

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

Regarding an application by METT RI, LLC)	<u>FINAL ORDER</u>
for approval of a preliminary plat to divide)	
10.4-acres into 28 lots in the R-10 zone at)	File# SUB22-04¹
3210 NW McIntosh Road, in the City of Camas)	(McIntosh Subdivision)

A. SUMMARY

1. The applicant, METT RI, LLC, requests approval to divide the 10.4-acre site into 28 lots and tracts for stormwater, private roads, and open space/landscape buffers. The site is located at 3210 NW McIntosh Road; also known as tax parcel 127449-000, Section 9, Township 1 North, Range 3 East, Willamette Meridian (WM), Camas Washington (the “site”).

a. The site and properties abutting the northern portion of the west boundary of the site and the lot abutting the western portion of the south boundary are zoned R-10 (Single Family Residential, 10,000 square-foot average lot size). Properties abutting the east boundary and the remainder of the south and west boundaries are zoned R-15 (Single Family Residential, 15,000 square-foot average lot size). The property to the north, across NW McIntosh Road, is zoned NP (Neighborhood Park) and developed as Klickitat Park.

b. The site is currently developed with a shop building that will be removed to accommodate the proposed development. All proposed lots comply with the minimum dimensional standards for the R-10 zone.

c. The site contains a mapped geologically hazardous area (i.e., steep slopes) in the northwest and southern portions of the site. The applicant submitted a geotechnical report demonstrating that the geologic conditions and slopes on the site will not preclude the proposed development. (Exhibits 4 and 30).

d. The site contains eight individual trees and ten clumps of Hazelnut trees, including a roughly 90-foot-tall Douglas fir tree located near the center of the north boundary of the site. The applicant proposed to remove six of the existing trees to facilitate the subdivision, including the tall Douglas fir.

e. The City of Camas will supply domestic water and sanitary sewer service to the proposed development. The applicant will collect stormwater from all public and private roads, sidewalks, and driveway on the site and convey it to stormwater facilities in proposed Tracts A and B for treatment and detention. Stormwater from roofs will discharge to linked infiltration trenches on the rear of the proposed lots, with overflow connections to the stormwater facilities in Tracts A and B. The applicant will

¹ This approval includes consolidated files: ARCH22-10 (Archaeological Review), CA22-11 (Critical Areas Review), MAJVAR22-05 (Major Variance), and SEPA22-15 (State Environmental Policy Act).

discharge treated stormwater from the stormwater facilities into the existing public storm sewers in NW McIntosh Road at less than predevelopment rates.

f. The applicant will dedicate right-of-way and construct frontage improvements along the site's NW McIntosh Road frontage. In addition, the applicant will construct roughly 60-feet of offsite sidewalk, between the east property line of the site and the existing curb return at the southwest corner of Fremont Street. The applicant will extend a public street, proposed NW Halifax Street, into the site from NW McIntosh Road. Proposed NW Halifax Street will turn east near the south boundary of the site, becoming proposed NW 5th Avenue, which will intersect the existing street stub of NW 5th Avenue/Fremont Street abutting the east boundary of the site. The applicant will extend a new private street, proposed NW Garden Court, into the site from NW Halifax Street, terminating in a cul-de-sac turnaround north of proposed NW 5th Avenue. The applicant proposed a gate and turnaround at the intersection of NW Garden Court and NW Halifax Street. The applicant will extend a shared driveway south of the NW Garden Court cul-de-sac to provide access to proposed Lots 22 and 23.

2. The applicant also requests approval of major variances to:
 - a. Reduce the front yard setbacks for lots 25 and 26 from 25 to 20 feet;
 - b. Reduce the rear yard setback for lots 25, 26, and 28 from 30 feet to 25 feet;
 and
 - c. Increase the maximum permitted lot coverage from 35-percent to 50-percent for all of the proposed lots.

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

4. City of Camas Hearing Examiner Joe Turner (the "examiner") conducted a duly noticed public hearing to receive testimony and evidence about the application. City staff recommended the examiner approve the preliminary plat subject to conditions, as modified at the hearing. See the City of Camas Staff Report to the Hearing Examiner dated February 13, 2023 (the "Staff Report"). The applicant accepted the findings and conditions in the Staff Report, as modified, with certain exceptions. Four persons testified orally in opposition to, or with questions and concerns about, the application. Other persons testified in writing. Contested issues in the case include:

- a. Whether the applicant and City provided adequate notice of the public hearing in this matter;
- b. Whether the applicant can be required to retain the 90-foot-tall Douglas fir tree on the site;
- c. Whether the applicant can be required to transplant a large tree from the Camas Heights development site or plant larger trees on the site;

- d. Whether the intersection of proposed NW Halifax Street with NW McIntosh Road will operate safely;
- e. Whether the applicant is required to provide a pedestrian and bicycle connection between the terminus of proposed NW Garden Court and the nearest available street;
- f. Whether, and to what extent, the applicant can be required to construct off-site sidewalks;
- g. Whether the applicant can be required to provide a crosswalk across NW McIntosh Road at the proposed NW Halifax Street intersection;
- h. Whether the applicant is required to provide a turnaround at the end of the shared driveway south of NW Garden Court;
- i. Whether construction on the site will cause prohibited erosion, sedimentation, and runoff impacts on adjacent properties;
- j. Whether the proposed development will increase stormwater runoff onto adjacent properties;
- k. Whether the applicant sustained its burden of proof that the setback variances for Lots 25, 26, and 28 complies with the applicable approval criteria;
- l. Whether the applicant sustained its burden of proof that the proposed lot size variance complies with the applicable approval criteria; and
- m. Whether smaller utility easements are warranted on proposed Lot 1.

5. 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 a 10.4-acre parcel located south of NW McIntosh road. The applicant proposed to subdivide the site into 28 lots ranging in size from 8,000 to 14,074 square-feet.

b. Properties abutting the east boundary of the site are zoned R-15. Therefore, all lots abutting the east boundary must be 14,000 square feet in area in order to meet the City's "beveling" requirement. Properties abutting the southern portion of the west boundary of the site are also zoned R-15. However, the applicant proposed to create a ten-foot-wide landscape buffer tract between proposed Lots 3 through 7, eliminating the need to comply with the beveling standard in this section of the development, as these lots will not "abut" the adjacent R-15 zoned properties.

c. The applicant also requests major variance approvals to reduce the front and rear yard setbacks for proposed 25 and 26 and the rear yard setback for lots 28 by five feet and to increase the maximum permitted lot coverage from 35-percent to 50-percent for all of the proposed lots.

d. The applicant proposed to remove six of the existing trees on the site, including the tall Douglas fir located near the center of the north boundary of the site, in order to facilitate the proposed subdivision. Based on the report from the applicant's arborist (Exhibit 10), the evergreen tree appears to be in good condition but it exhibits some past breakage about 15-feet from the top, which resulted in several branches growing upward to become new tops and creates a weak area subject to future breakage. The tree conflicts with the proposed access road for the subdivision. The arborist report states that grading required for the proposed development would cause severe impacts to the tree and there are no viable options for moving the road location while providing the safety, sight distance, and slope requirements for the project.

e. She requested that the examiner delete condition 31, as the applicant submitted the required addendum to the geotechnical report, Exhibit 30.

f. She corrected the following typographical errors in the Staff Report:

i. The second sentence in the second bullet on page 21 should be amended to read "~~The~~ The measured intersection sight distance was..."

ii. The second bullet on page 22 should be amended to read "To allow a rear yard setback for lots 25 and 26 to be 25-feet where CMC permits a minimum rear yard setback of ~~25~~ 30-feet."

g. The City received two additional comment letters, Exhibit 31 and 33.

