



May 16, 2022

Madeline Sutherland  
City of Camas Community Development  
616 NE 4<sup>th</sup> Avenue  
Camas, WA 98607

**RE: Camas Height Subdivision (SUB21-01) Public Comment Response**

Dear Ms. Sutherland:

This letter is in response to the public comments submitted during the open record period following the hearing for the Camas Heights Subdivision (SUB21-01). This response will specifically address comments in Exhibits 47, 48, 52, 53, 54, 55, 56, and 57. Please place this letter into the record for the Camas Heights Subdivision.

**Exhibit 47 – Public Comment e-mail from Christina Manetti**

Exhibit 56 re-raises the concerns regarding the Oregon white oaks.

This comment was submitted prior to the hearing, but the Applicant was unable to view them due to a technical error. Ms. Manetti also raised the concerns from her written comment in the public hearing. The Applicant believes that public comment responses (Exhibits 41 and 50) submitted prior to the hearing, hearing testimony from the Applicant’s representatives, and additional public comment response to Exhibit 56 below, along with the submitted application materials provide adequate response to this public comment.

**Exhibit 48 – Public Comment e-mail from Matthew McCarthy**

Exhibit 48 re-raises the concerns regarding the Oregon white oaks and no net loss of habitat.

This comment was submitted prior to the hearing, but the Applicant was unable to view them due to a technical error. The Applicant believes that public comment responses (Exhibits 41 and 50) submitted prior to the hearing, hearing testimony from the Applicant’s representatives, and additional public comment response to Exhibit 56 below, along with the submitted application materials provide adequate response to this public comment regarding Oregon white oak.

The comment does raise the additional concern of no net loss of critical areas. No net loss does not require no impact; it does however require mitigation if impact occurs to ensure habitat functions are maintained. While completely avoiding impact is one way to attain no net loss, providing habitat mitigation through approved mitigation ratios is another method of providing no net loss. The best available science is used to determine adequate mitigation measures for habitat loss. The City has conditioned the Applicant to provide an updated mitigation plan to provide adequate mitigation for the Oregon white oak on site, through coordination with WDFW, and the City has agreed that wetland bank credit purchase will provide adequate mitigation for the wetland fill.

### **Exhibit 52 – Public Comment e-mail from James Dunlop**

Exhibit 52 re-raises the concerns regarding the Oregon white oaks and water ecology.

Mr. Dunlop also raised the concerns from his written comment in the public hearing. The Applicant believes that public comment responses (Exhibits 41 and 50) submitted prior to the hearing, hearing testimony from the Applicant’s representatives, and additional public comment response to Exhibit 56 below, along with the submitted application materials provide adequate response to this public comment regarding Oregon white oak.

Mr. Dunlop states there are a number of springs on site. The Applicant’s natural resources biologist did identify Wetland B as being fed by a hillside seep, however, no springs were identified on site. A preliminary Stormwater Technical Information Report (TIR) and Stormwater Plan were submitted in the application package. Additionally, a final TIR and Stormwater Plan, and Erosion Control plan will be submitted for review and approval by the City. The City of Camas will not approve the construction plans unless they meet all applicable requirement of the SWMMWW and Chapter 14 of the Camas Municipal Code (CMC). The stormwater management plan will account for the hillside seep, and a geotechnical engineer will continue to be involved through final design and construction to help ensure that groundwater does not become an issue.

### **Exhibit 53 – Public Comment e-mail from Joe and Sharon Conn**

Exhibit 53 re-raises concerns regarding stormwater.

The Applicant believes that public comment responses (Exhibits 41 and 50) submitted prior to the hearing, hearing testimony from the Applicant’s representatives, and additional public comment response to Exhibit 56 below, along with he submitted application materials provide adequate response to this public comment.

The comment does present specific issues and potential mitigations (in italics below) that will be addressed.

#### *Potential issues:*

- *Currently we get water across our properties 4 months per year. If this is extended due to rerouting of stormwater and springs this will significantly impact our maintenance cost and use of our property.*
- *Our water drainage system and paved driveway are not designed to handle any additional water. Heavy rains and additional runoff will impact our ability to use, maintain and access our property.*

**Response:** Stormwater discharge from a development is required to follow, as close as possible, the natural flow path prior to development. Additionally, the development must maintain the hydrology of the existing wetland that is being protected. Therefore, stormwater must be discharged to the wetland. As required by the City, stormwater will be discharged at a metered rate to protect the adjacent property. As previously noted, no springs were identified on site.

