

**BEFORE THE LAND USE HEARING EXAMINER
OF CITY OF RIDGEFIELD, WASHINGTON**

Regarding an application by Andrew Nguyen)	<u>FINAL ORDER</u>
for preliminary plat approval to divide 6.09-)	PLZ 22-0088 - 22-0091
acres into 18 lots in the RLD-4 zone at 233 S.)	(Master-22-0062)
21 st Place in the City of Ridgefield, Washington)	(Ridgefield Farm PUD)

A. SUMMARY

1. Andrew Nguyen, the applicant, requests approval to divide 6.09-acres into 18 lots for single-family residences and tracts for stormwater, recreation, and open space, as a Planned Unit Development (“PUD”). The site is located at 233 S. 21st Place; also known as Assessor’s parcel #213502000, Tax lot 19, Section 19, Township 4 North, Range 1 East of the Willamette Meridian (the “site”).

a. The site and all abutting properties are zoned RLD-4 (Residential Low Density, 4 units per acre maximum density).

b. The site is currently developed with a single-family residence, a barn, and several accessory structures. The applicant proposed to remove all of the existing structures on the site prior to final plat approval. The Washington State Department of Archaeology & Historic Preservation (“DAHP”) required evaluation of the historical period buildings and structures on the site and for each historic building to be recorded on a Historic Property Inventory (HPI).

c. A new single-family detached dwelling will be built on each of the proposed lots. All proposed lots comply with the minimum dimensional standards for the RLD-4 zone.

d. The City of Ridgefield will provide domestic water service and Clark Regional Wastewater District (CRWWD) will provide sanitary sewer service to the site. The applicant will collect storm water from impervious areas on the site and convey it to a storm water facility in proposed Tract C near the northwest corner of the site for treatment, detention, and discharge at less than predevelopment rates.

e. The applicant will dedicate right-of-way and construct half-width frontage improvements on the section of S. 21st Place abutting the site. The half-width improvements provided by this development, combined with the half-width improvements proposed by Phase V of the Ridgefield Heights PUD to the east, will result in a full width street improvement on S. 21st Place abutting the site. The applicant will extend a new public street, proposed S. 2nd Court, through the site from S. 21st Place, terminating at the west boundary of the site in order to allow for further extension when the abutting property redevelops. The applicant will extend a short cul-de-sac street northeast of proposed S. 2nd Court to provide access to proposed Lots 11 through 15. S. 21st Place will terminate in a cul-de-sac turnaround north of proposed S. 2nd Court. Traffic from this site will be prohibited from accessing S. Bertsinger Road. The applicant will construct a pedestrian trail north of the S. 21st Place cul-de-sac, extending along the

east and north boundaries of the site, circling around the storm facility within proposed Tract C, and connecting to the sidewalk on the north side of S. 2nd Court, near the west boundary of the site.

2. The City issued a Determination of Nonsignificance ("DNS") for the subdivision pursuant to the State Environmental Policy Act ("SEPA") on January 4, 2023. The SEPA determination was not appealed and is now final.

3. City of Ridgefield Hearing Examiner Joe Turner (the "examiner") conducted a public hearing to receive testimony and evidence about the application. City staff recommended the examiner approve the preliminary plat subject to conditions. See the City of Ridgefield Staff Report to the Hearing Examiner dated February 14, 2023 (the "Staff Report"), as modified at the hearing. The applicant accepted the findings and conditions in the Staff Report, as modified. Four persons testified orally with questions and concerns about the proposed development. Contested issues in this case include:

- a. Whether traffic generated by the proposed development will exceed the capacity of area streets or otherwise create a hazard;
- b. Whether this development may utilize S. Bertsinger Road for vehicular access, including construction access;
- c. Whether proposed cul-de-sac turnarounds can accommodate school buses;
- d. Whether the applicant can reduce the width of S. 21st Place and whether required frontage improvements will impact adjacent properties;
- e. Whether a temporary turnaround is required at the west end of proposed S. 2nd Place;
- f. Whether construction activities on the site will cause prohibited impacts to adjacent properties, roads, and residents;
- g. Whether the applicant can be required to provide additional pedestrian trails on the site;
- h. . Whether grading on the site will impact neighboring properties;
- i. Whether the development will increase or concentrate stormwater runoff onto adjacent properties;
- j. Whether, and to what extent, the applicant is required to preserve existing trees on the site;
- k. Whether the applicant is required to extend a public sewer line to the south boundary of the site;

1. Whether the proposed development will impact an artesian spring or the foundation of a former icehouse noted near southwest corner of the site; and

m. Whether the City can regulate the design of future homes on the site or require the use of sustainable building designs and practices.

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

B. HEARING AND RECORD HIGHLIGHTS

1. The examiner received testimony at the public hearing about this application on February 21, 2023. All exhibits and records of testimony are filed at the City of Ridgefield. The examiner announced at the beginning of the hearing the rights of persons with an interest in the matter, including the right to request that the examiner continue the hearing or hold open the public record, the duty of those persons to testify and to raise all issues to preserve appeal rights and the manner in which the hearing will be conducted. The examiner disclaimed any *ex parte* contacts, bias or conflicts of interest. The following is a summary by the examiner of selected testimony and evidence offered at the public hearing.

