

**BEFORE THE LAND USE HEARING EXAMINER
FOR THE CITY OF CAMAS, WASHINGTON**

Regarding an application by Dwight A.)	<u>FINAL ORDER</u>
Southern for approval of a preliminary plat to)	
divide 8.6-acres into 34 lots in the R-7.5 zone)	SUB22-05
at 22205 NE 28 th Street in the City of Camas)	(Monte Verde)

A. SUMMARY

1. The applicant requests approval to divide an 8.6-acre parcel into 34 lots and tracts for private streets, open space, and stormwater.

a. The site is located at 22205 NE 28th Street; also known as tax parcel number 173184000 (the “site”). The site and abutting properties to the west are zoned R-7.5 (Single Family Residential, 7,500 square foot average lot size). Properties to the north, across NE 28th Street, are zoned R-6 (Single Family Residential, 6,000 square foot average lot size). Properties to the east are located in unincorporated Clark County and zoned R-12 (Medium Density Residential, 12 units per acre). Properties to the south are zoned PF (Public Facilities). All proposed lots comply with the minimum dimensional standards for the R-7.5 zone, as modified by the density transfer ordinance.

b. The site is currently developed with a single-family detached residence and several outbuildings. The applicant proposed to remove all of the existing structures to accommodate the proposed development. In addition, a BPA powerline easement bisects the site diagonally from southwest to northeast. The northern portion of the site is primarily grass with scattered trees. There is a forested area on the southern portion of the site. There are several Oregon white oak trees on and near the site. The property slopes gently towards the south; no steep slopes or severe erosion hazard areas were identified on the site.

c. The City of Camas will supply domestic water and sanitary sewer service to the proposed development. The applicant will collect and treat stormwater from all public and private roads, sidewalks, and driveway on the site and convey it to proposed infiltration facilities within the proposed street on the site. Runoff from roofs will bypass the treatment facilities and discharge to the infiltration system. Excess stormwater will be conveyed to a detention facility in proposed Tract D. The applicant will discharge stormwater from the detention facility onto the slopes at the southwest corner of the site at less than predevelopment rates, using a flow spreader outfall.

f. The applicant will dedicate right-of-way and construct frontage improvements along the site’s NE 28th Street frontage. The applicant will extend a new public street, proposed NE Noble Avenue, into the site from NE 28th Street, terminating in a cul-de-sac turnaround near the south boundary of the site. The applicant will extend a second street, proposed NE 26th Street, to the east and west of proposed NE Noble Avenue, terminating at the boundaries of the site to allow for further extension when the abutting properties redevelop. The applicant will extend a new private street south of the

proposed cul-de-sac at the south end of NE Noble Avenue to provide access to Lots 18 and 19 and the stormwater facility in Tract D.

2. The City issued a Determination of Nonsignificance ("DNS") for the subdivision pursuant to the State Environmental Policy Act ("SEPA"). The City issued the DNS on December 15, 2022. The SEPA determination was not appealed and is now final.

3. City of Camas Hearing Examiner Joe Turner (the "examiner") conducted a public hearing to receive testimony and evidence about the application. City staff recommended that the examiner approve the preliminary plat subject to conditions. See the Staff Report to the Hearing Examiner dated January 26, 2023. The applicant accepted those findings and conditions without exception. One other person testified in support of the application. No one else testified orally or in writing.

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

B. HEARING AND RECORD HIGHLIGHTS

1. The examiner received testimony at a public hearing about this application on February 16, 2023. All exhibits and records of testimony are filed at the City of Camas. At the beginning of the hearing, the examiner described how the hearing would be conducted and how interested persons could participate. 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. City planner Yvette Sennewald summarized the Staff Report and her PowerPoint presentation.

a. The site consists of an 8.4-acre parcel located south of NE 28th Street. The applicant proposed to subdivide the site into 34 lots.

b. The applicant proposed to retain 0.93-acres of open space on the site, primarily the portion of the site that is subject to the BPA easement. The applicant proposed to improve the open space with a play structure and pedestrian paths. Therefore, the applicant is entitled to develop the site pursuant to the City's density transfer ordinance, which allows smaller lot sizes and negotiated flexibility to the lot size, lot width, lot depth, building setback, or lot coverage standards under CMC 18.09.040, Table 1 and 2. The applicant requests smaller lots, ranging in size from approximately 5,822 – 8,265 square-feet, and to reduce the minimum lot width from 60 to 52.5 feet.

