**From:** Jeffrey Delapena
**To:** Heidi Pozzo
**Cc:** Oliver Orjiako; Jose Alvarez
**Subject:** RE: Comp Plan Index: 174th St documents
**Date:** Monday, September 21, 2026 8:08:00 AM

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Hello Heidi,

Thank you for providing these comments and attachments. Confirming these have all been received and will be added to the Comprehensive Plan Index of Record.

Best,

Jeff Delapena
Program Assistant
COMMUNITY PLANNING

564.397.4558

NOTICE OF PUBLIC DISCLOSURE: This e-mail account is public domain. Any correspondence from or to this e-mail account may be a public record. Accordingly, this email, in whole or in part may be subject to disclosure pursuant to RCW 42.56, regardless of any claim of confidentiality or privilege asserted by an external party.

-----Original Message-----
From: Heidi Pozzo <hcpheidi@yahoo.com>
Sent: Saturday, September 19, 2026 2:44 PM
To: Jeffrey Delapena <Jeffrey.Delapena@clark.wa.gov>
Cc: Oliver Orjiako <Oliver.Orjiako@clark.wa.gov>; Jose Alvarez <Jose.Alvarez@clark.wa.gov>
Subject: Comp Plan Index: 174th St documents

EXTERNAL: This email originated from outside of Clark County. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Jeff,

I have just uploaded (Sept. 19, ~ 2:45) to the link you provided me, four documents related to 174th St. Subdivision (fully complete letter, staff report, transcript and Ex 141) for inclusion in the Comp Plan Index of Record.

Thank you,

Heidi

CLARK COUNTY
WASHINGTON
COMMUNITY DEVELOPMENT
LAND USE REVIEW

# Fully Complete Determination

*Working together. Securing your safety. Protecting your investment.*

**Project Name:** 174th Street Subdivision

**Case Number:** PLD-2026-00002

**Parcel:** 181696000,181711000,181721000,181731000,181764000,181765000 181766000

**Request:** The applicant is requesting a subdivision review approval to divide 24.97 acres (+/-) into 100 single-family lots in the R1-10 and R1-20 zones with a Mill Creek Overlay.

**Applicant:**
Silver Buckle Homes, LLC dba Timber Crest Homes
Attn: Rob Root
2210 W Main Street, Suite 107-391
Battle Ground, WA 98604
360.607.4552
rob@timbercresthomes.com

**Contact:**
PLS Engineering
604 W Evergreen Blvd
Vancouver, WA 9866
360.944.6519
pm@plsengineering.com

**Property Owner:**
Tobin and Katarzyna Boslaugh
18501 NE 101st Avenue
Battle Ground, WA 98604

Rob and Annette Root
16915 NE 40th Avenue
Vancouver, WA 98686

Shawn and Yvette Root
P.O. Box 1197
Spirit Lake, ID 83869

Scott and Angela Eversaul
13311 NE 4th Court
Vancouver, WA 98685

| | | | |
|---|---|---|---|
| **Planning Tech:** | Amie Saftich | **Phone Number:** | 564.397.4993 |
| **Staff Initials:** | ANS | **Date Mailed:** | February 9, 2026 |

There is a requirement for the **applicant** to post public notice

- Per CCC40.510.030E.3.c, at least 30 calendar days prior to the public hearing, the applicant must post a public notice sign for the proposed development.
- Failure to post public notice within this timeline may result in a continuance of the public hearing. Continuance fees are one-half of the original highest application fee, with a maximum of $5,000.
- The date of the required sign posting is listed on page 4.
- Contact the project planner if you have questions or concerns.

The county conducts two application checks to ensure that applications are complete before staff begins their development review process. The first level is the *Counter Complete* review, which ensures that the application includes all the major items required in the Clark County Code, such as, Application Form, Developer's GIS Packet, Proposed Plan, etc. This review is conducted either at the counter or within 7 calendar days of the application submittal.

**Your application was submitted and determined to be Counter Complete on January 7, 2026.**

The second review is the *Fully Complete* review, which looks at the major items and sub-components of the submitted materials, such as, all *Proposed Plan* elements are shown, like the square footage and dimensions of all proposed parcels, location of existing and proposed structures, etc. This review level ensures that the information you submitted includes all the details required by code. Additional information required to be submitted, as noted within the Pre-Application Conference Report, is also checked at this level. A Fully Complete review is conducted within 21 calendar days of a Counter Complete determination.

**Your application was determined to be Fully Complete on February 9, 2026.**

**Note:** A Fully Complete determination does **not** mean your application is approved. It indicates that you have submitted all the required information and, therefore, your application is ready for review.

**Vesting**
Upon a determination of Fully Complete, your application is vested with the development regulations that are in place at the time all fully complete application submittal items are submitted.

Examples:

1. An application is submitted on June 1 and determined to be *Fully Complete* on June 25. The application is vested as of June 1.
2. An application is submitted on June 1 and subsequently determined to be *Not Fully Complete* on June 25. In response, the applicant submits additional information on July 8. The revised application is subsequently determined to be *Fully Complete* on July 18 Note: the completeness decision will be made within 14 calendar days of new submittals. The application is vested as of July 8, the day the fully complete application was submitted.

To be vested on the date a pre-application is filed (contingently vested), the following conditions must be met:

1. All the required pre-application conference information was submitted on the pre-application submittal date (Note: the Pre-Application Conference Report will indicate whether the application is contingently vested); and,
2. A fully complete application for substantially the same proposal was filed within 180 calendar days of the date the County issued the Pre-Application Conference Report.

Your application was determined Fully Complete on February 9, 2026, and thereby, vested on the date that all Fully Complete submittal items were submitted, January 26, 2026.

**Transportation Concurrency**

The Washington state requires that needed transportation facilities be provided **concurrent** with new development. Transportation concurrency is based on a first come, first serve basis. If there is sufficient remaining capacity on the roadways that will serve the subject development, the project will be approved for concurrency. Vesting for transportation concurrency (reservation in the concurrency line) is established at the time all fully complete application submittal items are submitted.

**Your application was vested for transportation concurrency on January 26, 2026.**

**Stormwater Vesting**
Vesting for stormwater is established at the time of fully complete land use application. Your project is vested for stormwater on **February 9, 2026**.

**Decision and Hearing Deadlines**
The county has set a decision deadline for Type II reviews of 78 calendar days from the date of the Fully Complete determination. For Type III reviews, a hearing on your request will be held within 78 calendar days and a written decision issued within 92 calendar days of the Fully Complete date. Adherence to these deadlines may vary depending upon permit activity levels.

Although your application is determined to be Fully Compete, additional issues may be identified during our review, and additional information may be requested to adequately address certain code requirements. During this waiting period for additional information, your application is placed on Hold and the 78-day clock stops until all the requested information if submitted.

**If you have not submitted the additional information requested by staff within 14 days, staff will proceed to review your proposal as submitted, and not accept any further information from the applicant. Staff may allow an exception to this time limit based upon the applicant's unique circumstances. However, if your application is placed on HOLD for more than 60 days, due to your actions or inaction, you will lose your date of vesting for transportation concurrency.**

For Type III reviews, the public hearing date will be scheduled within two weeks of a Fully Complete determination. Notice of the public hearing will be issued at least 15 calendar days before the day of the hearing. The public hearing notices includes the following:

- Mailing of notice to all property owners within 500 feet in the urban area and 1000 feet in the rural area, however, the notification radius shall be increased until it includes at least twenty (20) neighboring properties;
- Posting a sign(s) on the property with notice attached; and,
- Notice in *The Columbian* newspaper.

A copy of the staff report and recommendation will be mailed to the applicant and applicant's contact person at least 15 calendar days prior to the public hearing.

Within 3 business days (Monday through Friday), of this notice, all fees must be paid in full, and an email notification of payment must be sent to planningtech@clark.wa.gov. If planningtech@clark.wa.gov is not notified of payment your application will be placed on hold and the public hearing will be rescheduled.

**The Public Hearing on your development proposal is tentatively scheduled on April 23, 2026.**

**Therefore, unless this date is changed, the applicant must post public notice by: March 23, 2026.**
Refer to the *Applicant posted land use sign* handout for more information.

**For further information, contact:**

| Staff Name | Email | Phone | Title |
|---|---|---|---|
| Michelle Dawson | michelle.dawson@clark.wa.gov | (564) 397-4658 | Engineer |
| Craig Kathol | craig.kathol@clark.wa.gov | (564) 553-8247 | Concurrency Engineer |
| Jason Knoble | jason.knoble@clark.wa.gov | (564) 397-2186 | Fire Marshal |
| Melissa Curtis | melissa.curtis@clark.wa.gov | (564) 397-5870 | Planner |
| Ariel Whitacre | ariel.whitacre@clark.wa.gov | (564) 397-4717 | Biologist |
| Hunter Decker | hunter.decker@clark.wa.gov | (564) 397-4852 | Forester |

>> Then I'll start the hearing for PLD 20262026-00002 174th Street Subdivision. Whenever you're. >> Ready and you can see my screen, right, my sharing, my presentation. Excellent. That's what I thought. >> Yes, I can excellent. >> Okay, so in this case, the applicant proposes to subdivide approximately 25 acres into 100 lots. The site is currently split zoned R1 ten and R1 20. The applicants also proposing a concurrent rezone to rezone the R1 20 portions of the site to R1 ten. Let's see. And also, there were requesting a 10% variance for lot width for multiple lots within two phases, and the site falls within the Mill Creek overlay. The consultant firm. The contact is PLS engineering. Jalissa. Curtis did produce the staff report and the information. I'm doing the presentation tonight. Alistair Dawson is our review engineer. Craig Cordell is our concurrency engineer and Ariel Whitaker is here as our wetland biologist staff. >> Okay. >> And as I've mentioned before, really there's different purposes for the presentations tonight, not just from staff, but from, but from the neighbors and the applicant. It's to provide an overview of the summary and a summary of the project, identify any major issues or concerns and relate those to you, Mr. Examiner, so you can make a record or make a recommendation to you. >> Okay. >> The subject site is located here with black dots on the screen. It's located on the south side of 174th Street and on the east side of 40th Avenue. As we can see, the site is zoned as split zoned R ten and R 20. And you can see it's surrounded by R 20 on the east and south side and R 110 on the west side across the street from 174th Street. It's a r 175. But here we have a copy of the aerial. And these. The reason why we're seeing these different. These are actually separate parcels. And that's why we're seeing these different grids the outlines. But you can see the aerial of. And what's existing on the site. Okay. Here's a copy of the proposed plan. This is the north. The split phase one is their north. And then phase two is south. We pasted them together just so you could kind of see the full one. But we want to look at the other ones individually to get more clearer picture. Okay. >> Appreciate that. And the same thing on paper. Copy. >> Okay. At this point we want to show some slides demonstrating the existing conditions of the site. Okay. This first view is one south of northeast 40th Avenue. And you can see that's 169th Street that, that, that, that peels off and goes to the west. This view is one north of northeast 40th Avenue, and you can see 174th Street there at the stop sign. And the next picture, we will pretty much go. Right. And I think it's just right there. Yep. And there is a view heading east on 174th Street. And then here are a couple of driveways at 16915 northeast 40th Avenue. Here's another one on 40th, 17101. Okay. So as far as a timeline and the exhibit list go, the applicant was determined to be Kaliner complete on January 7th, 2026. Fully complete. February 9th, 2026 notice of Sipa optional Sipa and public hearing was mailed to the applicant, the neighborhood association and property owners within 500ft of the site. On February 24th. One sign was posted on the subject site and two within the vicinity. On March 13th, 2026. So far as the exhibits go, let's go back and the staff report and recommendation was exhibit 46, similar to the last case, we have

concurrency stuff that came in. Looks like that is exhibit four. Oh no. That's a comment from. Hold on a second. I'm a little confused. I want to make sure I know where the comments are. Stand by one second. Okay? >> I think it's exhibit 52 concurrency staff report. That's it. Yes. >> I'm sorry. That's exactly I was just I just I was just looking at that and confirming that yes. >> That's no problem. >> Okay. So and some of the main parts that was, that was written here, that Melissa right here for timeline and a new exhibits, ten new exhibits came in from Heidi Pozzo. I'm not sure if I'm pronouncing her last name correctly. Brian Telegin, David Gilroy. And of course, we've already talked about the engineering concurrency, the looks like it's the ten exhibits from 10 or 11 exhibits from Heidi came in were exhibits 59. Those just came in yesterday, 59 through 70. And then the applicant submitted just today, submitted exhibit 71 through 77. And I think that's all regarding the arterial atlas and those transportation issues that we've had similar stuff on some of these cases in the past. So those are exhibit 71 through 71 through 77, and 77 is the last exhibit we have in the record. >> Okay. I have exhibits through 70, so I'd appreciate it if staff could either send them or put them on the website for the county. >> So yeah, let's talk let's talk a little bit later. I know, I know Christie, I think Christie sent I think Christie sent you the link for the updated stuff. But let's talk to make sure you've got those. I think she sent those to you. At least I hope she did. Let's check on that. >> She did. And but I when I checked this this early afternoon, I only had through 70. But oh, okay. Like more came in. Okay. But they're great. I'm sure I'll get them one way or another. >> Yeah. Let's, I'll, you and I can converse tomorrow to make sure you've got those. Yeah. Okay. So the staff recommendation was, was issued. We just mentioned about that just a couple minutes ago. And that was of course exhibit 46. We'll talk more about the record left open. But yes, we're going to we're going to be asking again for a more extensive record open because of the concurrency comments and possibly other reasons as well. Right. So when the concurrency report was issued, we did issue denial. Due to a failing level of service. Here is a copy of the full plan. Again, we'll we'll go for more details. We'll we'll look at the individual sections for more clear or oops. Okay. And that concludes staff present at least land use staff presentation. However, at this point in time, what I'd like to do is because of those more recent exhibits that were sent into the record, the ones that you not that you at least don't have your eyes on yet. Steve Archer from the county is here and would like to just give a little background, little information. All right, Steve, you're on. >> Thank you, Mr. Landis. Examiner. Mr. Turner, my name is Steve Archer. I'm senior deputy prosecuting attorney for Clark County, and we're located at 1300 Franklin Street, suite three, 80, Vancouver. And I would like to take the liberty. Just making an informational statement. In my role, I I'm not an advocate here. I am here to advise staff. I also can answer questions from you. However, it's my understanding that an exhibit has been submitted with regards to this by. On behalf of Mr. Dean Hergesheimer by his capable counsel, Brian Telegin. And in that there are

mentions of arguments related to Clark County Code, section 33, 50 030B4B4A. >> And 40. Did you mean 4350? >> Did I say 40 4350 or did I say 333 50 or. >> Yeah, I wasn't aware of that particular code. Okay. >> Well, you know, I, I figured I'd get it wrong on the B four side of things. I didn't know I'd get it right out of the gate wrong. So. And I, I also would invite Mr. Telegin to comment. I haven't discussed this with him all, all I want to say Informationally, is that in the past you have issued interpretations and decisions regarding this section. Now, Mr. Hergesheimer has challenged these. I in my capacity never contact you or any land use examiner when I represent the county. When a land use decision has been challenged and I have not done so here. To the extent that information that you may want or need information about the status of any of those, I'd be happy to weigh in and happy to allow Mr. Telegin also. But Serape, since you. To my knowledge, I haven't expressed any of these to you. If that is of any significance to you, I. I'm happy to say a few words. >> Okay. I think it was. The applicant submitted a number of documents, including decisions of appeals regarding my prior decisions, where generally the court agreed with my analysis and affirmed those. My interpretation of the code. So I am familiar with, based on what's in the record. So I, I think I, I again, I don't know what I don't know, so I think we're okay, but I'm not sure. >> All right. And I believe so I, I think that I just wanted to make that available, but I, I think it's delicate and I want to be very diplomatic about it. So thank you. >> I appreciate that. Anything else from other county staff. >> Yes. What I would what I'd like to do at this point, Mr. Examiner, is. Craig Cottle, would you like to give an update? Because the concurrency comments came in a little bit late, but they were. But but it was a recommendation for denial. Craig would like to give you an update, would like to give an update as far as the concurrency situation. >> Okay. >> Thanks, Richard. For the record, this is Craig Cottle, Clark County concurrency. So yes, at the time of this hearing, concurrency has recommended denial because at the time I submitted my staff report for review and signature, the applicant had not volunteered any mitigation to show compliance with the concurrency code. So in order to attain concurrency approval, the applicant needs to show or they need to volunteer mitigation for the intersection of northeast 179th Street and Northeast 50th Avenue that meets or exceeds pre-development conditions. The county has since received that volunteer letter. So during the open record period, I'll be reviewing that with my manager and providing comments at that time. >> Okay. Thank you. Anything further from other county staff? >> I'm not I don't know that we do. I unless you have questions, that could be it. >> I do. There was I didn't put the name in my notes, but one of the neighbors or opponents at least raised the appeal issue. I think it was exhibit 70. I saw that my understanding under the county code that the appeal the appeal deadline is jurisdictional. If they didn't file an appeal, I have no no authority to extend that deadline or otherwise review. That's, I think I understand the concerns that they raised in their letter, but those most of the issues that they raised, they weren't addressed. And therefore, it

