BEFORE THE CITY OF STEVENSON, WASHINGTON
CITY COUNCIL

Regarding a request by Terra, LLC., “Proponent” for Preliminary Plat approval to subdivide approximately 3.52 acres into 10 single family residential lots. In the Suburban Residential (SR) zone in the area west of Foster Creek between Ryan Allen Road and Rock Creek Creek Drive described as Tax Lots 0900 & 1000 in the NW 1/4 of Section 2, T.2N, R7 E.W.M in the City of Stevenson, Skamania County, Washington

PROPOSAL: Full proposal and background details on this proposal are contained in the Planning Commission Recommendation dated August 11th and attached hereto as approved by the City Council.

STANDARDS, FINDINGS AND CONCLUSIONS

SMC 16 SUBDIVISIONS
Title 16 of the Stevenson Municipal Code is separated into two articles. Article I is contained within SMC 16.02, applies to divisions of land into four (4) lots or fewer, and does not apply to this proposal. Regulations for divisions of land into five (5) or more lots begin with SMC 16.14 and continue through SMC 16.44. The criteria listed below are limited to the imperative sections related to City Council review of preliminary plat proposals.

SMC Ch. 16.20 PRELIMINARY PLAT HEARINGS AND APPROVAL
CRITERION §16.20.050 REPORT TO BOARD AFTER HEARING “A. Not later than fourteen days following conclusion of the hearing, the commission shall submit its written report and recommendations to the legislative body. The commission may recommend that the proposed plat be approved, conditionally approved or disapproved. Any conditions of approval shall be specified in the commission’s report and shall include recommended protective improvement
B. It shall be the responsibility of the administrator to convey this report to the council”
FINDING(S): The August 11th Planning Commission recommendation of conditional approval was submitted to the City Council prior to its August 21st meeting.
CONCLUSIONS OF LAW: This project will comply with SMC 16.20.050.

SMC Ch. 16.22 BOARD ACTION
CRITERION §16.22.010 PRELIMINARY PLAT HEARING--DATE “Upon receipt of the planning commission’s recommendation the council shall, at its next public meeting, set the date for the public meeting at which the council shall consider the planning commission recommendation.”
FINDING(S): After receiving the Planning Commission recommendation at its August 21st, 2014 meeting, the City Council set a public meeting on September 2nd, 2014 at 6:00pm.
CONCLUSIONS OF LAW: This project will comply with SMC 16.22.010.
CRITERION §16.22.020  PRELIMINARY PLAT HEARING—ACCEPTANCE OR REJECTION OF
RECOMMENDATION  “At the meeting scheduled for considering the preliminary plat the
council shall, after reviewing the recommendations of the planning commission, the
administrator, the public works director, the district health officer, the public utility district and
any other relevant evidence presented to it, either concur in or reject the planning commission’s
recommendation.”

FINDING(S): The City Council reviewed relevant evidence from the Planning Commission’s
record, including meeting agendas, minutes, staff reports, application materials,
written comments, and the final Planning Commission Recommendation.
The City Council concurs with the recommendation of the Planning Commission.

CONCLUSIONS OF LAW: This project will comply with SMC 16.22.020.

CITY COUNCIL CONCURRENCE WITH PLANNING COMMISSION
RECOMMENDATION

Having reviewed the record for Sunstone One at Skamania at a public meeting, having considered the
recommendation of the Planning Commission, and based on the foregoing Findings of Fact and
Conclusions of Law, the City Council hereby concurs with the Planning Commission recommendation
and grants preliminary plat approval to the Sunstone One at Skamania Subdivision, subject to the
conditions recommended by the Planning Commission.

DATED this ______ day of September, 2014
Done in Public Session September ______, 2014

______________________________
Frank Cox, Mayor
City of Stevenson
BEFORE THE CITY OF STEVENSON, WASHINGTON
PLANNING COMMISSION

Regarding a request by Terra, LLC., “Proponent” for Preliminary Plat approval to subdivide approximately 3.52 acres into 10 single family residential lots. In the Suburban Residential (SR) zone in the area west of Foster Creek between Ryan Allen Road and Rock Creek Creek Drive described as Tax Lots 0900 & 1000 in the NW 1/4 of Section 2, T.2N, R7 E.W.M in the City of Stevenson, Skamania County, Washington

PROPOSAL: The applicant proposed the division of 3.25 acres into 10 or fewer single-family residential lots served by City water, City sewer, a new public cul-de-sac street with a one way turn-around incorporating a landscaped “common area” in the center, and a private street serving 3 lots. The site is in the SR Suburban Residential zoning district.

LOCATION: The site is located at 365 SW Foster Creek Road between Ryan Allen Road and Rock Creek Drive.

PROONENT: Terra, LLC
Daniel Webb
15913 S. Windy City Road
Mulino, OR 97042
(503) 510-9998

KEY ISSUES: Zoning, Sewer, Stormwater, Streets, Water, Geotechnical

CIVIL: DL Design Group Inc.
ENGINEERING 400 East Evergreen Boulevard, Suite 114
STORMWATER Vancouver, WA 98660

GEOTECHNICAL: GeoPacific Engineering, Inc.
2008 C Street
Vancouver, WA 98663

CITY STAFF: Ben Shumaker
Planning Director

Eric Hansen
Public Works Director

Wes Wegner, PE, Consulting Engineer
Wallis Engineering, Inc.
215 West 4th Street, Suite 200
Vancouver, WA 98660

AUGUST 11th, 2014

Planning Commission Recommendation Sunstone One at Skamania Subdivision – Page 1
BACKGROUND

The property is located off of Foster Creek Road, between Rock Creek Drive and Ryan Allen Road. There have been homes and residential outbuildings on the site which had been accessed by Delbridge Road, a private road. All structures have since either been burned down or removed by some other means.

The property has been graded in the past, leaving two level areas and areas containing potentially unstable slopes exceeding 25%. A geotechnical engineering report has been prepared related to these slopes. The City’s critical areas maps and a site walk through did not identify any wetlands or streams on or near the site.

Utilities and amenities proposed for the site include extension of, and service by, a public sewer line, public water, stormwater piping and detention pond, electricity, gas, telephone, and a new public street. The proposed 50’ public right-of-way width ends in a cul-de-sac containing a one-way turnaround and a landscaped common area. A proposed private 30’ width road serves three lots.

The provisions of Stevenson Municipal Code (SMC) titles 16 (Subdivisions), 17 (Zoning), 18 (Environmental Protection) and the City of Stevenson Engineering Standards for Public Works Construction will serve as the standards of review for this proposal.

STANDARDS, FINDINGS AND CONCLUSIONS

SMC 16 SUBDIVISIONS

Title 16 of the Stevenson Municipal Code is separated into two articles. Article I is contained within SMC 16.02, applies to divisions of land into four (4) lots or fewer, and does not apply to this proposal. Regulations for divisions of land into five (5) or more lots begin with SMC 16.14 and continue through SMC 16.44. The criteria listed below are limited to the imperative sections directed toward the review procedures and design requirements of preliminary plat proposals.

SMC Ch. 16.14 GENERAL PROVISIONS

Criterion §16.14.015. Interpretation of provisions “It shall be the duty of the planning commission and administrator to interpret the provisions of this title in such a way as to carry out the intent of the comprehensive plan prepared by the planning commission and adopted by the city council.”

Finding(s): The planning commission has considered this proposal as it relates to the regulations of SMC 16 and the comprehensive plan at the public hearing held on July 14th, 2014 and continued on August 11th.

Objective 2.15 of the 2013 Comprehensive Plan seeks to minimize the impacts of conflicting land uses by subjecting the more intensive use or the site being developed to special site development standards.

The proposal shares boundaries with a commercial golf course, a conflicting use.

Conclusions of Law: This project will comply with SMC 16.14.015 or upon satisfaction of condition 1, below.

Conditions:

1. Prior to Final Plat approval a note shall be placed on the face of the plat providing notice of the properties’ vicinity to a golf course fairway with the likelihood of errant golf balls

Planning Commission Recommendation Sunstone One at Skamania Subdivision – Page 2
entering the property.

a. **Prior to the Start of Construction** the proponent shall prepare an acceptable tree protection and planting plan to provide a barrier between conflicting land uses. The approved plan shall be recorded and referenced in the Homeowners’ Association articles of incorporation and bylaws, which shall also include enforcement mechanism by the Homeowners Association to assure adherence.

b. **Prior to filing for Final Plat approval** the proponent shall provide the City with copies of the disclosures and waivers regarding the properties’ proximity to the golf course.