3. City engineering project manager Anita Ashton summarized the engineering issues for this project.

a. The applicant is required to provide a fifteen-foot access and utility easement on the east boundary of Lot 1, which will provide access to proposed Tract C.

b. The proposed development is largely retaining existing drainage patterns as required by Minimum Requirement #4 of the Stormwater Management manual. Based on the topography of the site, stormwater falling on the site flows downhill in all directions. The proposed development will largely replicate that existing condition. The applicant will collect stormwater runoff from all new impervious surfaces on the site and convey it to the proposed stormwater facilities. Runoff from all public and private streets, driveways, and sidewalks will be conveyed to one of the detention ponds in Tracts A and B for treatment and detention. The applicant will discharge treated runoff from these facilities into the existing storm sewer in NW McIntosh Road at less than predevelopment rates. The applicant will collect runoff from roofs and discharge it to rear-yard infiltration trenches, replicating existing conditions where stormwater falling on the site infiltrates into the ground. The City has not reviewed the designs of the infiltration facilities and may require an alternative disposal method during final engineering review.

i. The City can monitor and enforce maintenance of stormwater facilities located in roads and tracts. The City has no authority to review and enforce maintenance of private stormwater facilities located on individual lots.

c. The applicant is required to install and maintain erosion and dust control measures consistent with state and local laws. She requested the examiner add a plat note condition requiring retention of erosion control measures on the perimeter of the site until home construction is completed on the proposed lots.

d. She noted that CMC 17.19.040.B(10(b)(ii) requires a direct pedestrian or bicycle connection to the nearest available street for cul-de-sac and permanent dead-end streets over 300-feet in length. However, proposed NW Garden Court only exceeds the maximum length standard by 65 feet. A pedestrian/bicycle connection from the end of this street would not provide direct access to any pedestrian oriented uses. Therefore, she recommended approval of a deviation to waive compliance with this requirement.

e. She agreed with the applicant's request to reduce the easement width on Lot 1 to 15 feet for those easement sections that include a single utility, sewer or water. Easements with two utilities (sewer and water) should be 20 feet wide, unless otherwise approved by city engineering staff.

f. Note 3 of Table 1 of the Camas Design Standards Manual requires a turnaround at the end of all dead-end roads in excess of 150 feet in length, whether public or private roads or driveways.

g. She requested the examiner add a condition of approval requiring that all construction traffic access the site from NW McIntosh Road, with no construction traffic on NW Fremont Street, until infrastructure construction has been completed on the site.

4. Planning manager Robert Maul noted that the applicant submitted a revised preliminary plat that largely complies with the maximum lot size requirement of the R-10 zone. (Exhibit 14).

a. The Dawson Ridge development cited by the applicant was not approved for lot coverage in excess of the maximum allowed by the Code. However, the City Council subsequently amended the Code to allow the City to negotiate flexibility for certain standards, including maximum lot coverage, where a development provides $\frac{1}{2}$ acre or more of open space or recreational tract, CMC 18.09.060.D.

b. It is the City's policy, adopted by the City Council, to require private ownership and maintenance of stormwater facilities by homeowners' associations or individual property owners.

5. City engineer James Carothers testified that the proposed NW Halifax Street/NW McIntosh Road intersection does not meet intersection sight distance requirements, but it exceeds stopping distance requirements. Although the proposed intersection meets minimum standards, he requested the applicant work with City engineering staff to design a refuge/acceleration lane for vehicles turning left onto westbound NW McIntosh Road. This would reduce potential conflicts between westbound traffic on NW McIntosh Road and vehicles turning left out of the site. Frontage improvements constructed by this development will provide sufficient pavement area to allow striping of such a refuge/acceleration lane. The applicant cannot eliminate this intersection, terminating the extension of existing NW 5th Avenue as a dead-end street on the site; the applicant is required to extend this street to comply with the City's cross-circulation standards. Designing this street as a one-way loop would likely cause additional safety issues.

a. The City has a long-range plan to construct sidewalks on the north side of NW McIntosh Road. However, that plan is not currently funded. The City cannot require this applicant to construct those sidewalks, as it would exceed the roughly proportional impact of this development on the need for such sidewalks.

6. Planner Scott Taylor testified on behalf of the applicant, METT RI, LLC.

a. He argued that compliance with the various criteria that apply to this development create "a domino effect" that makes it necessary to request variances to the setback and lot coverage standards of the Code. The abutting development was not subject to the beveling requirement of CMC 18.090.080.B, which would have required 12,000 square foot lots abutting the site. Although the adjacent properties east of the site are zoned R-15, all but two of the lots abutting the site are less than 14,000 square feet in area; ranging from 10,684 to 13,811 square feet. The lots at the north and south ends of the site exceed 17,000 square feet. Homes on this site will be comparable in size and value to the existing homes to the east.

i. Proposed Lots 25, 26, and 28 are relatively shallow, due to the location of the NW Halifax Street/NW McIntosh Road intersection, NW Garden Court, and compliance with the beveling standard. The applicant is requesting reduced front and rear yard setbacks for proposed lots 25 and 26 and reduced rear yard setback for proposed Lot 28 in order to increase home design options on these narrow lots. The proposed 25-foot rear yard setbacks will allow ample room for landscaping to buffer the adjacent

properties east of the site. Proposed Lot 24 takes access from the north. Therefore, the east boundary of that lot is subject to a ten-foot side yard setback, substantially less than the 25-foot rear yard setbacks proposed for Lots 25 and 26. There are no lots abutting the reduced rear yard setback on Lot 28. The rear yard of this lot will abut a landscape tract and the NW McIntosh Road right-of-way.

ii. Compliance with the beveling standard on the east boundary of the site required that the applicant construct smaller, 8,000 square-foot, lots on the remainder of the site in order to meet the 10,500 square-foot average lot size requirement of the R-10 zone; the majority of the lots on the site are in the 8,000 square foot range. Additional lot coverage is needed on these lots in order to construct home sizes consistent with the remainder of the site and surrounding properties. If the proposed variance is approved to allow 50-percent lot coverage, most of the lots will only achieve 42 to 45-percent coverage, given setback and building design constraints. He requested the examiner modify Plat Note 3 to allow up to 50-percent lot coverage.

b. He agreed to the additional condition proposed by Ms. Ashton prohibiting construction traffic on NW Fremont Street. The applicant will utilize the existing driveway as a construction entrance with “laydown areas” on either side of the driveway for storage of construction materials and equipment. However the applicant must also maintain access for the two existing homes near the southwest corner of the site. The applicant may extend a temporary driveway to NW 5th Avenue/Fremont Street for these homes. The temporary driveway will include measures to collect, treat, and detain stormwater runoff until the new roads are completed.