would have been appropriate to. The issues they raised were not addressed in the staff report, but it would have been appropriate to file an appeal. It's unfortunate that they were unaware that things may change, but I can't consider the CP issues absent an appeal. And Mr. Archer, it looks like you have your. You have a response to that? >> Not. Presently you're. Oh. >> Okay, I thought I, I just saw out of the corner of my eye. So your head move or something? I thought you'd raised your hand. So sorry. No, no. >> Thank you. Thank you, Mr. Governor. >> I have a little bit of a response. >> Okay. Let me let me finish my thought there on that issue. It's I will acknowledge that the staff report didn't address the comments. That's disappointing. The or any the public comments didn't reference public comments at all. And there were several before the staff report. And it. I don't know, but it appears, given the timing of things that the applicant was informed of the contents of the concurrency analysis regarding 179th and 50th, that it would not pass concurrency because the day after the concurrency report was dated, the applicant volunteered to fix it, so to speak. But regardless, even if they had if whenever the concurrency report came out, they would have, I assume, made that same volunteer, it wouldn't have affected the appeal. They. Because concurrency is a code standard rather than a CPA issue. The tire issue that the tire articulates. There's a certain chemical that was concerned clearly wasn't relevant to concurrency and is clearly a CPA appeal. They could have appealed on that. They didn't. Again, I'm not casting aspersions on anybody. I'm. It's unfortunate that the concern that the CPA appeal deadline was missed, but I have no authority to extend that. So, Mr. Darby, if you wanted to respond, go ahead. >> Well, yeah, I think you responded to. One of the things that I was going to say was, of course, the concurrency issue is a code issue, not a CPA issue. And also that letter that came in exhibit 70 for the CPA comments, if you read further down, they say they decided not to file an appeal because we were recommending denial. So they made that choice not well, it appears they made that choice not to file an appeal. But I mean, I just want to note the denial issues wouldn't have been a CPA issue anyway because it's a code compliant concurrency issue. But that that exhibit just came in yesterday. Or maybe it was this morning. I think it late yesterday I got it. >> I got it this afternoon. I was out this morning. >> So that at that point we didn't we didn't we certainly didn't have the we didn't have any of those comments when we when we issued the staff report 15 days ago. >> But she submitted those. This is basically the same comments. No, she submitted. Let me look at the exhibit numbers. She submitted exhibit 16 and no, that's. Yeah, 16 was hers. And maybe that was it. They were combined, but she did submit that exhibit 16 before this long before the staff report was issued. I don't know, before the staff report was issued, she resubmitted them as exhibits 48. I think it's just labeled as Sipah EIS challenge in my in the documents. But she resubmitted them because they'd gotten mixed up. The paper pages got mixed up, but they were. They were in the record before the staff report was issued. So that's why I was surprised that there were no public comments. I had

that note in my copy of the staff report as there were public comments, but they're not mentioned. But I will hold the record open so everybody can address those comments. Staff, applicant, anybody else. Anyway, on to another issue in the staff report on page three. Under public comments, it notes that. Department of Fish and Wildlife will require a culvert and which will require an HPA from Fish and Wildlife. But exhibit ten is a letter from Fish and Wildlife says that says an HPA is not required. So I think that may have come in. I don't know what the timing was, but I just wanted to see if someone can clarify that issue, because I think there's a condition that requires an HPA. I'm not sure actually. >> We can ask the applicant, but we can also we can also, after the applicant goes. We can also ask our biologist, Ariel, who's here to. Yeah, >> I'm I can you guys hear me? >> Yes. >> Okay, I did right. I noticed. >> Miss Whitaker. Can you state your name for the record? >> I'm Ariel Whitaker, biologist with Clark County Community Development, and I wrote to Fish and Wildlife about that and to get clarification. And they confirmed, I think it was exhibit 10 or 11, that an HPA was not required. >> So yeah, it was exhibit ten, I think. >> Yeah. So they had I think they they just had like somebody who kind of responds to those generally. And then I clarified and they confirmed that was not required. And there's an exhibit should be 10 or 11. >> I'll just need to revise that statement in the staff report. When I write my findings. Miss Whitaker, since you're here, the the subdivision proposed improvements to 174th and 50th Turn lane. I don't remember, I don't know, some kind of improvements and was also. The staff noted that A HCHCZ. I'm not sure. How about that conservation of something maybe required for those improvements? I'm. This applicant is required to make those same improvements if. Veers doesn't do it first, so I'm assuming they would also have to get an. They have to consider whether an Keesee is required or determined. Is that correct? >> So the HCZ means habitat conservation zone associated with the stream. And so the subdivision. It was this was a complicated one because the Vista subdivision is to the east of this. They share the eastern boundary or it's to the east of this one. And so there's two wetlands that cross the boundaries on either side. So veers had already had approval to fill a couple of the wetlands. These are really small wetlands, by the way. >> Yeah. I think we're talking about different issues here. So I just want to clarify, I'm familiar with what you're talking about with the wetlands that may extend on to this site. That veers is filling, but veers is also the veers applicant also proposed to construct certain improvements at 174th and 50th at that intersection, some kind of a turn lane improvement. And as I had to go back and look at that decision for something else, and I just happened to notice that the I think the condition there was something about that may require an HCC permit, or I may have gotten the initials wrong for. Because improvements to that intersection to build that turn lane may impact a stream or whatever the. >> Yeah. >> I think. >> That that project was having to do with final. What a final wetland or habitat permit due to the widening turn lane that was going to be required off of 50th. >> Yeah.

Should this development be have that same requirement if they build that improvement? >> I didn't condition that. So I'm not really aware. Okay. Maybe that's. >> It was just a heads up. >> Yeah. >> Okay. Thank you. That's what I needed. >> Okay. >> Appreciate it. And then concurrence. Yeah, I have a. Mr. Cottle. The concurrency staff report, exhibit 52 at pages four and five. I'm summarizing notes that the corridors based on the staff, based on the applicant's traffic study, the corridors fail. The volume to capacity measurement or standard. But because the intersections in those corridors are operating at acceptable levels of service, it passes concurrency. So does that mean I understand what you know, traffic's it's as I understand it, that means traffic's flowing through those intersections at an acceptable rate. So does that mean the volume capacity analysis is just wrong and it's overstating it or. >> For the record, this is Craig Cottle No, it doesn't necessarily mean that the volume capacity is wrong. The volume to capacity ratio is used as a tool to understand how much volume a corridor, regionally significant corridor within the county is experiencing. But when we see volume capacities in excess of 0.9, it's important to look at the corresponding intersections at the. Beginning and end of those corridors. So with the volume capacity that was in excess of 0.9, all of the level of service at the corresponding intersections were at an acceptable level except for northeast 179th Street and 50th Avenue and 159th Street and 72nd Avenue, which we requested a volunteer letter for northeast 179th Street and Northeast 50th Avenue in order to mitigate northeast 159th Street and 72nd Avenue, was not required to provide mitigation because of Clark County code 435020G1C and that specifically gives two different criteria that need to be met. And the first one of that criteria, the proposed development, adds at least five peak period trips were not met at that intersection. So it was not required there. >> Buy from this development. Is that correct? You mean five trips? Okay. Thank you. That's what I understood as well. But I just wanted to make sure everybody else did. Okay. I understand what you're saying now, and that's what I assumed as far as the volume capacity and the level of service. But your code 435020G1A provides the maximum volume to capacity ratio for each roadway segment shall not exceed 9/10 period when measured independently for each direction of travel period. It doesn't say anything about level of service at either end. So I'm not sure how does how do you get there based on that language? I know I've seen this in a number of other cases. Concurrency findings, but I never questioned it before. >> Right. Yeah. And it. So if we take northeast 10th Avenue, for example, if you look at the trip assignments in the traffic study, the. They're not sending any trips or very minimal amount of trips through that corridor. So a big reason why the volume capacity is over 0.9 on the 1/79 corridor is because of all of the other in process developments within the area. So it's not a direct impact from the 1/74 subdivision. Development. >> But they will they don't have the full code in front of me. But if they're sending trips through a failing corridor doesn't. It's. I thought the code prohibited approval of the development in that case.

Unless, you know, there's the five trips that you mentioned through a failing intersection movement, but I don't see that. Same for failing corridor. >> Well, would it be. Would I be able to discuss this with my manager? Absolutely. >> During the open record? >> During the >> Record. >> Yeah. Okay. I just wanted to raise the issue so everybody gets a chance to respond. But as I read that code section, I cited 435020 g one. A maximum volume to capacity ratio for each roadway shall not exceed 9/10 when measured independently for each direction of travel. Period. Says nothing about level of service at the intersections at either end. I understand your analysis and the basis for your findings, but I don't see how that's consistent with the code language. So I'm looking forward to explanations from all parties as their opinion of how that should be interpreted. But I just wanted to raise the issue. Thank you. Mr. Mr. Gallo. And I know I just mispronounced your name. Sorry. I think that was the last question I had for staff. Oh, just because it's right in front of me right now. For all parties, I would, if possible in the future, if you submit documents, is it possible? Can you make them in a form that is searchable and copyable? When I'm going through these online, I will often see an argument or a finding or statement, whatever. I want to copy a section out so I can make sure I. So I can include it in my notes or in my decision or whatever. With Mr. Telegin s letter, exhibit 50 and a couple of other documents. They weren't. I couldn't copy it. Any text out of the document. I couldn't search the document for. So if I go back later and I want to find where I came up with it, somebody mentioned something. That's just an overall request. In the future, if possible. I'm not technology expert, but most documents that I receive that have been scanned, I can search and I can copy text out of, but there's several in this case that didn't. No question. They're just a request for the future. Thank you. That's the only questions I had for staff. Now it's the applicant's opportunity to testify, and I'm not sure who's the applicant representative in this case, because there's not enough space on my screen. There we go. >> Thank you. >> I think we're. Can you hear us? >> Yes. >> Okay. This is Steve Morasch with Lannen, and I'm in the office of Engineering. Was the engineer on the project. And I think most of the presentation I'm going to make tonight. But I have Jason Taylor, a PLS. So if there's engineering questions or specific details I may refer to Mr. Taylor, my, my involvement in this application has been pretty recent. But on the issue of concurrency, my understanding is that the applicant initially proposed conditions to do the improvements that are now subject to the volunteer letter. So their failure was just in submitting the right form, which they've now submitted. And so I believe that the concurrency determination, when submitted in the open record period will be approval, and therefore we're going to request approval of the application, subject to the existing conditions in the staff report. We are happy with the conditions and we're not requesting any changes. And I want to thank staff for their work on this. And we agree with the staff report as to the issue the examiner just raised. With respect to the code, section 43, 502, oh point G, point A, we will want to

submit post hearing evidence on that as well as briefing. I will let the examiner know if I believe is if the examiner interprets that to require denial of this application, the examiner will have to deny every application along the 179 corridor, because. >> I understand that. That's why I want to know. >> And that would throw the whole area into moratorium. And it's not just 179. I'm understanding from engineers that 503 doesn't meet the standard either. So it would be throwing a significant chunk of the county in the moratorium. >> I understand, but I have to apply the county code as it's written. Right? >> Well. >> I you know that. >> My interpretation of the code is that the corridor issue is something that causes the county to pay more attention. To concurrency at the intersections. That's how it's always been interpreted. And because of the long standing practice of the county interpreting it that way, it should continue to be interpreted that way. None of the developments that have been approved, there's been about 100 units approved since the urban hold was lifted. None of those could have been approved. You know, if this was interpreted a different way. And a number of the documents I submitted into the record today include a couple of newspaper articles that describe the lifting of the urban hold, and one of the four development agreements that was entered into with the developer for the M.A, which is the one that's in this area. There were also development agreements with Killian Pacific, with Whole homes and with Terry Wogan. And what those agreements say is that the county is going to lift the urban hold, and those four developers are going to pay their tifs early. Usually tifs are paid at the time of building permit, but those four developers agreed to pay their tiffs even before preliminary plat approval. There's a schedule that they had to meet, and not only were they going to pay tiffs, but they paid $3,500 per lot surcharge, which is an additional over the TIF. And the county at that time also raised their tiff for the area. And the whole point of that was so they could do their 179th corridor improvements, which the county has done. Some of those, and some of those are planned to be completed in the next few years. And one of the documents I submitted is from the county website that shows the various projects, just sort of a list of projects and which ones have been completed and which ones are going to be completed. We've also submitted 179th corridor plan, and so I would submit that the whole purpose of that body of work that took place over a number of years and required cooperation between four large property owners and the county, was for the express purpose of making the 179th corridor meet concurrency. And so if this code provision is interpreted to absolutely prohibit any development on 179th corridor, it kind of goes contrary to that, all those development agreements and the 170 corridor plan and all the planning and work that's gone in to, you know, make this area developable. I would also point out that the way the code is written, if it's interpreted literally, there is no possible way. There's no conceivable set of improvements that would solve the concurrency problem, because the way capacity is designed in the table that is right under that code section, it says capacity is based on the

number of trips per hour in the table, based on the functional classification. And 179 is a principal arterial. That's the highest classification unless you want to turn it into a parkway like the Patton. And so it has 1800 trips an hour, and that's your capacity. You can't create any more capacity no matter what you do, because that is what defines the capacity right there. And so it's impossible to do any set of improvements that would increase the capacity. The only way to increase capacity would be either to change that table and increase that number, or change the functional classification of 179. But the only the only classification the county has that's higher is Parkway. So they'd have to turn it into a parkway. So basically if the code is interpreted literally, it just doesn't work. It breaks down and makes no sense. And I think the rule of law that if there's an interpretation that's nonsensical and, and one that makes sense, but maybe, you know, doesn't do complete justice to the literal wording. You go to the one that makes sense, even if it's not the literal wording versus adopting a completely nonsensical interpretation that says we just can't develop anywhere along 179th period once we change the code. >> I understand. >> That's that's my argument on that. I will obviously want to submit some additional evidence about how, you know, effects across the county of this code. And anyway, but I think I, I basically outlined that argument. Unless there's questions about my position, I can move on to another. >> Thank you, Mr. Morasch. Go ahead. >> So the other topic I want to raise is this appeal. I think the examiner's analysis is correct. For whatever reason, there was not a appeal, and therefore it's too late to challenge Sipa at this point. I think that's a jurisdictional issue. So I agree with that. I also had concerns generally about the I mean, the Sipa appeal. It appears it was written by an AI program. And although some. I think the issue about the concurrency that we just talked about was raised. And that, of course, is, is an issue, an important issue that needs to be addressed. But I think much of the rest of it is, is really not making a lot of sense. And I know that they cite case law, but the case is the case. The citation is not accurate. The A can be Clark County case. And on page at least I page. These pages aren't numbered, but that case is referred to as being a growth management hearings for case from the central Puget Sound, which obviously it was not. It was a. It was Western Washington hearings. Boerke case. But beyond that, the Growth Management Hearings board looks at these things in a much different context than than we do here at Development Review, because they're reviewing comp plan changes. So I'm not sure that it has any real applicability anyway. And the concurrency issue obviously doesn't need to be raised, as I think staff correctly pointed out. That's not really a separate issue. Anyway. That's an issue under the county's code. So to sum up on the Sipa appeal, it's too late. There's no jurisdiction to hear it. But even if there was jurisdiction, I mean, it's really not a steep appeal. It's a concurrency issue. And I think those can be addressed under the under the concurrency findings in the final decision. And it's also comments submitted, I think it was exhibit 57 or 58 to submit a yesterday about the zone change. And those had to

do with whether there was a substantial change in conditions. And in response to that, I submitted for the record your decision in the 90th Street Site Plan, Final Order, which. The reason I submitted that that was one of my cases and the same issue was raised there. And we made arguments based on the housing Options and action study. And I think those same arguments are applicable here. And rather than getting into detail right now, because I only have 20 minutes, I'm going to refer to that final order that's in the record. And I've also submitted the Housing Options Act study, and I've submitted that into the record. So that's all in the record and we can address that in further detail, I think during. The open record period. And then the final issue I wanted to address is the one Steve Archer spoke about. 435030B4B4A, and that code limits developments. Excuse me, that have only one access to 100 lots. And this is an issue that I've personally litigated three times now against Mr. Hergesheimer. And I submitted a number of the documents. I think you've seen three times this issue has gone in front of three, three different Superior Court judges, two in Clark County, Judge Gregerson and Judge Banfield, and now one in Lewis County, are sitting on Lewis Cowlitz County. Judge Evans, your decisions were upheld all three times. Now, two of those decisions are going up to the Court of Appeals. The Court of Appeals has not weighed in yet, so we'll see what happens. But I wanted to get those in the record because I'm anticipating another appeal to court, and I and I want to have a full and complete record of the history when I when I get to court. So that that's why I submitted all of that in. In a nutshell, 435030B4B4A has been held numerous times not to apply to 174th because it's a collector. And that provision only applies to local access roads. So 174th is not an issue. Now Mr. Hergesheimer is raising an issue with respect to 40th, but the code that that code section, what it requires is that if you want to have more than 100 lots, you need two accesses. And the subdivision does have two accesses. It accesses directly to 174th. And then it also accesses over to 40th, which then goes up to 174th and again 174th. The code doesn't apply to 174th, but it would apply to 40th as a secondary access to the subdivision. Because 40th is not a collector, 40th is a local access street. Now, Mr. Hergesheimer raises a question whether 40th is a local access or is it a neighborhood circulator, which is another type of a local access street, but it has a slightly higher capacity? Actually, it's it's double capacity to a regular local access street, and we can submit from our engineers during the open record. But the summary on that is that essentially, the county typically decides during project review whether to require the road to meet the higher neighbor circulator standard based on the number of trips being generated in the area. And I believe the conditions of approval require us to meet that standard for all of our 40th improvements. And we're not we're not objecting that we're agreeing to meet that standard. But our engineer submitted into the record yesterday a memorandum where he has estimated the number of trips on 40th from all developments that have been approved, even the ones that aren't built yet, including beers. But it's been approved, as well as the

existing dwellings that use 40th, as well as the proposed new trips from this subdivision, and concluded that it was 1300 trips total on 40th. Now that's less than 1500, which is the design volume for a local access street. And therefore, our analysis is even if we apply. 4350030B4B4A to 40th, it's going to meet the standard because it's a secondary access. It's not primary access. We have a primary access that goes up to 1/74. So we have two accesses. 40th is the second access. And it's going to function at least as good as an urban local access road because it's going to have 1300 trips, which is less than the maximum allowed on that road of 1500. And so we believe that that code section is met with respect to 40th and that 1/74, it doesn't apply to 1/74. And so for those reasons, we believe the. The application should be approved. And we welcome an extended open record period due to the number of, you know, issues and late, late exhibits that have been filed. And I believe that Mr. Telegin wanted 15 days from the day he gets the final concurrency memo from the county. We have no objection to that. When the time comes for setting an open record period, and it sounds like you're going to be on vacation. So we've got we've got plenty of time to get stuff in before you get back. And, and then you can dig in and start reviewing. So unless there's questions for me that that concludes my opening remarks. >> Thank you. I don't have any questions at this point. Is there anybody who'd like else who'd like to testify in support of this application? If so, please click on the Raise Your Hand button. I'm not expecting anybody, but just in case. >> Nope. I'm not seeing anybody for support. >> Who wants to go first in opposition or with questions or concerns, I. Please click on the raise your hand. >> We have Heidi I Pozzo. I'm hoping I'm pronouncing this correctly. She's first and I will. Heidi, I'm unmuting you, which means. But then now you have to unmute yourself. >> Okay. Can you hear me? >> Yes. >> Perfect. Yes. Good evening. My name is Heidi Pozzo, POZZO. My mailing address is 13023 Northeast Highway 99, suite seven, two, 98, Vancouver, Washington. I live about a mile west of the proposed development. I. I hear that you've already considered my comments, so you know that I've written a number of items. The purpose of concurrency is to assure that those public facilities and services necessary to support development are adequate to serve that development at the time it is available for occupancy and use without decreasing service levels below locally established minimum standards. This application is the latest in more than two dozen developer commissioned traffic studies I've reviewed from projects across the corridor documenting the same failures. I was going to talk a little bit about the CPA comments. My primary concern there was my comments weren't addressed, and also the way that the timing worked. On the staff report being issued in complete with the recommended denial, with that information being provided yesterday, which was the end of the period for appeal, I think is problematic and should be noted as a process issue. On my concurrency analysis, there were a number of issues, but since we only have three minutes, I just want to comment on the VC ratio for being cleared by intersections. It's not in code, as you noted,

