

Camas Heights Development Comments, Second Installment  
May 10, 2022

Outline:

- Highlights of what the CMC says (and does not say).
- Concerning trees (paragraphs 1-3).
- Traffic at the intersection of NE 28<sup>th</sup> St and 232<sup>nd</sup> Ave. (paragraph 4).
- Agreements: Country View Estates and Lennar, Lennar and “Negotiated Flexibility” with the City (paragraph 5)

**CMC Highlights:**

The Camas Municipal Code is clear enough to give concrete direction as to how development ought to proceed.

CMC 14.02.050:

“The latest edition of the ... SWMMWW as modified by the City's Design Standards Manual is adopted by reference, and the recommendations and requirements contained therein will be the minimum standards for this chapter...”<sup>1</sup>

CMC 18.13.052 A:

“When determining where to retain or plant trees, locations with healthy soils, native understory vegetation, and mature trees shall have priority when there are feasible alternative locations on site for proposed buildings and site improvements to achieve the minimum tree unit density per acre. This may require site redesign.”<sup>2</sup>

While it is of course not possible to preserve all trees for any given project, some must be removed for which mitigation measures shall be implemented. Four conditions allow for tree removal:

CMC 18.13.052 C:

1. “In areas where there are currently inadequate numbers of existing trees to meet minimum tree density,
2. where the trees are inappropriate for preservation,
3. the soils are poor,
4. or there are significant invasive species,

then mitigation shall be required to meet the minimum tree density.”<sup>3</sup>

It is important to highlight what the Camas Municipal Code does **not** say:

- If a developer prefers to “clear cut and grade” before starting his project, he is **not** free to do so.
- The CMC stipulates that the SWMMWW defines minimum standards for complying with the Camas code, the developer is **not** free to disregard it if he is so inclined.
- The code places a priority on preserving mature trees such that even “site redesign” may be required; a developer may **not** pretend that it is not really required.

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1 [https://library.municode.com/wa/camas/codes/code\\_of\\_ordinances?nodeId=TIT14STPR](https://library.municode.com/wa/camas/codes/code_of_ordinances?nodeId=TIT14STPR). In addition, the Storm Water Management Manual for Western Washington can be found at:

<https://apps.ecology.wa.gov/publications/documents/1910021.pdf>.

2 [https://library.municode.com/wa/camas/codes/code\\_of\\_ordinances?nodeId=TIT18ZO\\_CH18.13LA](https://library.municode.com/wa/camas/codes/code_of_ordinances?nodeId=TIT18ZO_CH18.13LA).

3 Ibid 18.13.052 C

- The phrase “inappropriate for preservation” may **not** be stretched into meaning anything a developer wants it to mean.

### **Trees:**

With some clarity on what the CMC does and does not say, here are some followup comments:

1. Exhibit 17, Critical Areas Alternative Layout: Lennar responded to Exhibit 34, comments from Amaia Smith, biologist of the Washington Department of Fish and Wildlife who urged that Lennar “explore alternative designs to preserve the 43-inch DBH Oregon white oak tree since a tree of that size could be 200 years old” as well as the other oaks in good health. Ms. Smith also asserted that she did “not agree that avoidance and minimization efforts were fully explored prior to creating a development and mitigation plan.” In the response, Lennar discussed an alternative layout with a Tract J “Natural Area” that would “reduce impacts to the existing wetland and its buffers” but acknowledged that it would do little to “reduce impact to oaks.” This option did not really address Ms Smith’s request as it was about wetlands, not oaks. It was ultimately rejected anyway. There also was mention of the possibility of removing some lots from development leaving oaks surrounded by houses which was also rejected.

As for mitigation for the loss of any Oregon white oaks, Christina Manetti (Exhibit 47) has rightly pointed out that “mitigation is virtually meaningless.” It will probably be another hundred years for any saplings planted today to functionally replace any mature specimens that we lose to this development.

I do not believe that Lennar has adequately responded to Ms. Smith’s request to “explore alternative designs...”. Note that “designs” is plural. I urge that Lennar be directed to explore other designs that actually address Ms. Smith’s concerns. See the addendum Oregon White Oak Park Option for one possibility.

2. Exhibit 50, response to Exhibit 39, comments by Ken Miles, item 3: Lennar has responded that sparing an individual oak tree in a back yard leaving it surrounded by houses results in it not being a “valuable Oregon white oak habitat.” I do not dispute this, but a “nominally valuable habitat” is still better than none at all. And what of the other reasons that the CMC calls for preserving mature trees where feasible?<sup>4</sup> The CMC stipulates that the SWMMWW constitutes the “minimum standards” for erosion control. Why is Lennar ignoring it? I urge that Lennar be directed to comply with the guidance of the SWMMWW. If they disagree with the SWMMWW, they should set forth their case, but not ignore it.