**CRITERION §16.14.020 COMPLIANCE REQUIRED**… “Every subdivision of land within the incorporated area of the city shall proceed in compliance with this article…”

**FINDING(S):** The planning commission has considered this proposal for compliance with Article II of SMC 16 at the public hearing held on July 14th, 2014 and continued on August 11th.

**CONCLUSIONS OF LAW:** This project will comply with SMC 16.14.020 upon satisfaction of the conditions contained herein.

**SMC Ch. 16.18 PRELIMINARY PROCEDURES**

**CRITERION §16.18.010 NOTIFICATION FORM—SUBMITTAL** “Any person intending to subdivide land in the incorporated area of the city shall obtain a notification form from the administrator. The completed form shall then be submitted to the administrator.”

**FINDING(S):** The proponents obtained forms through the City website and submitted a complete application on 6/25/2014.

**CONCLUSIONS OF LAW:** This project will comply with SMC 16.18.010 without conditions.

**CRITERION §16.18.025 SITE EVALUATION—CRITICAL AREAS** “Prior to preparation of preliminary plans for a proposed subdivision and prior to site disturbing activities, the applicant shall meet with the administrator to assess whether the proposed development site includes one or more critical areas…If the administrator determines that a critical area is present or likely to be impacted by a proposed development, the applicant shall first complete a critical areas application, review and report, with appropriate protective measures identified, prior to preparation of preliminary development plans…”

**FINDING(S):** The proponents first met with staff on 6/21/2012 regarding the development property. Through that meeting and a series of emails, phone calls, and meetings, the administrator determined the presence of a critical area (Geologic Hazard Area). The proponent submitted a complete critical areas application on 6/25/2014 and was issued a critical areas permit on 7/10/2014.

**CONCLUSIONS OF LAW:** This project will comply with SMC 16.18.025 upon satisfaction of the conditions contained herein.

**CRITERION §16.18.030 PRELIMINARY RESPONSIBILITIES AND INQUIRIES** “A. Prior to submission of a preliminary plat it shall be the responsibility of the subdivider to inquire to the district health officer in order to ascertain whether larger lot sizes than those called for in this article (see Chapter 16.30, Design Standards) are recommended…”

C. If larger lots are recommended, the district health officer shall forward a statement in writing

*Planning Commission Recommendation Sunstone One at Skamania Subdivision – Page 3*
to the subdivider and a copy to the administrator to this effect and specify the lot sizes, reasons, and conditions for the recommendation.”

**FINDING(S):** The district health officer has reviewed the proposal and its intent to connect to City sewer and has not recommended lot sizes larger than those called for in SMC 16.30.

**CONCLUSIONS OF LAW:** This project will comply with SMC 16.18.030 without conditions.

**CRITERION §16.18.050 PRELIMINARY PLAT—FEES** “A. Upon acceptance of the preliminary plat by the administrator, the subdivider shall pay an application fee and any applicable outside consultant review fees to the city in the amount as established and adjusted from time to time by city council resolution…”

**FINDING(S):** The proponents paid an application fee equal to $2,500 plus $75 per proposed lot but no outside consultant review fees.

**CONCLUSIONS OF LAW:** This project will comply with SMC 16.18.010 upon satisfaction of condition 2, below.

**CONDITIONS:**

1. **Prior to Final Plat approval** the proponent shall reimburse the City for any outside consultant review fees incurred as a result of the proposed subdivision.

**CRITERION §16.18.070 PRELIMINARY PLAT—HEARING—NOTICE** “The administrator shall give notice of the public hearing as follows:

“A. By arranging for publication of notice of the hearing in the official city newspaper, to appear at least ten days prior to the hearing date;

B. By arranging for the posting of two copies of a notice of the hearing at conspicuous places on the boundaries of the proposed subdivision;

C. To the public utilities whose services are contemplated for use in the proposed subdivision…”

**FINDING(S):**

A. The administrator arranged publication of notice in the *Skamania County Pioneer* on July 2nd, 9th, and 30th and August 6th, 2014.

B. The administrator arranged posting of two notices on power poles at the proposals boundaries on July 2nd, 2014.

C. The administrator notified Skamania County Public Utility District #1 and the Stevenson Public Works Department of the proposal on 6/30/2014 and 6/25/2014.

**CONCLUSIONS OF LAW:** This project will comply with SMC 16.18.070 without conditions.

**SMC Ch. 16.20 PRELIMINARY PLAT HEARINGS AND APPROVAL**

**CRITERION §16.20.010 SCOPE AND CONTINUANCE** “At the public hearing the planning commission shall consider all relevant evidence to determine whether to recommend that the preliminary plat be approved or disapproved by the council. Any hearing may be continued at the discretion of the commission, within the time limits allowed by law.”

**FINDING(S):** The Planning Commission considered relevant evidence and public testimony at a public hearing on July 14th, 2014 and the continued hearing on August 11th, 2014.

**CONCLUSIONS OF LAW:** The Planning Commission is recommending the Council approve this preliminary plat subject to the conditions contained herein.
CRITERION §16.20.020 RECOMMENDATIONS BY AGENCIES 

“The administrator, public works director, the district health officer, the public utility district and any other appropriate official shall certify to the planning commission their respective recommendations as to the specific adequacy of the proposed road system, sewage disposal and water supply systems, utility systems and fire protection facilities within the subdivision. Additionally, they may make recommendations affecting public health, safety and general welfare in regards to the proposed subdivision. The recommendations of the administrator, the public works director, the district health officer and the public utility district shall be attached to the commission’s report for transmittal to the council.”

FINDING(S):  The administrator, public works director, district health officer, and public utility district have been given the opportunity to provide recommendations on the proposal. The City Consulting Engineer has provided recommendations on behalf of the Public Works Director, the public utility district and district health officer have declined to provide recommendations on this proposal.

CONCLUSIONS OF LAW:  This project will comply with SMC 16.20.020 upon satisfaction of the conditions contained herein.

CRITERION §16.20.030 FACILITY AND IMPROVEMENT CONSIDERATIONS 

“The planning commission shall determine whether the proposal includes appropriate provisions for drainage, roads, alleys and other public ways, water supplies, sanitary wastes, parks, playgrounds, fire protection facilities, school sites and grounds and other public and private facilities and improvements.”

FINDING(S):  Findings related to drainage, roads, alleys and other public ways, water supplies, sanitary wastes, fire protection facilities and other public and private facilities and improvements are included in detail below. The Planning Commission has reviewed the proposal’s lack of provision for parks, playgrounds, and school sites and grounds and finds it appropriate.

CONCLUSIONS OF LAW:  This project will comply with SMC 16.20.030 upon satisfaction of the conditions contained herein.

CRITERION §16.20.050 REPORT TO BOARD AFTER HEARING 

“A. Not later than fourteen days following conclusion of the hearing, the commission shall submit its written report and recommendations to the legislative body. The commission may recommend that the proposed plat be approved, conditionally approved or disapproved. Any conditions of approval shall be specified in the commission’s report and shall include recommended protective improvements…”

FINDING(S):  Several conditions are necessary to ensure this proposal complies with SMC titles 16, 17, and 18.

CONCLUSIONS OF LAW:  The Planning Commission is recommending the Council approve this preliminary plat subject to the conditions contained herein.

SMC Ch. 16.24 PRELIMINARY PLAT APPROVAL

CRITERION §16.24.020 EXPIRATION OF APPROVAL—FORFEITURE OF FEES 

“Preliminary plat approval shall be effective for two years from date of approval by the council. If, during this period a final plat is not filed with the administrator, the preliminary plat shall be null and void. Fees paid to the clerk-treasurer shall be forfeited.”

Planning Commission Recommendation Sunstone One at Skamania Subdivision – Page 5
**FINDING(S):** Through the Revised Code of Washington (RCW) section 58.17.140(3), the State of Washington has adopted specific timelines for the expiration of approved preliminary plats which supersede the City’s standard in this criterion.