but additionally that methodology of analysis is really designed for signalized intersections. So a red light causes the cars to fill up the road segment. When the light turns green, the cars move through. And so it clears up the capacity issue on the segment. With roundabouts, they don't function the same way. Roundabouts continuously move traffic into the road segment, so you don't have that mechanism of clearing. So when you have a road segment issue it is a problem. And I provided information on that from the highway traffic manuals. So that's in some of my exhibits just to see that that's different with roundabouts, which is what is modeled in the 2028 build out year. The entire the entire future infrastructure improvements on 1/79 and the I-5 interchange are modeled. So these these future projections assume all of the infrastructure is built out. As was discussed earlier. You've also covered my request for extending the time frame, and so I. There are a number of issues I'm going to want to look at what else is being published. And we'll probably have additional comments. So in closing, the concurrency code is designed to balance the interests of those who want to develop with those who already live here. And the applicant's own traffic study demonstrates that the pace of development has exceeded the capacity of the infrastructure. So under the code, the correct conclusion is denial. Thank you for the opportunity to comment. >> Thank you. >> Okay. Jason Job was the next on the list. So, Jason, you should be able to unmute yourself. >> Can you hear me? >> Yes. >> Great, great. Thank you. My name is Jason Job. Last name is spelled JOB. I live at 3613 northeast, 168th Street, Vancouver, Washington. My ask is simple. You know, in looking at all the data here, I believe we should deny this application. I speak with 54 neighbors who have formally signed an opposition at a website called Safe 174.com. And really the two main issues concurrency and safety. Okay. From a consistency standpoint, I mean, you have the reports. I think that going back to, I think what was stating, you know, just because we've approved all the previous developments doesn't mean we need to continue that process. Okay. We actually do need to use what I, what I do agree with him is we do need to use common sense, right? If we are developing much faster than, than the infrastructure can support, we need to slow that development down and the infrastructure needs to catch back up. Okay. So my, my belief is that that, that we are going to fail drastically on concurrency and that the infrastructure is not going to keep up with the growth. On the second issue, this is a really big issue for me. It's safety. And again, it goes back to I know that there's a lot of arguments on this one, but it goes back to one access for 300 plus homes, I think plus stated that the. That's not required for a collector, 175 is not a collector. I think there's a label on some map that says collector. I can put a label on my house, but it's not a collector. It's 24ft wide, excuse me, 20ft wide at best. Okay. And so that road by itself, you know, if you use common sense, as stated, it's not a collector and we should deny it based off of safety. I know that there's many stories of a lot of neighborhoods who went down this path and have one access, and it didn't end very well when there was safety

issue in the future. So in closing, I really want to state this. There are two adequate grounds for denying this application. Concurrency is a problem, and the big one, safety is a problem. I really, you know, don't want to get someone hurt off of this neighborhood because the roads blocked. There's only one access. Fire trucks can't reach people. I mean, if that happens, someone's going to be asked who approved this and why. Thank you. >> Thank you sir. >> Okay. So we have our next person is S Berg, but I'm probably I'm sure I'm not pronouncing that correctly. You should be able to unmute yourself now. >> Can you hear me? >> Yes. >> Hi, this is Steve Thalberg in the Fort Creek Neighborhood Association region. And. I have Heidi, Heidi Parsa already discussed that the roundabout issue and different rules that apply to that. I'm concerned that. The county has stated that the corridor mobility facilitated with good intersection level of service. But that excuse is not permitted by the code. It was already addressed before 40.350 .020 G one. They really need to Keip with the code and not and not consider other things that they think may make sense, but that don't follow the code. Intersection findings cannot substitute for corridor findings. The code 435020 F6 states that both funding and completion within six years need to be satisfied in order to qualify. So if an improvement is funded but not scheduled for completion within six years, it would not satisfy the code. And if improvement is scheduled for completion within six years but not reasonably funded, that too would not satisfy the code. And currently neither of those are meeting the code recommendations. >> I just. Mr. Thalberg, just a moment. Mr. Daviau the timer just reset. Was that. >> Yeah, I made a mistake. That's why I added the appropriate time. >> Thank you. Go ahead, Mr. Thalberg. Sorry to interrupt. >> Okay. They talk about the road 1/79 as being a PR dash 4CB build out classification, which is basically four lanes and a bike. But there are currently two lanes and no bike pathway. So therefore it would not meet the 1800 vehicles per hour capacity, and it would be limited to the 600 to 800. And the projections are well above that. Those levels. And none of those are projected to be reasonably funded or completed in the six year time frame. The 1/79 and I-5 intersection isn't scheduled to happen until 2031 or later, which is beyond the current time frame and. The the applicant filed a commitment to match pre-development failing conditions, but that's already failing. And even if they meet those conditions, it does not cure the failure. So there's still a problem there. So in other words, the level of service must be met before any new development is approved. It's not adequate to meet pre pre-development level of service. And the hearing examiner should make findings that reflect the full scope of the record, rather than affirming or denial on a narrow, narrow, procedural ground alone, we do recommend denial of the application. >> Okay, thank you, Mr. Soelberg. Your timer has run out, but I want to thank you. You mentioned a neighborhood association I missed and I missed that. What could you are you representing somebody else? >> No I'm not. I'm not representing the neighborhood association. I'm an individual in that in this. >> Thank you. Appreciate that. Anybody else?

>> Okay. We have Brian Telegin as our next. Testifier. Brian, you should be able to unmute yourself. >> Thank you. Can you hear me, Mr. Examiner? >> I can thank you. >> Yeah. Thank you. I just wanted to touch on a couple points. Not super big. As you know, I represent Dean Hergesheimer. I have appeared before you a couple times before. I wasn't going to go into substantive issues tonight. One thing I wanted to mention, I heard you note earlier that documents were submitted that you could not select text. Yeah. And you mentioned my letter in particular. I wanted to let you know my my documents fully text searchable, at least when I sent it into the county. Okay, so maybe there's some sort of. >> Maybe a county thing. Yeah, I just, I wanted to raise it globally and I'll talk to the county after the hearing and see if we can fix that. But thank you for letting me know. >> No problem. You know, and then I guess I just wanted to talk about the open record period. And, you know, I had in my comment letter, you know, noted that the county code requires the staff to hold it open. >> At least two weeks. >> Yeah, yeah. Yeah, absolutely. I heard you note, and I appreciate that very much during the last hearing, during the last project, just before this one, you had invited people to make individual requests. I just wanted to let you know I would like there is a lot of material on concurrency and stuff like that. I haven't had an opportunity to review. That sounds to me like Mr. Dawson, I think he said, is going to review the applicant's submittal and then sort of weigh in on that. It sounds like there might be a new opinion. And so A, I want to let you know I am going to be in a civil jury trial starting Monday through the fifth, which. And so 15 days would be next Thursday. I was wondering maybe we could push it out to the 11th just to give me a little bit of extra time or alternatively, if Mr. Dawson is going to change the case recommendation, maybe that should happen first. Yeah. Right. And then have and then have 15 days after that point. >> So predisposed to do is hold it for two weeks and two weeks and a week. Given the volume and the delays and the everything else. >> Yeah. Fair enough. I the recommendation change. Yeah. I just like to have two weeks after that point. >> No, I, I totally understand, I appreciate you raising it. And that's my, what I'm predisposed to do at this point. >> Excellent. Thank you so much. >> Thank you, Mr. Telegin. Any other raised hands? >> Okay. I'm looking to see if we have anybody else who is raising their hand to testify. I'm not seeing any right now. Hold on one second. >> Anybody else wants to say anything, please click on the raise your hand button now. >> I'm not seeing any. >> Okay. Anything further from county staff? >> Oh, let's see here. >> Only that Craig Cado will be responding to any concurrency issues. Not myself. Sorry. Alastair Dawson, development engineer. >> Thanks. Thank you, Mr. Dawson. Good point. Thank you. I didn't think you sounded like Mr. Cogdill, but I'm never sure when I don't see a face. >> There were a couple of concurrency issues, but maybe Craig would rather address those during the open record period. >> Yeah, I I'm assuming so, but I'll let him if he want. If you want to say something, feel free. But. >> Nothing further. Nothing further from me. Craig Cogdill here. >> Thank you. >> Mr. Cole. Yeah. I will be addressing all of the questions

during the open record period. >> Okay. Thank you. Applicants. Miss Morasch, I think you were the only representative of the applicant to make. So. >> Yes. Thank you. I only have one brief comment in rebuttal to the to the comments that were made by the opposition, and that is relating to concurrency. A number of people seem to say that, you know, these improvements on the 179th corridor, and we're talking about intersection improvements aren't going to be done by the time occupancy permits are issued. And that's not the standard. As you well know, the standard is whether or not the improvements are, are, are funded and are reasonably likely to be done within six years of the final decision. So I just wanted to point that that is the correct standard on open record, given the magnitude of this, this new issue about corridor concurrency, I think we need more than two weeks to. >> Happy to because I will be gone. So it doesn't make affect anything. Yeah. >> We probably need more. So I don't know if we can submit that during the second period. Probably not. People want to respond to it. So I, I think we need at least three weeks for the initial period. >> That's fine with me. If you want four, I'd be glad to. >> Four I mean, I don't know what I'm going to have to do to try to. I mean, you know, this is it's basically a position where the code puts us in an impossible if the code is read strictly literally and that's how it's applied, it kind of puts us in an impossible situation where the sea under the volume and capacity is, is defined in code. It doesn't matter if you know, nothing else matters other than what's the functional classification of the roadway. And then the table says that's that you multiply that times the number of trips per hour in the table, and that's your C, and there's no way to change that. That's the way the code is written. No way to get more capacity for the corridor other than amending the code or change or amending the arterial atlas so that you change the functional classification. Those are the only two ways that I can see to, you know, to add more capacity to increase the denominator of that fraction. And so I want at least a month to try to figure out what to do with this. >> Okay. >> Because it's, it's obviously a, a significant problem that's going to affect the entire county, not just this project. So I want to get a hold of, you know, the Dbw and other, you know, other all the other traffic engineers and, and, and try to get a combined effort to try to figure out what we need to do to solve this. So I'd like at least a month to do that. >> Okay. I'm happy to allow that. So what I would be predisposed to do is four week open record for anybody to submit new testimony and evidence, two weeks for anybody to respond to the whatever submitted during that first period and a week for the applicant's final argument. Does that work? Yes. Thank you. Mr. Telegin. Does that work for you? >> It does. Can we is that please put those in real dates? >> Yes, I will, I will grab my calendar just a second, but I want to get confirmation before we. >> Yeah, that sounds great and I really appreciate that. Thank you so much. >> Let me write it down before I forget, and then I'll give you a specific date. Okay. I'll hold it open for four weeks. So one, two, three, four until May 21st for anybody to submit new testimony and evidence on any issue for two weeks until June 4th, for anybody to respond to whatever was

submitted during the first period. No new issues can be raised during that second period and then a week for the applicant's final argument, June 11th record will close. I will try and get my decision out by the 25th of June. >> All at 5:00 PM. >> Yes. >> Anybody, anything anybody receives submits rather has to be received by the county by 5 p.m. on those dates. Again, you could send it to. Mr. Or is Mr. Curtis on this one too? Was she the primary? >> Yep. Okay. >> Mr. Daviau or or and or Miss Curtis. And that concludes our hearing. Thank you all. Have a good evening. >> Thank you, Mr. Examiner

# Type III Land Division and Environmental Review Staff Report and Recommendation

**Project Name:** 174th Street Subdivision

**Case Number(s):** PLD-2026-00002 ; WHR-2026-00012 and FPA-2026-00026

**Request:** The applicant proposes to subdivide approximately 24.97 acres into 100 lots. The site is currently split zoned R1-10 and R1-20. A concurrent rezone is also proposed. The applicant proposes to rezone the R1-20 portion of the site to R1-10. The applicant is requesting a 10% variance for lot width for multiple lots within two (2) phases. The site falls within the Mill Creek Overlay.

**Address:** 17101 and 16915 NE 40th Avenue

**Parcel number(s):** 181731000, 181721000, 181711000, 181696000, 181764000, 181765000, and 181766000

**Applicant:** Silver Buckle Homes, LLC Contact: Rob Root
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Battle Ground, WA 98604
360.607.4552 rob@timbercresthomes.com

**Owner:** Robert and Annette Root 2210 W. Main St.
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Shawn and Yvette Root 17101 NE 40th Ave.
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**Staff contact:** Melissa Curtis, Planner III
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**Recommendation**
**Denied**

**Land Use Review manager's initials:** BD **Date issued: April 8, 2026**

**Public Hearing date: April 23, 2026**

**County Review Staff**

| Department/Program | Name | Phone 564.397 | Email Address |
|---|---|---|---|
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| Concurrency Engineer | Craig Kathol EIT | 4347 | Craig.kathol@clark.wa.gov |

**Legal Description of Properties:** #62, #52, 42, 27, 95, 96 and 97 SEC 13 T3N R1EWM

**Comp Plan Designation:** R1-20, R1-10, Mill Creek Overlay/ UL

**Applicable Laws**
Clark County Code: Title 14 (Building Safety), Title 15 (Fire Prevention), Chapter 40.200 (General Provisions); Section 40.220.010 (Single-Family Residential District), Section 40.250.060 (Mill Creek Overlay District), Chapter 40.260.080 Forest Practices; Chapter 40.330 (Crime Prevention and Safety), Chapter 40.340 (Parking and Loading), Chapter 40.350 (Transportation & Circulation), Section 40.350.020 (Transportation Concurrency), Chapter 40.360 (Solid Waste and Recycling), Chapter 40.370 (Sewer and Water), Chapter 40.386 (Storm Water & Erosion Control), Chapter 40.440 (Habitat Conservation), Chapter 40.450 (Wetland Protection), Chapters 40.500 and 40.510 (Procedures), Chapter 40.540 (Boundary Line Adjustments & Land Divisions), Section 40.550.010 (Road Modifications), Section 40.550.20 (Variance), Chapter 40.560.020 (Zone Change), Chapter 40.570 (SEPA),

Section 40.570.080 (SEPA Archaeological), Chapter 40.610 (Impact Fees), Title 24 (Public Health), RCW 58.17, and the Clark County Comprehensive Plan.

**Neighborhood Association**
**Four Creeks**
Andrew Cecka, President

**Vesting**
An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report. Contingent vesting does not apply to stormwater or concurrency standards.

A pre-application conference on this matter was held on March 13, 2025. The pre-application was determined contingently vested as of February 20, 2025, the date the fully complete pre-application was submitted.

The fully complete application was submitted on January 26, 2026, and determined to be fully complete on February 9, 2026. Given these facts, the application is vested on January 26, 2026. Vesting does not apply to stormwater or concurrency standards.

There are no disputes regarding vesting.

**Time Limits**
The application was determined to be fully complete on February 9, 2026. Therefore, the code requirement for issuing a decision within 92 days lapses on May 12, 2026. The state requirement for issuing a decision within 120 calendar days, lapses on June 9, 2026.

**Public Notice**
Notice of application, SEPA and public hearing was mailed to the applicant, Four Creek Neighborhood Association and property owners within 500 urban feet of the site on February 24, 2026 (Exhibit 7). One sign was posted on the subject property and two within the vicinity on March 13, 2026 (Exhibit 20).

**Public Comments**
February 24, 2026, Washington Department of Fish and Wildlife (Exhibit 9). They requested a copy if the Critical Areas Report and the Wetland/Habitat Predetermination Report. They also stated the applicant does not list Hydraulic Project Approval (HPA) as one of the permits needed for this project, though they note installing a culvert. Please inform the applicant this work will require HPA from WDFW.

## Project Overview
The 174th Street Subdivision project proposes to subdivide 26.6 acres into 100 lots for single-family detached homes in two (2) phases. The site is currently split zoned R1-10 and R1-20. The applicant proposes a concurrent rezone of the R1-20 portion of the site to R1-10. This is

compatible with Clark County's current plan for the 2025 Comprehensive Plan Update. The current comprehensive plan designation is Urban Low density residential; no change is proposed to the existing comprehensive plan designation. The site falls within the Mill Creek Overlay.

Existing vegetation includes grass, trees, and shrubs. Parcels to the west are zoned R1-10 while parcels to the east and south are zoned R1-20. The parcel directly south and east is currently being developed as an 84-lot PUD subdivision known as Viers PUD, Clark County file PLD-2022-00121.

The 174th Street Subdivision is a residential project that will provide additional housing with the construction of single-family detached units and will aid in meeting both zoning and comprehensive plan goals for the area.

The development is directly south of NE 174th Street and east of NE 40th Avenue. Access to the development is from NE 174th Street, NE 40th Avenue, proposed NE 169th Street and NE 45th Avenue.

The site currently contains two single-family residences which will remain on proposed lots 16 and 95. Site topography is relatively flat with moderate slopes on the southwest and eastern portion of the site.

The west of the development is zoned R1-10, the east and south of the site is zoned R1-20. To the north, across NE 174th Street the zoning designation is R1-7.5 and is all for residential uses.

The site is located within the Battle Ground School District, Clark-Cowlitz Fire Rescue, Clark Regional waste water for public sewer and Clark Public Utilities for public water.

This development requires Preliminary Land Division, Forest Practice permit, Wetland/Habitat Permit, a Technical Road Modification, Variance, a Zone Change and SEPA.