c. He requested the examiner modify the conditions of approval to reduce the required easement width on proposed Lot 1 from 20 feet to 15 feet. There are existing ten-foot wide waterline easements on lots 8 and 9 of “The Ridge” subdivision east of the site. These easements, in combination with the proposed 15-foot easement on Lot 1, will result in a 25-foot easement width, which will allow adequate maintenance access for underground sewer and water utilities. The sewer lines adjacent to Lot 1 are only six to seven feet deep, so a wider easement is not warranted to accommodate deeper excavations.

i. He requested the examiner amend proposed condition 42 to refer to a utility “easement” rather than a utility “tract.”

d. It is not possible to provide access from the site to NW McIntosh Road in compliance with the 600-foot intersection spacing requirement of the Code, as the existing intersections to the east and west of the site are 722 feet apart. The applicant proposed to locate the NW Halifax intersection roughly half-way between these intersections: 380 feet from the road to the west and 340 feet from the road to the east. The applicant cannot move this intersection further east without violating sight distance requirements. The applicant cannot move the intersection west without impacting the stormwater facility in Tract A, which is the minimum size necessary to accommodate the projected volume of stormwater runoff from the roads on the site. Reducing the number of proposed lots would not reduce the size of the stormwater facility. Existing topography

and setback requirements further limit the design and preclude relocation of this stormwater facility.

i. Although not required by the Code, the applicant is willing to consider the center left-turn lane suggested by Mr. Carothers to mitigate the sight distance limitations at the NW Halifax Street/NW McIntosh Road intersection.

ii. This development will increase the number of intersections on NW McIntosh Road, but it will not create a hazard. The proposed NW Halifax Street/NW McIntosh Road intersection will provide better sight distance than the existing NW Fremont Street/NW McIntosh Road intersection, creating a safer alternative route for existing residents. In addition, the applicant will widen the section of NW McIntosh Road abutting the site from 21 feet to 36 feet.

iii. There is an existing crosswalk across NW McIntosh Road west of the site, at NW Ilwaco Street, which provides a safe pedestrian crossing and access to Klickitat Park. The City would be unlikely to allow a crosswalk at the NW Halifax Street/NW McIntosh Road intersection due to the limited sight distance at this intersection. The applicant will install “limited sight distance” signs on NW McIntosh Road east of the site to warn westbound drivers of the upcoming intersection.

iv. The applicant will construct roughly 60 feet of offsite sidewalk between the site and NW Fremont Street.

e. The proposed development will retain the existing drainage patterns on the site. The existing topography on the site slopes downhill in four directions. The applicant will replicate those conditions with two stormwater facilities in the northeast and northwest corners of the site, roof infiltration facilities on the east and west boundaries, and surface runoff to the south from the rear yards of proposed Lots 1 and 2.

i. The proposed development is likely to reduce the volume of stormwater flowing onto adjacent properties. Under existing conditions, stormwater falling on this site infiltrates into the ground until the ground becomes saturated. The water then sheet flows downhill onto adjacent properties. The applicant will collect runoff from all new impervious areas and convey it to the proposed infiltration and/or detention facilities. Reducing the volume of surface water flowing onto adjacent properties.

ii. The applicant will collect stormwater runoff from NW 5th Avenue and direct it to the stormwater facilities in Tracts A and B to ensure this street connection will not increase the volume of stormwater flowing onto the offsite section of NW 5th Avenue.

iii. The measured infiltration rates on this site are relatively low, between four and forty inches per hour. The applicant is required to design the stormwater system based on the lowest measured rate and reduce the rate by a factor of four in the design of stormwater infiltration and detention facilities in order to ensure that the stormwater system has adequate capacity. Given these constraints, the majority of

stormwater runoff from the rear-yard infiltration facilities will flow into the stormwater ponds in Tracts A and B.

iv. The applicant is required to detain stormwater runoff on the site and release it into the existing storm sewer system at less than predevelopment rates, ensuring that runoff from this site will not exceed the capacity of the downstream drainage system. Runoff from Tract A will discharge to the storm sewer in NW McIntosh Road. Runoff from Tract B will discharge to the existing storm inlet within The Ridge development to the east, which currently collects runoff from this site.

vi. If any springs are discovered on the site during construction the applicant will direct that water into the proposed stormwater collection and disposal system.

f. It is not feasible to modify the design of the development to maintain the tall Douglas fir tree located near the center of the north boundary of the site, just east of the existing driveway. There is an underground water line within the existing driveway on the site. In addition, there is a stump of a large tree on the west side of the driveway. Grading necessary to remove the existing driveway, stump, and water line will result in unavoidable impacts to the root system of the remaining evergreen tree. The applicant must excavate six to eight feet deep within six feet of the base of this tree. In addition, this 90-foot-tall tree has a very large hazard radius; if it were to fall it could potentially strike NW McIntosh Road, homes on proposed Lots 28, 19, and 12, and the stormwater facility in Tract A. As noted in the arborist report, the top of the tree was broken during an ice storm. The tree regrew numerous new tops, which creates a weak area and potential break point near the top of the tree. The applicant will review options for retaining this tree, but it does not appear feasible to do so.

i. The applicant will retain or plant sufficient trees on the site to meet the minimum 150 tree units required by the Code. Future residents on the site are likely to plant additional trees on their individual lots.

g. He argued that the shared driveway extending south of the cul-de-sac at the end of proposed NW Garden Court is not a “dead end road” subject to the emergency turnaround requirements of Table 1, Note 3 of the Camas Design Standards Manual. Driveways serving proposed Lots 22 and 23 will function as turnarounds. He requested the examiner modify proposed condition 51 to that effect and to refer to a “shared driveway” rather than a “private road.”

h. The shared driveway south of NW Garden Court will serve proposed Lots 22 and 23, not 23 and 24 as listed in the Staff Report. He requested the examiner modify proposed Plat Note 17 to that effect.

i. Some of the proposed lots are slightly larger than 14,000 square feet, the maximum lot size permitted by the R-10 zone. Some flexibility should be allowed, as it is difficult to design lots that are exactly 14,000 square feet as required by the beveling standard of CMC 18.090.080.B.

j. The applicant and future contractors are required to install and maintain inlet protection measures for all stormwater inlets. Properly maintained inlet protection measures will not block stormwater from flowing into the stormwater facilities.

k. The applicant will maintain silt fencing and other required erosion control measures until removal is approved by the City.

l. The applicant will revise its grading plans and install fencing and/or other measures as necessary to protect the root system of offsite trees that may extend onto the site. The applicant will be required to show such tree protection measures on the final construction plans approved by the City.

7. John Vokober expressed concern that development on this site will increase runoff onto his property, Lot 1 of the “Ilwaco Estates” development located near the northwest corner of the site. His property is at the low end of this area and stormwater flows onto his property from this site under existing conditions. He questioned why the applicant should be allowed to exceed the 35-percent lot coverage allowed by the R-10 zone for all of the lots on the site.