c. The site currently contains 153 tree units. The applicant proposed to remove 129 existing trees, retaining three trees which equate to 23 tree units. The applicant will plant 157 new trees on the site to meet the City's minimum tree density requirement.

d. There are no wetlands on the site. The nearest wetland is more 500 feet away.

e. There are 11 Oregon white oak trees on or near the site, of which six are considered “habitat of local importance” and regulated by the City (20-inches or more diameter at breast height [“dbh”]). The applicant proposed to remove three regulated trees and plant additional oak trees on the site as mitigation to ensure no net loss of habitat functions on the site.

f. She requested the examiner modify the proposed conditions of approval in the Staff Report as noted in Exhibit 32.

3. City engineering project manager Anita Ashton requested the examiner add a condition of approval requiring that the applicant install an L2 landscape buffer around the stormwater facility in Tract D, as discussed on page 14 of the Staff Report.

4. Planner Jason Taylor accepted the findings and conditions in the Staff Report, as modified by Exhibit 32 and Ms. Ashton’s testimony, with one exception. He requested the examiner modify proposed Plat note 3 to allow 50-percent maximum building lot coverage for single-story homes, which will allow residents to “age in place.”

5. Planning manager Robert Maul agreed with the proposed change to Plat note 3 to allow 50-percent maximum building lot coverage only for single-story homes. He requested the examiner hold the record open to allow the City an opportunity to propose revised language for Plat note 3. He testified that the City only annexed properties whose owners desired to be included in the City.

6. Glen Johnson, the owner of the property east of the site, testified in support of the proposed development. He noted that there is an existing 30-footwide County right-of-way between the site and his property. He questioned why this site and the five parcels to the west were annexed by the City but the remainder of the surrounding properties remain in unincorporated Clark County.

7. At the conclusion of the hearing the examiner held the record open for three weeks, subject to the following schedule:

a. For one week, until 5:00 p.m. on February 23, 2023, for the City to submit revised language for proposed Plat note 3;

b. For a second week, until 5:00 p.m. on March 2, 2023, for anyone to respond to the City’s proposed condition language; and

c. For a second week, until 5:00 p.m. on March 9, 2023, for the applicant to submit a final written argument.

8. During the open record period the City submitted a memorandum dated February 17, 2022, proposing revised language for Plat note 3. (Exhibit 33). No additional testimony or evidence was submitted during the second week of the open

record and the applicant waived their final argument and requested the examiner close the record. Pursuant to the applicant's request, the record in this case closed at 5:00 p.m. on March 3, 2023. (Exhibit 34).

C. DISCUSSION

1. City staff recommended conditional approval of the application, based on the affirmative findings in the Staff Report, as modified by Exhibits 34 and 33 and orally at the hearing. The applicant accepted those findings and conditions, as modified, without exceptions. No one raised any concerns or objections with the proposed development.

2. The examiner concludes that the affirmative findings in the Staff Report show that the proposed preliminary plat does or can comply with the applicable standards of the Camas Municipal Code and Revised Code of Washington, 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.

D. CONCLUSION

Based on the above findings and discussion, the examiner concludes that SUB22-05 (Monte Verde Subdivision) and consolidated files ARCH22-12, CA22-13, and SEPA22-17 should be approved, because it does or can comply with the applicable standards of the Camas Municipal Code 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. DECISION

Based on the findings, discussion, and conclusions provided or incorporated herein and the public record in this case, the examiner hereby approves SUB22-05 (Monte Verde Subdivision) and consolidated files ARCH22-12, CA22-13, and SEPA22-17, subject to the following conditions of approval:

Standard Conditions:

1. Engineering site improvement plans shall be prepared in accordance with the City of Camas Design Standards Manual (CDSM) and CMC 17.19.040.
2. The engineering site plans shall be prepared by a licensed civil engineer in Washington State and submitted to the City's Community Development (CDEV) Engineering Department for review and approval. Submittal requirements for first review are as follows:
 - a. Submit four (4) full size sets and one (1) half size set of plans.
 - b. Submit one (1) electronic version of the final (TIR) stormwater report. Do not submit any hard copies of the Final TIR.
 - c. Submit a stamped preliminary engineer's estimate.
3. Community Development (CDEV) Engineering shall collect a total three-percent plan review and construction inspection (PR&CI) fee for the proposed development.