Comprehensive Plan, Zoning and Current Land Use

| Compass | Comp Plan | Zoning | Current Land Use |
|---|---|---|---|
| Site | UL | R1-10 and R1-20 | Single Family Use |
| North | UL | R1-7.5 | Single Family Use |
| East | UL | R1-20 | Single Family Use |
| South | UL | R1-20 | Single Family Use |
| West | UL | R1-10 | Single Family Use |

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

Staff then reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts could 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 proposal not discussed below comply with the applicable code requirements.

**Land Use**
Finding 1-Uses
The low-density residential districts are intended to provide for a mix of single-family and middle housing types in a low-density context at a neighborhood scale. The applicant is applying for a concurrent rezone of the R1-20 portion of the site to R1-10; therefore, only standards for the R1-10 zone are addressed below.

According to Table 40.220.010-1 single-family residential dwellings are permitted outright in the R1-20 and R1-10 zones.

Finding 2-Lot Standards
The R1-10 zone requires an average minimum lot size of 8,500 square feet and an average maximum lot size of 15,000 square feet. This zone also requires an average lot width of 70 feet and an average lot depth of 90 feet.

Table 40.220.010-2 prescribes a minimum lot area, lot width and depth.

Development standards for developments in the R1-10 are as follows:

| Standard | Required | Proposed |
|---|---|---|
| **Min. average lot area** | 8,500 sf | 8,530sf – average lot size |
| **Max. average lot area** | 15,000 sf | 8,530 sf – average lot size |
| **Average min. lot width** | 70' | 63' with 10% variance |
| **Average min. lot depth** | 90' | 115' |

The following table provides the areas dedicated to each use within the project

| | |
|---|---|
| **Gross Site Area** | 26.57 Acres |
| **Public ROW Dedication** | 3.23 Acres |
| **Private Street Area** | 2.49 acres |
| **Total Lot Area** | 19.58 Acres (853,091 sf) |
| **Critical Area Tract** | 0.76 Acres |
| **Stormwater Facility Tract** | 0.52 Acres |

Average lot width and depth minimums are also put forth in Table 40.220.010-2 and are established for each individual lot at 80 feet and 90 feet respectively. Please see Variance Findings 4 below for width variances.

Finding 3-Setbacks
The following minimum setbacks apply to the proposed lots (see CCC 40.220.010):

| Standard | Required | Proposed |
|---|---|---|
| **Setbacks:** | | |
| **Front/garage** | 10'/18' | 10'/18' |
| **Side** | 5' | 5' |
| **Street Side** | 10' | 10' |
| **Rear** | 10' | 10' |
| **Max. lot coverage** | 50% | 50% |
| **Max. height** | 35' | 35' |

Building envelopes are not required for final plat.
Any future construction on the newly created lots shall meet setback standards prescribed for the R1-10 zone. (See Condition E-1.a)

Finding 4-Variance 40.550.020
**Applicants Request:** *"The applicant is requesting a 10% lot width variance across multiple lots (63' wide minimum lot width) to facilitate the proposed plan. This variance is requested to allow for the efficient development of the site given the site constraints. The lot width reduction will allow for the site to be developed close to the minimum allowed average lot area, with a deeper lot depth than is required. The deeper lots (approximately 115') is needed to resolve the grade between lots. Fifty-two lots are proposed to have a reduced lot width.*

*Without the proposed variances the development could be redesigned to have wider lots that are less deep. Due to the grading across the site, the usable area of many of the lots would be impacted. Some lots on the south and west ends of the site will have up to 12 feet of grade change at the back of the lots which would make the back 25 feet of the lot unusable. This can be reasonably accommodated in the proposed 115-foot-deep lots but would cause issues for shallower lots. The preference is to have a functional rear yard for all the proposed lots."*

A. Type I and II (Administrative) Variances.

1. The responsible official may grant a variance to numerical standards including but not limited to: setbacks, buffers, building height, landscaping, width, lot area, lot coverage, lot dimensions and parking standards but not including qualifying standards for programs such as density transfer as provided in this title. Variances for lot area will occur only on parcels within urban growth boundaries.

2. An application for a variance(s) shall be subject to Type I review if the variance(s) is for up to and including ten percent (10%) of the numerical standard(s) in question, except as provided in Section 40.550.020(A)(5). A variance for lot area by ten percent (10%) or less for one (1) lot shall be automatically granted, and no application shall be required.

3. An application for a variance(s) shall be subject to Type II review if the variance(s) is for:

   a. More than ten percent (10%) up to and including twenty-five percent (25%) of the numerical standard(s) in question for any lot/proposed lot, except as provided in Section 40.550.020(A)(5); or

   b. Up to ten percent (10%) on more than one lot.

   The responsible official may not approve an administrative variance of more than twenty-five percent (25%) of any numerical standard.

4. The responsible official shall approve an administrative variance(s) if, based on substantial evidence in the record, the applicant has sustained the burden of proving the variance(s) complies with all of the following:

   a. Granting the variance(s) will not substantially detract from the livability or appearance of a residential area or from the desired character of a nonresidential area, or the variance(s) will substantially enhance the livability or appearance of a residential area or the desired character of a nonresidential area, such as by preserving or protecting significant natural, scenic, historic, cultural, open space or energy resources; and

**Applicants Response:** *"The requested variances are small and will not be visually noticeable. The narrower lot will necessitate a deeper lot to maintain the minimum average lot sizes. This will create greater building separation from adjacent uses."*

Staff Agrees with the applicant's findings.

   b. If variances to more than one (1) regulation are being requested, the cumulative effect of the variances shall be consistent with the purpose of the zone in which the site is situated; and

Only one variance is being requested.

   c. Adverse impacts resulting from the variance(s) are mitigated to the extent practical;

**Applicants Response:** *"There are no adverse impacts that will arise from the proposed variances. As stated earlier, the narrower lots will necessitate a deeper lot to maintain*

*the minimum average lot sizes. This will create greater building separation from adjacent uses."*

Staff Agrees with applicant's findings

d. The variance(s) does not substantially impair or impede the availability or safety of access that would otherwise exist for vehicles or for pedestrians, or alternative access is provided.

**Applicants Response:** "*The proposed variances do not affect the safety of access for pedestrians or vehicles in any way.*"

Staff Agrees with the applicant's findings.

Finding 5-40.250.060.C Mill Creek Overlay District
The following additional standards apply in the overlay district:

1. New lots created adjacent to urban subdivision lots existing at the time of the adoption of the Mill Creek Overlay District shall meet or exceed the average lot size of the abutting subdivision lots unless there are at least two hundred (200) feet of open space between the existing and proposed lots.

The subject sites were not located adjacent to any urban subdivision lots existing at the time of the adoption of the Mill Creek Overlay District, so this criteria does not apply.

2. Prior to approval of any development that would add traffic to NE 37th Avenue, additional access via a public road connection to NE 40th Avenue or NE 174th Street must be assured.

This development will not add any traffic to NE 37th Ave, therefore, this does not apply to the proposed development.

3. A minimum lot size of nine thousand (9,000) square feet is required for all land divisions in the R1-10 and R1-20 districts proposing to develop under the density transfer provisions of Section 40.220.010(C)(5), or the planned unit development provisions of Section 40.520.080. The exceptions to lot sizes in Section 40.200.050 shall still apply.

The site is not proposing to develop under density transfer or planned unit development provisions.

Finding 6-40.560.020 Changes to Zoning District and Code Amendments
F. Approval Criteria.
Roughly one-third of the site is zoned R1-10 and two-thirds of the site is zoned R1-20. The applicant proposes to rezone the R1-20 portion of the site to R1-10.

1. Requested zone change is consistent with the comprehensive plan map designation.

**Applicants Response:** "*The proposed zone change is consistent with the existing comprehensive plan map designation. The existing zone (R1-20) and the proposed zone (R1-10) fall withing the same comprehensive plan map designation of Urban Low Density Residential (UL).*

*Page 33 of the Comprehensive Plan states that the UL designation "provides for predominantly single-family residential development with densities of between five and ten units per gross acre." With a rezone to R1-10 the proposed density will be 3.76 units per acres which is still less than the what the comprehensive plan expects. The density would be even less if developed under the existing zoning."*

Staff Agrees with the applicant's findings.

2. The requested zone change is consistent with the plan policies and locational criteria and the purpose statement of the zoning district.

**Applicants Response:** *"Page 33 of the Comprehensive Plan discusses the locational criteria of the urban low-density designation:*

*"The base zones which implement this 20-Year Plan designation are the R1-20, R1-10, R1-7.5, R1-6 and R1-5 zones. The zones may be applied in a manner that provides for densities slightly higher than existing urban development, but the density increase should continue to protect the character of the existing area."*

*The R1-20 portion of the subject site has already been identified as part of the County's comprehensive plan update process to be rezoned to R1-7.5 in both alternative plans. A snip of the plan is included below with the site highlighted in red. The property to the north is already zoned R1-7.5 and the site to the east has an approved development with lot sizes generally between 10,000 square feet and 9,000 square feet (Viers PUD). The proposed zoning will allow for an average lot area of 8,500 square feet across the site and will be compatible with the existing and future zoning designations around the site. It will also be compatible with the proposed density (Viers PUD) to the east and south of the site."*

Staff Agrees with the applicant's findings

3. The zone change either:
   a. Responds to a substantial change in conditions applicable to the area within which the subject property lies;
   b. Better implements applicable comprehensive plan policies than the current map designation; or
   c. Corrects an obvious mapping error.

**Applicant Response: Response:** "*The proposed zone change is in response to the current housing shortage and affordability crisis that is currently occurring in SW Washington. This shortage of housing within the area that the subject property lies represents a substantial change in conditions within the urban Clark County region. The proposed zone change will result in*

*additional lots that will increase the housing supply in the area and contribute to improving housing affordability.*

*The proposal also better implements the current comprehensive plan. The R1-20 zone results in inefficient land development in urban areas and does not come close to meeting the density goals stated in the comprehensive plan. As stated previously the purpose of the low-density residential designation is to provide densities in the range of 5-10 units per gross acre of land. Development under the R1-20 zone does not implement the comprehensive plan policies efficiently. In the county's proposed comprehensive plan update, most if not all of the developable land zoned R1-20 is proposed to be up-zoned to facilitate higher density. This includes the R1-20 portion of the subject site."*

Staff Agrees with the applicant's findings.

4. There are adequate public facilities and services to serve the requested zone change.

**Applicants Response:** "*The narrative and plans for this application demonstrate that there are adequate public facilities and services to support the proposed development. The proposed rezone will allow for a more efficient use of urban facilities and help reduce urban sprawl."*

Staff Agrees with the applicant's findings.

Finding 7-Phasing

40.540.040.D.4. If a phasing plan is proposed, then the applicant also shall show:

a. The phasing plan includes all land within the preliminary plat;
b. Each phase is an independent planning unit with safe and convenient circulation and with facilities and utilities coordinated with requirements established for the entire subdivision; and
c. All road improvement requirements are assured.

*As shown in Exhibit 34 Phase one (1) are lots 53-100 (south) and Phase two (2) are lots 1-52 (north).* (See condition A-1.a and D-1.a)

Finding 8-Existing Residential Structures

There are two single-family residence on the sites with several accessory structures. It appears the homes will remain on proposed lots 16 and 95, and all accessory structures will be removed. The accessory structures on the site shall be removed prior to construction plan approval complying with Clark County Building Division, state/federal requirements. (See Condition B-1.a)

Finding 9-School District Letter (58.17.110)

The subject site is located within the boundaries of the Battle Ground School District, and specifically within the boundaries of Pleasant Valley Elementary School, Pleasant Valley Middle School, and Prairie High School.

The applicant provided a letter from the Battle Ground School district. (Exhibit 1 Tab 20) indicating all students will be bused, meeting this criterion.

Finding 10-County/State Platting Standards

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

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

## Archaeology

Finding 1-Submittal

The applicant has submitted an archaeological pre-determination to the Washington State Department of Archaeology and Historic Preservation (DAHP) prior to submittal of the application. (Exhibit 21)

Finding 2-Confirmation

DAHP has not yet confirmed the results of the applicant's archaeological predetermination. In addition, a note on the final construction plans and final plat plan will require that if resources are discovered during construction, work shall stop and DAHP and the county will be contacted. (See Conditions A-2.a and D-10.i)

## Conclusion

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

## Transportation

Finding 1 – Pedestrian/Bicycle Circulation Plan

Pedestrian circulation facilities in compliance with the Americans with Disabilities Act (ADA) and CCC 40.350.015 are required for this development. The applicant is proposing sidewalks on all public roads in accordance with the standards. All proposed pedestrian facilities shall be constructed to comply with ADA standards. The applicant shall show the construction of end of sidewalk ramps *where pedestrian facilities temporarily terminate at the plat boundary.* (See Conditions A-7.a and A-7.b)

Per the WSDOT design manual as adopted under CCC 40.350.030(C)(1)(b)(1) new construction projects shall provide curb ramps oriented in each direction of pedestrian travel within the width of the crosswalk it serves, and if receiving ramps do not exist, they shall be constructed as part of the new development. The applicant will need to show on the final construction plans that pedestrian ramps will comply with the WSDOT Design Manual. (See Condition A-7.c)

Finding 2 – Road Circulation Plan

Cross-circulation is required by CCC 40.350.030(B)(2). The site is proposing an on-site public road network that will allow subsequent developments to meet cross-circulation standards, including 800-foot block length and 3,200-foot block perimeter. [See Transportation Finding 3]

Finding 3 – Roads/Frontage Improvements

Road improvements and design are required to comply with CCC 40.350.010(B)(5), CCC Table 40.350.030-2, and CCC Table 40.350.030-3.

NE 174th Street is classified as an Urban Collector, C-2b. The minimum half-width requirements include 30-feet of right-of-way, 17-feet of paved roadway width, curb/gutter, and a 5-foot detached sidewalk per Clark County Standard Detail Drawing 7. Partial width roads shall have a minimum pavement width of 20 feet, additional right-of-way dedication will be required to accommodate the minimum pavement width. The applicant is proposing to construct frontage improvements in compliance with the standard details. (See Conditions A-7.d, A-7.e and D-7.a)

NE 40th Avenue is classified as an Urban Neighborhood Circulator, Nbr. The minimum half -width requirements include 27-feet of right-of-way, 18-feet of paved roadway width, curb/gutter, and a 5-foot sidewalk per Clark County Standard Detail Drawing 12. Partial width roads shall have a minimum pavement width of 20 feet, additional right-of-way dedication will be required to accommodate the minimum pavement width. The applicant is proposing to construct frontage improvements in compliance with the standard details. (See Conditions A-7.f and D-7.b)

NE 173rd Street, NE 171st Street, NE 170th Street, NE 42nd Way, NE 43rd Way, NE 44th Way and NE 45th Avenue are proposed as Urban Local Residential Access. The minimum full-width requirements include 46-feet of right-of-way, 28-feet of paved roadway width, curb/gutter, and a 5-foot sidewalk per Clark County Standard Detail Drawing 13. The applicant is proposing to construct frontage improvements in compliance with the standard details. (See Conditions A-7.g, and D-7.c)

NE 169th Street is proposed as an Urban Local Residential Access. The minimum half-width requirements include 23-feet of right-of-way, 14-feet of paved roadway width, curb/gutter, and a 5-foot sidewalk per Clark County Standard Detail Drawing 13. The applicant is proposing to construct frontage improvements in compliance with the standard details. (See Conditions A-7.h, and D-7.d)

NE 43rd Loop and NE 44th Loop are proposed as Urban Private Roads. The minimum full-width requirements include 26-feet of easement, 20-feet of paved roadway width, curb/gutter, and a 5-foot sidewalk (on one side) per Clark County Standard Detail Drawing 15. The applicant is proposing to construct frontage improvements in compliance with the standard details. (See Conditions A-7.i, and D-7.e)

Roads shall be tapered according to accepted engineering practices and supplemental standards in Section 40.350.030(C)(1)(b). (See Condition A-7.j)

Where frontage improvements are required, the county will perform pavement deflection testing to determine the adequacy of the existing pavement. Where remaining life of the pavement is less than 5 years, the developer shall construct the roadway to current standards to the centerline or 22 feet, whichever is less. If remaining life is greater than 5 years, the road shall be cut back to a location where the structure is sound and the widening constructed. However, in no case shall the reconstruction be less than 4 feet in width from the existing edge of pavement to the new edge of pavement or face of curb. The county may require reconstruction to the centerline or 22 feet, whichever is less, if the review authority determines the geometrics or other existing features are inadequate. (See Condition A-7.k)

Parking is prohibited on any road less than 24 feet wide. Signing and Striping plans shall include appropriate measures on partial width roads. The applicant shall propose "No Parking" signs along any partial-width roads less than 24 feet in width. (See Condition A-7.l)

Finding 4 – Access Management
Per CCC 40.350.030(B)(4)(b)(1)(a), excepting the bulbs of cul-de-sacs, driveways serving single-family residential lots shall be located a minimum of 5 feet from an interior side property line or zero feet as a shared driveway approach. The applicant's proposal includes shared driveways serving lots, 33-34, 39-40, 57-58, 68-69 and 74-75. Shared driveways can serve no more than 4 lots and must be a minimum of 12-feet wide and placed in a minimum of 20-foot wide easement. Individual lot driveways are proposed throughout the remainder of the development. These driveways shall be 5 feet from an interior property line. (See Conditions A-7.m, A-7.n, D-7.f and Plat Note D-10.e)

The applicant shall show on the final construction plans that all driveway approaches comply with Clark County Standard Detail F14/F15, or approved equivalent. (See Condition A-7.o)

Per CCC 40.350.030(B)(4)(b)(1)(b), corner lot driveways (on local access roads) shall be a minimum of 40 feet from the projected curb line or edge of pavement, as measured to the nearest edge of the driveway, or in cases where lots less than 40 feet wide are allowed driveways shall be limited to 20 feet in width and located 5 feet from the property line farthest from the intersection or as a 25 foot wide shared driveway at this property line. (See Condition A-7.p)

Per 40.350.030.4.b.4.a, no road may serve more than one hundred (100) lots or dwelling units unless that road is connected by a second vehicle access road to the same "feeder" road at a different location, or to another "feeder" road that functions at a level equal to at least an urban local residential access road or a rural local access road. The second vehicle access road may be a county emergency-only access road, if it serves less than two hundred (200) lots or dwelling units. (See Condition A-7.q)

Finding 5 – Sight Distance
The approval criteria for sight distances are found in CCC 40.350.030(B)(8). This section establishes minimum sight distances at intersections and driveways. Additional building setbacks may be required for corner lots in order to maintain adequate sight distance. The final engineering plans shall show sight distance triangles for driveways that are proposed to remain. Landscaping, trees, utility poles, and miscellaneous structures will not be allowed to impede required sight distance requirements at all proposed driveway approaches and intersections.