2. Ridgefield city planner Shana Lazzarini summarized the Staff Report and the applicable standards and described the proposed development on the site.

3. City engineering technician Jesse Hague summarized the engineering issues.

a. He noted that the applicant is required to construct half-width improvements for the section of S. 21st Place abutting the site to a “Local A” standard. These improvements, when combined with improvements proposed by the Ridgefield Heights development to the east, will result in a full-wide street improvement consisting of a 28-foot paved section, curb, gutter, planter strip, and sidewalk within a 48-foot right-of-way.

b. The applicant will be required to construct a temporary turnaround at the western terminus of proposed S. 2nd Court, as the section of roadway west of the cul-de-sac is more than 150 feet long. He requested the examiner modify condition C.2 to require this temporary turnaround “unless otherwise approved by the Fire District.” That would allow the Fire District to review and approve the alternative design proposed by Mr. Taylor.

c. The intersection of S. Royle Road and S. 15th Street is currently failing, operating at Level Of Service (“LOS”) E. The applicant will be required to pay a fee of \$8,464.54 per lot toward the reasonably funded project to extend S. 35th Avenue to the intersection of S. 15th Street, which has been determined would alleviate this concurrency failure. This project is “reasonably funded” as defined by state law. The parenthetical statement on page 29 of the Staff Report that this project is “(currently unfunded)” is incorrect and should be deleted.

d. The applicant will be required to design the intersection of S. 2nd Court and S. 21st Place to discourage left turns towards S. Bertsinger Road.

e. There is an existing 12-inch water line stubbed to S. 4th Way that is proposed to be extended to the site with Ridgefield Heights Phase V. In the event this watermain is not extended prior to engineering submittal the applicant will be required to extend this improvement.

f. CRWWD is the sanitary sewer provider for this area. Therefore, the City has no authority to require the applicant to extend sewer lines to the boundaries of the site.

g. The planned culs-de-sac at the north end of S. 21st Place and northeast of S. 2nd Court will be designed to allow school buses and emergency vehicles to turnaround. The Code allows applicants to meet this standard by installing rolled curbs and hardened sidewalks to allow larger vehicles to use the sidewalk when turning around.

4. City public works director Chuck Green testified that all traffic from this site will travel east to the S. Royle Road. No vehicle trips from this site will be permitted to travel north to S. Bertsinger Road. The City plans to install a gate at the north end of S. 21st Place to limit traffic on S. Bertsinger Road to existing local residents, emergency vehicles, school buses, delivery, and waste collection vehicles. The applicant will be required to install a “porkchop” barrier in S. 2nd Court to limit left turns from the site onto S. 21st Place.

a. The City is collecting fees from developments in this area to fund construction of the S. 35th Street connection between S. 10th Street and S. Pioneer Street. That street connection is “reasonably funded,” which means the project has been added to the City’s Transportation Improvement Plan and the City has a plan to fund its construction. The City has a strong incentive to complete construction within six years, as it will be required to refund fees paid by developers plus 12-percent interest if it fails to meet this deadline. This street connection is currently in the “pre-planning” stage. The City hopes to begin street design this year and open the street connection within two to three years.

5. Planner Scott Taylor appeared on behalf of the applicant, Andrew Nguyen and summarized the proposed development.

a. He noted several minor typographical errors in the Staff Report.

i. Finding D on page 9 of the Staff Report should be amended to cite to RDC 18.206.020.

ii. The finding at the top of page 11 of the Staff Report should be amended to cite to RDC 18.210.050.B.1-6.

iii. The table under finding J on page 20 of the Staff Report should be amended to require a minimum 15-foot front yard setback for all lots on the site, an

18-foot garage setback for proposed flag lots (proposed Lots 5 and 6), and a 20-foot garage setback for all other lots.

iv. Condition B.7 on page 35 of the Staff Report should be amended to cite to RDC 18.210.050.B1.-6.

b. The applicant has submitted Historic Property Inventories to DAHP for all of historical period buildings and structures on the site as required by condition B.1.

c. He argued that a temporary turnaround is not warranted at the west end of S. 2nd Court. The applicant will construct this roadway to the west boundary of the site and install a barrier west of the driveway for the residence on proposed Lot 10, which will reduce the effective length of this dead-end street section to 150 feet or less. The proposed cul-de-sac extending northeast of S. 2nd Court will provide an adequate turnaround for all buses, emergency vehicles, and other vehicles traveling on S. 2nd Court. The applicant will install “Dead End Street” signage at the intersection of S. 2nd Court and S. 21st Place. The applicant can install additional “Dead End Street” signage west of the cul-de-sac extending northeast of S. 2nd Court. All homes on the site will be equipped with emergency fire sprinklers, which will reduce the need for emergency vehicle access. He requested the examiner modify condition C.2 to allow this modified design.