**CONCLUSIONS OF LAW:** This project will comply with RCW 58.17.140(3) upon satisfaction of condition 3, below.

**CONDITIONS:**

**3. Prior to Final Plat approval** a final plat satisfying the conditions of this approval shall be submitted to the council for approval within seven (7) years of the date of preliminary plat approval or such other timeline as may be adopted by the State of Washington in RCW 58.17.140.

**SMC Ch. 16.26 FINAL PLAT APPROVAL**

**CRITERION §16.26.010 FILING OF FINAL PLAT—TIME LIMIT** “At any time within two years following the council’s approval of a preliminary plat the subdivider shall file the original and five copies of a proposed final plat with the administrator.”

**FINDING(S):** Through the Revised Code of Washington (RCW) section 58.17.140(3), the State of Washington has adopted specific timelines for the expiration of approved preliminary plats which supersede the City’s standard in this criterion.

**CONCLUSIONS OF LAW:** This project will comply with RCW 58.17.140(3) upon satisfaction of condition 3, above.

**SMC Ch. 16.28 DEDICATIONS**

**CRITERION §16.28.010 INDICATION ON PLATS** “All dedications of land shall be clearly and precisely indicated on plats.”

**FINDING(S):** The proponents are proposing dedication of right-of-way to the City along Foster Creek Road and for the new cul-de-sac. Dedication of tracts and easements are required by conditions stated herein. Stevenson Municipal Code 16.36.050 requires certain conditions for dedications on final plats.

**CONCLUSIONS OF LAW:** This project will comply with SMC 16.28.010 upon satisfaction of condition 4, below.

**CONDITIONS:**

**4. Prior to Final Plat approval** all dedications of easements, public rights-of-way and tracts shall be clearly and precisely indicated on plats, and the final plat shall conform to SMC 16.36.050(F) regarding the expected language necessary to dedicate land.

**CRITERION §16.28.020 REQUIRED DEDICATION PROVISIONS** “No plat shall be approved unless adequate provision is made in the subdivision for such drainageways, roads, alleys, easements, sidewalks, parks, playgrounds, sites for schools, schoolgrounds, and other general purposes as may be required to protect the public health, safety and welfare.”

**FINDING(S):** The proponents are proposing dedication of right-of-way to the City along Foster Creek Road and for the new cul-de-sac. An unnamed tract approximately 1,300 square feet in area remains on the north side of Foster Creek Road which is suitable for future transportation and/or utility installation.

**CONCLUSIONS OF LAW:** This project will comply with SMC 16.28.010 upon satisfaction of condition 5, below.
CONDITIONS:
5. Prior to Final Plat approval the final plat shall contain a certificate reciting a dedication of all lands shown on the plat to be dedicated for public uses and a waiver by them and their successors of all claims for damages against any governmental authority arising from the construction and maintenance of public facilities and public property within the subdivision. Such dedicated lands shall minimally include the new cul-de-sac road, the ten (10) feet southwesterly of the southwesterly line of Foster Creek Road, and all lands northeasterly of the southwesterly line of Foster Creek Road including the unnamed tract northeast of the roadway.

CRITERION §16.28.030 PROTECTIVE IMPROVEMENTS—DEDICATION REQUIRED “Protective improvements, and easements to maintain such improvements shall be dedicated.”

FINDING(S): The proponents have submitted a Geotechnical Engineering Report which does not recommend protective improvements.

CONCLUSIONS OF LAW: This project will comply with SMC 16.28.030 without conditions.

CRITERION §16.28.050 LOT ACCESS REQUIRED “Convenient access to every lot shall be provided by a dedicated road.”

FINDING(S): Lot 3 proposes joint access via a permanent easement across the flag portions of lots 1 and 2. Overly steep road grades on private roads present potential hazards for fire apparatus called to suppress residential fires. From the City Consulting Engineer’s Report: “An access serving 2 or more homes shall be a private road per SES 2.07A (4a), and also require an easement per SES 2.07C. A covenant describing maintenance responsibilities shall be included in the easement language per 2.07A (1). The private road (joint driveway) shall be labeled as a private road on the final plat.”

CONCLUSIONS OF LAW: This project will comply with SMC 16.28.010 upon satisfaction of condition 6, below.

CONDITIONS:
6. Prior to the start of construction all proposed private roads shall be designed in accordance with SES 2.07.
   a. Prior to filing for Final Plat approval the proponent shall provide the City with copies of the covenant describing maintenance responsibilities for all proposed private roads.
   b. Prior to Final Plat approval all proposed private roadways shall be included in an easement and labeled as private roads on the face of the plat.

CRITERION §16.28.060 PUBLIC WATER ACCESS REQUIREMENTS “A. Subdivision plats containing land adjacent to publicly owned or controlled bodies of water shall provide dedication of access to such bodies of water. The standards of this access shall be commensurate to its use and character. The access shall extend to the low water mark.

   B. In addition, it may be required that a pedestrian easement of fifteen feet maximum width, bordering along and placed above the high water mark, be dedicated if the council determines that public use and interest will be served thereby.”

FINDING(S): The proposal is not adjacent to publicly owned or controlled bodies of water.
CONCLUSIONS OF LAW: This project will comply with SMC 16.28.060 without conditions.

CRITERION §16.28.070 CONVEYANCE TO CORPORATION REQUIREMENTS “…B. A subdivider who wishes to make such a conveyance [to a homeowners’s association] shall at least two weeks prior to filing a final plat with the administrator supply the council and the administrator with copies of the grantee organization articles of incorporation and bylaws, and with evidence of the conveyance or a binding commitment to convey. The articles of incorporation shall provide that membership in the organization shall be appurtenant to ownership of land in the subdivision; that the corporation is empowered to assess such land for costs of construction and maintenance of the improvements and property owned by the corporation; and that such assessments shall be a lien upon the land. The council may impose such other conditions as it deems appropriate to assure that property and improvements owned by the corporation will be adequately constructed and maintained.”

FINDING(S): The proponents are proposing a landscaped area in the center of the cul-de-sac referred to on the preliminary plat as Tract A. The City should not be responsible for maintenance of this landscaped area.

From the City Consulting Engineer’s Report: “Tract A as shown on the preliminary drawings, excluding public utility easements, shall remain the property of the owner, Homeowner’s Association, or other approved entity. Ownership and associated maintenance shall be clearly identified on the final plat.”

CONCLUSIONS OF LAW: This project will comply with SMC 16.28.070 upon satisfaction of conditions 7-8, below.

CONDITIONS:

7. Prior to filing for Final Plat approval the proponent shall supply the City with copies of the Homeowner’s Association articles of incorporation and bylaws demonstrating the conveyance and maintenance of Tract A.

8. Prior to Final Plat approval the ownership and associated maintenance responsibility for Tract A shall be clearly identified on the final plat.

SMC CH. 16.30 DESIGN STANDARDS

CRITERION §16.30.010 DESIGN STANDARDS “All roads, bridges, drains, culverts, sidewalks, curbs, storm sewers, fire protection systems, and related structures or devices shall be constructed in accordance with standards currently in effect at the time of construction. These standards shall be those contained in this article or those promulgated by the council or may be other than a city standard if approved by the city.”

FINDING(S): The City has adopted the City of Stevenson Engineering Standards for Public Works Construction (SES) as the standard of review for the improvements discussed in this criterion. The Public Works Department and City Engineer have reviewed the preliminary plat proposal for compliance with the SES.

From the City Consulting Engineer’s Report: “A Geotechnical Engineering Report dated June 25, 2014, by Scott L. Hardman, PE was submitted for this development and provided information about the site. The development shall be designed and constructed in accordance with the recommendations made in this report. A Construction Stormwater General Permit shall be obtained from the Washington Department of Ecology for the construction of this project.
A grading and erosion control plan in accordance with the Stevenson Engineering Standards shall be required and proper erosion control measures shall be maintained throughout construction. The plan shall include all recommendations for grading provided in the Geotechnical Report.

The city’s water and sanitary sewer systems have adequate capacity available at this time to provide the anticipated domestic and fire protection supply and sanitary sewer services necessary for the proposed development.

Stormwater facilities designed and constructed in accordance with the City’s regulations can adequately manage and control runoff from this site.

The on-site street system designed in accordance with the City’s regulations will adequately serve the site and provide area traffic circulation.

The Geotechnical Engineering Report dated June 25, 2014 by Scott L. Hardman, PE generally stated that the geotechnical properties of the site were suitable for the proposed development subject to certain construction provisions. The applicant shall follow all recommendations outlined in the report.