- a. A preliminary construction estimate shall be submitted to the CDEV Engineering Department prior to or with submittal of plans for first review.
 - b. Payment of the one-percent plan review (PR) fee shall be due prior to the start of the plan review process. The PR fees will be provided by the engineering staff.
 - c. Payment of the two-percent construction inspection (CI) fee shall be due prior to construction plan approval and release of approved plans to the applicant's consultant. The CI fees due will be provided by the engineering staff.
 - d. Under no circumstances will the applicant be allowed to begin construction prior to construction plan approval.
4. Installation of public improvements shall be in accordance with CMC 17.21 Procedures for Public Improvements.
 5. If applicable, existing wells, septic tank, and septic drain fields shall be decommissioned in accordance with state and county guidelines, per CMC 17.19.020.
 6. Any entrance structures or signs proposed or required for this project will be reviewed and approved by the city.
 - a. All designs will be in accordance with applicable City codes.
 - b. The maintenance of the entrance structure will be the responsibility of the homeowners.
 7. The applicant will be responsible for ensuring that private utilities; underground power, telephone, gas, CATV, streetlights, and associated appurtenances are installed.
 8. A six-foot private utility easement (PUE) shall be located outside of the right-of-way on public streets and outside of the tracts on private streets.
 9. A draft street lighting plan shall be submitted to development engineering for review prior to final plan submittal to Clark Public Utility.
 10. The applicant will be required to purchase all permanent traffic control signs, street name signs, street lighting, and traffic control markings for the improved subdivision.
 11. Prior to any land-disturbing activities of an acre or more, the applicant shall have approved final engineering plans and shall submit a copy of the *NPDES General Construction Stormwater Permit (GCSWP)*, which is issued by the Washington State Dept. of Ecology, and the *Stormwater Pollution Prevention Plan (SWPPP)*, which is required as a component of the NPDES GCSWP permit.
 12. Prior to commencing any land-disturbing activities of an acre or more, the applicant shall submit an Erosion Control Bond (ESC) in the amount of 200-percent of the cost for erosion control measures, per CMC 17.21.030.B and CMC 14.06.200.
 13. In the event any item of archaeological interest is uncovered during a permitted ground disturbing action or activity, all ground disturbing activities shall immediately cease, and the applicant shall notify the City and the Department of Archaeology and Historic Preservation (DAHP).
 14. Prior to final acceptance, the applicant shall remove all temporary erosion prevention and sediment control measures from the site at completion of all site improvements,

which includes stabilization of all disturbed soil, prior to issuance of Final Acceptance from CDEV Engineering.

15. Prior to final acceptance, final as-built construction drawing submittals shall meet the requirements of the Camas Design Standards Manual (CDSM).
 - a. As-builts are to be submitted as PDFs and in either AutoCad or Carlson formats. The cover sheet for the as-builts is to include the originally approved and signed cover sheet.
16. Prior to final acceptance the two-year warranty maintenance bond is to be submitted in accordance with CMC 17.21.070.A Upon final acceptance of the development improvements a two-year (2) warranty bond commences.
17. Per CMC 17.21.070.E A letter of final acceptance will be issued once all items listed in 17.21.070.B-C.
18. Final plat submittals shall meet the requirements of the CMC 17.11.060, CMC 17.01.050, and the Camas Design Standards Manual.
19. A homeowner's association (HOA) will be required and a copy of the CC&Rs for the development will need to be submitted to the City for review and approval. Specifically, the applicant will need to make provisions in the CC&Rs for ownership and maintenance of the private storm drainage systems, open spaces, retaining walls, fencing, walls, landscaping, irrigation, private roads, and tracts or easements outside of the City's right-of-way if applicable. Further, all necessary easements and dedications should be noted on the final plat.
20. Accessory dwelling units shall not be precluded from in the CC&R's.
21. The applicant shall take appropriate measures to ensure landscaping success for a minimum of three years after issuance of Certificate of Occupancy. If plantings fail to survive, the property owner shall promptly replace them.
22. Automatic fire sprinklers installed per NFPA 13D or 13R shall be required in all new residential structures.
23. Provisions for parking enforcement on private Tracts/access driveways, acceptable to the Fire Marshal, shall be included in the CC&Rs at the time of final platting.
24. Per CMC 17.21.060.H Permits for one sales office and/or one model home per plat or phase may be issued after the final plat is recorded, and prior to final acceptance. Building permit applications, for any other residential buildings, will not be accepted until after final acceptance.