#### *Potential ways to minimize damage and reduce stormwater impact to adjacent properties:*

- *The applicant could pipe retention pond runoff directly to the Green Mountain wetland. It is well within the 1/4 mile allowance identified in the city code.*



**Response:** Stormwater discharge from a development is required to follow, as close as possible, the natural flow path prior to development. Additionally, the development must maintain the hydrology of the existing wetland that is being protected. Therefore, stormwater must be discharged to the wetland on site and cannot be piped around.

— *The applicant could pipe water from the northwestern portion of the subdivision across Tract C to the Green Mountain wetland and use the original drainage ditch for the existing flow path.*

**Response:** As shown in the Preliminary TIR, the general flow of the existing stormwater runoff is to Wetland A and the extension of the wetland offsite to the west, either on site, or through Parcel 173194 in the southwest corner of the site. Therefore, stormwater from the majority of the development much continue to flow through Wetland A, and not be routed to a drainage ditch.

— *The applicant could work with adjacent neighbors on grading areas outside the subdivision to control the overflow instead of just letting it flow onto adjacent properties.*

**Response:** The Applicant will be required to show that stormwater runoff from the site will not adversely impact the neighboring parcels prior to construction approval. No work will be necessary by the Applicant on neighboring parcels.

— *The applicant could work with us and other adjacent neighbors, if needed, to find other viable solutions.*

**Response:** The Applicant appreciates the offer, however, code requires that the stormwater be managed and discharged through Wetland A to maintain the hydrology of the wetland. The Applicant will be required to show that stormwater runoff from the site will not adversely impact the neighboring parcels prior to construction approval.

#### **Exhibit 54 – Public Comment e-mail from Laura Renninger**

Exhibit 54 re-raises the concerns regarding the Oregon white oaks.

The Applicant believes that public comment responses (Exhibits 41 and 50) submitted prior to the hearing, hearing testimony from the Applicant’s representatives, and additional public comment response to Exhibit 56 below, along with the submitted application materials provide adequate response to this public comment.

#### **Exhibit 55 – Public Comment e-mail from Julie Smith**

Exhibit 55 re-raises the concerns regarding the Oregon white oaks.

The Applicant believes that public comment responses (Exhibits 41 and 50) submitted prior to the hearing, hearing testimony from the Applicant’s representatives, and additional public comment response to Exhibit 56 below, along with the submitted application materials provide adequate response to this public comment.

#### **Exhibit 56 – Public Comment e-mail from Ken Miles**

Exhibit 56 re-raises the concerns regarding trees and traffic and discusses an agreement made between the Applicant and the residents of the neighboring Country View Estates. The portions of the comment being responded to are included in italics for reference, with the response below.

*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...”*

**Response:** The latest edition of the Stormwater Management Manual for Western Washington (SWMMWW) was used as the minimum requirements for design of the stormwater system. A preliminary Stormwater Technical Information Report (TIR) and Stormwater Plan were submitted in the application package. Additionally, a final TIR and Stormwater Plan, and Erosion Control plan will be submitted for review and approval by the City. The City of Camas will not approve the construction plans unless they meet all applicable requirements of the SWMMWW and Chapter 14 of the Camas Municipal Code (CMC).

*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.”*

**Response:** This section of code was considered with the design. The Applicant's representatives also must consider all other requirements of the Camas code in order to develop a site. A previously discussed, site grading is the most impactful element of this development in order to meet the maximum 12% street grade requirement for the City. It was noted that the City could approve grades steeper than 12%, however, when looking at this option, it provided no benefit to saving additional trees on site given the existing grades in the north portion of the site. Additionally, some portions of the site need to be raised in order to provide proper site drainage to protect neighboring parcels from increased stormwater runoff as well as provide adequate drainage for sewer.

Additionally, CMC 17.19.040.B.10.c states “While it is important to minimize the impact to the topography from creating an integrated road system, improved site development and circulation solutions shall not be sacrificed to minimize the amount of cut and fill requirements of the proposal.”

*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.”*

**Response:** Due to required site grading for roads and utilities, the trees are impacted and are no longer appropriate for saving. It should be noted that the paragraph that the four items are pulled from lists the items with an “or”, meaning only one of the items needs to be met, the list is not inclusive of all items. As previously noted and shown in the submittal materials, the Applicant is mitigating for the tree removal with planting of over 600 new trees on site. The trees are located in adjacent to the protected wetland, in open space tracts, adjacent to the stormwater facility, in landscape tracts, and on private residential lots, meeting the mitigation requirements of CMC 18.136.052.C.1.