**CONCLUSIONS OF LAW:** This project will comply with SMC 16.30.010 upon satisfaction of conditions 9-12, below.

**CONDITIONS:**

9. **Prior Final Plat approval** the design and construction of water and sewer systems, streets, pedestrian paths, street lights, street trees and storm drainage systems, and site grading and erosion control plans, shall be in accordance with SMC and SES.

10. **Prior to the start of construction** the applicant shall include the proposed lot grading with the final grading plans for review by the City.

11. **Prior to Final Plat approval** the applicant shall follow all recommendations outlined in the Geotechnical Report dated June 25th, 2014, by Scott Hardman, PE.

12. **Prior to the start of construction** a Construction Stormwater General Permit shall be obtained from the Washington Department of Ecology for the construction of this project.

**CRITERION §16.30.020 PROTECTIVE IMPROVEMENTS REQUIRED WHEN—DENOTATION ON FINAL PLAT**

“A. Land on which exist any topographic conditions hazardous to the safety or general welfare of persons or property in or near a proposed subdivision shall not be subdivided unless the construction of protective improvements will eliminate the hazards or unless land subject to the hazard is reserved for uses as will not expose persons or property to the hazards.

B. Protective improvements and restrictions on use shall be clearly noted on the final plat.”

**FINDING(S):** The proponents have submitted a Geotechnical Engineering Report which recommends construction methods and design restrictions, but no protective improvements.

The Critical Areas Permit issued for this project contains conditions of approval related to the hazard and recommended restrictions.

**CONCLUSIONS OF LAW:** This project will comply with SMC 16.30.020 upon satisfaction of conditions 53-58, below.

**CRITERION §16.30.030 LOT SIZE AND DIMENSIONS** “…C. Where adequate public water supply and adequate public sewer lines are used, the minimum lot size shall comply with zoning Ordinance 654 codified in Title 17”

**FINDING(S):** The proponents are proposing extension of public water and sewer systems to serve the project.
From the City Consulting Engineer’s Report: “The site can be served with city water, and the supply, storage and distribution systems in this area of the city have capacity to provide domestic and fire protection water for the proposal… The city’s wastewater treatment plant has capacity available to serve the demands of this proposed development and service to the site is proposed by an extension of the existing sewer in Foster Creek Road south of the site… The city’s water and sanitary sewer systems have adequate capacity available at this time to provide the anticipated domestic and fire protection supply and sanitary sewer services necessary for the proposed development.”

Through several subsequent ordinances, the City has amended SMC Title 17 which supersedes Ordinance 654 as referenced in SMC 16.30.030.

**CONCLUSIONS OF LAW:** This project has will comply with the minimum lot size requirements of SMC Title 17 upon satisfaction of conditions 39-41, below.

**CRITERION §16.30.040 BLOCKS** “Blocks shall be designed as to assure traffic safety and ease of traffic control and circulation. Blocks shall be wide enough to allow for two tiers of lots unless the topography or other factors make this impractical.”

**FINDING(S):** The proponents are proposing blocks wide enough for only one tier of lots. Topography, lot size and other factors make two tiers impractical.

**CONCLUSIONS OF LAW:** This project will comply with SMC 16.30.020 upon satisfaction of the conditions herein.

**CRITERION §16.30.050 REVERSE FRONTAGE LOTS** “A. No residential lots shall have road frontage along two opposite boundaries unless topographical features or the need to provide separation of the lots from arterials, railways, commercial activities or industrial activities justify the designing of reverse frontage lots.

B. Reverse frontage lots shall be designed with an easement at least ten feet wide to be dedicated along the lot lines abutting the traffic arterial, or other disadvantageous use, across which there shall be no right of access for the general public or adjoining property owners.”

**FINDING(S):** The proponents are proposing two reverse frontage lots adjacent to Foster Creek Road but intended to be accessed from the new cul-de-sac. A substantial topographic rise separates the buildable area of these lots from Foster Creek Road and justifies the reverse frontages.

**CONCLUSIONS OF LAW:** This project will comply with SMC 16.30.050 upon satisfaction of the condition 13, below.

**CONDITIONS:**

13. **Prior Final Plat approval** a ten foot wide easement across which there shall be no right of access for the general public or adjoining property owners shall be dedicated along Foster Creek Road.

**CRITERION §16.30.060 LOT ACCESS** “A. Every lot shall be provided with satisfactory access by a public road connecting to an existing public road, or by an easement which is permanent and inseparable from the lot served.

B. Lots adjacent to a road which has been designated an arterial by the public works director shall be provided with access other than the arterial unless a variance is granted to this requirement.
C. The plat of a subdivision containing lots adjacent to a designated arterial shall not be approved unless the plat recites a waiver of the right to direct access to the arterial, or a variance is granted to this requirement.”

FINDING(S): A. All lots except lots 1, 2, and 3 in the proposed subdivision are adjacent to a proposed public road. Access for lots 4-10 shall be served by the new Local street.

From the Staff Comments to Applicants’ Response: “An access serving 2 or more homes shall be a private road per SES 2.07(A) (4a), and also require an easement per SES 2.07C. A covenant describing maintenance responsibilities shall be included in the easement language per 2.07A (1). The private road (joint driveway) shall be labeled as a private road on the final plat.”

B. Foster Creek Road has been designated as a part of the City’s arterial system as a Rural Major Collector.

C. No lots propose direct access onto Foster Creek Road.

CONCLUSIONS OF LAW: This project will comply with SMC 16.30.060 upon satisfaction of conditions 6, 13, and 14.

CONDITIONS:

14. Prior Final Plat approval a note shall be placed on the face of the plat waiving the right to direct access onto Foster Creek Road.

CRITERION §16.30.070 UTILITY EASEMENT "Easement for electric, telephone, water, gas and similar utilities shall be of sufficient width to assure maintenance and to permit future utility installations.”

FINDING(S): The proposed reduction of the standard width of the Local Street affects horizontal clearance for the installation of underground public and private utilities.

From the City Consulting Engineer’s Report: “A Private Utility Easement (PUE) of sufficient width to accommodate all private utilities shall be provided along all lot frontages to provide private utility service.”

CONCLUSIONS OF LAW: This project will comply with SMC 16.30.070 upon satisfaction of conditions 15, below.

CONDITIONS:

15. Prior Final Plat approval a private utility easement (PUE) of sufficient width to accommodate all private utilities shall be provided along the new Local street over all lots having public street frontage to provide utility services. The location of the PUE shall be indicated on the face of the plat.

CRITERION §16.30.080 UNDERGROUND UTILITY INSTALLATIONS “In areas designated by the public utility district, underground utility installation is required.”

FINDING(S): The public utility district has declined to provide recommendation on this proposal. Through its authority in SMC 16.14.015, the Planning Commission has determined that the policies of the Comprehensive Plan would be best carried out if the new power and utility lines serving this site were placed underground.

CONCLUSIONS OF LAW: This project will comply with SMC 16.30.080 upon satisfaction of conditions 16, below.
CONDITIONS:

16. Prior to Final Plat approval all new utility services extended into the site from Foster Creek Road shall be placed underground.

CRITERION §16.30.090 DRAINAGE AND STORM SEWER EASEMENTS

“Easements for drainage channels and ways shall be of sufficient width to assure that the same may be maintained and improved. Easements for storm sewers shall be provided and shall be of sufficient width and proper location to permit future installation.”

FINDING(S):
From the City Consulting Engineer’s Report: “A Drainage Report was submitted to justify the stormwater management approach of the development. The approach appears to be feasible based on the information provided in the report. Stormwater management of the site is proposed through detention trenches and overflows for private property runoff; collection systems, conveyance systems, and detention pond are proposed to provide treatment and detention of all public road runoff. A new culvert is proposed under the intersection to connect the roadside ditch on Foster Creek Road. The preliminary drawings show the proposed detention pond releasing flow to an existing roadside ditch on Foster Creek Road. An analysis will have to be provided with the final design that evaluates downstream off-site impacts between the site and the release point of this ditch. Mitigation must be provided, if needed, so impacts will not be detrimental. Curb inlet structures shall be used per SES 3.02 B(4). A 6 foot tall vinyl chain link fence shall be located around the proposed detention pond. A gate shall be installed to provide the City access to maintain the pond adjacent to the proposed unnamed road. Additional information shall be provided in the drainage report detailing out how water quality is obtained for the proposal. The geotechnical report for the project does not recommend the use of infiltration in stormwater management. The applicant shall design the stormwater facilities to be non-infiltrating in accordance with the geotechnical report. This may require additional measures to reduce the infiltration of the existing soil. The proposal if designed and constructed in accordance with Section 3 of the Stevenson Engineering Standards is adequate to meet standard.” A 16’ gate will allow access by a vacuum truck and additional equipment if needed for future City maintenance of the stormwater pond.