8. Greg Anderson summarized his written testimony, Exhibit 32.

a. He expressed concern that development on this site will increase the volume of stormwater flowing onto his property west of the site. He had to construct a drainage ditch on the east boundary of his property to direct runoff from this site away from his home. The proposed rear-yard infiltration systems will discharge stormwater close to his property line, which may increase the volume of water flowing downhill onto his property. Future residents of the site may not maintain these drainage facilities, causing them to fail and flood downhill properties. He requested that the linked infiltration facilities be replaced with a solid pipe to convey runoff to the stormwater facility in Tract A.

b. Grading and construction on the site could also increase erosion, allowing stormwater runoff to carry sediment onto his property. Erosion control measures are often removed after the final plat is approved but before homes are constructed and landscaping is installed on individual lots. Exposed soils on the lots may erode and impact downstream properties.

c. There is a large pine tree near the east boundary of his property that could be impacted by grading on the site. The applicant should be required to modify the grading plan to avoid impacts to this offsite tree.

d. CMC 18.55.110.H requires one sign per road frontage and the sign must “[b]e clearly visible from adjoining rights-of-way...” In this case, there is no sign visible from NW 5th Avenue/NW Fremont Street.

9. Joe Schneid testified that there is an existing spring flowing through his property south of the site under existing conditions. Water flows from the spring and onto NW 3rd Avenue nine to ten months a year. He expressed concern that grading and

development on the site may impact groundwater flows, creating or redirecting springs that may increase the volume of runoff flowing onto his property.

a. He argued that NW McIntosh Road is currently at capacity for turning movements. The additional intersection proposed on this site will create a hazard. Therefore, the proposed extension of NW 5th Avenue should terminate in a dead-end on the site and all traffic from this development should be directed onto NW 5th Avenue/NW Fremont Street. In the alternative, these roads could be designed as a one-way street system in order to limit turning movements onto NW McIntosh Street.

b. There is a need for additional sidewalks on the north side of NW McIntosh Road, abutting Klickitat Park.

10. Chuck Richards expressed concern that development on this site will generate erosion and dust impacts on neighboring properties. He questioned how the applicant will collect stormwater runoff from NW 5th Avenue near the southeast corner of the site and prevent runoff from flowing east onto NW Fremont Street. Erosion protection for the existing catch basins on that road may block some stormwater from flowing into the inlets, causing flooding in the existing cul-de-sac east of the site. He argued that the proposed NW/Halifax Street/NW McIntosh Road intersection will not operate safely. Limited sight distance at this location will create a hazard for pedestrians trying to cross NW McIntosh Road to reach Klickitat Park. Construction traffic from this development may damage the pavement on NW Fremont Street, given the six-percent side slope of this roadway.

11. The examiner closed the record at the end of the public hearing and announced his intention to approve the application subject to the conditions of approval. The examiner took under advisement several of the issues raised in the oral and written testimony in the record.

C. DISCUSSION

1. City staff recommended approval of the revised preliminary subdivision plat (Exhibit 14), 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, with certain exceptions.

2. The examiner concludes that the affirmative findings in the Staff Report, as modified, show that the proposed preliminary plat does or can comply with the applicable standards of the Camas Municipal Code (the “CMC”) and Revised Code of Washington. 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. CMC 18.55.110.H requires that the applicant “[p]ost one...sign per road frontage....”

a. The Code does not define the terms “road frontage” or “frontage.” Therefore, the examiner must rely on the dictionary definition of that term. “To

determine the plain meaning of an undefined term, we may look to the dictionary.” *Homestreet, Inc. v. State, Dep't of Revenue*, 166 Wash. 2d 444, 451, 210 P.3d 297, 300 (2009). Webster’s Dictionary defines “frontage” as “1.a - a piece of land that lies adjacent (as to a street or the ocean).” “Frontage.” *Merriam-Webster.com Dictionary, Merriam-Webster*, <https://www.merriam-webster.com/dictionary/frontage>. Accessed 19 Feb. 2023. The examiner finds that the stub of NW 5th Avenue abutting the site is a “road” as that term is commonly used. This road is adjacent to the site. Therefore, NW 5th Avenue is a “road frontage” where CMC 18.55.110.H requires that the applicant post a sign.

b. The applicant posted a single sign along the site’s NW McIntosh Road frontage. (Exhibit 28). The applicant did not post a second sign on the site’s NW 5th Avenue frontage. This is a violation of CMC 18.55.110.H.

i. The sign posting requirement of CMC 18.55.110.H is a submittal requirement, which CMC 18.55.110 authorizes director to waive. Therefore, the director had the authority to waive compliance with this standard. However, there is no evidence in the record that the director did so in this case.

c. The examiner finds that this procedural error did not limit the public’s ability to participate in the review of the application or otherwise affect their substantive rights. The public received adequate notice of this application. The City mailed notice of the hearing to the owners of properties located within 300 feet of the site as required by CMC 18.55.150.E and published notice of the hearing in the newspaper as required by CMC 18.55.150.D. Multiple forms of notice are required, in part, to provide a measure of overlap so that if notice in one form is not effective another form of notice will be effective. The neighborhood was well represented at the hearing and in the written record. Residents of the neighborhood testified clearly and succinctly regarding issues of concern to them.

4. The examiner finds that it is not feasible to retain the 90-foot-tall Douglas fir located near the north boundary of the site, identified as “Tree #1” on the report from the applicant’s arborist (Exhibit 10).

a. Tree #1 is located near the center of the north boundary of the site, just east of the existing driveway and proposed NW Halifax Street. There is a stump of another large tree on the west side of the driveway, the former “twin” of Tree #1 that was previously removed. In addition, there is an existing underground waterline beneath the existing driveway that must be removed. As noted in Exhibit 10, excavation for removal of the large stump and water line, installation of new utilities within the right of way for proposed NW Halifax Street and grading for construction of this street and sidewalks will significantly impact the roots of Tree #1, requiring up to seven feet of excavation “cut” adjacent to the tree. This excavation will cut the roots on the west side of Tree #1, impacting its stability and long-term survival.

i. Based on Mr. Taylor’s un rebutted testimony, it is not feasible to shift the proposed NW Halifax Street/NW McIntosh Road intersection away from this tree. It is not feasible to shift the intersection to the east and still meet minimum sight distance requirements. The stormwater facility in Tract A precludes shifting the

intersection to the west. The stormwater facility must be located in this area, a topographic low point, in order to provide gravity flow storm sewer connections throughout the site and maintain existing drainage patterns. The facility is the minimum size needed to accommodate the projected volume of runoff generated by this development.

b. In addition, as noted in Exhibit 10, although this tree looks in good condition, the top of the tree was broken in the past and the tree has formed multiple new tops, which creates a weak area subject to future breakage, especially from a freezing rain, ice/snow event. Given the height of the tree, falling branches would pose a significant risk of damage to homes on the surrounding lots as well as to NW McIntosh Road.

c. The applicant will plant additional trees on the site to meet the City's minimum tree density requirement.

i. The applicant cannot be required to transplant tree #12026 from the Camas Heights project to this location. The applicant does not own or control the Camas Heights project and therefore, has no authority to move this tree. In addition, there is no evidence that it is feasible to transplant this large tree. The Code does not require planting of larger trees.

e. Grading and construction on the west boundary of the site may adversely affect the large pine tree on Mr. Anderson's property by damaging roots that cross the property line or cutting branches that overhang the site. However, based on the applicant's storm & utility and grading plan (pages 3 and 7 of Exhibit 14), the applicant does not propose significant grading or excavation near the west boundary of the site. State law provides that the applicant has a right to cut any branches or roots that extend onto this site. Owners of adjoining properties have a right of remedy in superior court if the applicant's actions cause damage to adjoining properties. They should consult a lawyer to advise them about such rights. However, it is in the applicant's interest to protect trees on adjacent properties to the extent feasible in order to avoid potential liability. As Mr. Taylor testified, the applicant intends to install tree protection measures as necessary to protect any off-site trees located near the boundaries of the site.

