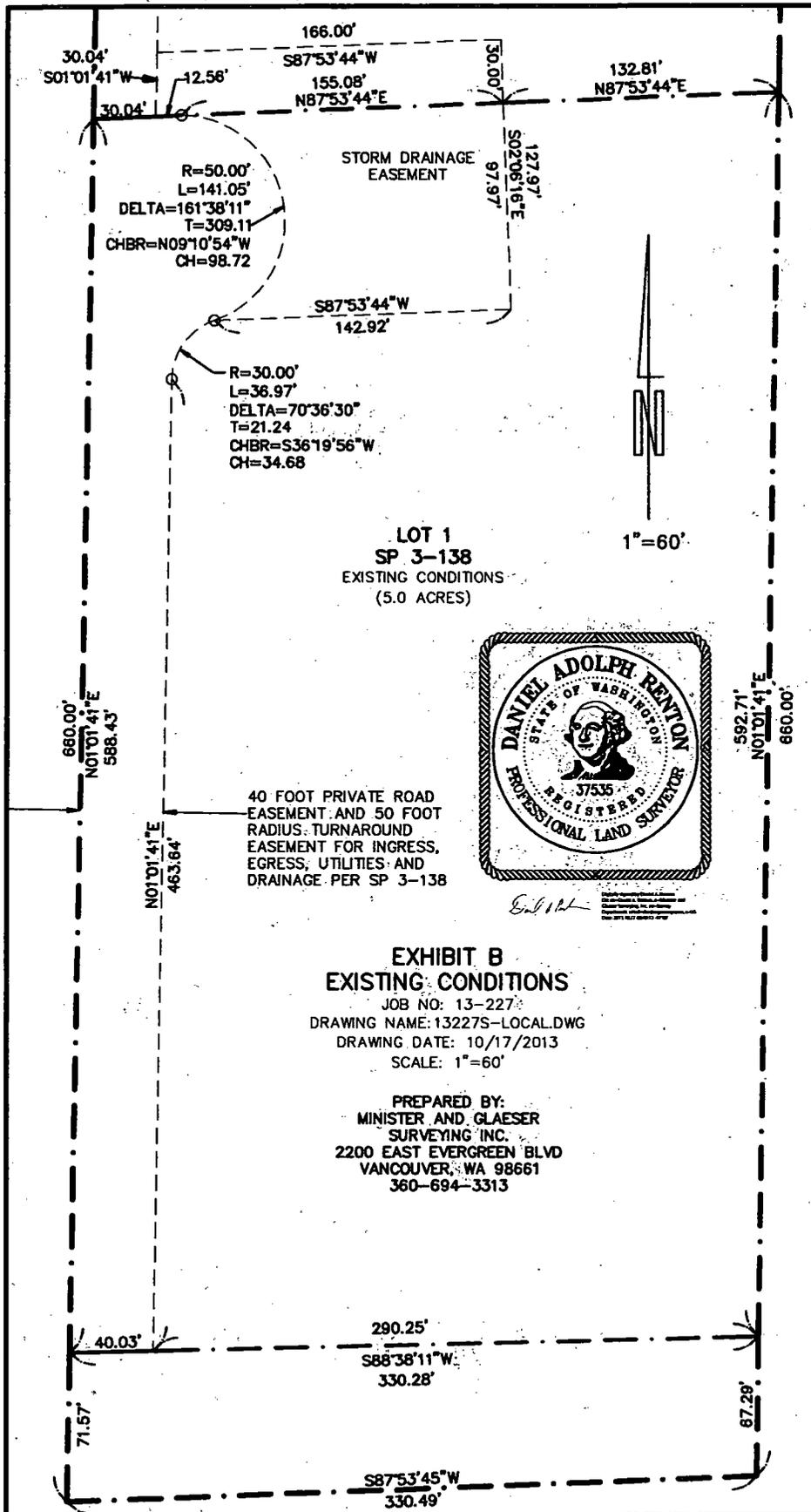
On this day personally appeared before me Sheila M. Everett, known to me to the person that executed the within and foregoing instrument, and acknowledged said instrument to be his/her free and voluntary act and deed, for the uses and purposes therein mentioned, and on oath stated that he/she was authorized to execute said instrument.

SUBSCRIBED AND SWORN TO BEFORE ME THIS 13th DAY OF November, 2012 ^{ULL} 2013

Mari E Howell

Notary Public in and for the State of Washington, residing at Kalama, therein.
My commission expires: 9/1/2016