CONCLUSIONS OF LAW:
This project will comply with SMC 16.30.090 upon satisfaction of conditions 17-21, below.

CONDITIONS:

17. Prior the start of construction an analysis shall be provided with the final design that evaluates downstream off-site impacts between the site and the release point of the Foster Creek roadside ditch. Mitigation must be provided, if needed, so impacts will not be detrimental.

18. Prior to Final Plat approval a 6 foot tall vinyl chain link fence shall be located around the proposed detention pond. A minimum 16 foot wide opening shall be installed to provide the City access to maintain the pond adjacent to the proposed unnamed road. The location and number of gates shall be approved by the City during Engineering Plan review.

19. Prior to the start of construction additional information shall be provided in the drainage report detailing how water quality is obtained for the proposal.
20. **Prior to the start of construction** the applicant shall design the stormwater facilities to be non-infiltrating in accordance with the geotechnical report. This may require additional measures to reduce the infiltration of the existing soil.

21. **Prior to Final Plat approval** the applicant shall dedicate the Tract “B” to the City.

**CRITERION §16.30.100 WATER SUPPLY AND SANITARY SEWER SYSTEMS**

“A. Where a public water supply is the source of water, potable water shall be provided by the subdivder for each lot within a subdivision.

B. Where a public sanitary sewer system is installed a connection shall be provided for each lot within a subdivision.

C. All facilities and devices of water supply and sanitary sewer systems shall meet the standards of the Southwest Washington Health District and any local or state regulations.”

**FINDING(S):** From the City Consulting Engineer’s Report: “Water Service: The site can be served with city water, and the supply, storage and distribution systems in this area of the city have capacity to provide domestic and fire protection water for the proposal. Preliminary drawings show an existing 8-inch ductile iron waterline within Foster Creek Road and a proposed 8-inch waterline to be constructed within the new un-named roadway.

10 new water services are proposed. Records indicated that the existing water pressure near the site may be as high as 125 psi. The applicant shall verify the existing pressure and install a PRV, approved by the City, if pressures exceed 80 psi.

Water meters shall be located at the ROW and outside of the travelable path. Easements shall be provided for all public water lines located outside of the ROW per SES 5.09.

All proposed waterline shall be Class 52 Ductile Iron per SES 5.05 and low/high points in the proposed waterline shall be avoided.

The separation between waterlines and other utilities shall be in accordance with SES 5.06.

Agencies who supply potable water to customers are required by the Washington Department of Health to periodically test the water supply for contaminants. The City’s water system is in need of an additional sampling station near the developed site to obtain water quality samples which are representative of this part of the water system. A water sampling station shall be installed off of the proposed main and located within the ROW, outside of the roadway and near the intersection of the new road and Foster Creek Road intersection.

The existing well onsite shall be abandoned in accordance with all local, state and federal laws and regulations.

The proposal if designed and constructed in accordance with Section 5 of the Stevenson Engineering Standards is adequate to meet standard.

Sanitary Sewer Service: The city’s wastewater treatment plant has capacity available to serve the demands of this proposed development and service to the site is proposed by an extension of the existing sewer in Foster Creek Road south of the site. Preliminary construction plans show a new sewer extending north on Foster Creek Road to serve the development with a new sewer extended into the proposed site to provide service. Lateral sewer mains will extend to each lot from the proposed sewer. These plans show the basic system improvements required to
serve the proposed development. Final detailed construction plans will need to be completed in accordance with the city’s Engineering Standards. Sanitary separation from other utilities shall be in accordance with SES 5.07. Sanitary sewer lateral cleanouts shall be located on each gravity lateral at the proposed ROW line. Easements shall be provided for all public sewer lines located outside of the ROW per SES 4.10. Abandon any existing septic systems onsite in accordance with all local, state and federal laws and regulations. The proposal if designed and constructed in accordance with Section 4 of the Stevenson Engineering Standards is adequate to meet standard.”

**CONCLUSIONS OF LAW:** This project will comply with SMC 16.30.100 upon satisfaction of conditions 22-30, below.

**CONDITIONS:**
22. **Prior to Final Plat approval** easements shall be provided for all public utilities which are located on private property in accordance with SES. Easements shall be shown on the final plat.
23. **Prior to Final Plat approval** water meters shall be located at the edge of right-of-way and outside of the traveled path.
24. **Prior to Final Plat approval** all proposed water mains shall be Class 52 Ductile Iron per SES 5.05 and low/high points in the proposed waterline shall be avoided.
25. **Prior to issuance of building permits** the applicant shall verify the existing service pressure and install a PRV, approved by the City, if the pressure exceeds 80 psi in accordance with SES 5.10E.
26. **Prior to Final Plat approval** a water sampling station shall be installed off of the proposed main and located within the right-of-way, outside of the roadway and near the intersection of the new road and Foster Creek Road intersection. The City will provide the sampling station, service line, and corporation stop materials for the developer to install. All other materials and the workmanship to install a complete sampling station shall be the responsibility of the developer. Location of the sampling station shall be approved by the City.
27. **Prior to Final Plat approval** the existing well onsite shall be decommissioned in accordance with all local, state and federal laws and regulations.
28. **Prior to Final Plat approval** sanitary sewer lateral cleanouts shall be located on each gravity lateral at the proposed right-of-way line.
29. **Prior to Final Plat approval** all existing septic systems shall be decommissioned in accordance with all local, state and federal laws and regulations.
30. **Prior to the start of construction** all proposed sanitary sewer lines shall be designed with separation from other utilities in accordance with SES 4.07.

**CRITERION §16.30.120 ROADS** “A. All subdivisions shall be served by one or more public roads providing ingress and egress to and from the subdivision at not less than two points unless approved otherwise by the planning commission.

B. Major roads within every subdivision shall conform with the city comprehensive plan and shall provide for the continuation of major roads which serve property contiguous to the subdivision.

C. Road intersections shall be as nearly at right angles as is practicable and in no event shall be less than sixty degrees.

D. Cul-de-sacs shall be designed so as to provide a circular turnaround right-of-way at the closed
end which has a minimum radius of forty-five feet.

E. Road networks shall provide ready access for fire and other emergency vehicles and equipment, and routes of escape for inhabitants.

F. The road pattern shall conform to the general circulation of the area and provide for future roads and connections.

G. If topographical features warrant, the public works director may require wider rights-of-way than specified in this article.”

**FINDING(S):** From the City Consulting Engineer’s Report: “The City has established measures for the applicant to mitigate off-site impacts based on the applicant’s estimation that the development will create approximately 50 vehicle trips per day. No additional off-site traffic analysis is included in this report.

Foster Creek Road is classified as a “Residential Collector” requiring 60 feet of ROW, 46 foot paved width including 2-11 foot travel lanes and 2-8 foot parking lanes, curb and gutter and 6 foot sidewalks on both sides. The City has determined that full frontage improvements on Foster Creek Road will not be required at this time. However, improvements to the existing Street Lighting system, roadside ditches, gravity sewer extension, and the dedication of ROW to establish a 60 foot wide ROW shall be required.

The Local Road (un-named) is classified as “Local” requiring 60 feet of ROW (50 foot with approval), 38 foot paved width (32 foot with approval) including 2-11 foot travel lanes and 2-8 foot parking lanes, curb and gutter, and 6 foot sidewalks on both sides. The applicant is proposing a 50 foot ROW, 36 foot paved width with curb and gutter and 6 foot sidewalks on both sides. Reductions from the minimum widths will require approval from the Planning Commission, City Council, and Fire Marshal.

The applicant is proposing a “private” modified cul-de-sac for the new street end. It is the City’s policy to discourage private streets, and the proposal does not meet the requirements for “private streets” as described in SES 2.07. The applicant shall submit a Road Modification in accordance with SES 1.16 for the deviation of standard street ends.