d. The applicant wants to avoid installing a porkchop or similar physical barrier in S. 2nd Court at the S. 21st Place intersection. He suggested the applicant could install signage prohibiting left turns as well as additional pavement striping, “candlestick” barriers, raised pavement domes, or other measures to discourage left turn movements while allowing drivers to access the turnaround at the north end of S. 21st Place if needed. The applicant will work with the City on this issue during final engineering review.

e. The applicant will conduct a tree survey to identify the location, size, species, and condition of existing trees on the site and preserve as many healthy wind-firm trees as possible, consistent with the City’s recently adopted tree preservation ordinance. However, given the slopes on this site, the applicant may need to undertake more extensive grading in order to construct the proposed roads stormwater facility. This grading may impact the roots of some existing trees, requiring their removal. The applicant will retain as many existing trees as possible and will design the proposed trail to meander around existing trees.

f. The applicant is required to extend S. 2nd Court to the west boundary of the site in order to allow this street to be extended west in the future, when the abutting property west of the site redevelops. The applicant does not own or control and does not have any plans to develop the adjacent property. The adjacent property has limited development potential due to topography and sensitive lands associated with Gee and “T” Creeks.

g. The applicant considered extending the pedestrian path along the south and west boundaries of the site, however it is not feasible to do so due to the topography of the site, and the location of proposed roads and lots.

h. The applicant will pay traffic, school, and park impact fees to the City, in addition to an \$8,464.54 per lot contribution towards the planned extension of S. 35th Street to S. Pioneer Street.

i. The proposed development should not cause the impacts noted by neighbors during construction of the Ridgefield Heights subdivision. The applicant will be required to prepare and obtain City approval of traffic control plan and construction plans. City staff will inspect the site and, if necessary, ensure compliance with the approved plans and other regulations through its Code enforcement process. This development will construct a much smaller section of frontage road improvements compared to the Ridgefield Heights development, which should minimize the impact of this development. In addition, roads in the area east of Ridgefield Heights are subject to County jurisdiction, which may have contributed to confusion and a lack of enforcement.

j. Construction contractors are required to repair damage they cause to area roads. However, the local government that owns the roads is responsible for maintenance, repairing damage from normal wear and tear on such roadways.

k. The applicant will largely preserve the existing slopes on the southern portion of the site. Graded slopes must match the existing offsite grades at the boundaries of the site. The International Building Code prohibits grading within two feet of the property line of the site. The applicant will likely limit grading within ten to 15 feet, as this area will be the backyard of lots 1 through 4. The applicant will follow all recommendations in the Geotechnical Report to ensure stability of the slopes on the site. The applicant will install and maintain erosion control and soil stabilization measures during construction. No retaining walls are proposed on the southern portion of the site.

l. Stormwater falling on the site flows downhill onto adjacent properties under existing conditions. The southern portion of the site slopes downhill to the west while the remainder of the site slopes to the north and stormwater follows the existing topography. However, the proposed development is prohibited from increasing or concentrating runoff onto adjacent properties. The proposed development will collect runoff from roads, driveways, roofs and other impervious surfaces created by this development and direct it to the stormwater facility in proposed Tract C for treatment and detention, potentially reducing the amount of stormwater that flows offsite to the west. The applicant will release treated stormwater from the pond at less than predevelopment rates. Water released from the storm facility will discharge to a “flow spreader” that will disperse the runoff, allowing it to surface flow downhill towards the creek north of the site.

m. The applicant and the City will prohibit construction and other traffic on S. Bertsinger Road. As Mr. Green noted, the City plans to gate S. 21st Place to limit access to S. Bertsinger Road.

n. The applicant is required to improve the section of S. 21st Place abutting the site with additional pavement, curb, gutter, planter strip, and sidewalk, consistent with City standards for a “Local A” street. The City will not allow a narrower road width. The

applicant will taper these improvements within the offsite right-of-way abutting the property south of the site to match the existing pavement on offsite S. 21st Place. S. 21st Place must be improved to provide a minimum 20-foot paved width to accommodate two-way traffic. The sidewalk on the site will end at the south boundary of the site, allowing for further extension when the abutting property redevelops. Offsite curbs on S. 21st Place will only be constructed if needed to direct stormwater away from abutting properties, into stormwater inlets connected to storm sewers.

o. The applicant has no set designs for homes on this site. The choice of home size, style, and design are up to the builders and homeowners. Actual building footprints will be smaller than the building envelopes shown on the plans, as homes must comply with the maximum lot coverage limitations of the Code. Future owners can choose to build smaller homes and utilize sustainable designs.

p. CRWWD required the applicant to extend a sanitary sewer line to the south boundary of the site, which will allow the Zinzers to connect their home to public sewer if desired.

q. The icehouse foundation noted by Ms. Orzolek is not a “structure” which the applicant must review and report to DAHP. However, no development is proposed in the southwest corner of the site. The applicant will preserve this area, including any foundations or springs that may exist on or near the site, in its existing, undisturbed, condition.