5. The applicant must provide an intersection with NW McIntosh Road in order to meet the City's cross-circulation (maximum block length and perimeter) standards. In addition, a dead-end road on this site would greatly exceed the City's maximum length standard for dead-end streets. Creating a one-way loop through the site to NW Fremont Street could create a potential safety hazard, based on Mr. Carothers's expert testimony. Mr. Schneid's testimony that NW McIntosh Road is "currently at capacity for turning movements" is not supported by substantial evidence.

a. This intersection will operate safely, as it will comply with applicable City standards. Based on the applicant's traffic study, the intersection is projected to operate at Level Of Service ("LOS") A. Although the intersection will not meet "intersection sight distance" requirements due to the existing vertical curve on NW McIntosh Road east of the site, it will exceed "stopping sight distance" standards.

AASHTO standards require a minimum 390 feet of intersection sight distance and 250 feet of stopping sight distance, based on the 35 mph posted speed limit on NW McIntosh Road. Roughly 980 feet of sight distance is available to the west and 350 feet to the east of this intersection. The City may require the applicant to install “limited sight-distance” signage, warning oncoming drivers to the east of the approaching intersection. The City will review the need for such signing during the engineering plan review process.

b. In addition, the applicant will widen the section of NW McIntosh Road abutting the site from 21 feet to 36 feet. This will provide sufficient pavement for the striping of a center refuge/acceleration lane for vehicles turning left onto westbound NW McIntosh Road, reducing potential conflicts between left-turn and westbound through movements at this intersection. The Code does not require such a refuge/acceleration lane. Therefore, the examiner encourages the applicant to work with City engineering staff to design such a lane.

6. CMC 17.19.040.B(10)(b)(3) requires a direct pedestrian and bicycle connection between the cul-de-sac terminus of proposed NW Garden Court and “the nearest available street or pedestrian oriented use.” Pursuant to CMC 17.19.040.B(10)(b)(4), the city engineer recommended approval of a deviation to delete this requirement, noting that NW Garden Court only exceeds the maximum length standard by 65 feet and this connection would not provide a substantial benefit to the residents of this street, as, such a connection would not provide access to any pedestrian oriented uses in the area. The examiner agrees and approves the proposed deviation.

7. The applicant will construct 60 feet of off-site sidewalk on the south side of NW McIntosh Road between the site and the existing sidewalk and curb return on the west side of NW Fremont Street. This sidewalk is necessary to provide a safe walking route for students between the site and the existing school bus stop at the corner of NW McIntosh Road and NW Fremont Street. The applicant cannot be required to construct offsite sidewalks elsewhere in the area, i.e., on the north side of NW McIntosh Road abutting Klickitat Park. The need for sidewalks and other improvements is one that exists generally along streets in the area and is a need to which all adjoining properties contribute, not just the development proposed in this case. The City cannot require this applicant to bear the full cost of such additional improvements, because the costs would exceed the roughly proportional impact of the proposed development and it is a need to which all of the properties in the area contribute.

8. The Code does not require a crosswalk across NW McIntosh Road at the proposed NW Halifax Street intersection and staff recommended against a crosswalk at this location due to sight distance constraints. There is an existing marked crosswalk west of the site, at NW Ilwaco Street, which provides a safe pedestrian crossing and access to Klickitat Park. Neighbors can petition the City to review the need for a pedestrian signal this intersection, but it is not something this applicant can be required to provide as a condition of this development.

9. The applicant is required to provide a turnaround at the end of the shared driveway south of NW Garden Court. Note 3 of Table 1 of the Camas Design Standards Manual requires a turnaround at the end of all dead-end roads in excess of 150 feet in

length. The Code does not define the term “road.” Therefore, the examiner must rely on the dictionary definition of that term. Webster’s Dictionary defines “road” as “2.a: an open way for vehicles, persons, and animals. “Road.” *Merriam-Webster.com Dictionary, Merriam-Webster*, <https://www.merriam-webster.com/dictionary/road>. Accessed 19 Feb. 2023. The examiner finds that a shared driveway is a “road” as defined by the dictionary and therefore, subject to the turnaround requirement. The Design Standards Manual does not distinguish between public and private roads or driveways.

10. 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 dust and erosion control, construction vehicle access, road closures etc., which will limit impacts on surrounding residents. City staff 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 applicant agreed to a condition of approval requiring that all construction traffic access the site from NW McIntosh Road until infrastructure construction has been completed on the site. Construction traffic would be prohibited on NW Fremont Street or the offsite section of NW 5th Avenue, except as necessary to extend the existing road and utilities into site and to build a temporary driveway necessary to maintain access for the two existing homes near the southwest corner of the site.

b. There is no evidence that the existing six-percent side slope on NW Fremont Street will result in unusual wear and tear on this roadway.

c. The applicant will be required to install erosion control measures on the site prior to undertaking any land disturbing activities and maintain those measures until the development is completed and the City approves their removal. The applicant is required to remove all temporary erosion prevention and sediment control measures from the site at prior to Final Acceptance. However, the applicant must stabilize all disturbed soils on the site prior to such removal. In addition, staff recommended the examiner require the applicant to retain erosion control measures on the perimeter of the site until home construction is completed on the proposed lots. See condition 14.

d. The applicant will be required to install and maintain inlet protection measures for all existing and proposed stormwater inlets while construction is occurring. Properly maintained inlet protection measures will not block stormwater from flowing into the stormwater facilities. The City will ensure proper maintenance through its construction inspection program. In addition, people who live near the site can report violations they observe and the City can take actions to require compliance and remedy violations.

e. The applicant will be required to install temporary measures to collect, treat, detain, and convey stormwater runoff from the site while construction is occurring, including runoff from the proposed temporary driveway serving the existing homes south of the site. The City will review plans for such temporary and permanent post-construction stormwater and erosion control measures through its engineering design and construction plan review processes. Engineering and construction plan review does not require additional public notice and opportunity to comment. City staff's review of these plans provides adequate protection of the public interest. However, the applicant's engineering and construction plans are public records that the public may review.