Concrete curb and sidewalks shall be continuous around the proposed street end… ADA compliant curb ramps shall be installed on each side of the unnamed roadway at Foster Creek Road.

All walls with heights greater than 4 feet shall require a building permit.

The horizontal curve shown in the preliminary drawings for the proposed unnamed road is substandard and possibly hazardous. Horizontal and Vertical roadway geometry shall be in accordance with SES 2.08 and 2.09. Cub return radii shall be in accordance with 2.14…

Street illumination on Foster Creek Road and the proposed unnamed street shall be provided in accordance with 2.26 of the SES.

All proposed public improvements shall be contained within public ROW or within easements…

The proposal if designed and constructed in accordance with Section 2 of the Stevenson Engineering Standards is adequate to meet standard.”

The Planning Commission reviewed and approves of the request to provide only one ingress/egress point and reduce the width of the Local street from 60 feet to 50 feet.
CONCLUSIONS OF LAW: This project will comply with SMC 16.30.120 upon satisfaction of conditions 31-38, below.

CONDITIONS:
31. **Prior Final Plat approval** frontage improvements on Foster Creek Road shall consist of street lighting improvements at the new intersection, roadside drainage ditch improvements, and dedicating sufficient right-of-way to achieve a 60 foot wide right-of-way on Foster Creek Road.

32. **Prior to the start of construction** the reduction in widths to the local street shall be approved in accordance with SES 2.03.

33. **Prior to the start of construction** the applicant shall submit a Road Modification request in accordance with SES 1.16 for the non-standard street end (cul-de-sac).

34. **Prior to Final Plat approval** concrete curb and sidewalk shall be installed on the outside of the proposed street end.

35. **Prior to Final Plat approval** ADA compliant curb ramps shall be installed on each side of the unnamed roadway at Foster Creek Road.

36. **Prior to the start of construction** horizontal and vertical roadway geometry shall be in accordance with SES 2.08 and 2.09. Curb return radii shall be in accordance with 2.14. All deviations from the Engineering Standards shall be approved by the City through a Road Modification as described in SES 1.16.

37. **Prior to Final Plat approval** street illumination on Foster Creek Road and the proposed local street shall be provided in accordance with 2.26 of the SES.

38. **Prior to Final Plat approval** all proposed public improvements shall be contained within existing or dedicated public right-of-way or within easements.

CRITERION §16.30.140 STREET RIGHT-OF-WAY WIDTHS
“…B. The street right-of-way in or along the boundary of a subdivision may be half the required width when it is apparent that the other half will be dedicated from adjacent properties.”

FINDING(S): The proponents of this proposal have not proposed a half-street along the boundary of the subdivision.

CONCLUSIONS OF LAW: This project will comply with SMC 16.30.140 without conditions.

SMC 17 ZONING
Title 17 of the Stevenson Municipal Code regulates the use of land and the permissible density and designs of land uses. The proposal contemplates single-family residential uses with lot sizes ranging from ~7,500 square feet to ~17,500 square feet. The criteria listed below are limited to specific sections relevant to this preliminary plat proposal in a SR Suburban Residential District and associated applications submitted concurrently with this proposal.

SMC Ch. 17.16 SR SUBURBAN RESIDENTIAL DISTRICT
CRITERION §17.16.040 SR DISTRICT DENSITY AND DIMENSIONAL STANDARDS
“Minimum Lot Area, Water: Available, Sewer Available: 15,000 square feet; Water: Available, Sewer: Unavailable: 20,000 square feet.”

FINDING(S): The proposed lot areas and dimensions are smaller than that allowed in the SR Suburban Residential District.

CONCLUSIONS OF LAW: This project will not comply with SMC 17.16.040. This noncompliance will be irrelevant upon satisfaction of conditions 39-41, below.
SMC Ch. 17.18 R1 Single-Family Residential District

Criteria §17.18.040 Density and Dimensional Regulations

“…C. Minimum lot area:
1. When both public water and sewer are available: six thousand square feet. a. Minimum lot width sixty feet. b. Minimum lot depth: One hundred feet…
2. When public water is available and an on-site sewage disposal system is used: fifteen thousand square feet or that size required by current health district regulations, but in no case less than fifteen thousand square feet. a. Minimum lot width: ninety feet. b. Minimum lot depth: One hundred twenty feet…”

Finding(s): The proposed lot areas and dimensions are consistent with those allowed in the R1 Single-Family Residential District when public water and sewer are available.

Conclusions of Law: This project will comply with SMC 17.18.040 upon satisfaction of conditions 39-41, below.

SMC Ch. 17.48 Intent to Rezone

Criteria §17.48.010 Purpose of Provisions

“It is the purpose and intent of this chapter to provide additional procedures in the manner of zoning reclassification so that the health, safety and general welfare and environmental amenities of the citizens of the city are insured as certain development occurs, and further to prevent speculative holding of real property after rezonmg.”

Finding(s): The proposal is located in the Urban Reserve-High Density Residential, an area within which future development of multi-family or single-family housing on lots smaller than 15,000 square feet are contemplated, but where additional development is discouraged until municipal services can be provided. The proposal seeks to develop single-family housing attached to municipal water and sewer services. Rezoning the property without first extending municipal services could lead to speculative holding.

Conclusions of Law: This project meets the purpose and intent of SMC 17.48 upon satisfaction of conditions 39-41, below.

Criteria §17.48.020 Resolution of Intent—Contents

“A. If, from the facts presented and findings in the report and recommendation of the planning commission, the council determines that the public health, safety and welfare will be best served by this reclassification or any portion thereof, the council may indicate its general approval in principle of the reclassification by the adoption of a “resolution of intent to rezone” such property.
B. This resolution shall include any conditions, stipulations or limitations which the council may feel necessary to require in the public interest as a prerequisite to final action, including those provisions which the council may feel necessary to prevent speculative holding of the property after reclassification.”

Finding(s): The Planning Commission has evaluated the proposal concurrently with the zoning reclassification of the site and will be given the opportunity to report and recommend action to the City Council.

Conclusions of Law: This project will comply with SMC 17.48.020 upon satisfaction of conditions 39-41, below.

Conditions:
39. Prior to Preliminary Plat approval, the applicant shall ensure a “resolution of intent to rezone” the proposal property is adopted by the City Council subject to any conditions deemed necessary.

CRITERION §17.48.050 Resolution of Intent-Binding on Council
“The fulfillment of all conditions, stipulations and limitations contained in the resolution of intent to rezone on the part of the applicant, shall make this resolution a binding commitment on the council.”

FINDING(S): Rezoning the property without first extending municipal services could lead to speculative holding and conditions and stipulations regarding municipal services should be fulfilled before the final plat is approved.

CONCLUSIONS OF LAW: This project will comply with SMC 17.48.050 upon satisfaction of conditions 39-41.

CONDITIONS:
40. Prior to filing for Final Plat approval, the proponent shall fulfill all conditions of the “resolution of intent to rezone”.

CRITERION §17.48.060 Resolution of Intent-Effectuation-Voidance
“A. Upon compliance by the applicant, the council shall by ordinance effect such reclassification. The failure of the applicant to substantially meet any or all conditions, stipulations or limitations contained in a resolution of intent to rezone, including the time limit placed in the resolution, shall render such resolution null and void, unless an extension is granted by the council upon recommendation of the planning commission…”

FINDING(S): The final plat of this proposal cannot be approved with the proposed lot sizes under its current SR District designation.

CONCLUSIONS OF LAW: This project will comply with SMC 17.48.050 upon satisfaction of conditions 39-41.

CONDITIONS:
41. Prior to filing for Final Plat approval, the proponent shall ensure the Council’s ordinance effectuating the rezone has been adopted and taken effect.

SMC 18 ENVIRONMENTAL PROTECTION
Title 18 of the Stevenson Municipal Code is separated into three chapters. Chapter 18.04 provides procedures and regulations based on the State Environmental Policy Act (SEPA). Chapter 18.08 deals with shoreline management and is irrelevant to this request. Chapter 18.13 regulates the use of land that affects critical areas. Both the SEPA procedures and critical areas permitting process are administered by staff. The criteria below are listed generally to reflect the administrative nature of the SEPA threshold determination and the regulatory process for critical areas (geologically hazardous areas).