5. Peter Zwingly summarized his written testimony, Exhibit D5.

a. He testified that construction has been ongoing in this area for the past 15 years. Commitments from the City have eroded over time. Construction vehicles and equipment have frequently blocked roads in the area and the City has done nothing to enforce compliance with laws and approved construction access and management plans. Residents of the area were forced to travel on dirt and gravel surface roads for six months at a time while construction was ongoing. The City should be required to develop a plan demonstrating how it will monitor and enforce compliance with these regulations prior to approval of this development.

b. He argued that he should be allowed to tour the site to make his own observations and confirm the accuracy of the applicant’s plans and statements.

c. Mr. Green noted that the City was working with area residents regarding limiting access to S. Bertsinger Road. However, he and his neighbors have not heard anything from the City about this issue.

d. He questioned the City’s timeframe for completion of the planned 35th Place connection to S. Pioneer Street.

6. Joe Burton noted additional typographical errors in the Staff Report:

a. The first bullet at the bottom of page 29 should be amended to read “S Royle Road and S 35th ~~Place~~ 15th Street.”

b. The first bullet under the heading “Future (2024) Project Condition” on page 30 should be amended to read “The proposed site has access off S 21st Place. Trips to and from the development will travel through S 15th Street and Royle Road until the connection ~~to~~ of S 35th Place to S. Pioneer Road is constructed.” A similar correction is needed for proposed condition C.4 on page 37.

7. John Zanzi summarized his written testimony, Exhibit D6. He and his wife own the property abutting the south boundary of the site. He questioned how the applicant intends to grade the southern portion of his property, which will affect how the site will appear from his property. He argued that the City should install the planned gate on S. Bertsinger Road prior to occupancy of any homes in the Ridgefield Heights or Ridgefield Farm developments. He questioned how street frontage improvements proposed on this site will impact his property. He suggested the applicant leave S. 21st Place as a 20-foot wide roadway. He requested the applicant be required to extend a sanitary sewer line to the north boundary of his property so that he can connect his home to sewer in the event his septic system fails in the future.

8. Dori Orzolek testified that her family has lived in the area for 80 years and were the prior owners of the site. She currently lives on property south of the Zanzis. She questioned whether the proposed turnaround at the north end of S. 21st Place will accommodate school buses. Runoff from the shared driveway serving proposed Lots 5 and 6 could direct stormwater runoff to the south, onto the Zanzis’ septic drainfield as well as the drainfield on her property. There is an artesian spring on or near the southwest corner of the site and the foundation of a historic icehouse that should be protected. The applicant should require that homes on the site be constructed to LEED standards.

9. Ridgefield community development director Claire Lust noted that the City adopted a tree ordinance in late 2022. The proposed conditions of approval in the Staff Report require the applicant to survey the existing trees on the site and preserve trees as feasible, consistent with the requirements of the ordinance.

a. The City recently hired a full-time enforcement officer and a full-time development inspector, which will allow the City to better monitor and enforce compliance with applicable regulations.

10. City staff agreed with all of the corrections to the Staff Report noted by the applicant and Mr. Burton.

11. The examiner closed the record at the end of the hearing and announced his intention to approve the application, subject to the conditions in the Staff Report, as modified at the hearing.

C. DISCUSSION

1. City staff recommended approval of the application, based on the affirmative findings and subject to conditions of approval in the Staff Report, as modified at the hearing. The applicant accepted those findings and conditions as modified.

2. The examiner concludes that the affirmative findings in the Staff Report, as modified, show that the proposed development does or can comply with the applicable standards for a subdivision, provided that the applicant complies with recommended conditions of approval, as modified. The examiner adopts the affirmative findings in the Staff Report, as modified, as his own, except to the extent they are inconsistent with the following findings.

3. The intersection of S. Royle Road and S. 15th Street is currently failing. However, the planned connection of S. 35th Place to S. Pioneer Street will alleviate this failure. The street extension project is “reasonably funded” and therefore, adequate to meet concurrency requirements. This project has been added to the City’s Transportation Improvement Plan and the City is collecting proportionate share contributions from developments that will generate traffic on this street connection. The City plans to complete the street connection within three years and must complete it within six years.

4. This development is prohibited from utilizing S. Bertsinger Road for vehicular access, including construction access. Condition C.5 should be modified to that effect. The City is in the process of designing a gate to limit access to S. Bertsinger Road to local residents, emergency vehicles, and school buses. Neighbors may contact the City for more information about the timing and design of the planned gated access.

a. In addition, the applicant is required to design the intersection of S. 2nd Court and S. 21st Place to discourage left turns to the north, towards S. Bertsinger Road. The City and the applicant will determine how that can be accomplished, whether through signage, pavement markings, physical barriers, or some combination, through the engineering review process.