11. The examiner finds that the proposed development will accommodate increased stormwater runoff from this development consistent with local and state laws. The applicant is not required to remedy existing drainage issues or prevent any runoff from the site from flowing onto adjacent properties. The applicant is merely prohibited from making such conditions worse. As designed, the proposed development will not increase or concentrate, and may reduce, the volume of stormwater flowing onto adjacent properties.

a. The design of the proposed development will largely retain existing drainage patterns as required by Minimum Requirement #4 of the Stormwater Management manual. Based on the topographic maps in the record, stormwater falling on the site currently flows downhill in all directions from the high point near the southeast corner of the site. (See page 1 of Exhibit 14). The proposed stormwater plan will replicate this existing condition. The applicant will collect runoff from roads in the western portion of the site and convey it to the stormwater facility in Tract A in the northwest corner of the site. The applicant will collect runoff from roads in the east portion of the site and convey it to the facility in Tract B. The applicant will install a series of linked infiltration trenches along the rear yards of the proposed lots to collect roof runoff. These pipes will convey excess runoff that cannot be infiltrated into the ground to the facilities in Tracts A and B. The applicant will discharge treated runoff from the stormwater facilities into the existing storm sewers at less than predevelopment rates. Tract A will discharge into the existing storm sewer in NW McIntosh Road and Tract B will discharge into the existing storm sewer in The Ridge subdivision, connecting to the existing area drain on the east boundary of the site. Runoff from the backyards of the proposed lots will continue to surface flow offsite as it does now. However, runoff from roofs and roads will be infiltrated into the ground or diverted into the stormwater facilities, away from abutting properties, potentially reducing the amount of surface runoff from this site.

b. Some volume of rainwater falling on the site infiltrates into the ground under existing conditions. The proposed infiltration trenches will replicate that existing condition. However, as noted in the applicant's geotechnical report, some of the soils on this site have limited infiltration capacity, with infiltration rates ranging from one to forty inches per hour. Therefore, much of the stormwater that currently falls on the site likely sheet flows offsite, onto adjacent properties. The proposed infiltration trenches will replicate this existing condition. However, instead of excess runoff that exceeds the infiltration capacity of the soils flowing onto adjacent properties, it will be piped to the stormwater detention facilities where it will be detained prior to discharge to the existing public storm sewers at less than predevelopment rates.

i. The proposed stormwater facilities, including the infiltration facilities, will be private, owned and maintained by a homeowners' association or individual property owners. That is a policy choice the City Council. The City will monitor and enforce ongoing maintenance of the treatment and detention facilities. The City has no authority to monitor and enforce maintenance of the private infiltration facilities. However, it is in the best interest of the homeowners' association and property owners to maintain these systems in order to avoid damage to their properties as well as liability for potential damage to downstream properties.

c. The proposed development will not discharge additional runoff onto existing NW 5th Avenue east of the site. The applicant will install catch basins in the on-site road to collect stormwater runoff and grade the onsite road to direct runoff into these catch basins.

d. The applicant will collect runoff from any springs that are discovered on the site during construction and convey that water to the stormwater facilities.

12. The examiner finds that the applicant sustained its burden of proof that the setback variances proposed for Lots 25, 26, and 28 complies with the applicable approval criteria and should be approved.

a. The setback variance will not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the subject property is located. CMC 18.45.040.B(1). The site will be developed with single-family residential lots, a use permitted in the R-10 zone and other residential zones abutting the site. All of the proposed lots will comply with the dimensional standards of the R-10 zone, with the exception of the proposed setback variances.

b. The setback variance is necessary, because of special circumstances or conditions relating to the size, shape, location, and surroundings of the site, to provide it with use, rights, and privileges permitted to other properties in the vicinity and in the R-10 zone. CMC 18.45.040.B(2). This site is subject to unique constraints that do not apply to other properties in the vicinity or in the R-10 zone. Lower density zoned lands abut the site on multiple boundaries, requiring larger lots or buffer tracts to comply with the beveling standards of CMC 18.09.080.B. In addition, the site is relatively narrow in the east west direction and the applicant is required to extend north-south streets in order to provide access to the proposed lots and comply with the City's cross-circulation standards. The abutting properties are largely developed and there are no street stubs to the west or south that would allow alternative street designs. These design constraints result in large, relatively shallow, lots along the east boundary of the site (Lots 25 and 26) and a shallow lot on the north boundary. These shallow lot depths and required setbacks limit the size and design of homes that can be built on these lots, requiring relatively long and narrow homes. The variance is necessary to allow the applicant to utilize standard home designs on these lots.

c. The setback variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and in the R-10 zone

that applies to the site. As proposed, Lots 25 and 26 would provide 25-foot rear yards, which allows substantial separation between the homes and adjacent properties, as well as allowing room for landscaping to further buffer adjacent properties. The future home on proposed Lot 24 can be located ten feet from the east boundary of the site as, due to the location of the access to this lot, the east boundary of Lot 24 constitutes a side yard. The rear yard of Lot 28 abuts a landscape tract and street right-of-way. Therefore, the reduced setback will not impact any adjacent parcels. The reduced front yard setbacks for Lots 25 and 26 will allow ample room for parking in front of the garages as well as separation from the street.

d. Therefore, the examiner grants the requested setback variances for proposed Lots 25, 26, and 28. A condition of approval is warranted to that effect.

13. The examiner further finds that the applicant failed to sustain its burden of proof that a blanket variance to the maximum lot coverage standard complies with the applicable approval criteria.

a. The lot coverage variance will constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the subject property is located. CMC 18.45.040.B(1). The site will be developed with single-family residential lots, a use permitted in the R-10 zone and other residential zones abutting the site. However, the applicant is requesting a blanket variance to the maximum lot coverage requirement. The examiner finds that allowing homes on all of the proposed lots, some of which are the largest lot size allowed in the R-10 zone, to exceed the maximum lot coverage standards would grant a special privilege to this development that is not available to other large lots in the vicinity or the R-10 zone.

b. The applicant failed to demonstrate that the lot coverage variance is necessary, because of special circumstances or conditions relating to the size, shape, topography, location, or surroundings of the site, to provide it with use, rights, and privileges permitted to other properties in the vicinity and in the R-10 zone. CMC 18.45.040.B(2).

i. Assertions that the Dawsons Ridge Subdivision was granted a similar variance are incorrect. The Hearings Officer denied a variance to the maximum lot coverage standard for that development. The City Council subsequently amended the Code to allow negotiated flexibility for certain standards, including lot coverage, where a development provides $\frac{1}{2}$ acre or more of open space. CMC 18.09.060.D. The Dawson Ridge development provided such open space and therefore, was allowed increased lot coverage. This development will not provide sufficient open space to qualify for such negotiated flexibility.

ii. Compliance with the beveling standard on the east boundary of the site and the average lot size requirement of CMC 18.09.040 Table 1.A results in smaller lots on the western portion of the site. However, the lot sizes are consistent with other lots in the R-10 zone. Other properties in the vicinity and in the R-10 zone are subject to the same lot coverage constraints. Larger homes with greater lot coverage is not a use, right, or privilege permitted to other properties in the vicinity or zone. In

addition, the applicant is requesting a blanket variance to the maximum lot coverage requirement. There is no evidence that the conditions on this site warrant larger homes on the largest lots allowed in the R-10 zone.

c. The lot coverage will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and in the R-10 zone that applies to the site. With the exception of Lots 25, 26, and 28, all lots would remain subject to the same setback standards as other lots of similar size.

d. Therefore, the examiner denies the requested variance to the maximum lot coverage standard. Plat Note 3 should be modified to that effect.