Special Conditions of Approval:

Planning:

25. If potential artifacts are discovered during construction, work must immediately cease, and both the State Department of Archaeological and Historic Preservation and the City shall be notified.
26. The recommendations provided by the Department of Ecology shall be complied with.
27. The recommendations in the geotechnical report shall be followed.

28. If potential artifacts are discovered during construction, work must immediately cease, and both the State Department of Archaeological and Historic Preservation and the City shall be notified.
29. The Mitigation Plan contained in the Critical Areas Report & Oregon White Oak Mitigation Plan prepared by Ash Eco Solutions, LLC shall be followed.
30. The installation of temporary construction fencing prior to construction that clearly marks in the field critical area buffers (i.e., Oregon White Oak) and fencing should remain throughout permitted construction activities.
31. The trees identified for preservation shall comply with the tree protection recommendations contained in the Critical Areas report. Any required revisions to the site plan, such as building setbacks and/or site improvements, will require an updated Tree Survey for review and approval prior to Engineering Plan approval and will be conditioned as such.
32. Exterior retaining walls facing the public right-of-way shall be “set back a distance of one foot for every foot in height of a fence in excess of allowed height” per CMC 18.17.060.D. and provide additional landscaping consisting of groundcover, shrubs, and trees.
33. The applicant should consider construction techniques that would decrease the noise associated with the airport per CMC 18.34.080.A

Prior to Final Engineering Plan Approval:

Planning:

34. A detailed construction drawing per CMC 16.53.050.E.3 is to be submitted to the City for review and approval Retaining walls shall comply with CMC 18.17.060.D.
35. A final landscape, tree, and vegetation plan consistent with the landscaping standards in CMC Chapter 18.13 should be submitted to the City for review and approval prior to engineering plan approval. Plants utilized will need to be per the approved City’s Plant list and per the Camas Design Manual planting specifications and landscape notes. For plants not on the approved City list, a characteristic card should be submitted to the City for review and approval. Irrigation and landscaping should be installed or bonded for prior to final acceptance per CMC 17.19.030.F.3.

Engineering:

Water:

36. The applicant shall submit revised utility plans that show an 8-inch water main from NE 28th Street, through the entire length of future “NE/NW Noble Avenue” and south to the end of the cul-de-sac, as well as an eight-inch water main in the east and west dead-end leg of in future NE 26th Street.
37. The applicant shall submit revised water utility plans showing the locations of all proposed irrigation services and the size of each irrigation meter.

Storm Drainage:

38. The applicant shall submit a complete set of stormwater plans for review and approval, per MR #1 of the TIR.

39. The stormwater plans are to be revised with any and all proposed treatment and/or detention structures located outside of the public right-of-way.
40. The applicant shall submit a final stormwater report (TIR) that addresses the on-site conveyance systems analysis and design as well as an updated infiltration trench design and locations.
41. The final stormwater (TIR) report is to be revised and submitted with the current *June 2022 City of Camas Stormwater Sewer System O&M Manual*.
42. The applicant shall submit a complete set of stormwater plans, including the design for the conveyance system in accordance with the Camas Design Standards Manual (CDSM). Additionally, the underground infiltration system on Tract B should be located such that it is not situated below the proposed playground area.
43. The applicant shall submit a revised stormwater plan for Lots 1-34. Said plans should ensure that adjacent parcels and downstream drainageways and/or adjacent properties are not negatively affected by roof drain downspouts and surface water runoff, per Camas Municipal Code (CMC) 14.02 and 17.19.040.C.

Erosion Control:

44. The applicant shall be required to submit a complete set of Erosion Sediment Control (ESC) plans, as a part of the site improvement plans for review and approval.