SMC Ch. 18.04 ENVIRONMENTAL POLICY
CRITERION §18.04 ARTICLE III CATEGORICAL EXEMPTIONS AND THRESHOLD DETERMINATIONS This article adopts Washington Administrative Code (WAC) sections related to the applicability and review process for projects under SEPA.

FINDING(S): Staff determined this project was not categorically exempt from the SEPA threshold determination process and issued a “mitigated determination of nonsignificance” (MDNS) on July 2nd, 2014.
The MDNS contained eleven (11) mitigation measures that the proponents must satisfy to ensure the project will have no probable significant adverse environmental impacts.

**CONCLUSIONS OF LAW:** This project will comply with SMC 18.04 upon satisfaction of mitigation measures adopted in SEPA2014-02 and listed below and incorporated herein for convenience as conditions 42-52.

**CONDITIONS:**

42. **During construction**, all releases of oils, hydraulic fluids, fuels, other petroleum products, paints, solvents, and other deleterious materials must be contained and removed in a manner that will prevent their discharge to waters and soils of the state. The cleanup of spills should take precedence over other work on the site.

43. **During construction** the following procedures shall be effected if cultural resources are discovered during construction activities:
   a. Halt Construction. All construction activities within 100 feet of the discovered resource shall cease. The resource shall remain as found; further disturbance is prohibited.
   b. Notification. The proponent shall notify the City within 24 hours of discovery. If the Cultural resources are prehistoric or otherwise associated with Native Americans, the proponent shall also notify the Indian tribal governments within 24 hours.

44. **Prior to the start of construction** project shall comply with the National Pollutant Discharge Elimination System permit requirements for projects of this size.

45. **During construction** construction dust shall not become a nuisance to neighboring or down-wind properties; best management practices for dust control shall occur.

46. **During construction** re-vegetation of disturbed areas is necessary to reduce wind and water erosion, and the propagation of weeds. All undeveloped disturbed areas shall be reseeded and landscaped with native trees and plants prior to issuance of occupancy permits.

47. **During construction** project shall comply with the recommendations of the geotechnical investigation and report prepared for this project.

48. **During construction** construction will occur within the hours of 7:00am and 10:00pm.

49. **Prior to Final Plat approval** project shall comply with the recommendations of the stormwater analysis prepared for this project and/or any modifications made based on the City Engineer’s review of the stormwater analysis.

50. **During construction** this property is within a half mile of a known or suspected contaminated site. If contamination is currently known or observed during construction of this project, sampling of the potentially contaminated media must be conducted. If contamination of soil or groundwater is readily visible, or is revealed by sampling, Ecology must be notified. Contact the Environmental Report Tracking System Coordinator at the Southwest Regional Office, (360)407-6300. For assistance and information about subsequent cleanup and to identify the type of testing that will be required, contact Connie Groven at the above number.

51. **Prior to Final Plat approval** this project shall dedicate adequate right-of-way within Foster Creek Road to facilitate improvement to the public transportation system.

52. **Prior to Final Plat approval** this project shall enter into a waiver of protest or similar agreement with the City thereby agreeing to participate in the future improvement of Foster Creek Road. Said agreement will ensure that frontage improvements are added in a logical manner to accommodate the anticipated increase in traffic.

**SMC Ch. 18.13 Critical Areas and Natural Resource Lands**

**Criterion §18.13.090 Geologically Hazardous Areas** This section provides the submittal criteria
and performance standards for projects in geologically hazardous areas, including potentially unstable slopes that are greater than 25% slope.

FINDING(S): The project contains geologically hazardous areas due to the potentially unstable slopes observed on site. The proponents submitted a geotechnical engineering report for the project containing several geotechnical recommendations for site development. Staff reviewed the geotechnical engineering report and issued Critical Areas Permit (CAP) 2014-02 on July 10th, 2014. The permit contained six (6) substantive conditions of approval.

CONCLUSIONS OF LAW: This project will comply with SMC 18.13 upon satisfaction of conditions required in CAP2014-02, listed below and incorporated herein for convenience as conditions 53-58, below.

CONDITIONS:
53. Prior to the start of construction a grading and erosion control plan in accordance with the Stevenson Engineering Standards shall be required and proper erosion control measures shall be maintained throughout construction. The plan shall include all recommendations for erosion control provided on Page 13 of the Geotechnical Engineering Report.
54. Prior to the start of construction the applicant shall design the stormwater facilities to be non-infiltrating in accordance with the Geotechnical Engineering Report. This may require additional measures to reduce the infiltration of the existing soil.
55. During construction the development shall be designed and constructed in accordance with the recommendations in the Geotechnical Engineering Report.
56. During construction onsite inspections and inspection reports shall occur in accordance with the recommendations in the Geotechnical Engineering Report.
57. Prior to Final Plat approval the GeoPacific Engineering Inc. Geotechnical Engineering Report prepared for this project shall be recorded with the Skamania County Auditor.
58. Prior to Final Plat approval a note shall be placed on the face of the plat providing notice of the geological hazard related to the steep slopes and substantial amounts of undocumented fill and referencing the site development recommendations of the GeoPacific Engineering Inc. Geotechnical Engineering Report.

PLANNING COMMISSION RECOMMENDATIONS TO CITY COUNCIL

Having heard public testimony presented at a public hearing, having considered the presentations of staff and of the applicant, and based on the foregoing Findings of Fact and Conclusions of Law, the Planning Commission hereby recommends to the City Council that the Sunstone One at Skamania Subdivision be approved, subject to the following conditions:

1. Prior to Final Plat approval a note shall be placed on the face of the plat providing notice of the properties’ vicinity to a golf course fairway with the likelihood of errant golf balls entering the property.
   a. Prior to the Start of Construction the proponent shall prepare an acceptable tree protection and planting plan to provide a barrier between conflicting land uses. The approved plan shall be recorded and referenced in the Homeowners’ Association articles of incorporation and bylaws, which shall also include enforcement mechanism
by the Homeowners Association to assure adherence.

b. **Prior to filing for Final Plat approval** the proponent shall provide the City with copies of the disclosures and waivers regarding the properties’ proximity to the golf course.

2. **Prior to Final Plat approval** a final plat satisfying the conditions of this approval shall be submitted to the council for approval within seven (7) years of the date of preliminary plat approval or such other timeline as may be adopted by the State of Washington in RCW 58.17.140.

3. **Prior to Final Plat approval** the proponent shall reimburse the City for any outside consultant review fees incurred as a result of the proposed subdivision.

4. **Prior to Final Plat approval** all dedications of easements, public rights-of-way and tracts shall be clearly and precisely indicated on plats, and the final plat shall conform to SMC 16.36.050(F) regarding the expected language necessary to dedicate land.

5. **Prior to Final Plat approval** the final plat shall contain a certificate reciting a dedication of all lands shown on the plat to be dedicated for public uses and a waiver by them and their successors of all claims for damages against any governmental authority arising from the construction and maintenance of public facilities and public property within the subdivision. Such dedicated lands shall minimally include the new cul-de-sac road, the ten (10) feet southwesterly of the southwesterly line of Foster Creek Road, and all lands northeasterly of the southwesterly line of Foster Creek Road including the unnamed tract northeast of the roadway.

6. **Prior to the start of construction** all proposed private roads shall be designed in accordance with SES 2.07.

   a. **Prior to filing for Final Plat approval** the proponent shall provide the City with copies of the covenant describing maintenance responsibilities for all proposed private roads.

   b. **Prior to Final Plat approval** all proposed private roadways shall be included in an easement and labeled as private roads on the face of the plat.

7. **Prior to filing for Final Plat approval** the proponent shall supply the City with copies of the Homeowner’s Association articles of incorporation and bylaws demonstrating the conveyance and maintenance of Tract A.

8. **Prior to Final Plat approval** the ownership and associated maintenance responsibility for Tract A shall be clearly identified on the final plat.

9. **Prior Final Plat approval** the design and construction of water and sewer systems, streets, pedestrian paths, street lights, street trees and storm drainage systems, and site grading and erosion control plans, shall be in accordance with SMC and SES.

10. **Prior to the start of construction** the applicant shall include the proposed lot grading with the final grading plans for review by the City.

11. **Prior to Final Plat approval** the applicant shall follow all recommendations outlined in the
12. **Prior to the start of construction** a Construction Stormwater General Permit shall be obtained from the Washington Department of Ecology for the construction of this project.