The applicant has submitted a *Sight Distance Certification,* prepared by PLS Engineering, dated January 5, 2026 [Exhibit 36]. In this document it is stated that the minimum required stopping and intersection sight distance of 155 and 250 feet, respectively, for a 25 MPH speed limit is currently available along NE 40th avenue, both north and south of the proposed intersection.

The minimum required stopping and intersection sight distance of 250 and 350 feet, respectively, for a 35 MPH speed limit, is currently available along NE 174th Street, both east and west of the proposed intersection.

The applicant will need to submit final construction drawings for review and approval. These plans will need to show sight distance triangles at all intersections. The plans will also need to show objects that are within the sight distance triangle. Notes on the plans shall indicate the vegetation within the sight distance triangle that needs to be maintained, trimmed, or removed. Sight distance shall be verified once construction is complete. (See Conditions A-7.r, A-7.s, C-1 and D-8)

Finding 6 – Transportation Phasing
The applicant has proposed 2 phases. The applicant is responsible for providing all necessary transportation improvements and site circulation required with each individual phase. The required transportation improvements for each proposed phase will be reviewed during final engineering review. Additionally, staff considers completion of the Viers Subdivision (PLD-2022-00067), as currently approved (appeal pending), to be a requirement of supporting this application as it is proposed. If this project proceeds before Viers Subdivision is completed or if changes to the Viers Subdivision affect the proposed design, then revised plans and a Post Decision Review shall be required. (See Conditions A-7.t and A-7.u) [See Stormwater Finding 9]

**Conclusion (Transportation & Circulation):**
Staff concludes that the proposed preliminary plan, subject to the conditions above, meets the transportation requirements of the Clark County code.

**Stormwater and Erosion Control**
Finding 7 - Stormwater Applicability
The provisions of Clark County Code Chapter 40.386, as amended by Ordinance No. 2021-06-02, shall apply to all new development, redevelopment, land disturbing activities and drainage projects consistent with the Clark County's NPDES Phase I Municipal Stormwater Permit and Clark County Stormwater Manual (2021). The project adds more than 5,000 square feet of new hard surface; therefore, the applicant shall comply with Minimum Requirements #1 through 9. (See Condition A-8.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-8.b)

Finding 8 – Stormwater Proposal
The applicant provided a revised *Preliminary Stormwater Technical Information Report* prepared by PLS Engineering, dated January 6, 2026 [Exhibit 29]. The proposal is for a 102-lot (including tracts) subdivision that includes new public roads, associated parking and utilities. This will result in approximately 17.38 acres of new hard surface.

On-Site Stormwater Management (MR#5) was evaluated for all hard surfaces using List #2. The applicant deemed most BMPs provided in Table 2.2 of Book 1 to be infeasible primarily due to low infiltration rates, however, has elected to use BMP D6.10, Detention Pond. Lawn and landscaped areas will utilize BMP T5.13, Post-Construction Soil Quality and Depth. (See Condition A-8.c)

Runoff Treatment (MR#6) is triggered due to more than 5,000 SF of pollution generating hard surfaces. Proprietary treatment BMP T12.10, StormFilter catch basins are proposed for treatment of the frontage improvements (both public and private) and the proposed driveways. (See Conditions A-8.d and A-8.e)

Flow Control (MR#7) will be addressed with BMP D6.10, Detention Pond, sized to detain and release stormwater to comply with the Standard Flow Control Requirement. (See Condition A-8.f)

Wetlands Protection (MR#8) is triggered due to on-site wetlands. Wetland Z is a Category III with a habitat score of 6. According to Figure 1.3, Wetland Hydroperiod Method 2 is required. Wetland E is also a Category III with a habitat score of 5. According to Figure 1.3, General Protection and Protection from Pollutants is required. The applicant is proposing to fill the wetlands and purchase wetland mitigation bank credits. (See Condition A-8.g)

The stormwater facilities located within the public right-of-way and public tracts shall be owned and maintained by the county. Stormwater facilities located on private tracts and individual lots shall be owned and maintained by the property owner. The applicant shall identify on the final construction plans ownership and maintenance responsibilities for each of the proposed stormwater facilities. (See Conditions A-8.h, A-8.i and D-9.d)

The applicant shall show on the final construction plans that all stormwater facility setbacks are met unless a Geotechnical Engineer recommends that setbacks can be reduced. (See Condition A-8.j)

The applicant shall submit an offsite analysis with the Final TIR prepared in accordance with Book 1, Chapter 5 of the CCSM 2021 for all outfall locations from the site. (See Condition A-8.k)

Finding 9 – Stormwater Phasing
The applicant has proposed 2 phases. The applicant is responsible for providing all necessary stormwater mitigation improvements required for each individual phase. The required stormwater mitigation improvements for each proposed phase will be reviewed during final engineering review. Additionally, staff considers completion of the Viers Subdivision (PLD-2022-00067), as currently approved (appeal pending), to be a requirement of supporting this application as it is proposed. If this project proceeds before Viers Subdivision is completed or if changes to the Viers Subdivision affect the proposed design, then revised plans and a Post Decision Review shall be required. (See Condition A-9.l) [See Transportation Finding 6]

**Conclusion (Stormwater):**
Staff concludes that the proposed preliminary stormwater plan, subject to conditions, is feasible. Therefore, the requirements of the preliminary plan review criteria are satisfied.

**Transportation Concurrency**
At the time of this staff report mailing Concurrency Standards have not been met, therefore the recommendation for Concurrency is denial. A Concurrency staff report will be issued after this staff report and added to the record. Staff's recommendation to the Hearing Examiner may change.

**Wetland and Habitat**
Finding 1 – General Habitat
The site is subject to a previous Habitat Determination (WHR-2025-00245) issued on 09/11/2025. The site contains riparian priority habitat associated with an onsite Type Ns (seasonal) stream located in the Southwestern portion of the project site. According to CCC 40.445.020(C)(1)(b), riparian priority habitat (RPH) is designated based on the estimated average two hundred (200) year site potential tree height, extending outward on each side of the stream from the ordinary high-water mark (OHWM) to the distances in Table 40.445.020-1 for each site class by water type. In this case, the Ns stream is afforded a 100' RPH setback on either side of the stream's OHWM.

During the prior habitat predetermination review, several priority snags were also identified within the project site. Priority snags are defined as dead or dying trees that exhibit sufficient decay characteristics to enable cavity excavation/use by wildlife. Priority snags have a diameter at breast height of > 51 cm (20 in) and are > 2 m (6.5 ft) in height in Western Washington. A total of 24 snags have been identified on the site.

Finding 2 – Priority Snags

Based on the provided plans and the Revised Mitigation Plan dated March 29th, 2026 (Exhibit 42) the proposed development will result in removal of 14 Priority Snags, 8,730 square feet (.200 acres) of impacts to the Riparian Priority Habitat area and 60 square feet of direct impacts to the Type Ns stream. Complete avoidance of habitat impacts was not possible due to the distribution of snags onsite and due to the requirement to construct NE 169th Street. As a result, the proposed development necessitates additional stream and buffer impacts that could not be avoided while maintaining required access and roadway standards.

Finding 3 - Snags

Because there are limited opportunities for snag creation onsite, in-kind mitigation for snag impacts is not feasible. Instead, the applicant proposes mitigating for impacts to the priority snags by enhancing 17,729 square feet (.407 acres) of the remaining onsite riparian habitat area. Staff concur that there are limited onsite opportunities for snag replacement and since the remaining riparian habitat area already contains serval snags, staff can accept the proposed riparian enhancement as out-of-kind mitigation. Staff have additionally requested that at least two of the impacted snags be retained onsite as large priority habitat logs and placed within the remaining riparian habitat area.

Riparian habitat impacts will be partially mitigated onsite by enhancing an additional 3,915 square feet (.090 acres) of the riparian habitat area. The remaining riparian habitat impacts will be mitigated through purchase of Mitigation Bank Credits from a Wetland Mitigation Bank within Clark County; however, the site is not within the Mitigation Bank Service Area of any wetland banks. Therefore, an Out of Service Area Request (OOSAR) has been submitted to the Interagency Review Team (IRT) of the Terrace Wetland Bank for approval; however, the IRT has indicated that they are waiting to evaluate the OOSAR until the Army Corps of Engineers' project manager and the Department of Ecology's regional wetland specialist have completed their review of permitting materials and determined if an OOSA credit purchase may provide appropriate compensation.

In anticipation of application of an OOSAR multiplier as typically required by the IRT, the applicant has included a 1.25 multiplier to the proposed bank credit amounts; however, typically the IRT applies a 1.5 OOSAR multiplier for projects that are not within the Bank's Mitigation Service Area. Therefore, at a minimum the applicant shall purchase .122 mitigation bank credits to compensate for the remaining riparian habitat impacts. The required bank credit amount may be increased as modified by IRT approval. A final habitat permit will be required unless IRT approval is granted prior to Final Engineering approval and there are no additional habitat impacts proposed. (See Condition A-3.a)

Finding 4 - General Wetland

The site is subject to a previous Wetland Determination (WHR-2025-00245) issued on 09/11/2025. The site contains two wetlands as follows:
- Wetland Z, located partially on parcel # 181766000 and offsite to the East, is a Category III Depressional wetland with a habitat score of 6 points.

- Wetland E, located partially on parcel # 181764000 and offsite to the East, is a Category III Slope wetland with a habitat score of 5 points.

The offsite wetland boundaries were previously verified by the County in 2022-2023 during review of the approved Viers Subdivision (PLD-2022-00121).

Under CCC 40.445.020(B)(5), wetland buffers are established by comparing the wetland rating category, the wetland rating habitat score, and the intensity of land uses proposed on development sites per Tables 40.445.020-1, 40.445.020-2 and 40.445.020-3. Based on the wetland habitat scores and the proposed land use of the property, Wetland E is afforded an 80-foot-high land use intensity buffer and Wetland Z is afforded a 150-foot-high land use intensity buffer.

Finding 5 - Avoidance
Due to residential lot configuration and stormwater requirements, avoidance of wetland impacts was not feasible or was not practical. Based on the provided plans and the Revised Mitigation Plan dated March 29th, 2026 (Exhibit 42) the proposed development will result in 297 square feet (.007 acres) of impacts to Wetland E and 2,609 square feet (.060 acres) of impacts to Wetland Z. Indirect wetland impacts are not anticipated due to prior approval to fill the offsite portions of Wetlands E and Z under the adjacent Viers Subdivision approval (PLD-2022-00121). However, in the event the 174th Street Subdivision is developed first, the applicant has included additional contingency mitigation measures to account for indirect wetland impacts to Wetlands E and Z which would amount to an additional .026 acres of indirect wetland impacts.

Finding 6 – Wetland Impacts
Since onsite wetland mitigation is not feasible, the applicant proposes mitigating for wetland impacts by purchasing wetland mitigation bank credits; however, the site is not within the Mitigation Bank Service Area of any wetland banks. Therefore, an Out of Service Area Request (OOSAR) has been submitted to the Interagency Review Team (IRT) of the Terrace Wetland Bank for approval; however, the IRT has indicated that they are waiting to evaluate the OOSAR until the Army Corps of Engineers' project manager and the Department of Ecology's regional wetland specialist have completed their review of permitting materials and determined if an OOSA credit purchase may provide appropriate compensation.

In anticipation of application of an OOSAR multiplier as typically required by the IRT, the applicant has included a 1.25 multiplier to the proposed bank credit amounts; however, typically the IRT applies a 1.5 OOSAR multiplier for projects that are not within the Bank's Mitigation Service Area. Therefore, at a minimum the applicant shall purchase .084 mitigation bank credits to compensate for the proposed impacts to Wetlands E and Z. The required bank credit amount may be increased as modified by IRT approval. In the event that the offsite portions of Wetlands E and Z have not been filled as previously approved for the adjacent Vier's Subdivision, then additional credits will be required to compensate for indirect wetland impacts. A final wetland permit will be required unless

IRT approval is granted prior to Final Engineering approval and there are no additional wetland impacts proposed. (See Condition A-3.b)

Finding 7- Installation
After installation of the mitigation, maintenance and monitoring are required in order to ensure long term performance of the mitigation. Routine maintenance of the site is necessary to ensure the integrity and success of the installed plants which includes, but is not limited to, removing invasive species and weeds, irrigation (if required), and plant replacement to meet the performance standards. Annual monitoring reports are required for a period of five growing seasons following approval of the as-built report. Adaptive management and alternate species may be considered if plantings appear to have massive failures; any changes shall be coordinated with Habitat/Wetland Review staff. (See Condition H-2.a)

Finding 8 – As Built
A Mitigation As-Built report must be submitted to the County within 30 days of completion of construction and planting in the approved mitigation plan. The As-Built needs to include documentation of any revisions to or deviations from the approved plan, demonstrating that any changes meet the requirements of CCC 40.445. (See Condition A-3.c)

Finding 9 – Revised Mitigation Plan
Staff concludes that the proposed preliminary mitigation plan (Exhibit 42) is feasible, however, pursuant to findings above, a revised mitigation plan may be required prior to authorization to start construction unless IRT approval is granted prior to Final Engineering approval and there are no additional wetland and/or habitat impacts proposed. (See Condition A-3.d)

**Forest Practice**
Finding 1 – Current Use
The subject property is currently enrolled in a Current Use program. CCC 40.260.080(B)(2)(a)(4) requires that land proposed to be converted to a nonforestry use be withdrawn from current use designation under Chapters 84.33 and 84.34 RCW or Chapter 3.08 prior to issuance of county land use approvals for nonforestry uses. (See Forest Practice Finding D-3.a)

Finding 2 -Forest Practice
The subject property is also subject to an approved Forest Practices Application (FPA-2026-00026). Forest practice activities associated with this proposal are regulated under CCC 40.260.080. Class IV-General forest practice permits must comply with the conditions of approval established through the associated development permit, forest practice permit, or approved COHP, and all approvals remain subject to the conditions stated on the approved application. Accordingly, the applicable forest practice conditions for this proposal are contained in the approved FPA and are not repeated in this decision. (See Forest Practice Finding G-5.a)

**Conclusion**
Forest Practice concludes that the proposed preliminary plan, subject to conditions identified in their attached report, meets wetland requirements of the Clark County Code.

**Fire Protection**
Finding 1-Fire Marshal Review

This application was reviewed by Jason Knoble in the Fire Marshal's Office. Jason can be reached at (564) 397-3318 or e-mail at Jason.knoble@clark.wa.gov. Where there are difficulties in meeting these conditions or if additional information is required, contact Jason in the Fire Marshal's office immediately.

Finding 2-Building Construction
Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. (See Condition E-2.a)

Finding 3-Fire Flow
Fire flow in the amount of 1,000 gallons per minute supplied at 20 psi for 60 minutes duration is required for this application. Prior to final approval submit proof from the water purveyor indicating that the required fire flow is available at the site. A letter dated 11/18/2025 states there is 2,401GPM available in the area. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval. (See Conditions A-4.a, B-2.b and D-4.a)

Finding 4-Fire Hydrants
Fire hydrants are required for this application. Either the indicated number or the spacing of the fire hydrants is inadequate. Provide fire hydrants such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads. (See Condition A-4.b)

The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact Clark Cowlitz Fire & Rescue at 360-887-4609 to arrange for location approval. Unless waived by the fire district chief fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. Provide and maintain a three-foot clear space around the entirety of every fire hydrant. (See Conditions A-4.c, F-1.a, and H-1.a)

Finding 5-Fire Apparatus Access
Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application adequately provide required fire apparatus access. Provide fire apparatus access roads with an unobstructed width of not less than 20 feet, an unobstructed vertical clearance of not less than 13.5 feet, with an all-weather driving surface and capable of supporting the imposed loads of fire apparatus. (See Condition A-4.d)

Finding 6-Fire Apparatus Turnarounds
Approved fire apparatus turnarounds are required for this project. The indicated provisions for turning around fire apparatus are adequate. (See Condition A-4.e)

Finding 7-Fire Sprinklers
Homes exceeding 3,600 square feet including attached garages will require additional fire protection features up to and including a residential fire sprinkler system when adequate public water and a hydrant is not within required distances. (See Condition E-2.b)

Finding 8-Gates
No gate may be installed across a required fire department access road or driveway without first obtaining a permit from the fire marshal's office. Inspection and testing of the gate will be required.

Split gates with a divided entry and exit side will need 15 feet on either side for a total gate width of 30 feet. (See Condition E-2.c)

Finding 9-Parking
Parking is prohibited on access roads that are less than twenty-four (24) feet wide. Roads that are less than twenty-four (24) feet wide shall be posted "NO PARKING-FIRE LANE". (See Condition H-1.b)

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

**Water and Sewer Service**
Note: List and discuss any SEPA elements (see list 1-16 above) that are relevant to this part of the Staff Report to the extent they relate to the applicable land use regulations.

Finding 1-Services
The site will be served by the Clark Public Utilities water district (exhibit 1 Tab 17) and Clark Regional Wastewater sewer district(Exhibit 1 Tab 16). Letters from the above districts confirm that services are available to the site.