5. Section 2.17.A of the Engineering Standards requires that cul-de-sac turnarounds on local streets provide a minimum outside curb radius of forty-five (45) feet, which is sufficient to accommodate school buses, fire trucks, and other vehicles with larger turning radii. Section 2.13.D of the Engineering Standards authorizes the city engineer to approve the use of rolled curbs.

6. The applicant is required to improve the section of S. 21st Place abutting the site to a “Local A” standard, which requires a 28-foot paved width, five-foot planter strip, and a five-foot sidewalk within a 48-foot right-of-way. This allows room for two-way traffic and on-street parking on one side of the street. (Table 2.03A of the City’s Engineering Standards For Public Works Construction, the “Engineering Standards”). The site is located in the urban area and streets must be improved to urban standards as development occurs.

a. The applicant is required to construct the western half of these improvements. The developer of the Ridgefield Heights project will construct the remainder of the street.

b. The applicant will taper the proposed frontage improvements to meet the existing offsite roadway improvements south of the site. No offsite curbs are proposed, except as may be needed to direct stormwater away from adjacent properties. Construction of all off-site roadway improvements will occur within the existing S. 21st Place right-of-way. The applicant has no authority to enter onto or impact adjacent properties.

7. The applicant is required to extend S. 2nd Court to the west boundary of the site in order to allow for future extension of this street when the abutting property to the west redevelops. The applicant does not own or control the property to west and there are no current plans for development on the adjacent property. The timing of any future development is up to the owner of the adjacent property.

8. The International Fire Code (the “IFC”) requires a temporary turnaround at the end of any street longer than 150 feet, as measured from the nearest intersection. As proposed, S. 2nd Court dead-ends at the west boundary of the site, 216 feet beyond the intersection of the proposed cul-de-sac street northeast of S. 2nd Court. The applicant proposed to install a barricade across S. 2nd Court to reduce the effective length of this street segment to 150 feet or less, eliminating the need for a temporary turnaround. However, the City has no authority to modify the requirements of the IFC; that is within the exclusive jurisdiction of the Fire District. Therefore, proposed condition of approval C.2 should be amended to require a temporary turnaround at the west end of S. 2nd Court “unless otherwise approved by the Fire District.”

9. Construction on this site will temporarily cause increased noise, dust, traffic, and other impacts on adjacent roads and properties. The Code and state law regulate construction activities, including requirements for noise, dust and erosion control, construction vehicle access, road closures etc., which will limit impacts on surrounding residents. (See conditions A.1, A.9, and A.10). The County will inspect the site during construction to ensure ongoing compliance with applicable requirements. Compliance with these regulations will not eliminate all potential impacts. However, the examiner finds that, while such impacts may occur, they are not significant enough to require specific limitations on construction other than those imposed by State law and the Code. The examiner encourages residents to contact the City if excessive impacts occur.

a. The examiner finds that it is feasible to maintain access to existing homes on surrounding properties during road construction by staging construction activities, using flaggers and other accepted techniques. Construction activities may impact area residents by temporarily altering the travel surface of the roads, causing traffic congestion, short-term delays, etc. However such impacts are temporary, while construction is occurring, and are merely one of the inconveniences of living in a developing urban area.

b. Noise is regulated by WAC 173-60 in the State of Washington. This section limits construction noise in residential areas between 10:00 p.m. and 7:00 a.m., seven days a week. Section 9.14.010.A of the Ridgefield Code further limits construction activity to 7:00 a.m. and 10:00 p.m., Monday through Friday and 9:00 a.m. and 6:00 p.m.

on Saturdays. Construction activities are prohibited on Sundays and observed city holidays. Section 9.14.010.B of the Ridgefield Code authorizes the City to approve exceptions to these hours in certain limited circumstances. The examiner has no authority to impose further restrictions.

c. While the examiner understands neighbors' frustration with prior violations and the lack of City enforcement during construction of the Ridgefield Heights development, the examiner cannot deny this application based on such past violations by other developers. The City recently hired two new full-time staff persons who are solely responsible for monitoring and enforcing compliance with City Codes, which should improve the City's responsiveness to citizen complaints. The enforcement process is largely complaint driven. People who live near the site can report violations to the City, and the City can take actions to require compliance and remedy violations.

10. RDC 18.401.065.B(1) requires that the applicant provide one foot of pedestrian trail for each three feet of the PUD's total outside perimeter. The perimeter of the site is approximately 2,163 square feet. The applicant has proposed to provide over 1,000 square feet of pedestrian trails on the site, along the northern portion of the east and north boundaries and looping around the stormwater facility in proposed Tract C. This exceeds the requirement of the Code and the City cannot require the applicant to provide additional trails.

a. Sidewalks on and abutting the site will provide additional opportunities for pedestrian travel. Mr. Zwingli noted that vehicles parked in driveways frequently extend over and block the public sidewalk. This is illegal and can only be addressed through the City's Code enforcement process. RDC 18.210.090.B requires that garages on individual lots be setback a minimum 20 feet from the edge of the right of way, which is sufficient to allow vehicles to park in front of the garage without impacting the sidewalk and reasonably prudent drivers will park their vehicles outside of the right-of-way. This is required by condition B. 10. Unfortunately, not all drivers are prudent. However, there is no evidence that the development proposed in this application will contribute a disproportionate share of imprudent drivers.

i. If this parking problem continues, Mr. Zwingli and other residents may contact the City Council to request increased enforcement and/or Code changes to authorize City staff and/or police to issue citations for this type of parking violation.