3. On the ratio of 235:2, credibility, and code compliance: In Lennar’s initial proposal, it inventoried 237 trees and proposed removing 235 trees while retaining 2 (Tree Report, P13)<sup>5</sup>. In responding to the numerous objections from the public concerning the outrageous ratio of 235:2, Lennar has been conciliatory and diplomatic often stating that Lennar “understands the value of the existing tree”, “understands that protecting the Oregon white oak habitat is important” etc. While the conciliatory tone is appreciated, what ultimately matters is compliance with the city’s codes. Those codes explicitly state that mature trees shall have priority. Out of the 235 trees remaining on Lennar’s property, they found zero to retain, and the probability that this is a coincidence is low. It appears that Lennar is

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4 CMC 18.13.052 and 18.13.010 B “To implement the city's comprehensive plan goals which include preserving natural beauty in the city, and protecting Camas' native landscape and mature tree cover.”

5 Exhibit 8, P431. The two trees to be spared reside on “Tract G” which Lennar could not use and opted to transfer to the adjoining neighborhood (Exhibit 30) with trees in tact. In reality, Lennar was saving zero trees out of the 235 that remained on the property.

interpreting the CMC according to the summary list of what it does “not” say as enumerated above. Lennar therefore has no credibility when it asserts while it “understands the value of the existing tree” but is going to remove it anyway.

I urge the hearing examiner to enforce the city’s codes on Lennar by requiring Lennar to give a specific explanation of why it cannot grade around any tree with a DBH of 24 inches or more.

**Traffic:**

4. The intersection – NE 28<sup>th</sup> St and 232<sup>nd</sup> Ave. I am highlighting three additional points to my comments in exhibit 39, paragraph 9:

1. Traffic volume at 28<sup>th</sup> and 232<sup>nd</sup> as of 10/1/2021 is at 688 vehicles / hour for the PM peak hour.<sup>6</sup> This is 95% of the volume for the Goodwin/Ingle intersection PM peak hour volume recorded in 2014 which was at 720 vehicles / hour<sup>7</sup>. In 2014, Goodwin/Ingle was deemed needing upgrading, in part owing to its accident rate of 1.03 collisions / million vehicles.<sup>8</sup> For the last three years 28<sup>th</sup> and 232<sup>nd</sup> has recorded 0.93 collisions / million vehicles as noted in exhibit 39, paragraph 9.
2. Westbound traffic entering both intersections is on a downward slope. However for Goodwin/Ingle this slope is very shallow and probably insignificant. For 28th/232nd the slope is much steeper and westbound traffic tends to sail through the intersection at excessive speed.
3. While visibility is quite good at Goodwin/Ingle from all directions, it is exceedingly poor at 28th/232nd.

I consider that the net effect of the three above points is that 28th/232nd is currently more hazardous to navigate than Goodwin/Ingle ever was.

The seven most recent accidents at 28th/232nd do reflect a pattern: attempts to negotiate a turn at the intersection. I disagree with comments by city and county staff on this intersection who have indicated that no mitigation is appropriate at this time. I believe that mitigation is appropriate and the solution quite evident: Add turn lanes. A left turn lane for both directions of east/west traffic as envisioned for the 28<sup>th</sup> street corridor would help significantly. In addition, as a high percentage of the eastbound traffic is turning south on 232<sup>nd</sup>, I believe that a dedicated right turn lane for this traffic is in order.

I urge the hearing examiner to direct the city and county staff to take responsibility for this intersection with the following measures:

1. Monitor traffic volumes at this intersection, collecting data at least bi-annually, including all turn data, and monitor annually for collision rates.
2. Should collision rates exceed 1.0 during any three year period, invoke an immediate moratorium on all new construction along the 28<sup>th</sup> St. corridor until the intersection is upgraded with turn lanes as recommended above.

**Agreements:**

5. Country View Estates, being a neighborhood on the eastern border of the proposed Camas Heights Project is of low density with 30 foot side and rear yard setbacks. The R-10 zoning for Camas Heights generally calls for 25 foot rear and 5 foot side-yard setbacks. The contrast in side-yard setbacks is

<sup>6</sup> Camas Heights Transportation Impact Study, Lancaster Mobley, 10/26/2021, P16.

<sup>7</sup> Green Mountain Transportation Impact Analysis, Kittleson and Associates, 11/20/2014, P15.