Finding 2-Public Health Evaluation Letter
Submittal of a *Public Health Evaluation Letter* is required as part of the Final Construction Plan Review application. If the evaluation letter specifies that an acceptable *Public Health 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 such as at Final Construction Plan Review, Final Plat Review or prior to occupancy. The evaluation letter will serve as confirmation that Public Health staff 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 *Public Health Final Approval Letter* will confirm that all existing wells and/or septic systems have been abandoned, inspected and approved by Public Health staff, if applicable. (See Condition A-5)

Finding 3-On-Site Sewage Systems (CCC 24.17, WAC 246-272A, CCC 40.370, RCW 58.17)
Existing individual on-site sewage system (OSS) is listed on the application and there are county records indicating two on-site sewage systems are at the site. A site visit on 06/26/25 did verify evidence of an on-site sewage system known as ON0014336 on Parcel 181711000- the pump basin riser lid was observed east of the house. ON0042884 on Parcel 181731000 was not observed in the dense landscaping- the owner believes the OSS to be located east of the southern end of the house. These OSS will be required to be abandoned prior to final plat (Mylar) approval. (See Condition D-5.a)

The other five parcels were not observed to have an OSS but it is possible that components of an OSS are on them. Any other on-site sewage system discovered during development must be properly abandoned with written notice provided to Clark County Public Health and the locations marked on the final plat (Mylar). (See Condition D-5.b)

Finding 4-abandonment
Please provide written notification describing the actions taken to legally abandon the system with pumper's receipt attached. Proper system abandonment requires tank pumping by a licensed pumper, removing the tank or breaking in the tank lids, punching a hole in the bottom, and filling

the cavities with rock, sand or compacted soil. Cesspools, drywells, or pump chambers discovered during development must also be abandoned in this manner. The following link connects to the free Clark County OSS Abandonment Form:
https://clark.wa.gov/sites/default/files/media/document/2023-03/CCPH%20OSS%20Abandonment%20Notification.pdf. (See Condition B-2.a)

Finding 5-Sewer Connection
The proposed development must connect to an approved public sewer system. (See Condition D-5.c)

The remaining existing houses must demonstrate a connection to the public sewer prior to final plat (Mylar) approval. A copy of the final acceptance letter from the sanitary sewer purveyor or the equivalent must be submitted along with the final plat (Mylar). (See Condition D-5.d)

Finding 6-Water Systems (WAC 173-160, WAC 246-290, CCC 40.370, RCW 58.17):
Existing individual wells are indicated on the application. There were no county records documenting wells at the site but a site visit on 06/26/25 did discover evidence of wells in concrete rings near each of the two houses. On Parcel 181711000, the well was observed west of the house, past the woodpile. On Parcel 181731000, the well was observed east of the northern end of the house. To track the status of the wells, WP0014336 was created for Parcel 181711000 and WP0014337 was created for Parcel 181731000. Any well identified during development must be properly decommissioned per WAC 173-160-381 by a Washington licensed well driller with written notice provided to Clark County Public Health (See Condition D-5.e) and the well locations marked on the final plat (Mylar). (See Condition D-5.f)

Finding 7-Water Connection
The proposed development must connect to an approved public water system. A copy of the final acceptance letter from the purveyor or the equivalent must be submitted along with the final plat (Mylar). (See Condition D-5.g)

Finding 8-Approval
Final Health Department approval required. (See Condition D-5.h)

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

**Impact Fees**
Finding 1-Impact Fees
In 1990, the state legislature authorized counties and cities planning under the Growth Management Act to impose impact fees on development activity to provide partial funding for public system improvements (e.g., roads, schools, parks) which serve new development. Impact fees are due at the time of issuance of building permits and are **not** a lien placed against the property at the time of final approval. A note reflecting the fee shall be placed on the face of the plan or plat. If you have any questions regarding the Traffic Impact Fee (TIF), please contact Public Works at 564.397.6118. Impact fees include the following:

| | |
|---|---|
| Traffic Impact Fee (Mt. Vista) | $8,520.22 |
| Park Impact Fee (District #10) | $3,852.00 |
| School Impact Fee (Battle Ground) | $ 10,760.00 |

**Note:** The above impact fees are an estimate and subject to change. Impact fees are set at the time of the preliminary plan review decision. (See Condition E-3)

The amounts listed above are an estimate using the current impact fee rates and are subject to change. As found in CCC 40.610.040, impact fees are calculated using the rates in effect at the time of building permit issuance.

While the subdivision is proposed at 100 total lots, impact fees will not be waived since the existing dwellings that are to remain on proposed lots 16 and 95.

## SEPA Determination

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

a. **DS = Determination of Significance** - The impacts cannot be mitigated through conditions of approval and, therefore, require the preparation of an Environmental Impact Statement (EIS);

b. **MDNS = Mitigated Determination of Non-Significance** - The impacts can be addressed through conditions of approval; or,

c. **DNS = Determination of Non-Significance** - The impacts can be addressed by applying the Clark County Code.

The likely SEPA determination of Non-Significance (DNS) in the Notice of Development Review Application issued on February 24, 2026 is hereby final.

### SEPA Appeal Process

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

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

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

A **substantive SEPA appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing Clark County Code or other law.

Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.

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

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

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

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

The decision of the Hearing Examiner is final unless:

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

**Staff Contact Person:** Melissa Curtis, 564.397.5870

**Responsible Official:** April Furth, Interim Community Development Director

## Recommendation

Based upon the proposed plan known as Exhibits 25 and 26, and the findings and conclusions stated above, staff recommends the Hearing Examiner **DENIES** this request, subject to the understanding that the application is required to adhere to all applicable codes and laws and is subject to the following conditions of approval.

## Conditions of Approval

Note: The Conditions of Approval below include those identified above and those contained within Attachments A, B, and C. The letters or numbers may have changed from those in the attachments.

| | |
|---|---|
| **A** | **Final Construction Review for Land Division**<br>**Review and Approval Authority: Development Engineering** |

Prior to construction, a Final Construction Plan shall be submitted for review and approval, consistent with the approved preliminary plan and the following conditions of approval:

**A-1 Land Use**

**a.** The phasing plan includes all land within the preliminary plat. Each phase is an independent planning unit with safe and convenient circulation and with facilities and utilities coordinated with requirements established for the entire

subdivision; and all road improvement requirements are assured. (See Land Use Finding 7)

**A-2 Final Construction Plan** - The applicant shall submit and obtain county approval of a final construction plan with the following:

**a.** Archaeology

1) A note shall be placed on the face of the final construction plans as follows:

"If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Department of Archaeology and Historic Preservation in Olympia shall be notified. Failure to comply with these state requirements may constitute a Class C Felony, subject to imprisonment and/or fines."

**A-3 Wetland and Habitat Review**

**a.** The applicant shall enhance a total of .497 acres of the riparian habitat area as shown in the March 29th, 2026 Revised Mitigation Plan prepared by Ecological Land Services. Two of the impacted priority snags shall be retained onsite within the riparian habitat area as priority logs. The applicant shall additionally purchase a minimum of .122 bank credits from a wetland mitigation bank within Clark County. The required bank credit amount may be increased as modified by IRT approval. (See Wetland and Habitat Finding 3)

**b.** Since onsite wetland mitigation is not feasible, the applicant proposes mitigating for wetland impacts by purchasing wetland mitigation bank credits; however, the site is not within the Mitigation Bank Service Area of any wetland banks. Therefore, an Out of Service Area Request (OOSAR) has been submitted to the Interagency Review Team (IRT) of the Terrace Wetland Bank for approval; however, the IRT has indicated that they are waiting to evaluate the OOSAR until the Army Corps of Engineers' project manager and the Department of Ecology's regional wetland specialist have completed their review of permitting materials and determined if an OOSA credit purchase may provide appropriate compensation.

In anticipation of application of an OOSAR multiplier as typically required by the IRT, the applicant has included a 1.25 multiplier to the proposed bank credit amounts; however, typically the IRT applies a 1.5 OOSAR multiplier for projects that are not within the Bank's Mitigation Service Area. Therefore, at a minimum the applicant shall purchase .084 mitigation bank credits to compensate for the proposed impacts to Wetlands E and Z. The required bank credit amount may be increased as modified by IRT approval. In the event that the offsite portions of Wetlands E and Z have not been filled as previously approved for the adjacent Vier's Subdivision, then additional credits will be required to compensate for indirect wetland impacts. A final wetland permit will be required unless IRT approval is granted prior to Final Engineering approval and there are no additional wetland impacts proposed. (See Wetland and Habitat Finding 6)

**c.** The applicant shall submit a Mitigation As-Built report to the County within 30 days of completion of the construction and planting in the approved mitigation plan. (See Wetland and Habitat Finding 8)

**d.** A final habitat permit will be required unless IRT approval is granted prior to Final Engineering approval and there are no additional habitat impacts proposed. The application shall include a revised mitigation plan that meets the Conditions of Approval above. (See Wetland and Habitat Finding 9)

**e.** Unless the proposed mitigation is constructed and an as-built is approved, a performance assurance for the mitigation is required.

**A-4 Fire Marshal Requirements**

**a.** Fire flow in the amount of 1,000 gallons per minute supplied at 20 psi for 60 minutes duration is required for this application. Prior to final approval submit proof from the water purveyor indicating that the required fire flow is available at the site. A letter dated 11/18/2025 states there is 2,401GPM available in the area. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval. (See Fire Protection Finding 3)

**b.** Fire hydrants are required for this application. Either the indicated number or the spacing of the fire hydrants is inadequate. Provide fire hydrants such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads. (See Fire Protection Finding 4)

**c.** The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact Clark Cowlitz Fire & Rescue at 360-887-4609 to arrange for location approval. Unless waived by the fire district chief fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. Provide and maintain a three-foot clear space around the entirety of every fire hydrant. (See Fire Protection Finding 4)

**d.** Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application adequately provide required fire apparatus access. Provide fire apparatus access roads with an unobstructed width of not less than 20 feet, an unobstructed vertical clearance of not less than 13.5 feet, with an all-weather driving surface and capable of supporting the imposed loads of fire apparatus. See Fire Protection Finding 5)

**e.** Approved fire apparatus turnarounds are required for this project. The indicated provisions for turning around fire apparatus are adequate. (See Fire Protection Finding 6)

**A-5 Public Health Review** - Submittal of a *Public Health Evaluation Letter* is required as part of the Final Construction Plan Review or early grading application. If the evaluation letter specifies that certain actions are required, the evaluation letter will specify the timing of when those activities must be completed, such as

prior to Final Construction Plan Review, construction, Provisional Acceptance, Final Plat Review, building permit issuance, or occupancy, and approved by Public Health.

**A-6 Final Transportation Plan/On-Site** - The applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350 and the following conditions of approval:

**a.** The applicant shall show on the final construction plans that all proposed pedestrian facilities will be constructed to comply with ADA standards. (See Transportation Finding 1)

**b.** The applicant shall show the construction of end of sidewalk ramps where pedestrian facilities temporarily terminate at the plat boundary. (See Transportation Finding 1)

**c.** The applicant shall show all curb ramps will be constructed in compliance with the WSDOT Design Manual. (See Transportation Finding 1)

**d.** NE 174th Street is classified as an "Urban Collector", C-2b, half-width improvements are required consisting of 30 feet of right-of-way dedication, 17-feet of roadway width, curb/gutter, and a 5-foot detached sidewalk. (See Transportation Finding 3)

**e.** All roads shall have a minimum pavement width of 20 feet. (See Transportation Finding 3)

**f.** NE 40th Avenue is classified as an "Urban Neighborhood Circulator" half-width improvements are required consisting of 27 feet of right-of-way dedication, 18-feet of roadway width, curb/gutter, and a 5-foot sidewalk. (See Transportation Finding 3)

**g.** NE 173rd Street, NE 171st Street, NE 170th Street, NE 42nd Way, NE 43rd Way, NE 44th Way and NE 45th Avenue are classified as "Urban Local Residential Access" full-width improvements are required consisting of 46 feet of right-of-way dedication, 28-feet of roadway width, curb/gutter, and a 5-foot sidewalk. (See Transportation Finding 3)

**h.** NE 169th Street is classified as an "Urban Local Residential Access" half-width improvements are required consisting of 23 feet of right-of-way dedication, 14-feet of roadway width, curb/gutter, and a 5-foot sidewalk. (See Transportation Finding 3)

**i.** NE 43rd Loop and NE 44th Loop are proposed as "Urban Private Roads", full-width improvements are required consisting of 26 feet of easement, 20-feet of roadway width, curb/gutter, and a 5-foot sidewalk (on one side). (See Transportation Finding 3)

**j.** The applicant shall show on the final construction plans that roadways are tapered according to accepted engineering practices and supplemental standards in Section 40.350.030(C)(1)(b). (See Transportation Finding 3)

**k.** The applicant shall show on the final construction plans a pavement section that is in compliance with the results of pavement deflection testing as prescribed by CCC 40.350.030(B)(5)(a)(6). (See Transportation Finding 3)

**l.** All partial width roads less than 24 feet in width shall be marked with "No Parking" signs or similar control measures. (See Transportation Finding 3)

**m.** The applicant shall show on the final construction plans that all shared driveway approaches are placed within a minimum of 20-foot-wide easement. (See Transportation Finding 4)

**n.** The applicant shall show on the final construction plans that all driveway approaches are spaced 5 feet from any property line. (See Transportation Finding 4)

**o.** The applicant shall show on the final construction plans that all driveway approaches comply with Clark County Standard Detail F14/F15, or approved equivalent. (See Transportation Finding 4)

**p.** The applicant shall show on the final construction plans that all corner lot driveways will comply with CCC 40.350.030(B)(4(b)(1)(b). (See Transportation Finding 4)

**q.** The applicant shall show on the final construction plans that access per 40.350.030.4.b.4.a is met for any roadway that will exceed the threshold(s). (See Transportation Finding 4)

**r.** The applicant shall show the sight distance triangles at all intersections on the final construction plans. (See Transportation Finding 5)

**s.** The applicant shall remove vegetation within the right-of-way to maximize sight distance for the proposed intersections. (See Finding 5)

**t.** The applicant is responsible for providing all necessary transportation improvements required for each individual phase. (See Transportation Finding 6)

**u.** If this project proceeds before Viers Subdivision (PLD-2022-00067) is completed or if changes to the Viers Subdivision affect the proposed design, then revised plans and a Post Decision Review shall be required. (See Transportation Finding 6)

**A-7 Transportation:**

**a.** Signing and Striping Plan: If applicable, the applicant 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 engineering approval.

**A-8 Final Stormwater Plan** – The applicant shall obtain county approval of a drainage plan designed in conformance to CCC 40.386, as amended by Ordinance No. 2021-06-02, and the following conditions of approval:

**a.** The applicant shall submit final construction plans and a final Technical Information Report (TIR) that addresses Stormwater Minimum Requirements #1 though #9. (See Finding 7)

**b.** The applicant shall demonstrate that the development will not materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots. (See Stormwater Finding 7)

**c.** The applicant shall provide a final Technical Information Report that evaluates List #2 for all hard surfaces. (See Stormwater Finding 8)

**d.** The applicant shall provide a final Technical Information Report that demonstrates compliance with the Basic Treatment requirement. (See Stormwater Finding 8)

**e.** The applicant shall submit documentation from the stormwater treatment system manufacturer indicating that any proprietary stormwater treatment devices were sited and sized appropriately. (See Stormwater Finding 8)

**f.** The applicant shall provide a final technical information Report that demonstrates compliance with the Standard Flow Control requirement. (See Stormwater Finding 8)

**g.** The applicant shall provide final construction plans and a final Technical Information Report that addresses the following levels of wetland protection: Hydroperiod Protection (Method 2) and General Protection & Protection from Pollutants (as applicable to each wetland), if the applicant proposes any changes to the wetlands and/or mitigation plans. (See Stormwater Finding 8)

**h.** The applicant shall identify on the final construction plans ownership and maintenance responsibilities for each of the proposed stormwater facilities. (See Stormwater Finding 8)

**i.** A stormwater easement shall be shown on all private/joint stormwater facilities not in the public right-of-way or in a tract. (See Stormwater Finding 8)

**j.** Stormwater facility setbacks shall be met and shown on the final construction plans, unless a reduced setback is recommended by a geotechnical engineer. (See Stormwater Finding 8)

**k.** The applicant shall submit an offsite analysis with the Final TIR prepared in accordance with Book 1, Chapter 5 of the CCSM 2021 for all outfall locations from the site. (See Stormwater Finding 8)

**l.** The applicant is responsible for providing all necessary stormwater mitigation improvements required for each individual phase. (See Stormwater Finding 9)

**A-9** **Erosion Control Plan** - The applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.386, as amended by Ordinance No. 2021-06-02.

**A-10** **Excavation and Grading** - Excavation/grading shall be performed in compliance with CCC14.07.

| B | **Prior to Construction of Development**<br>**Review and Approval Authority: Development Inspection** |
|---|---|

Prior to construction, the following conditions shall be met:

**B-1** **Land Use:**

**a.** Prior to site construction, structures slated for demolition shall be demolished in accordance with the procedures of the Southwest Clean Air Agency and the Clark County demolition permit. (See Land Use Finding 7)

**B-2** **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,

**a.** Prior to site construction, abandonment of septic systems, water wells and underground tanks shall be decommissioned in accordance with the procedures of the Clark County Public Health. (See Water and Sewer Services Finding 4)

**b.** Fire flow in the amount of 1,000 gallons per minute supplied at 20 psi for 60 minutes duration is required for this application. Prior to final approval submit proof from the water purveyor indicating that the required fire flow is available at the site. A letter dated 11/18/2025 states there is 2,401GPM available in the area. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval. (See Fire Protection Finding 3)

**B-3** **Traffic Control Plan** – Prior to impacting the public roadway for the development site, the applicant shall obtain written approval from Clark County Department of Public Works of the applicant's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system.

**B-4** **Pre-Construction Conference** - Prior to construction or any land disturbance, a pre-construction conference shall be held with the county.

**B-5 Erosion Control** - Prior to construction or any land disturbance, erosion/sediment controls shall be in place per the approved erosion control plan. 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. Erosion control facilities shall not be removed without county approval.