Sanitary Sewer Disposal:

45. The applicant shall be required to submit the following:
 - a. Calculations verifying that the sanitary sewer force main is adequately sized for solids and effluent to be pumped up to the highest point in the conventional gravity sewer main.
 - b. Calculations verifying that the pressure sewer laterals, from the grinder pumps to the force main, are adequately sized for solids and effluent.
 - c. Specifications and cutsheets for the proposed grinder pumps for approval.

Existing wells, septic tanks, and septic drain fields:

46. Prior to final plat approval, any existing wells, or septic systems are to be decommissioned prior to final engineering plan approval and documentation shall be provided to the city that said wells and/or septic systems have been properly decommissioned in accordance with State and County guidelines. Additionally, any water rights associated with a decommissioned well shall be transferred to the City.

Roads:

[Public Roads]

47. The street improvement plans, along NE 28th Street, are to provide sufficient design information for the tapers to the east and west of the frontage improvements to allow for vehicular transitions.
48. The street improvement plans are to be submitted with the required seven-foot right-of-way dedication on NE 28th Street and street sections in accordance with CDSM Street Detail ST5 3 Lane Collector/Arterial. The applicant is required to construct a

37-foot full depth half-width street improvement, including a minimum of 23-feet of paved surface, curb & gutter, eight-foot planter strip, and six-foot detached sidewalk.

[Interior Public Roads]:

50. The street improvement plans are to be submitted with the future local public roads constructed in accordance with CDSM Street Detail ST2 - 2 Lane Local (60-foot right of way). Staff may support the segment of the future internal public road (NE Noble Avenue) south of future NE 26th Street being changed to a private road. Road ownership can be determined during final engineering design.

[Private Roads]:

51. If the private road in Tract C is longer than 150 feet, then the street plans and the preliminary plat shall be revised to provide for a dead-end turnaround at future Lot 19 and Tract D. The applicant is to work with engineering and the Fire Marshal for an acceptable dead-end turnaround to accommodate emergency vehicles. Garbage and recycling containers for Lots 17, 18, and 19 are to be placed at the right-of-way for pickup.
52. The applicant should provide a design for a 'No Parking and Towing' sign for review and approval. Said sign is to include contact information for a private towing company, as the city does not provide towing on private roads, nor does the city enforce no parking on private roads.

[Street lighting]

53. All street light locations are to be shown on the engineering and landscape plans. Any streetlights provided for private streets are required to be metered separately and are to be owned and maintained by the HOA/homeowners.
54. Prior to submittal of electrical plans to Clark Public Utilities, the preliminary electrical plans for streetlights, transformers, J-boxes, etc., which are prepared by others, are to be submitted to the city for review and approval.

[Street trees and Landscaping]:

55. The applicant is to show proposed driveway locations for each lot to ensure that street trees are not impacted.
56. The applicant is required to submit to the City for review and approval a final landscape plan consistent with the landscaping standards in CMC Chapter 18.13, in addition to CMC Chapter 17.19.030.F.6, and include plantings from the City's approved plant list.

[Storm Facility Landscaping]:

57. The applicant is to submit revised stormwater facility plans that provide:
- a. A minimum six-foot-high black vinyl coated chain link fence with top rail installed along the north property lines of Tract D where the tract abuts the future Lot 20;
 - b. An L2 landscape buffer on all boundaries of Tract D; and
 - c. A minimum 16-foot-wide double gate at the access road to the facility and a minimum four-foot-wide man gate.

Traffic Impact Analysis:

58. The corner sight-distance triangles/site vision clearance triangles, at to the intersection of the future access road and NE 28th Street, are to be shown on the final engineering plans and landscaping plans.

Prior to Land-Disturbing Activities:

55. Prior to any land-disturbing activities, an electronic copy of Ecology's NPDES GCSWP permit, an electronic copy of the SWPPP, and the financial security for erosion and sediment control are to be submitted to the city.

59. Prior to any land-disturbing activities, which includes tree cutting, clearing and grading, and an approved set of final engineering plans, including erosion prevention and sediment control measures is required.

Prior to Final Plat Approval:Planning:

60. The applicant shall post a mitigation bond in an amount deemed acceptable by the city to ensure the oak and wetland mitigation is fully functional per CMC 16.51.250.

