

Memorandum

To: Joe Turner
City of Camas Hearings Examiner

From: LeAnne M. Bremer on behalf of Lennar NW, LLC

Subject: Camas Heights Subdivision: Final Legal Response

Date: May 15, 2022

On behalf of Lennar NW, LLC, I am submitting this final legal response in support of the Camas Heights Subdivision.

The subdivision application must be approved if it meets the criteria in CMC 17.11.030:

D. Criteria for Preliminary Plat Approval. The hearings examiner decision on an application for preliminary plat approval shall be based on the following criteria:

1. The proposed subdivision is in conformance with the Camas comprehensive plan, parks and open space comprehensive plan, neighborhood traffic management plan, and any other city adopted plans;
2. Provisions have been made for water, storm drainage, erosion control and sanitary sewage disposal for the subdivision that are consistent with current standards and plans as adopted in the Camas Design Standard Manual;
3. Provisions have been made for road, utilities, street lighting, street trees and other improvements that are consistent with the six-year street plan, the Camas Design Standard Manual and other state adopted standards and plans;
4. Provisions have been made for dedications, easements and reservations;
5. The design, shape and orientation of the proposed lots are appropriate to the proposed use;
6. The subdivision complies with the relevant requirements of the Camas land development and zoning codes, and all other relevant local regulations;
7. Appropriate provisions are made to address all impacts identified by the transportation impact study;
8. Appropriate provisions for maintenance of commonly owned private facilities have been made;

9. Appropriate provisions, in accordance with RCW 58.17.110, are made for:
 - a. The public health, safety, and general welfare and for such open spaces, drainage ways, streets, or roads, alleys or other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe conditions at schools bus shelter/stops, and for students who walk to and from school, and
 - b. The public use and interest will be served by the platting of such subdivision and dedication; and
10. The application and plans shall be consistent with the applicable regulations of the adopted comprehensive plans, shoreline master plan, state and local environmental acts and ordinances in accordance with RCW 36.70B.030.

As the record fully demonstrates all of these criteria are met in this case. The City planned for this type of development on the subject site as evidenced by the comprehensive plan and zoning designations. Policy decisions cannot be revisited in the permitting process. RCW 36.70B.030(3).

As conditioned, all required infrastructure will be in place to serve the new homes. In the end, the application will comply with all applicable code requirements before any development can occur. And under SEPA, since the City's comprehensive plan and development regulations adequately address all of a project's probable specific adverse environmental impacts, the City cannot require additional mitigation for those impacts. WAC 197-11-158(5).

The issues raised by the neighbors have been exhaustively addressed by AKS Engineering, including in their final rebuttal, and will not be repeated here. Suffice it to say, no credible evidence has been submitted into the record to rebut the Applicant's expert's reports and conclusions, nor staff's professional findings and conclusions. Community displeasure cannot be the basis for conditioning or denying a land use application. *Maranatha Min., Inc. v. Pierce Cnty.*, 59 Wash. App. 795, 805, 801 P.2d 985, 992 (1990) ("It is improper to deny the permit to an applicant who, throughout the application process, has demonstrated a willingness to mitigate any and every legitimate problem").

The Applicant respectfully requests that the Hearings Examiner approve the application, as conditioned in the staff report, and as clarified in the Applicant's submittals. Thank you for your consideration.