**B-6 Road Closures** - Any request by the developer or developer's contractor to close a road will be reviewed by county staff. The developer shall provide a memorandum to the County Engineer justifying the reasons for needing the road closure, specifically including explanation as to why the closure is necessary and construction cannot occur under traffic, such as flagger-controlled alternating one way traffic next to the construction. The memorandum shall include the ENG number and title of the project, location of the requested road closure, anticipated date of start of closure, requested closure time length, explanation of the public outreach that the contractor will perform, full detour mapping, and other information as appropriate. Road Closures are approved specifically by the County Council by resolution, as described in WAC 308-330-270(7). The process for county takes at least 6 weeks for writing the staff report, resolution and internal review. Depending on the complexity of the request from the developer and the council's time availability, this can take over 12 weeks to process from start to finish. It is the developer's responsibility to ensure that the process is completed prior to needing the road closure enacted. The contractor shall be responsible for all costs associated with county staff time to process the request via reimbursable work order and all notifications required by law in local newspapers as required by RCW 47.48 Notice of Closure or Restriction. Requesting a road closure is no guarantee that a road closure will be approved by the county.

| C | **Provisional Acceptance of Development**<br>**Review and Approval Authority: Development Inspection** |
|---|---|

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

**C-1 Sight Distance** - The applicant shall submit a sight distance certification letter signed and stamped by an engineer, licensed in the state of Washington, indicating the sight distance at all proposed intersections, once constructed, complies with the county code. (See Transportation Finding 5)

| D | **Final Plat Review & Recording**<br>**Review and Approval Authority: Development Engineering** |
|---|---|

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

**D-1 Land Use**

**a.** The phasing plan includes all land within the preliminary plat. Each phase is an independent planning unit with safe and convenient circulation and with facilities and utilities coordinated with requirements established for the entire subdivision; and all road improvement requirements are assured. (See Land Use Finding 7)

**D-2 Wetland and Habitat Review**

**a.** Pursuant to CCC 40.445.030.B.2.d, a conservation covenant shall be recorded in a form approved by the Prosecuting Attorney as adequate to incorporate the other restrictions of this section and to give notice of the requirement to obtain a habitat permit prior to engaging in regulated activities within a designated habitat area.

**b.** Pursuant to CCC 40.445.030.B.2.d, the Final Plat shall clearly show all priority habitat boundaries with a note referencing any required conservation covenant(s).

**c.** Pursuant to CCC 40.450.030.F, a permanent physical demarcation along the upland boundary of the riparian habitat area shall be installed and thereafter maintained. Such demarcation may consist of logs, a tree or hedge row, fencing, or other prominent physical marking approved by the responsible official.

**d.** Pursuant to CCC 40.450.030.F, small signs shall be posted at an interval of one (1) per lot or every one hundred (100) feet, whichever is less, and perpetually maintained at locations along the outer perimeter of the riparian habitat area approved by the responsible official worded substantially as follows:

Habitat Area -
Please retain in a natural state

**D-3 Forest Practice**

**a.** Prior to issuance of county land use approvals for nonforestry uses associated with this proposal, the applicant/property owner shall obtain withdrawal of the area to be converted from any applicable current use designation and provide documentation of that withdrawal to Clark County. The applicant/property owner shall be responsible for any compensating tax, additional tax, fees, or other obligations associated with removal from the current use program. (See Forest Practice Finding 1)

**D-4 Fire Marshal Requirements**

**a.** Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval. (See Fire Protection Finding 3)

**D-5 Water and Sewer Services:**

**a.** OSS will be required to be abandoned prior to final plat (Mylar) approval. (See Water and Sewer Services Condition 3)

**b.** Any other on-site sewage system discovered during development must be properly abandoned with written notice provided to Clark County Public Health and the locations marked on the final plat (Mylar). (See Water and Sewer Services Condition 3)

**c.** The proposed development must connect to an approved public sewer system. (See Water and Sewer Services Finding 6)

**d.** The remaining existing houses must demonstrate a connection to the public sewer prior to final plat (Mylar) approval. A copy of the final acceptance letter from the sanitary sewer purveyor or the equivalent must be submitted along with the final plat (Mylar). (See Water and Sewer Services Finding 6)

**e.** Any well identified during development must be properly decommissioned per WAC 173-160-381 by a Washington licensed well driller with written notice provided to Clark County Public Health. (See Water and Sewer Services Finding 6)

**f.** Well locations marked on the final plat (Mylar). (See Water and Sewer Services Finding 6)

**g.** Abandonment of On-Site Water Wells and Sewage Systems - The location of abandoned septic tanks and decommissioned wells shall be shown on the face of the final plat. (See Water and Sewer Services Finding 7)

**h.** Final Health Department approval required. (See Water and Sewer Services Finding 8)

**D-6 Addressing** - At the time of final plat, existing residence(s) that will remain may be subject to an address change. Addressing will be determined based on point of access.

**D-7 Rights-of-way / Easements –**

**a.** Right-of-way along the frontage of NE 174th Street to achieve a 30-foot half-width shall be conveyed to the county with the final plat, if necessary. This 30-foot right-of-way shall be from the historic centerline. (See Transportation Finding 3)

**b.** Right-of-way along NE 40th Avenue to achieve a 30-foot partial-width, shall be conveyed to the county with the final plat. (See Transportation Finding 3)

**c.** Right-of-way along NE 173rd Street, NE 171st Street, NE 170th Street, NE 42nd Way, NE 43rd Way, NE 44th Way and NE 45th Avenue to achieve a 46-foot full-width, shall be conveyed to the county with the final plat. (See Transportation Finding 3)

**d.** Right-of-way along the frontage of NE 169th Street to achieve a 23-foot half-width, shall be conveyed to the county with the final plat. (See Transportation Finding 3)

**e.** A private road easement for NE 43rd Loop and NE 44th Loop shall be delineated on the final plat. (See Transportation Finding 3)

**f.** The joint driveway access easements for Lots 33-34, 39-40, 57-58, 68-69 and 74-75 shall be delineated on the final plat. A minimum 20-foot easement width is required. The lot numbers who have access to the joint driveway easements shall also be labeled. (See Transportation Finding 4)

**D-8 Sight Distance** – Sight distance triangles shall be delineated on the final plat, if within the lot area. (See Transportation Finding 5)

**D-9 Developer Covenant** – A "Developer Covenant to Clark County" shall be submitted for recording to include the following:

**a.** Joint Driveway Maintenance Covenant - A joint road maintenance covenant shall be submitted to the responsible official for approval and recorded with the County Auditor. The covenant shall set out the terms and conditions of responsibility for maintenance, maintenance methods, standards, distribution of expenses, remedies for noncompliance with the terms of the agreement, right of use easements, and other considerations, as required under 40.350.030(C)(4)(g),

**b.** Critical Aquifer Recharge Areas - "The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."

**c.** Erosion Control - "Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."

**d.** Responsibility for Stormwater Facilities Maintenance – For stormwater facilities for which the county will not provide long-term maintenance, the developer shall make arrangements with the existing or future (as appropriate) occupants or owners of the subject property for assumption of maintenance to the county's Stormwater Facilities Maintenance Manual as adopted by Chapter 13.26A. The responsible official prior to county approval of the final stormwater plan shall approve such arrangements. The county may inspect privately maintained facilities for compliance with the requirements of this chapter. If the parties responsible for long-term maintenance fail to maintain their facilities to acceptable standards, the county shall issue a written notice specifying required actions to be taken in order to bring the facilities into compliance. If these actions are not performed in a timely manner, the county shall take enforcement action and recover from parties responsible for the maintenance in accordance with Section 32.04.060.

**e.** Impact Fees: "In accordance with CCC 40.610, impact fees for each dwelling in this subdivision shall be assessed for impacts on schools, parks and

transportation facilities based for the following districts: Battle Ground School District (SIF), Park District 10 (PIF) and Mt. Vista Sub-area (TIF). As found in CCC40.610.040, impact fees are calculated using the rates in effect at the time of building permit issuance."

**D-10 Plat Notes** - The following notes shall be placed on the final plat:

**a.** Sidewalks: "Prior to issuance of occupancy permits, sidewalks shall be constructed along all the respective lot frontages."

**b.** Utilities: "An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."

**c.** Sight Distance: "Sight distance easement triangles shall be maintained and kept clear as required under CCC 40.350.030.B.8."

**d.** Driveways: "No direct access is allowed onto the following streets: NE 174th Street"

**e.** Driveways: "All residential driveway approaches entering public roads are required to comply with CCC 40.350."

**f.** Access: "The lot(s) (___) has legal permission to enter and exit via a (public way, shared driveway easement, or private road)."

**g.** Privately Owned Stormwater Facilities: "The following party(s) is responsible for long-term maintenance of the privately owned stormwater facilities: _____."

**h.** Roof and Crawl Space Drains: "Roof and crawl space drains shall be installed in accordance with the approved As-Built plans, unless a revised plan is approved by the county. These stormwater systems will be owned and maintained by the property owner on whose lot the stormwater system is located."

**i.** Archaeological (all plats): "If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Department of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."

**j.** Impact Fees: "In accordance with CCC 40.610, impact fees for each dwelling in this subdivision shall be assessed for impacts on schools, parks and transportation facilities based for the following districts: Battle Ground School District (SIF), Park District 10 (PIF) and Mt. Vista Sub-area (TIF). As found in CCC40.610.040, impact fees are calculated using the rates in effect at the time of building permit issuance."

| E | **Building Permits**<br>**Review and Approval Authority: Permit Services** |
|---|---|

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

**E-1 Land Use:**

**a.** Any future construction on the newly created lots shall meet setback standards prescribed for the R1-10 zone. (See Land Use Finding 3)

**E-2 Fire Marshal Requirements:**

**a.** Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. (See Fire Protection Finding 2)

**b.** Homes exceeding 3,600 square feet including attached garages will require additional fire protection features up to and including a residential fire sprinkler system when adequate public water and a hydrant is not within required distances. (See Fire Protection Finding 7)

**c.** No gate may be installed across a required fire department access road or driveway without first obtaining a permit from the fire marshal's office. (See Fire Protection Finding 8)

**E-3 Impact Fees:** Impact fees shall be assessed for impacts on schools, parks and transportation facilities based for the following districts: Battle Ground School District (SIF), Park District 10 (PIF) and Mt. Vista Sub-area (TIF). As found in CCC40.610.040, impact fees are calculated using the rates in effect at the time of building permit issuance."(See Impact Finding 1)

**E-4 Engineering requirements:**

**a.** Excavation and Grading: Excavation/grading shall be performed in compliance with CCC 14.07.

**b.** Roof and Crawl Space Drains: Roof and crawl space drains shall be installed in accordance with the approved As-Built plans, unless a revised plan is approved by the county. These stormwater systems will be owned and maintained by the property owner on whose lot the stormwater system is located. (See Stormwater Finding 8)

| F | **Occupancy Permits**<br>**Review and Approval Authority: Building** |
|---|---|

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

**F-1 Fire Marshal Requirements:**

**a.** Provide and maintain a three-foot clear space around the entirety of every fire hydrant. (See Fire Protection Finding 4)

| G | **Development Review Timelines & Advisory Information**<br>**Review and Approval Authority: None - Advisory to Applicant** |
|---|---|

**G-1 Land Division** - Within seven (7) years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.

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

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

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

**G-3 Building and Fire Safety**

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

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

**G-5 Forest Practice**

**a.** All forest practice activity associated with this approval shall be conducted in compliance with the approved Forest Practices Application, FPA-2026-00026, and all conditions contained therein. The approved FPA and its conditions are incorporated into this approval by reference. This PLD does not modify, waive, or replace any requirement of the approved FPA. Any timber harvest, clearing, or related forest practice activity inconsistent with the approved FPA is prohibited. (See Forest Practice Finding 2)

| H | **Post Development Requirements** |
|---|---|

**Review and Approval Authority: As specified below**

**H-1 Fire Protection:**

**a.** Provide and maintain a three-foot clear space around the entirety of every fire hydrant. (See Fire Protection Finding 4)

**b.** Parking is prohibited on access roads that are less than twenty-four (24) feet wide. Roads that are less than twenty-four (24) feet wide shall be posted "NO PARKING-FIRE LANE". (See Fire Protection Finding 9)

**H-2 Wetland and Habitat Review**

**a.** The applicant (or successor in ownership) shall implement the approved mitigation maintenance and monitoring plan and submit performance reports to the County for periodic inspection and approval as specified. (See Wetland and Habitat Finding 7)

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

## Hearing Examiner Decision and Appeal Process

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

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

### Motion for Reconsideration

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

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

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

- The decision is contrary to law.

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

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

### Appeal Rights

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

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

## Attachments

- Copy of Proposed Preliminary Plan

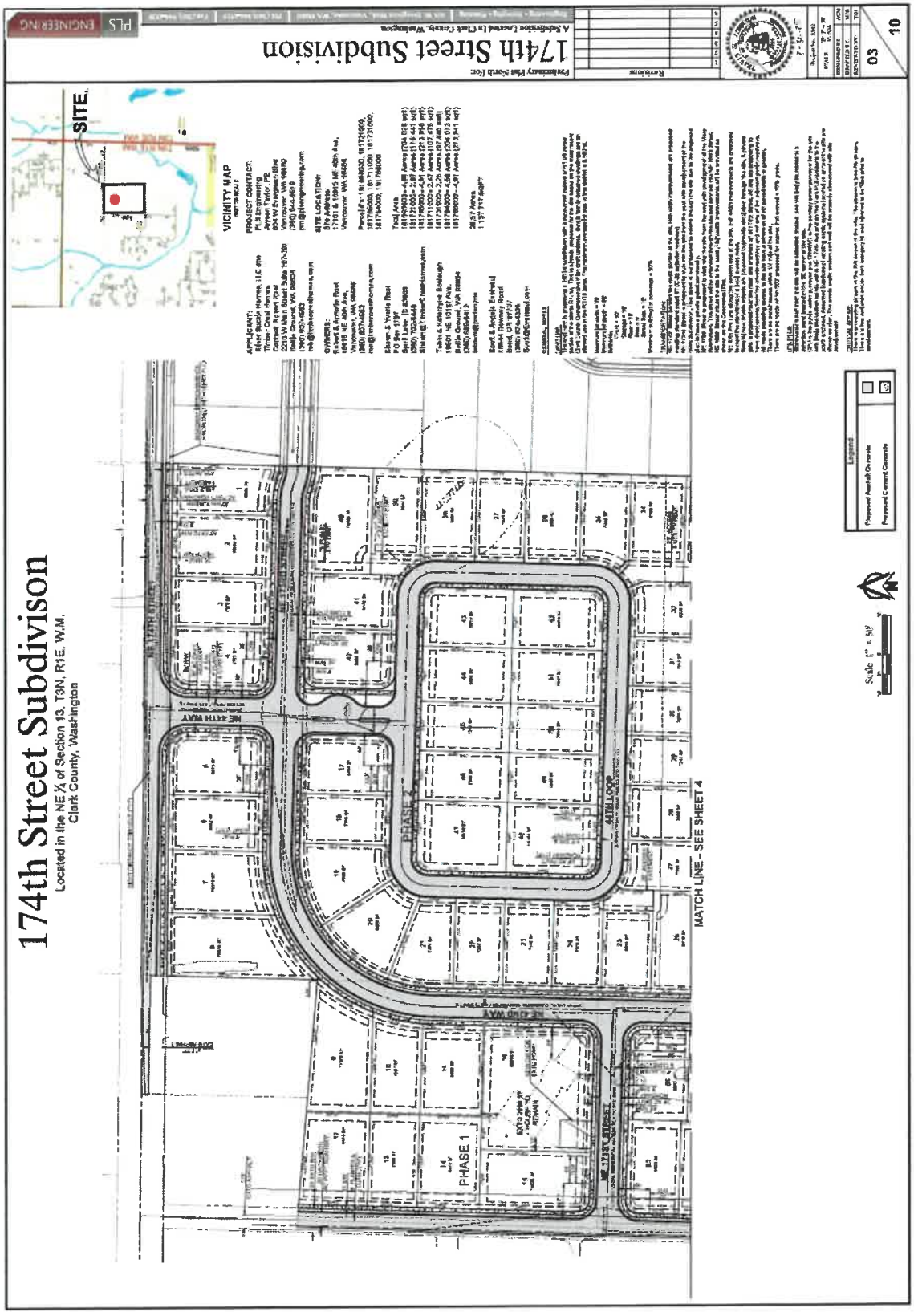
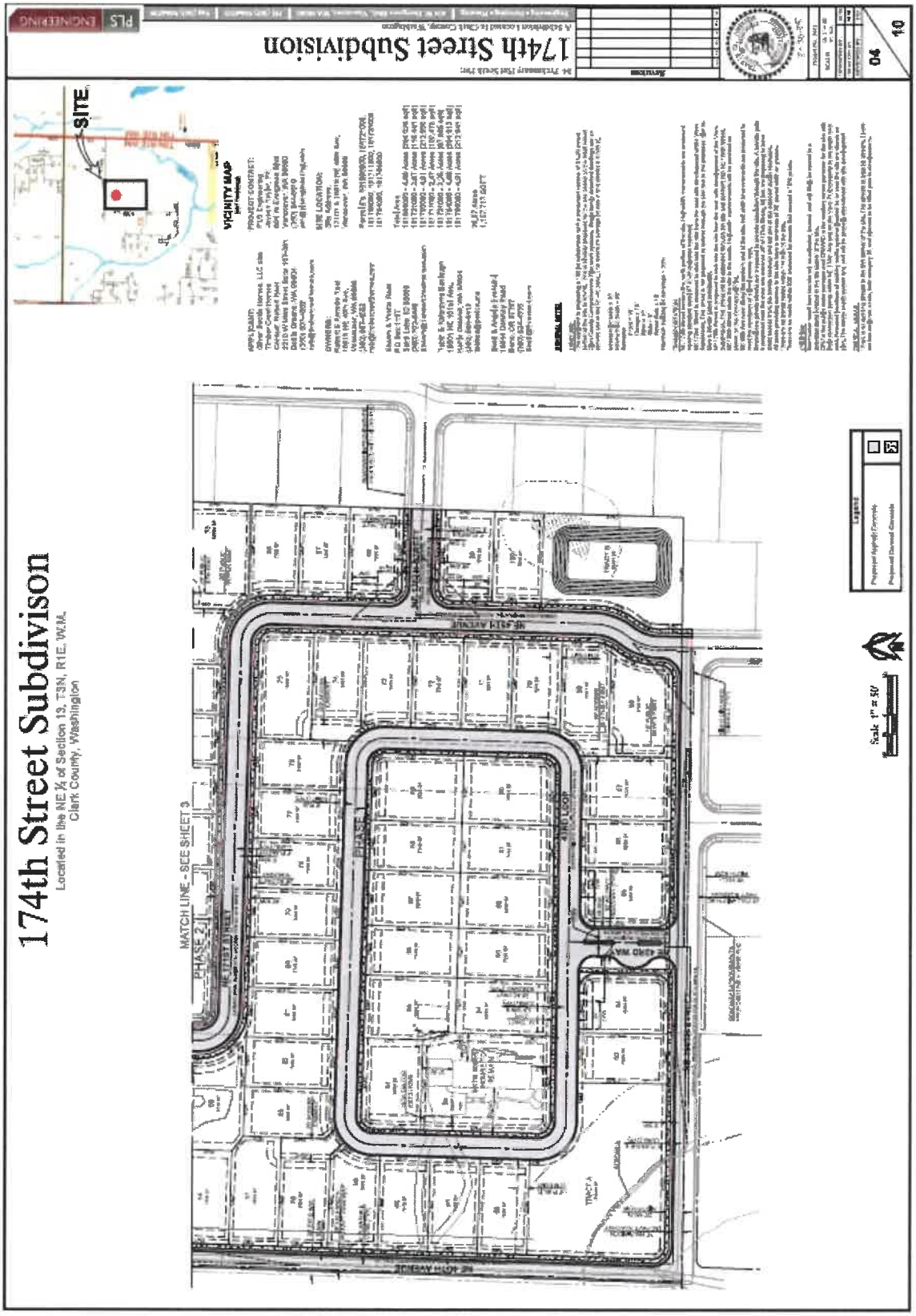

174th Street Subdivison
Located in the NE ¼ of Section 13, T3N, R1E, W.M.
Clark County, Washington
174th Street Subdivision
VICINITY MAP
SITE
PHASE 1
PHASE 2
MATCH LINE - SEE SHEET 4
NE 44TH WAY
44TH LOOP
NE 171ST STREET
03
10

Exhibit 25


174th Street Subdivision
A Subdivision Located in Clark County, Washington
174th Street Subdivison
Located in the NE ¼ of Section 13, T3N, R1E, W.M.
Clark County, Washington
SITE
VICINITY MAP
MATCH LINE - SEE SHEET 3
PHASE 2
Scale: 1" = 50'
04
10

CLARK COUNTY WASHINGTON

clark.wa.gov

1300 Franklin Street
PO Box 5000
Vancouver, WA 98666-5000
564.397.2000

May 21, 2026

| | |
|---|---|
| **Project Name:** | 174th Street Subdivision |
| **Land Use Case Number:** | PLD-2026-00002 |
| **Staff Engineer:** | David Jardin, Traffic Engineering Section Manager |
| | Craig Kathol EIT, Concurrency Engineer |
| **Land Use Hearing Date:** | April 23, 2026 |

Dear Mr. Turner:

The issues, as identified in the Written Testimony and Exhibit dated April 22, 2026 prepared by Heidi Pozzo (Ex 59), will be shown in *italics*. The County's responses will be shown without italics.