<sup>8</sup> Ibid, P11.

stark. In the interest of affirming the city’s land use policies, particularly LU-1.3: “Maintain compatible use and design with the surrounding built and natural environments when considering new development or redevelopment” the neighborhood entered into an agreement with Lennar that included the following provision in paragraph six:

6. “Lennar agrees that there shall be a minimum 15 foot setback for any and all structures and buildings constructed by Lennar and its successors, as defined by applicable Camas code, from the property lines of Lots 4, 5 and 9-15 of Country View Estates...”

This provision had primary relevance to lots 83 and 112 which shared side-yard boundaries with Country View Estates. These lots, per the agreement, would have 15 foot, rather than only five foot side yard setbacks enabling a slightly less abrupt transition between the two neighborhoods.

Separately, Lennar had entered into discussions with the city concerning receiving credit for a park in Tract J under the provisions of the code for negotiated flexibility under the terms of CMC 18.09.060 for density transfers.<sup>9</sup> I wish to stress the purpose of this section of the code:

18.09.060 A. “Purpose. To achieve the density goals of the comprehensive plan with respect to the urban area, while preserving environmentally sensitive lands and the livability of the single-family residential neighborhoods, **while also maintaining compatibility with existing residences.**”

City staff have recommended the following adjustments in the setback standards as part of the negotiated flexibility component of the development:

- Minimum Front Yard Setback: Reduced from 20 to 15 feet, Garage: increased from 5 to 20 feet.
- Minimum Side Yard Setback: 5 feet (to include lots of 12,000 feet, formerly requiring 10 feet).
- Minimum Rear Yard Setback: Reduced from 25 to 15 feet.
- Maximum Lot Coverage: Increased from 40% to 50%.

I will focus on the 40% reduction in rear yard setbacks from 25 to 15 feet. As justification for this generous accommodation, the staff report offers this explanation:

“This setback was agreed upon in the Agreement between Lennar Northwest and County View Estates in Exhibit 30 under section 6 for the lots abutting County View Estates, therefore staff finds the setback may be used throughout the subdivision.”<sup>10</sup>

If Lamar were building a single house rather than a subdivision and desired a reduction in a setback, it would have to conform with CMC 18.45 “Variances.”<sup>11</sup> The code stipulates that variances have a purpose: to overcome “practical difficulties, unnecessary hardship” etc (18.45.010). A major variance (greater than 10%) must meet all of the following conditions:

1. It “shall not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity...”
2. It “is necessary, because of special circumstances or conditions...”

9 Meeting Agenda Packet, Staff Report, P17,18, [https://library.municode.com/wa/camas/codes/code\\_of\\_ordinances?nodeId=TIT18ZO\\_CH18.09DEDI\\_18.09.060DETR](https://library.municode.com/wa/camas/codes/code_of_ordinances?nodeId=TIT18ZO_CH18.09DEDI_18.09.060DETR)

10 Ibid P18

11 [https://library.municode.com/wa/camas/codes/code\\_of\\_ordinances?nodeId=TIT18ZO\\_CH18.45VA](https://library.municode.com/wa/camas/codes/code_of_ordinances?nodeId=TIT18ZO_CH18.45VA)

3. It “will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity...”

Lennar’s “variance request” in this instance fails all three conditions. I urge the hearing examiner to red-pencil out this provision. It constitutes a special privilege for one builder, is not necessary because of any special circumstances, is detrimental to improvements in the vicinity, and it is an affront to all law abiding citizens in Camas who endeavor to comply with the letter and spirit of the Camas Municipal Code.

The CMC contains an entire section devoted to buffers between dissimilar areas.<sup>12</sup> Camas Heights should have a provision that complements, rather than violates the 30 foot rear yard setbacks of Country View Estates. In lieu of this variance, I urge that Lennar be directed to unconditionally preserve all trees within 30 feet of the boundary with Country View Estates that have a DBH of 24 inches or more.

Respectfully,

Ken Miles

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“Lot 5” Country View Estates

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<sup>12</sup> [https://library.municode.com/wa/camas/codes/code\\_of\\_ordinances?nodeId=TIT18ZO\\_CH18.13LA\\_18.13.055LABUST](https://library.municode.com/wa/camas/codes/code_of_ordinances?nodeId=TIT18ZO_CH18.13LA_18.13.055LABUST) . 18.13.055 Landscape buffering standards.

Addendum: Oregon White Oak Park Option



Oregon White Oak Park Alternative  
 Retire lots: 85, 86, 88-92, 97-101. 12 lots in all.  
 Rotate lots 105, 106.  
 Reclaim tract J as a buildable lot in exchange.  
 Net reduction of 11 lots.  
 Saves six Oregon White Oaks.