61. An avigation easement is required to be recorded on the title that provides notice that the property is located within an air traffic area per CMC 18.34.020.B and included as a note on the final plat.

Engineering:

62. The following notes are to be added to the final plat.

1. Stormwater facilities located on Tracts B, D, and E are to be owned and maintained by the homeowner's association/homeowners at the completion of the two -year warranty period, which expires two-years after issuance of final acceptance.
2. Right-of-entry shall be granted to the city for inspection purposes of the stormwater facilities located on Tracts B, D, and E.

62. The following note is to be added to the final plat providing to the city a utility easement for access, maintenance, replacement, repair, or extension, over and under the sanitary sewer force main located in private road 'Tract C'.

63. A note is to be added to the plat stating the Tract C is to be owned and maintained by the property owners and/or homeowners association.

64. A note is to be added to the plat stating the 'on-street parking is prohibited on both sides of Tract C'.

Prior to Final Acceptance:Engineering:

65. The applicant shall remove all temporary erosion prevention and sediment control measures from the site at completion of all site improvements, which includes stabilization of all disturbed soil, prior to issuance of Final Acceptance from CDEV Engineering.

66. Final as-built construction drawing submittals shall meet the requirements of the Camas Design Standards Manual (CDSM).
 - a. As-builts are to be submitted as PDFs and in either AutoCad or Carlson formats.
 - b. The cover sheet for the as-builts is to include the originally approved and signed cover sheet.
67. The two-year warranty maintenance bond is to be submitted in accordance with CMC 17.21.070.A upon final acceptance of the development improvements a two-year (2) warranty bond commences.
68. The applicant shall be required to install the ‘No Parking and Towing’ signs.
69. Prior to final acceptance, the applicant is required to pay the proportionate share amount of \$13,500.00 to the City of Vancouver. The applicant is to provide Camas staff with documentation of payment of said proportionate share amount.

Prior to Final Occupancy:

Planning:

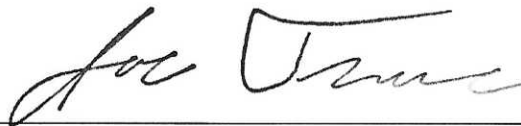
70. Street trees adjacent to lots should be installed prior to final occupancy per CMC 17.19.030.F.4.

Proposed Plat Notes

1. A homeowner’s association (HOA) will be required for this development. Copies of the C.C. & Rs shall be submitted and on file with the City of Camas.
2. Building permits will not be issued by the Building Department until all subdivision improvements are completed and Final Acceptance has been issued by the City.
3. Maximum building lot coverage can be up to 40-percent in the R-7.5 Single-Family Residential Zone for two-story dwelling units. Lot coverage for single-story dwelling units within this subdivision may have a maximum lot coverage of up 50-percent using density bonus/flexibility.
4. The lots in this subdivision are subject to traffic impact fees, school impact fees, fire impact fees and park/open space impact fees. Each new dwelling will be subject to the payment of appropriate impact fees at the time of building permit issuance.
5. Tree topping is not permitted within this development, nor removal of more than 20 percent of a tree’s canopy. Trees that are determined to be hazardous by a licensed arborist may be removed after approval by the City. Required street trees shall be promptly replaced with an approved species.
6. In the event any item of archaeological interest is uncovered during a permitted ground disturbing action or activity, all ground disturbing activities shall immediately cease, and the applicant shall notify the City and the Department of Archaeology and Historic Preservation (DAHP).

7. Stormwater facilities located on Tracts B, D, and E are to be owned and maintained by the homeowner's association/homeowners at the completion of the two-year warranty period, which expires two-years after issuance of final acceptance.
8. Right-of-entry shall be granted to the city for inspection purposes of the stormwater facilities located on Tracts B, D, and E.
9. The private road 'Tract C' consists of a utility easement for access, maintenance, replacement, repair, or extension, over and under the sanitary sewer force main is to be conveyed to the city.
10. Tract C is to be owned and maintained by the property owners and/or homeowners association.
11. On-street parking is prohibited on both sides of Tract C.

DATED this 8th day of March 2023.



Joe Turner, AICP
City of Camas Land Use Hearing Examiner