The issues addressed below are found starting on page 3 labled *"A. The Clark County Code Expressly Authorizes Denial of This Application."*

*First, CCCC 40.350.020(A) sets the overarching mandate:*

*"This section implements the requirements in RCW 36.70A.070 that counties: (1) Establish level of service standards for arterial and transit routes; and (2) Ensure that such standards are met or reasonably funded before new [development]."*

Staff strives to apply the concurrency code using best engineering practices and the tools/engineering resources available. As such, staff has used the applicant provided information to analyze the development impacts against the concurrency code. Staff found that intersections and corridors of regional significance under county jurisdiction can comply with CCC 40.350.020. Staff also accepted a volunteer letter offering mitigation at NE 179th Street/NE 50th Avenue to offset the impacts of the development.

The applicant has provided a 'Volunteer Letter' (Exhibit 51), as allowed by CCC 40.350.030(B)(6)(a), that volunteers to construct the recommended mitigation as outlined in the applicant's TIS. Staff has reviewed and validated this volunteer letter to ensure that it includes all traffic study recommendations for this location. This volunteer letter has been accepted under CCC 40.350.020(E)(5). Furthermore, staff has revised and reissued the concurrency staff report with findings addressing the additional submittal of Exhibit 51 as an approval with conditions.

*Second, CCC 40.350.020(E)(1) establishes a direct prohibition on approval in the absence of concurrency:*

*"Each development application subject to the provisions of this section shall require a concurrency review. No development application may be approved by the review authority until such time as a concurrency approval or conditional concurrency approval has been issued by the Public Works Director."*

At the time the constituent submitted this testimony, concurrency had issued its denial of the land use application stating that because the applicant had not "volunteered/proposed any mitigation to show

compliance with CCC 40.350.020…" staff could not "…determine that the proposed development will comply or can comply with CCC 40.350.020 and CCC 40.350.030(B)(6). "
Since that time, the applicant has provided a 'Volunteer Letter' (Exhibit 51), as allowed by CCC 40.350.030(B)(6)(a), that volunteers to construct the recommended mitigation as outlined in the applicant's TIS. Staff has reviewed and validated this volunteer letter to ensure that it includes all traffic study recommendations for this location. This volunteer letter has been accepted under CCC 40.350.020(E)(5). Furthermore, staff has revised and reissued the concurrency staff report with findings addressing the additional submittal of Exhibit 51 as an approval with conditions.

*Third, CCC 40.350.030(B)(6) supplies express denial authority:*

*"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.*

For staff reply, please see discussion under the heading "*Second, CCC 40.350.020(E)(1) establishes a direct prohibition on approval in the absence of concurrency:"* above.

The next section of this document that staff addressed starts on page 5 and labeled *B. Summary of issues.*

**Issue 1**
*Exhibit 52 evaluates intersection at the I-5 ramps and at NE 179th/NE 15th under the signalized-intersection standard in CCC 40.3350.020(G)(1)(b). The TIS models those same intersections as roundabouts for the 2028 buildout horizon (TIS p.29). The signalized-intersection delay standard does not apply to roundabouts; the correct standard is (G)(1)(c).*

There is no place in Exhibit 52 that indicates that the I-5 ramps and the NE 179th Street/NE 15th Avenue intersections were evaluated under the signalized intersection criteria for the buildout year. Staff concurs with the constituent's assessment that these intersections are modeled as roundabouts in the buildout year. However, the county does not have a concurrency level-of-service standard at this time for roundabouts, but the TIS reported level-of-service for the roundabout controlled intersections in the 2028 buildout horizon exceeds the operational LOS for both the signalized and unsignalized intersections. Therefore, showing that the roundabout controlled intersections will exceed minimum intersection LOS thresholds complying with concurrency.

It should be noted that the I-5 ramps and areas near the interchange are under WSDOT jurisdiction and the county has no standing to require improvements on their facilities. Therefore, by code CCC 40.350.020(B)(2) the county can require LOS to be analyzed for county review, but the county can only make recommendations to WSDOT, the county cannot require improvements to WSDOT infrastructure. WSDOT must make that finding and condition.

*Warrants are met at these intersections: the TIS's own Warrant 1A analysis at NE 179th /NE 50th reaches the wrong conclusion because it used the 2+/1 lane configuration for a road the TID itself acknowledges will operate as 1/1 in 2028; Warrant 3 was omitted entirely and is net on the TIS's own data; and the county's decision to reconstruct each intersection as a roundabout is itself a determination that warrant-level conditions exist. The applicable threshold under (G)(1)(c) is therefore LOS D. Under LOS D, four of the five relevant unsignalized intersections fail, each in a different way documented by the TIS itself.*

It is unclear what intersections are being discussed here. The only one listed by name is the intersection of NE 179th Street/NE 50th Avenue. Because of this, staff will address the identified intersection of NE 179th Street/NE 50th Avenue.
The applicant's TIS has reported that the intersection of NE 179th Street/NE 50th Avenue will operate at a LOS F with an intersection delay of 78 seconds in the PM peak hour in the 2028 buildout horizon. The applicant's traffic engineer recommended the installation of a northbound dedicated left turn lane in addition to a shared northbound through/right turn lane. The TIS shows that with the recommended mitigation the intersection will still operate at a LOS F; however, the intersection delay will be bettered to 61 seconds. This shows that the

recommended mitigation will offset the development impacts such that the operating LOS will not further deteriorate.

The applicant has provided a 'Volunteer Letter' (Exhibit 51), as allowed by CCC 40.350.030(B)(6)(a), that volunteers to construct the recommended mitigation as outlined in the applicant's TIS. Staff has reviewed and validated this volunteer letter to ensure that it includes all traffic study recommendations for this location. This volunteer letter has been accepted under CCC 40.350.020(E)(5). Furthermore, staff has revised and reissued the concurrency staff report with findings addressing the additional submittal of Exhibit 51 as an approval with conditions.

**Issue 2**

*Five corridor segments fail the adopted volume-to-capacity (v/c) ratio of 0.90 under CCC 40.350.020(G)(1)(a) in the 2028 buildout PM peak hour (TIS Table 8, p.35). Exhibit 52 acknowledges the failures but excuses them as "corridor mobility facilitated with good intersection LOS." No provision of CCC 40.350.020 authorizes substitution of intersection -level findings for corridor-level v/c findings.*

Please see letters prepared by David Jardin, Traffic Engineering Section Manager dated 5/21/26 regarding responding to Hearing Examiner's inquiry on volume/capacity at public hearing video time mark 1:47:36, and letter prepared by Steve Gallup PE, Transportation Division Manager, County Traffic Engineer, regarding a clarification of how roadway capacity is determined using nationally accepted engineering standards and explaining why real-world capacity should be evaluated based on current roadway conditions.

**Issue 3**

*The TIS uses the full Arterial Atlas planned capacity (1,800 vph, Pr-4cb) for NE 179th Street segments that are physically built as two-lane rural roads. Under CCC 40.350.020(F)(6), planned capacity may be credited only where the improvements are "reasonably funded and scheduled for completion of construction within six (6) years of the final date for a decision upon the development application." For the segment between NE 29thAvenue and NE 50th Avenue, both prongs fail – the segment itself is not reasonably funded for widening, and the only planned intersection improvement (a roundabout) is programmed 2035+, outside the six-year window. The buildout capacity credit is unauthorized and the property (G)(1)(a) substandard-tier analysis was never performed.*

While the applicant's traffic study evaluated v/c using a buildout volume for the roadway segment of NE 179th Street between NE 29th Avenue and NE 50th Avenue, concurrency staff did evaluate the v/c ratio using the applicant's reported volume information against the existing road segment volume identified in CCC 40.350.020(G)(1)(a). Staff concluded that the regionally significant corridors evaluated as a part of PLD-2026-00002 174th Street Subdivision provide operational capacity to support the proposed development under existing and buildout conditions.

Please see letters prepared by David Jardin, Traffic Engineering Section Manager dated 5/21/26 regarding responding to Hearing Examiner's inquiry on volume/capacity at public hearing video time mark 1:47:36, and letter prepared by Steve Gallup PE, Transportation Division Manager, County Traffic Engineer, regarding a clarification of how roadway capacity is determined using nationally accepted engineering standards and explaining why real-world capacity should be evaluated based on current roadway conditions. These letters provide an in-depth explanation of the evaluation that has been applied and practiced since 2010.

**Issue 4**

*Sidra roundabout output in the TIS appendix shows approach-level degree-of-saturation (v/c) exceeding 1.0 with LOS F at two of the four 2028 roundabouts. Aggregate intersection-wide average delay masks these approach failures. Reliance on intersection-average delay to find concurrency compliance at locations where individual approaches fail is not authorized by CCC 40.350.020.*

Level of service (LOS) as related to transportation facilities is defined in CCC 40.100.070 as a quantitative standard for the performance of a transportation corridor or intersection of regional significance.
As discussed in CCC 40.350.020, intersections are regulated as a whole. The exceptions are:

- (G)(1)(b) Signalized intersection: "Individual movements at each signalized intersection of regional significance in the unincorporated county shall not exceed an average of two (2) cycle lengths or two hundred forty (240) seconds of delay (whichever is less)."
- Unsignalized intersection as a whole is reported as a LOS F
    - And a development is adding at least 5 trips to the failing approach (G)(1)(c)(1)
    - And the worst movement on the failing approach is worsened by the proposed development (G)(1)(c)(2).

**Issue 5**

*The TIS does not include Kozy Manor Estate, Four Creeks North, or Three Creeks East as in-process developments contributing trips to background volumes (TIS pp. 16-17). These are concurrent corridor applications filed before this application, impacting the same corridors and intersections. CCC 40.350.020(E)(2) requires chronological testing of multiple applications, and Exhibit 52 itself invokes (E)(2) at Finding 4 to justify conditioning a turn lane on this applicant.*

Depending on the timing of any traffic study scoping request from a potential applicant, it is possible that applications are not included in the in-process information that is given to the potential applicant's traffic engineer. This can happen for many reasons, some of which may include:

- Development application submitted but not yet been deemed fully complete.
- Development that has been deemed fully complete and is anticipated to generate less than 10 peak hour trips.
    - Developments generating less than 10 peak hour trips do not require a traffic study and the vehicle volume growth is captured by an aggressive 2% per year background growth rate that is applied in the traffic studies of developments that generate more than 10 peak hour trips.
- Development that has been deemed fully complete and is anticipated to generate 11 to 50 peak hour trips.
    - Developments generating between 11 and 50 peak hour trips require a traffic study to evaluate the impacts of their development on the adjacent road network and the vehicle volume growth is captured by an aggressive 2% per year background growth rate that is applied in the traffic studies of developments that generate more than 10 peak hour trips.

As acknowledged by the constituent, concurrency staff does follow CCC 40.350.020(E)(2) when reviewing multiple land use applications impacting the same corridors even though in-process development may not be present in the applicant's traffic study.

Clark County Concurrency received the traffic study scoping memo from Daniel Stumpf on June 24th, 2025. In-process data along with other initial comments were sent to the applicant's traffic engineer on July 8th, 2025. See below for fully complete dates of the developments in question:

- Kozy Manor Estate – March 5th, 2025 – This development had less than 50 peak hour trips which was the threshold for in-process trips at the time the scoping memo was reviewed.
- Four Creeks North – July 14th, 2025 – This development was determined to be fully complete after the in-process data was sent to Lancaster Mobley.
- Three Creeks East – August 25th, 2025 – This development was determined to be fully complete after the in-process data was sent to Lancaster Mobley.

**Issue 6**

*The TIS relies on planned reconstruction of the I-5/NE 179th Street interchange to produce concurrency-compliant results in 2028. The interchange is a WSDOT-sponsored partnership project that WSDOT currently projects for 2031 completion. Even at 2031 (Inside the (F)(6) calendar window), the project fails the (F)(6) test on three independent grounds: the projection has slipped from 2028 to 2031 and is not reliable; the Adopted 2026-2031 TIP (Exhibit H) lists the County's portion as "Planning and scoping underway" rather than funded and scheduled; and the interchange is a state facility under RCW 47.06.140(2) that Clark County has no legal authority to commit.*

The I-5 ramps and areas near the interchange are under WSDOT jurisdiction and the county has no standing to exact improvements on their facilities. Therefore, by code CCC 40.350.020(B)(2) the county can require LOS to be analyzed for county review, but the county can only make recommendations to WSDOT, the county cannot exact/require improvements to WSDOT infrastructure. WSDOT must make that finding and condition.

**Issue 7**

*Exhibit 51, the applicant's April 9, 2026 volunteer letter, offers to "match 2028 pre-development conditions" at NE 179th/NE 50th. The 2028 pre-development condition at that intersection itself exceeds the CCC 40.350.020(G)(1)(c) standard in the TIS. A commitment to match a failing baseline does not cure the failure. The long-term compliance path at this intersection (the NE 179th/NE 50th roundabout) is currently programmed for 2035+, outside the CCC 40.350.020(F)(6) six-year window and not reasonably funded. Warrants at this intersection are met under the correct lane configuration (see Issue 1), placing the applicable LOS tier at D.*

The applicant's TIS has reported that the intersection of NE 179th Street/NE 50th Avenue will operate at a LOS F with an intersection delay of 78 seconds in the PM peak hour in the 2028 buildout horizon. The applicant's traffic engineer recommended the installation of a northbound dedicated left turn lane in addition to a shared northbound through/right turn lane. The TIS shows that with the recommended mitigation the intersection will still operate at a LOS F; however, the intersection delay will be bettered to 61 seconds. This shows that the recommended mitigation will offset the development impacts such that the operating LOS will not further deteriorate.

The applicant has provided a 'Volunteer Letter' (Exhibit 51), as allowed by CCC 40.350.030(B)(6)(a), that volunteers to construct the recommended mitigation as outlined in the applicant's TIS. Staff has reviewed and validated this volunteer letter to ensure that it includes all traffic study recommendations for this location. This volunteer letter has been accepted under CCC 40.350.020(E)(5). Furthermore, staff has revised and reissued the concurrency staff report with findings addressing the additional submittal of Exhibit 51 as an approval with conditions.

**Issue 8**

*The "corridor mobility facilitated with good intersection LOS" override in Exhibit 52 reflects selective approach-level scrutiny – when the applicant's TIS surfaces approach-level failures (as in the Taylor Reserve/Charbonneau TIS), staff applies the Code-authorized (G)(1)(c) framework; when the TIS does not, staff substitutes a non-Code phrase. The result is methodology that is inconsistent with Code-compliant concurrency review as demonstrated by Exhibit 60, a parallel concurrency staff report issued on the same day by the same engineer.*

Please see letters prepared by David Jardin, Traffic Engineering Section Manager dated 5/21/26 regarding responding to Hearing Examiner's inquiry on volume/capacity at public hearing video time mark 1:47:36, and letter prepared by Steve Gallup PE, Transportation Division Manager, County Traffic Engineer, regarding a clarification of how roadway capacity is determined using nationally accepted engineering standards and explaining why real-world capacity should be evaluated based on current roadway conditions. These letters provide an in-depth explanation of the evaluation that has been applied and practiced since 2010.

The next section of this document that staff addressed starts at the bottom of page 6 and is labeled *B. A Factual Error in Exhibit 52 on the Face of the Report.*

*TIS date. Exhibit 52 at Finding 1 (Page 1) describes the applicant's traffic study as "dated December 24, 2025." The TIS cover page and every page footer state "December 4, 2025." (TIS p. 1, and every subsequent page header.)*

After reviewing Exhibit 52 in comparison to this identified error, staff acknowledges this error as a typographic error. This typographic error has been corrected with the reissue of the concurrency staff report.

*More substantively, as explained in Issue 1 below, the operative concurrency finding in Exhibit 52 (at pages 4-5) describes the I-5 ramps and NE 179th/NE 15th as "signalized intersections" in the 2028 buildout year. The TIS is explicit at page 29 that these are modeled as roundabouts in the 2028 horizon. …*

Staff acknowledges this error and has reevaluated the concurrency corridors using roundabout intersection control and the evaluation method that has been applied and practiced since 2010.