11. The applicant or future builders will pay transportation, school, and park impact fees to help mitigate the impact of the development on these public services. (Condition A.5). This is in addition to the per lot fee required for construction of the planned S. 35th Place connection to S. Pioneer Street.

12. Grading on the site will not impact neighboring properties. The applicant's geotechnical engineer reviewed the geologic conditions on the site and concluded that it is feasible to develop the site as proposed without impacting the stability of the site or adjacent properties. (Exhibit A14). The applicant and future homebuilders must follow the recommendations of the geotechnical report during construction on the site.

(Condition A.11). The applicant proposed to retain the steepest sloped portions of the site as undeveloped open space tracts - proposed tracts A and C in the northwest and southeast corners of the site. As Mr. Taylor testified, limited grading is proposed along the south boundary of the site, with the exception of the shared driveway serving proposed Lots 5 and 6. The remainder of the south boundary is planned as the backyards of proposed lots, where limited grading will be required. The applicant is required to match existing grades at the boundary of the site and grading is prohibited within two feet of the site boundaries.

13. The proposed development will not increase, and may reduce, the volume of stormwater flowing onto adjacent properties. Based on the existing topography, stormwater falling on the site currently flows offsite to the west and north. Roads, driveways, roofs and other impervious surfaces created by this development will reduce opportunities for stormwater infiltration, increasing the volume of stormwater runoff. However, the applicant will collect runoff from such impervious surfaces and direct it to the proposed stormwater facility in Tract C for treatment and detention. This system will divert stormwater that would otherwise flow onto adjacent properties into the stormwater facility, potentially reducing the volume of runoff flowing onto adjacent properties. The applicant will release treated stormwater from the detention facility at less than pre-development rates, directing towards the offsite stream north of the site.

a. The applicant may need to install stormwater inlets at the south end of the shared driveway serving Lots 5 and 6 to collect runoff from this paved surface and direct it to the stormwater facility. This issue can be addressed through the City's final engineering process.

14. This development is subject to the City's recently adopted tree ordinance, RDC 18.840, which requires that developments provide a minimum tree density of 20 "tree units" per acre. The applicant's arborist is required to conduct a survey identifying the location, species, and condition of all existing trees on the site and within fifteen feet of the site boundaries and indicate whether the trees are proposed to be removed or preserved. Developers are allowed to remove trees as necessary to accommodate development. However, developers are required to prioritize the preservation of existing trees over removal and replacement, subject to the following order of priority: a) Heritage trees; b) Oregon white oaks six inches in diameter at breast height ("dbh") or larger; c) groves of three or more trees with a minimum individual tree size of twelve inches dbh and with overlapping or touching crowns; and d) other native trees twelve inches dbh or larger or any trees twenty-four inches dbh or larger. RDC 18.840.060.B(2). Trees to be preserved must be healthy, wind-firm, and appropriate to the site at their mature size, as identified by an arborist or accredited landscape architect. RDC 18.840.060.B(3). Condition B.4 requires compliance with the tree ordinance.

15. Based on Mr. Taylor's testimony, CRWWD will require the applicant to extend a public sewer line to the south boundary of the site. The applicant proposed such a sewer line within the shared driveway serving proposed Lots 5 and 6. (Plan Sheet PRE4.0, sheet 4 of Exhibit A18).

16. The proposed development will not impact the artesian spring or the foundation of the former icehouse that Ms. Orzolek noted near southwest corner of the site. No development is proposed in that area of the site. The applicant proposed to retain that area as undeveloped open space, proposed Tract A. In addition, a building foundation is not a structure that the applicant was required to review and report to DAHP.

17. The applicant proposed to develop residential lots for construction of single family homes. The proposed lots comply with the dimensional requirements of the Code. Construction of homes on the site will be subject to the setback, lot coverage, height, and other requirements of the R-4 zone. Future builders and homeowners may choose to implement sustainable building designs and practices that reduce the environmental impact of the homes, build smaller homes in order to preserve space for gardening or landscaping and other uses. However, the City has no authority to require such features as a condition of this PUD approval.

D. CONCLUSION

Based on the findings and discussion provided or incorporated herein, the examiner concludes that PLZ 22-0088 through 22-0091 (Master-22-0062) (Ridgefield Farm PUD) should be approved, because the application does or can comply with applicable standards of the RDC and the Revised Code of the State of Washington, subject to conditions of approval necessary to ensure the final plat and resulting development will comply with the Code.