13. **Prior Final Plat approval** a ten foot wide easement across which there shall be no right of access for the general public or adjoining property owners shall be dedicated along Foster Creek Road.

14. **Prior Final Plat approval** a note shall be placed on the face of the plat waiving the right to direct access onto Foster Creek Road.

15. **Prior Final Plat approval** a private utility easement (PUE) of sufficient width to accommodate all private utilities shall be provided along the new Local street over all lots having public street frontage to provide utility services. The location of the PUE shall be indicated on the face of the plat.

16. Prior to Final Plat approval all new utility services extended into the site from Foster Creek Road shall be placed underground.

17. **Prior the start of construction** an analysis shall be provided with the final design that evaluates downstream off-site impacts between the site and the release point of the Foster Creek roadside ditch. Mitigation must be provided, if needed, so impacts will not be detrimental.

18. **Prior to Final Plat approval** a 6 foot tall vinyl chain link fence shall be located around the proposed detention pond. A minimum 16 foot wide opening shall be installed to provide the City access to maintain the pond adjacent to the proposed unnamed road. The location and number of gates shall be approved by the City during Engineering Plan review.

19. **Prior to the start of construction** additional information shall be provided in the drainage report detailing how water quality is obtained for the proposal.

20. **Prior to the start of construction** the applicant shall design the stormwater facilities to be non-infiltrating in accordance with the geotechnical report. This may require additional measures to reduce the infiltration of the existing soil.

21. **Prior to Final Plat approval** the applicant shall dedicate the Tract “B” to the City.

22. **Prior to Final Plat approval** easements shall be provided for all public utilities which are located on private property in accordance with SES. Easements shall be shown on the final plat.

23. **Prior to Final Plat approval** water meters shall be located at the edge of right-of-way and outside of the traveled path.

24. **Prior to Final Plat approval** all proposed water mains shall be Class 52 Ductile Iron per SES 5.05 and low/high points in the proposed waterline shall be avoided.
25. **Prior to issuance of building permits** the applicant shall verify the existing service pressure and install a PRV, approved by the City, if the pressure exceeds 80 psi in accordance with SES 5.10E.

26. **Prior to Final Plat approval** a water sampling station shall be installed off of the proposed main and located within the right-of-way, outside of the roadway and near the intersection of the new road and Foster Creek Road intersection. The City will provide the sampling station, service line, and corporation stop materials for the developer to install. All other materials and the workmanship to install a complete sampling station shall be the responsibility of the developer. Location of the sampling station shall be approved by the City.

27. **Prior to Final Plat approval** the existing well onsite shall be decommissioned in accordance with all local, state and federal laws and regulations.

28. **Prior to Final Plat approval** sanitary sewer lateral cleanouts shall be located on each gravity lateral at the proposed right-of-way line.

29. **Prior to Final Plat approval** all existing septic systems shall be decommissioned in accordance with all local, state and federal laws and regulations.

30. **Prior to the start of construction** all proposed sanitary sewer lines shall be designed with separation from other utilities in accordance with SES 4.07.

31. **Prior Final Plat approval** frontage improvements on Foster Creek Road shall consist of street lighting improvements at the new intersection, roadside drainage ditch improvements, and dedicating sufficient right-of-way to achieve a 60 foot wide right-of-way on Foster Creek Road.

32. **Prior to the start of construction** the reduction in widths to the local street shall be approved in accordance with SES 2.03.

33. **Prior to the start of construction** the applicant shall submit a Road Modification request in accordance with SES 1.16 for the non-standard street end (cul-de-sac).

34. **Prior to Final Plat approval** concrete curb and sidewalk shall be installed on the outside of the proposed street end.

35. **Prior to Final Plat approval** ADA compliant curbramps shall be installed on each side of the unnamed roadway at Foster Creek Road.

36. **Prior to the start of construction** Horizontal and Vertical roadway geometry shall be in accordance with SES 2.08 and 2.09. Curb return radii shall be in accordance with 2.14. All deviations from the Engineering Standards shall be approved by the City through a Road Modification as described in SES 1.16.

37. **Prior to Final Plat approval** street illumination on Foster Creek Road and the proposed local street shall be provided in accordance with 2.26 of the SES.

38. **Prior to Final Plat approval** all proposed public improvements shall be contained within
existing or dedicated public right-of-way or within easements.

39. **Prior to Preliminary Plat approval**, the applicant shall ensure a “resolution of intent to rezone” the proposal property is adopted by the City Council subject to any conditions deemed necessary.

40. **Prior to filing for Final Plat approval**, the proponent shall fulfill all conditions of the “resolution of intent to rezone.

41. **Prior to filing for Final Plat approval**, the proponent shall ensure the Council’s ordinance effectuating the rezone has been adopted and taken effect.

42. **During construction**, all releases of oils, hydraulic fluids, fuels, other petroleum products, paints, solvents, and other deleterious materials must be contained and removed in a manner that will prevent their discharge to waters and soils of the state. The cleanup of spills should take precedence over other work on the site.

43. **During construction** the following procedures shall be effected if cultural resources are discovered during construction activities:
   a. Halt Construction. All construction activities within 100 feet of the discovered resource shall cease. The resource shall remain as found; further disturbance is prohibited.
   b. Notification. The proponent shall notify the City within 24 hours of discovery. If the Cultural resources are prehistoric or otherwise associated with Native Americans, the proponent shall also notify the Indian tribal governments within 24 hours.

44. **Prior to the start of construction** project shall comply with the National Pollutant Discharge Elimination System permit requirements for projects of this size.

45. **During construction** construction dust shall not become a nuisance to neighboring or downwind properties; best management practices for dust control shall occur.

46. **During construction** re-vegetation of disturbed areas is necessary to reduce wind and water erosion, and the propagation of weeds. All undeveloped disturbed areas shall be reseeded and landscaped with native trees and plants prior to issuance of occupancy permits.

47. **During construction** project shall comply with the recommendations of the geotechnical investigation and report prepared for this project.

48. **During construction** construction will occur within the hours of 7:00am and 10:00pm.

49. **Prior to Final Plat approval** project shall comply with the recommendations of the stormwater analysis prepared for this project and/or any modifications made based on the City Engineer’s review of the stormwater analysis.

50. **During construction** this property is within a half mile of a known or suspected contaminated site. If contamination is currently known or observed during construction of this project, sampling of the potentially contaminated media must be conducted. If contamination of soil or groundwater is readily visible, or is revealed by sampling, Ecology must be notified. Contact the Environmental Report Tracking System Coordinator at the
Southwest Regional Office, (360)407-6300. For assistance and information about subsequent cleanup and to identify the type of testing that will be required, contact Connie Groven at the above number.

51. **Prior to Final Plat approval** this project shall dedicate adequate right-of-way within Foster Creek Road to facilitate improvement to the public transportation system.

52. **Prior to Final Plat approval** this project shall enter into a waiver of protest or similar agreement with the City thereby agreeing to participate in the future improvement of Foster Creek Road. Said agreement will ensure that frontage improvements are added in a logical manner to accommodate the anticipated increase in traffic.

53. **Prior to the start of construction** a grading and erosion control plan in accordance with the Stevenson Engineering Standards shall be required and proper erosion control measures shall be maintained throughout construction. The plan shall include all recommendations for erosion control provided on Page 13 of the Geotechnical Engineering Report.

54. **Prior to the start of construction** the applicant shall design the stormwater facilities to be non-infiltrating in accordance with the Geotechnical Engineering Report. This may require additional measures to reduce the infiltration of the existing soil.

55. **During construction** the development shall be designed and constructed in accordance with the recommendations in the Geotechnical Engineering Report.

56. **During construction** onsite inspections and inspection reports shall occur in accordance with the recommendations in the Geotechnical Engineering Report.

57. **Prior to Final Plat approval** the GeoPacific Engineering Inc. Geotechnical Engineering Report prepared for this project shall be recorded with the Skamania County Auditor.

58. **Prior to Final Plat approval** a note shall be placed on the face of the plat providing notice of the geological hazard related to the steep slopes and substantial amounts of undocumented fill and referencing the site development recommendations of the GeoPacific Engineering Inc. Geotechnical Engineering Report.

DATED this 11 day of August, 2014

Done in Public Session August 11, 2014

[Signature]

Paul Hendricks, Acting Chair
City of Stevenson Planning Commission