14. Some of the proposed lots are slightly larger than 14,000 square feet, the maximum lot size permitted by the R-10 zone. Unfortunately, the Code does not allow any flexibility in the lot size requirements. CMC 18.090.080.B requires that lots abutting a lower density zone must be the maximum lot size allowed for the zone designation of the new development. CMC 18.09.040 Table 1.A allows a maximum lot size of 14,000 square feet. Footnote 3 of CMC 18.09.040 Table 1.A allows a single exception to the maximum lot size standard for lots with existing dwellings. Footnote 3 of CMC 18.09.040 Table 1.A allows the average lot size to vary up to 500 square feet. The Code does not provide similar flexibility in the maximum lot size standard. The plain language of the Code requires that lots abutting the east boundary of the site contain 14,000 square feet, no more, not less. Therefore, the applicant must modify these lots to provide 14,000 square feet of lot area or obtain City approval of a minor variance to the maximum lot size standard.²

15. As discussed at the hearing, staff concluded that a 15-foot easement provides sufficient area for a single underground utility, sewer or water. A 20-foot easement is warranted where two underground utilities, sewer and water, are located within the same easement. There is an existing utility easement abutting the southern portion of the east boundary of proposed Lot 1, which may increase the total easement width available in this area, reducing the need for a 20-foot variance on this portion of Lot 1. However, that determination is best left to City engineering staff to determine during the final engineering review. Conditions of approval 42 and 66 and Plat Notes 12 and 15 should be modified to that effect.

D. CONCLUSION

Based on the above findings and discussion provided or incorporated herein, the examiner concludes that SUB22-04 (McIntosh Subdivision) and consolidated files ARCH22-10, CA22-11, MAJVAR22-05, and SEPA22-15 should be approved, because it does or can comply with the applicable standards of the Camas Municipal Code, the Revised Code of the State of Washington.

E. DECISION

² The City may want to consider amending the Code to allow some minor flexibility in the maximum lot size requirement for lots subject to the beveling requirement of CMC 18.090.080.B.

The examiner hereby approves File# SUB22-04 (McIntosh Subdivision) and consolidated files ARCH22-10, CA22-11, MAJVAR22-05, and SEPA22-15, subject to the following conditions.

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 Dept 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, traffic control markings, and gate and controller 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 Department 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 are completed.
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. The CC&R' shall not preclude accessory dwelling units.
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 is issued.

Special Conditions of Approval:

Planning:

25. The recommendations provided by the Department of Ecology shall be complied with.
26. The recommendations in the Geotechnical Report by Earth Engineering, Inc. dated March 1, 2022, shall be followed.
27. The recommendations in the Arborists Report by Jerry Hofer, dated February 6, 2023, 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.

Prior to Final Engineering Plan Approval:

Planning:

29. Retaining walls shall comply with CMC 18.17.060.
30. A final landscape, tree, and vegetation plan consistent with the landscaping standards in CMC Chapter 18.13 shall be submitted to the City for review and approval prior to engineering plan approval. The final landscape plan shall specify what larger tree or shrubs can be installed at the north entrance of the subdivision to create an entry statement. Plants utilized will need to be per the approved City's Tree list and per the Camas Design Manual planting specifications and landscape notes.

Engineering:

Water

31. The applicant shall submit revised water utility plans with all the future services and meter boxes located in planter strips or behind curb tight sidewalks.
32. The applicant shall submit revised the water utility plans to include the location for installation of the water sampling station onsite.
33. 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:

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

35. The applicant shall submit a revised stormwater plan that includes limiting impacts from roof drain and surface water runoff from Lots 1, 2, 27 and 28, in addition to the measures proposed for Lots 3 thru 26. Said plan 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.
36. The applicant shall revise the stormwater plans to show the proposed Filterra treatment structure at future Tract A located outside of the public right-of-way, within Tract A. Additionally, private rear or side yard drainage systems are to be placed within an easement across the applicable lots.
37. The stormwater utility plans shall be submitted with design information for proposed detention ponds and rear or side yard roof drain infiltration trenches.
38. The final stormwater TIR is to be submitted with both the City of Camas June 2022 *Stormwater Sewer System Operations & Maintenance Manual* and the maintenance requirements for the treatment vaults.
39. A final stormwater report (TIR) is to be submitted to the City for review and approval.
40. The applicant shall provide measures to accommodate stormwater runoff from the proposed temporary driveway serving the existing homes southwest of the site.

Erosion Control:

41. The applicant shall 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:

42. The engineering plans shall be revised with the existing sanitary sewer main, sewer manholes, and water main placed in a utility easement that is to be dedicated to the city, along the eastern property line of future Lot 1. The easement shall be a minimum 15 feet wide where it contains one utility (water or sewer) and 20 feet wide where it contains two utilities (water and sewer), unless otherwise approved by City engineering staff.
 - a. The access and utility easement is to consist of a minimum 12-foot-wide hard surfacing to allow for access to the sewer main and manholes, the water main, and future Tract C, Utility Tract.
43. The engineering plans shall be revised to include a minimum 15-foot-wide utility access and maintenance easement from the end of future "NW Garden Court", between future Lots 21 thru 24, and south to future NW 5th Avenue, with right-of-entry granted to the city.

[Existing wells, septic tanks, and septic drain fields]:

44. The applicant shall provide documentation to the city that any existing wells, 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]

45. The engineering plans shall provide for a continuous sidewalk connection from the east end of the sidewalk installed with the adjacent Ilwaco subdivision, along the frontage of the proposed development, and ending at the west end of the curb ramp installed with The Ridge subdivision at NW Fremont Street.
46. The engineering plans shall be submitted with the required 17-foot right-of-way dedication on NW McIntosh Road to allow for the 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 in accordance with CDSM Street Detail ST5 3 Lane Collector/Arterial.
47. The engineering plans shall be submitted with the minimum curb radius of 35-feet on both sides of the intersection at NW McIntosh Road and the future public access road (NW Halifax Street).
48. Prior to final engineering plan approval, the applicant shall work with staff to provide an acceptable transition between the future extension of NW 5th Avenue to tie into the existing NW 5th Avenue to the east.
49. The engineering plans shall be submitted with the unidentified triangular shaped parcel on the east side of future Lot 3 shown as a public tract to allow for future access improvements to the southern parcel (PIN 217455000).
50. All construction traffic shall access the site from NW McIntosh Road until infrastructure construction has been completed on the site.

[Private Roads]

51. The applicant shall be required to provide a design for a ‘No Parking and Towing’ sign for review and approval.
 - a. Said sign is to include contact information for a towing company.
 - b. The applicant shall be required to install the ‘No Parking and Towing’ signs prior to final acceptance on future private road (NW Garden Court) and on the private road access to Lots 22 and 23.
52. The applicant is to work with the engineering staff and the Fire Marshal to provide an acceptable dead-end turnaround on the private road/shared driveway serving Lots 22 and 23. Additionally, the private road access to Lots 22 and 23 is to be placed in a Tract to be owned and maintained by the adjacent homeowners and/or the homeowners’ association (HOA).
53. The applicant shall obtain City approval of the temporary private driveway serving the existing homes southwest of the site.

[Street lighting]:

54. All street light locations are to be shown on the engineering and landscape plans.
55. Streetlights on private streets are required to be metered separately and are to be owned and maintained by the HOA/homeowners.
56. 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]:

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

[Storm Facility Landscaping]:

59. The applicant shall submit revised stormwater facility plans that provide for a minimum six-foot-high black vinyl coated chain link fence with top rail installed along the property lines of Tracts A and B where the tracts abuts the future Lot 11 and Lots 26 and 27. Additionally, the plans are to provide for a minimum 16-foot-wide double gate at the access road to the facility and a minimum 4-foot-wide man gate.