E. ORDER

The Hearing Examiner APPROVES PLZ 22-0088 through 22-0091 (Master-22-0062) (Ridgefield Farm PUD) subject to the following conditions of approval:

CONDITIONS OF APPROVAL

A. General Conditions

1. Unless otherwise specified herein, at the time of construction and at all times thereafter, the development shall comply with all approval requirements established in applicable plans, policies, regulations and standards adopted at the time of this application, including but not limited to, the Ridgefield Urban Area Comprehensive Plan (RUACP), the Ridgefield Capital Facilities Plan (RCFP), the Ridgefield Development Code (RDC), the Ridgefield Engineering Standards for Public Works (Engineering Standards), current water and sanitary sewer plans, and the Stormwater Management Manual for the Puget Sound Basin (Puget Sound Manual).
2. The applicant shall apply for Final Plat approval, consistent with the requirements of RDC 18.620, for the full subdivision within five (5) years from the date of preliminary plat approval and for Final PUD approval, consistent with the requirements of RDC 18.401.040.B and 18.620.080.A.

3. The applicant shall place a note the Final Plat, Pursuant to RCW 27.53.060 it is unlawful to remove or alter any archaeological resource or site without having obtained a written permit from the Washington State Office of Archaeology and Historic Preservation. Upon any discovery of potential or known archaeological resources at the subject site prior to or during on-site construction, the Developer, contractor, and/or any other parties involved in construction shall immediately cease all on-site construction, shall act to protect the potential or known historical and cultural resources area from outside intrusion, and shall notify, within a maximum period of twenty-four hours from the time of discovery, the City of Ridgefield Community Development Department of said discovery.
4. All residences constructed on the approved lots shall be single-family detached units.
5. The City shall assess street, park, and school impact fees for each dwelling constructed using the respective impact fee rate in effect at that time.
6. All utilities shall be placed underground.
7. Sidewalks and trails, within the PUD, shall be designed and built to City engineering standards.
8. Construction of the project shall occur in accordance with RDC 18.401.110.
9. Development shall comply with the guidance provided by the Southwest Clean Air Agency, in a letter dated January 17, 2023, relating to demolition/asbestos and air pollution. (ECY # 202300019)
10. Development shall comply with the guidance provided by the Washington Department of Ecology, in a letter dated January 18, 2023, relating to solid waste management and stormwater and erosion control. (ECY # 202300019)
11. The applicant or developer shall adhere to all design recommendations contained in Geotechnical Site Investigation and Geologic Hazard Evaluation Services Report prepared by Redmond Geotechnical Services for this project and dated October 29, 2021.
12. All landscaping within the development shall be installed and maintained in perpetuity as required in RDC 18.725.080 and RDC 18.725.090.
13. The applicant shall apply for any sign permits and obtain approval per RDC 18.710 prior to installation.
14. Ridgefield Farm PUD shall be bound by the requirements of RDC 18.401.110., 18.401.120, and 18.401.130.

B. Planning Conditions

Prior to ground disturbing activity:

1. No structures can be removed from the site until DAHP has approved that the structures are not historically protected.

2. Prior to use of site, the applicant shall place temporary and permanent signs and fencing at the boundary of the outer edge of the buffers and on single-family residential lots consistent with the requirements in RDC 18.280.150.C.3.a-d, Signs and Fencing of Wetlands.
3. The applicant shall demonstrate that applications have been made to the applicable state and federal agencies responsible for disturbance of critical areas and buffers.
4. The applicant shall submit a tree preservation and protection plan as outlined in 18.840. The plan shall address 18.840.071 (tree density requirements), 18.840.080 (tree preservation and protection) and 18.840.100-140 (heritage trees).

Prior to final plat approval:

5. The applicant shall include a note on the plat stating that maximum impervious surface area will not exceed 60 percent.
6. The applicant shall include a note on the plat stating that architectural design approval from the City of Ridgefield is required for all single-family homes, and that it is the responsibility of the developer/builder to obtain design approval for each home, including model homes, prior to the sale or advertisement for sale of the home.
7. An application for final plat shall demonstrate that all proposed dwelling units includes at least two practices identified in RDC 18.210.050.B.1-6, Green Design.
8. The applicant shall include a note on the plat stating that architectural design approval from the City of Ridgefield is required for all single-family homes, and that it is the responsibility of the developer/builder to obtain design approval for each home, including model homes, prior to the sale or advertisement for sale of the home.
9. Prior to final plat approval, the applicant shall submit a final lighting plan, consistent with RDC 18.715.070, demonstrating compliance with the lighting standards in 18.715.050. This submittal shall include a photometric plan showing that light trespass and glare from streetlights shall not extend beyond the perimeter of the subdivision.
10. Prior to final plat approval, the applicant shall include a table on the final plat showing the approved setbacks for each lot that all future buildings will be required to meet. The setbacks shall address the primary façade all garages shall be setback a minimum of 20 feet from the interior edge of the sidewalk. . On proposed lots 5 and 6, if the garage door is oriented towards the pole portion of the lot, lot 5 and lot 6 may utilize the 18-foot reduced setback.
11. The final plat shall show building envelopes that reflect the setback requirements.
12. The final plat shall contain a note stating that a minimum of one and maximum of six off-street parking spaces will be provided for each dwelling unit.