*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.*

**Response:** The developer is not clearcutting the site prior to beginning the project. The Applicant is submitting the application for appropriate review and approval, showing that the proposed development meets all applicable code requirements and is providing adequate mitigation for the proposed tree removal. Construction plans will be submitted for final approval and no site work will commence until the City approves the development.

- *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.*

**Response:** The Applicant has not disregarded the SWMMWW. A preliminary Stormwater TIR and Stormwater Plan were submitted in the application package. Additionally, a final TIR and Stormwater Plan, and Erosion Control plan will be submitted for review and approval by the City prior to construction plan approval. The City of Camas will not approve the construction plans unless they meet all applicable requirement of the SWMMWW and Chapter 14 of the CMC.

- *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.*

**Response:** The Applicant considered preserving trees as part of the design process. However, as previously discussed, to meet all applicable code requirements created a situation where tree removal was necessary. The City has the authority to request redesign of the project, but recommended approval of the project with conditions for the site design as proposed. This shows that City staff feels the Applicant has met the requirements to show that tree removal was necessary for this project.

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

**Response:** The phrase “inappropriate for preservation” was not stretched. The Applicant looked at all requirements of the code and included a certified arborist in the design process to determine appropriateness of preservation.

*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.*

**Response:** The Applicant provided additional information regarding the avoidance and minimization criteria, which was accepted by the City. The Applicant’s representative reviewed the alternate layout provided by Mr. Miles with this layout, as with other options, necessary site grading will continue to impact the oak trees. Additionally, without adequate scaling, it cannot be stated that the proposed alternative meets all code requirements for street and lots, which could increase the impact area of the proposed alternative. The proposed alternative also removes the neighborhood park with is required by the City as part of the density transfers negotiated requirements. The proposed alternative is a good example of why we can’t simply just draw lines on paper and say it will work without considering all code requirements.

*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.*

**Response:** Both the Washington Department of Fish and Wildlife and the City of Camas allow for mitigation when impacts occur, therefore, mitigation is not meaningless. Oak habitat is also not limited to the tree, it also includes the areas on the ground and space surrounding the tree. The Applicant will be planting 2” caliper oaks, not saplings, as well as additional habitat plantings around the trees for mitigation. The Applicant will also be monitoring and maintaining the mitigation habitat for a period of 10 years following installation to ensure the mitigation is successful. The proposed habitat in the oak mitigation areas will be an improvement on the individual oak trees surround by Himalayan blackberry, as is the current condition.

*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.*

**Response:** The Applicant did explore multiple designs, however, many design options are eliminated early in the process utilizing the expertise of the design team and do not make it to paper. An example of this is the discussion of removing individual lots to protect trees. It was determined that this option in the southeast corner was not as viable as removing the trees and providing for habitat mitigation. Additionally, as part of this conversation it was determined that Tract M was large enough to be converted to an open space tract to save two oaks and provide mitigation on this tract. It was determined that in the long run, this would provide the best overall habitat. It should also be noted that the alternative submitted will not provide additional oak protection due to site grading as discussed during the public hearing.

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? 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.*

**Response:** Mr. Miles' own argument that nominally valuable habitat is better than none at all supports the proposed option of removing the oaks to provide a much larger area of continuous habit that will provide nominally more valuable habitat in the long term. It has been discussed through the application documents and responses to the public comments how the preservation of mature trees is not feasible. Also, as previously discussed, the Applicant has not disregarded the SWMMWW. A preliminary Stormwater TIR and Stormwater Plan were submitted in the application package. Additionally, a final TIR and Stormwater Plan, and Erosion Control plan will be submitted for review and approval by the City. The City of Camas will not approve the construction plans unless they meet all applicable requirement of the SWMMWW and Chapter 14 of the CMC.

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)5. 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 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.*

**Response:** It should be noted that the Applicant is now proposing to save four trees. While this is not a significant increase given the number being removed, it should still be noted. Again, the Applicant does understand the value of the existing trees, however the Applicant does have to comply with City code as noted by Mr. Miles, and through the design process and the consideration of all applicable code requirements, it was determined that a majority of the trees require removal with mitigation plantings proposed. Mature trees do have priority over less mature trees, however, they do not have priority over adequate circulation and necessary infrastructure improvements that have certain grade requirements set forth by the CMC. The Applicant is interpreting the code as it is written, in its entirety, and not focusing on a single section of the code, as is required to provide a complete and approvable development.