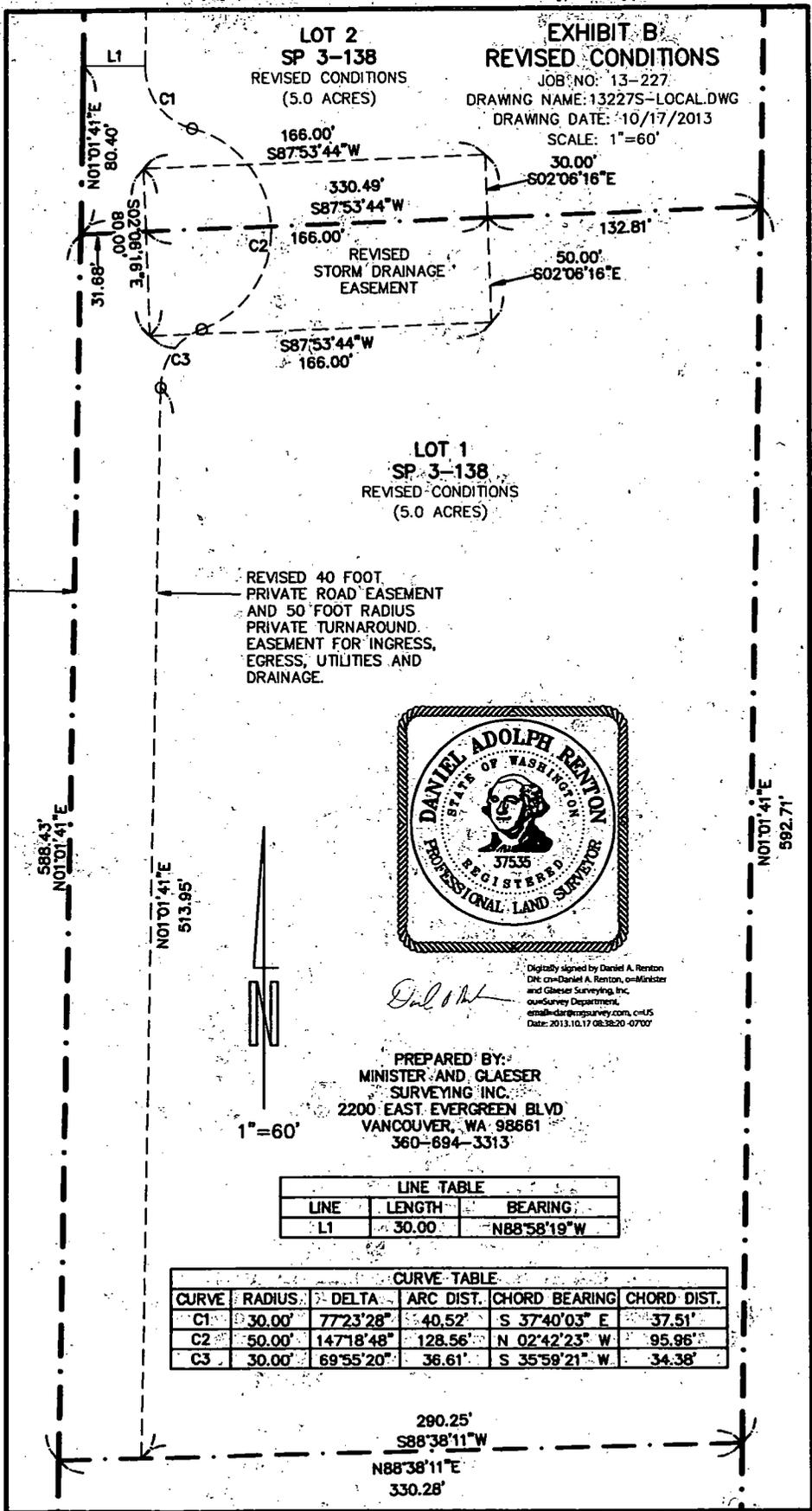




**EXHIBIT B
EXISTING CONDITIONS**

JOB NO: 13-227
 DRAWING NAME: 13227S-LOCAL.DWG
 DRAWING DATE: 10/17/2013
 SCALE: 1"=60'

PREPARED BY:
 MINISTER AND GLAESER
 SURVEYING INC.
 2200 EAST EVERGREEN BLVD
 VANCOUVER, WA 98661
 360-694-3313

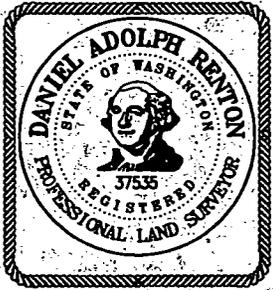


**EXHIBIT B
REVISED CONDITIONS**

JOB NO: 13-227
DRAWING NAME: 13227S-LOCAL.DWG
DRAWING DATE: 10/17/2013
SCALE: 1"=60'

**LOT 1
SP 3-138
REVISED CONDITIONS
(5.0 ACRES)**

REVISED 40 FOOT
PRIVATE ROAD EASEMENT
AND 50 FOOT RADIUS
PRIVATE TURNAROUND
EASEMENT FOR INGRESS,
EGRESS, UTILITIES AND
DRAINAGE.



Digitally signed by Daniel A. Renton
DN: cn=Daniel A. Renton, o=Minister
and Glaeser Surveying, Inc.
e=dar@mcgsurvey.com, c=US
Date: 2013.10.17 08:38:20 -0700

PREPARED BY:
MINISTER AND GLAESER
SURVEYING INC.
2200 EAST EVERGREEN BLVD
VANCOUVER, WA 98661
360-694-3313

1"=60'

LINE TABLE		
LINE	LENGTH	BEARING
L1	30.00	N88°58'19"W

CURVE TABLE					
CURVE	RADIUS	DELTA	ARC DIST.	CHORD BEARING	CHORD DIST.
C1	30.00'	77°23'28"	40.52'	S 37°40'03" E	37.51'
C2	50.00'	147°18'48"	128.56'	N 02°42'23" W	95.96'
C3	30.00'	69°55'20"	36.61'	S 35°59'21" W	34.38'

290.25'
S88°38'11"W
N88°38'11"E
330.28'