13. Prior to final plat approval, the applicant shall provide a final landscape plan demonstrating compliance with RDC 18.401, 18.401.065.B.6, RDC 18.725 and RDC 18.830, noting compliance with at least 50 percent landscape coverage.
14. At the time of application for final plat, the Developer shall provide a copy of the Homeowners Association (HOA) bylaws and Declaration of Covenants, Conditions, and Restrictions (CC&Rs) and which shall ensure that the HOA is responsible for the perpetual maintenance of all improvements and amenities held in common and not dedicated to the City.
15. Critical Area Conditions of approval:
 - a. Prior to final plat approval, in accordance with RDC 18.280.040.G, the applicant shall file a notice with the County auditor's office stating the presence of the critical area(s) and buffer(s) on the property, the application of RDC 18.280 to the property, and the fact that limitations on actions in or affecting the critical area of buffer may exist. The notice shall run with the land. The applicant shall submit proof that the notice has been filed for public record before the City approves any site development or construction for the property or before recording.
 - b. Prior to final plat approval, the applicant shall delineate and place temporary and permanent signs at the boundary of the outer edge of critical areas tracts and easements consistent with the requirements in RDC 18.280.040.F, Critical Areas Markers and Signs.

At Building Permit Submittal:

16. The applicant shall submit architectural drawings demonstrating compliance with the design standards in RDC 18.206.020 and RDC 18.401.010.B, at time of building permit submittal.
17. At building permit submittal, the applicant shall submit depictions of all proposed fencing demonstrating that it complies with the requirements of RDC 18.210.110 and 18.740.
18. At building permit submittal, the applicant shall demonstrate that the proposed structures meet the 35-foot height limit.
19. Prior to building permit approval, the applicant shall demonstrate how the 60-percent maximum impervious will not be exceeded per lot.

Prior to final occupancy:

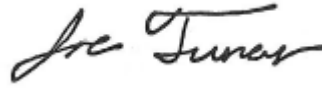
20. A bond or other equivalent security, approved by the City attorney, shall be filed with the Community Development Director prior to final PUD and provided to the City prior to issuance of Building Permits, in accordance with RDC 18.401.120.
21. Prior to final occupancy for any lot, the applicant shall install all required landscaping as required in RDC 18.725.080.

C. Engineering Conditions

Engineering Approval is required prior to commencement of any on-site construction.

1. If the offsite roadway is not completed at the time of engineering submittal the applicant will be required to widen S. 21st Place and S. 4th Way to a minimum 20-foot of navigable roadway to provide access to the site.
2. As a condition of approval, the applicant shall provide a turnaround for the proposed Western road stub or shall submit a design modification request showing that the private street meets all provisions of the current international fire code without a turnaround and obtain Fire District approval of the modified design.
3. All half-width improvements must extend to the centerline of the improved road.
4. Prior to final plat approval, the applicant shall enter into a development agreement with the City to address traffic impact mitigation. The City has developed a project to alleviate the LOS failures in that area in order to address concurrency. The City has developed a per lot proportional assessment of \$8,464.54 per lot toward a reasonably funded project to extend S. 35th Place to the intersection of S. Pioneer Street, which has been determined would alleviate this concurrency failure. The terms of the development agreement are expected to be similar to that with Ridgefield Heights.
5. The development shall implement an ingress/egress from the site to S. 21st Place that discourages left turns to S. Bertsinger Road during engineering review. Traffic from this development, including construction traffic, is prohibited from using S. Bertsinger Road.
6. The development shall contribute Transportation Impact Fees toward citywide impacts.
7. Minimum sight distance requirements shall be met at all site driveways. Sight distances should be verified in the final engineering/construction stages of development.
8. As a condition of approval, any water lines not located within the right-of-way to be dedicated to the City shall be located in a minimum 15-foot wide easement dedicated to the City of Ridgefield.
9. As a condition of approval, in the event the watermain isn't extended by Ridgefield Heights Phase B prior to engineering submittal, the 12-inch watermain is to be extend to the site by the development.
10. As a condition of approval, all fire flow testing must be completed by the applicant with City of Ridgefield and Clark County Fire & Rescue personnel present.

DATED this 1st day of March 2023.

A handwritten signature in black ink that reads "Joe Turner". The signature is written in a cursive, flowing style.

Joe Turner, AICP
City of Ridgefield Hearing Examiner

NOTE: Only the decision and the conditions of approval are binding on the applicant as a result of this order. Other parts of the final order are explanatory, illustrative and/or descriptive. They may be requirements of local, state, or federal law, or requirements which reflect the intent of the applicant, the city staff, or the Examiner, but they are not binding on the applicant as a result of the final order unless included as a condition.

APPEAL

This decision is final but may be appealed to the Clark County Superior Court as provided in RDC Section 18.310.100.D and RCW 36.70C within twenty-one (21) days from the date of this decision.