*Traffic:*

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

1. *Traffic volume at 28th and 232nd as of 10/1/2021 is at 688 vehicles / hour for the PM peak hour. This is 95% of the volume for the Goodwin/Ingle intersection PM peak hour volume recorded in 2014 which was at 720 vehicles / hour. In 2014, Goodwin/Ingle was deemed needing upgrading, in part owing to its accident rate of 1.03 collisions / million vehicles. For the last three years 28th and 232nd 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 28th street corridor would help significantly. In addition, as a high percentage of the eastbound traffic is turning south on 232nd, 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 28th St. corridor until the intersection is upgraded with turn lanes as recommended above.*





**Response:** The Applicant’s traffic engineer has provided a Traffic Study, along with written response in Exhibit 40 and additionally testimony at the public hearing showing the anticipated traffic volumes and trip distribution created by the development and that the development does not trigger additional mitigation measures and meets all requirements of the City. Additionally, the purpose of the traffic comment appears to be directed at the City to monitor intersections, which does not apply to this project.

**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 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.*

**Response:** Country View Estates is a rural cluster subdivision located outside of the urban growth boundary. It is not possible to fully transition between urban and rural at their boundaries as in this case. However, the Applicant is making their best attempt to transition by providing the largest lots allowed in CMC 18.09.040 Table 1.B (Density Transfer Lots) for the R-10 zone where lots abut Country View Estates. The proposed development meets all required setbacks negotiated with the City as allowed by CMC 18.09.060. The agreed upon rear yard setback is 15 feet, meeting the agreement between Lennar and Country View Estates (in any event, the agreement is outside the jurisdiction of the Hearings Examiner to enforce). Lennar is aware of the side yard for Lot 83 (Lot 82 on the most current plat) and will meet the terms of the agreement for that lot. Lot 112 (Lot 111 on the most current plat is separated from Country View Estates with at 10-foot landscape tract, which, when included with the side setback for the lot, will meet the requirements of the agreement.

*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. 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.”*



**Response:** The Applicant has set aside Tract A for wetland protection, Tract F for open space and tree planting, Tracts H and M for open space and Oregon white oak mitigation, and, as noted, Tract J for a neighborhood park. These tracts total 5.84 acres of land set aside for habitat protection, open space, and a park. Therefore, the Applicant requested modified setback and lot coverage standards as allowed by 18.09.060.D. In order to maintain compatibility with existing residences in the Country View Estates subdivision, as noted above, the Applicant provided lots at the maximum size allowed per CMC when abutting Country View estates.

*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 Country View Estates in Exhibit 30 under section 6 for the lots abutting Country View Estates, therefore staff finds the setback may be used throughout the subdivision.”*

*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.” 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...”*
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.*

**Response:** The Applicant is not building a single house and did not request a variance to the standard. The Applicant negotiated the modifications to the standards as allowed under CMC 18.09.060.D for setting aside one-half acre or more of contiguous land for the protection of a critical area (Tract A is 2.77 acres). The Applicant also set aside additional acreage for open space, Oregon white oak mitigation, and a neighborhood park. Therefore, the City recommended the modified setback as allowed by code and identified the terms of the

Country View Estates agreement as additional proof that the reduced setbacks were acceptable.

*The CMC contains an entire section devoted to buffers between dissimilar areas. 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.*

**Response:** CMC 18.13.055 Table 1 does not require buffers between single-family residential development and any other use. Additionally, the Applicant is proposing the largest lots allowed by code for the R-10 zone where the development abuts Country View Estates. Finally, Mr. Miles signed the agreement between Lennar and Country View Estates, which does not require any additional buffering.

**Exhibit 57 – Additional Public Comment e-mail from Joe and Sharon Conn**

Exhibit 57 raises concerns regarding the agreement between Lennar and Country View Estates.

As noted previously in the response to Exhibit 56 and in the comment itself, Lennar is aware of the need for the side yard for Lot 82 to be 15 feet from Country View Estates and will meet the requirements of the agreement. Again, however, a private agreement is not one that the Hearings Examiner can enforce even if it were not complied with, which is not the case.

Sincerely,

**AKS ENGINEERING & FORESTRY, LLC**



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