Traffic Impact Analysis:

60. The engineering plans are to be submitted with the site vision clearance/site distance triangles shown on the final engineering plans at the intersection of future public road (NW Halifax Street) and NW McIntosh Road.

Prior to Land-Disturbing Activities:

61. Prior to any land-disturbing activities the applicant shall submit the required SWPPP, per MR #2 of the preliminary TIR.
62. 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.
63. Prior to any land-disturbing activities, which includes tree cutting, clearing and grading, an approved set of final engineering plans, including the erosion prevention and sediment control measures is required.

Prior to Final Plat Approval:

Planning:

64. Lots 25 and 26 shall provide a minimum 25-foot rear yard setback and a minimum 20-foot front yard setback. Lot 28 shall provide a minimum 20-foot rear yard setback. All other lots and setbacks shall comply with the setback requirements of CMC 18.09.040 Table 2.
65. Lots 5 and 6 are not considered irregular lots and shall follow current setbacks per CMC 18.09.040 Table 2.
66. All lots shall comply with the maximum 35-percent building lot coverage allowed by CMC 18.09.040 Table 1.A.

Engineering:

67. Prior to final plat approval the following note is to be added to the final plat.
- a. Tract __, a private road, includes a blanket utility access and maintenance easement conveyed to the city, over and under the water main located in the private street.

68. The following notes shall be added to the final plat stating that:
- a. The stormwater facilities located on Tract A and Tract B are to be owned and maintained by the homeowners/Homeowner Association (HOA) at the end of the two-year warranty period, which expires two -years after final acceptance.
 - b. Right-of-entry is to be granted to the city for inspection purposes of the stormwater facilities located on Tract A and Tract B.
 - c. Private rear or side yard drainage systems are to be owned and maintained by the HOA or the applicable lot owners upon which the private stormwater systems/easements are located.
69. The final plat shall be revised with the existing sanitary sewer main, sanitary sewer manholes, and water place in an easement along the eastern property line of future Lot 1. The easement is to an access and utility easement over and under the existing water and sanitary sewer, with right-of-entry granted to the city. The easement shall be a minimum 15 feet wide where it contains one utility (water or sewer) and 20 feet wide where it contains two utilities (water and sewer), unless otherwise approved by City engineering staff.
70. A note is to be added to the plat that a blanket utility access and maintenance easement is provided to the city over and under the sanitary sewer main located in the future private road "NW Garden Court".
71. The final plat shall be revised with a 15-foot-wide utility access and maintenance easement over the new sanitary sewer main and sewer manhole from the end of future "NW Garden Court", between Lots 21 thru 24, and south to future NW 5th Avenue, with right-of-entry granted to the city.
72. The final plat shall provide for the dedication of Tract __, the unidentified triangular shaped parcel, located on the east side of proposed Lot 3. Tract __ is to be dedicated as a public tract set aside for future access improvements to parcel number 217455000.
73. The private road access to Lots 22 and 23 is to be placed in a Tract to be owned and maintained by the adjacent homeowners and/or the homeowners' association (HOA).

Prior to Final Acceptance:

Planning:

74. Irrigation and landscaping should be installed or bonded for prior to final acceptance.

Engineering:

75. The applicant shall provide a design for a 'No Parking and Towing' sign for review and approval.
- a. Said sign is to include contact information for a towing company, as the city does not provide towing on private roads, nor does the city enforce no parking on private roads.
 - b. The applicant shall install the 'No Parking and Towing' signs prior to final acceptance.

76. With the exception of perimeter erosion fencing, 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. The applicant shall retain erosion control measures on the perimeter of the site until home construction is completed on the proposed lots.
77. 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.
78. 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.
79. The applicant is required to pay the proportionate share amount of \$34,000.00 to the City of Vancouver. The applicant is to provide Camas staff with documentation of payment of said proportionate share amount.

Prior to Building Permit Approval:

80. Single-family building permit applications are to include information regarding connection of roof drain downspouts to the rear yard stormwater laterals that discharge to the rear yard infiltration trenches.

Prior to Final Occupancy:

Planning:

81. Street trees adjacent to lots should be installed prior to final occupancy or bonded for per CMC 17.19.030.F.4.

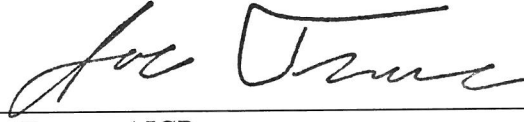
Proposed Plat Notes

1. A homeowner's association (HOA) will be required for this development. Copies of the CC&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 for this subdivision is 35-percent per CMC 18.09.040 Table 1.A.
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. Wetlands, critical areas, and associated buffers shall be maintained in their natural state as described in the Final Wetland Mitigation Plan (Note: add date after approval) that is recorded with this plat by the HOA. Any modifications to critical

- areas and buffers must be approved in writing by the city after submittal of a revised critical area report.
6. 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.
 7. In the event any item of archaeological interest is uncovered during the course of 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).
 8. Tract __, a private road includes a utility access and maintenance easement conveyed to the city, over and under the water main located in the private street.
 9. Stormwater facilities in Tracts A and B shall be owned and maintained by the homeowners/Homeowner Association (HOA) at the end of the two-year warranty period, which expires two -years after final acceptance.
 10. Right-of-entry is to be granted to the city for inspection purposes of the stormwater facilities located on Tract A and Tract B.
 11. Private rear and/or side yard stormwater drainage systems are to be placed in private stormwater easements and owned and maintained by the HOA or the applicable lot owners upon which the private stormwater systems easements are located.
 12. The easement along the eastern property line of future Lot 1 is an access and utility easement over and under the existing water and sanitary sewer, with right-of-entry granted to the city.
 13. Tract __, a private road "NW Garden Court" is covered by a blanket access and maintenance easement over and under the sanitary sewer main.
 14. The 15-foot-wide access and utility easement, from the end of future "NW Garden Court", between Lots 21 thru 24, and south to NW 5th Avenue is provided over and under the sanitary sewer main and sanitary manhole, with a right-of-entry granted to the city.
 15. Tract __ contains an access and maintenance easement over and under the existing water, sanitary sewer main, and sanitary sewer manholes, with right-of entry granted to the city.
 16. Tract __ is a public tract set aside for future access improvements to Parcel Number 217455000. Ownership and maintenance of said tract will be the responsibility of the city.
 17. Tract __ is a private road access to Lots 22 and 23 and is to be owned and maintained by the adjacent homeowners and/or the homeowners' association (HOA).
 18. Lots 25 and 26 shall provide a minimum 25-foot rear yard setback and a minimum 20-foot front yard setback. Lot 28 shall provide a minimum 20-foot rear

yard setback. All other setbacks shall comply with the setback requirements of CMC 18.090.040 Table 2.

DATED this 27th day of February 2023.

A handwritten signature in black ink, appearing to read "Joe Turner", written over a horizontal line.

Joe Turner, AICP
City of Camas Land Use Hearing Examiner