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January 24, 2023

VIA EMAIL ONLY

Joe Turner, Hearing Examiner
 c/o Madeline Sutherland, Assistant Planner
 City of Camas
 616 NE 4th Ave
 Camas WA 98607

E-mail: msutherland@cityofcamas.us

Re: **Oak Tree Station**
 Our File No. 56123-80430

Dear Mr. Hearing Examiner:

This letter is to serve as the applicant's final submittal and will address several topics that have arisen in the staff report, the hearing, and the open record period. We wish to thank staff again for their continued assistance with this application for this unique combination of retail and food service uses.

Transportation Issues

Last week the city raised several questions regarding the traffic study, and in particular its analysis of the food cart pod trip generation. As we understand it, there are 42 Phase 1 pm peak trips for the food cart pod and the coffee drive through. Phase 2 is the retail plaza, which has 83 pm peak hour trips. These two phases will be developed, and the TIF fees will be paid, separately. But for the TIA analysis it appears that the City of Vancouver, Clark County and the City of Camas agree that from a concurrency standpoint there are no intersections that will trigger additional mitigation beyond the TIF. Importantly, the City notes that the City and Applicant can address any de minimis change to the TIA to establish the TIF following the final CUP decision and that there will not be an impact for concurrency purposes. We therefore appear to be in alignment with the City that there may be some work to do post decision, but it won't impact the intersections in any manner.

Furthermore on this point, the applicant will likely seek TIF relief for this particular application from City Council in the very near future. As the Examiner knows, TIF fees do not vest until building permit under the *New Castle v. La Center* case and therefore the applicant and City will have sufficient time to address these in the near future.

Address Change

Please note that the applicant's full address is 6168 NW Hwy 99, Suite 103, Vancouver, WA 98665. And also please note that our office moved since the original hearing and we therefore also request a copy of the final decision to my attention at the new Jordan Ramis address, PacWest 27th floor, 1211 SW Fifth Avenue, Portland, OR 97204.



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Final Argument on Conditions of Approval

Page 3 and Condition 48 relate to the wetlands. The wetland is exempt from critical area review due to the size. We recognize that the applicant will need to obtain a Nationwide permit from the US Army Corps of Engineers and provide mitigation. As mentioned at the hearing, the applicant received confirmation for available credit in the Terrace Mitigation Bank which the City is aware of. We just want to make sure that it is clear in the record.

Page 4 on the third paragraph from the bottom of the staff report identifies the food cart station as having an area of 5,000 square feet. We believe that the word approximately may be missing in front of 5,000 square feet because in accordance with the submission exhibit the actual area is only 4,799 square feet.

Page 5 describes the drive aisle width. The 24 foot width will be sufficient for the service vehicles, yet the staff report requires 26 feet of width, without reference to a code section. The staff report would unlawfully delegate approval of the drive aisle width to the service providers, when the city has the sole authority to approve the site plan, and there is no code requirement for 26 feet of width. Therefore, the city must approve the code compliant design as submitted, and proposed Condition 51 must be removed.

Plant selection is described on page 6. The staff report indicates all plants will need to be per the approved City's Landscape list and per the Camas Design Manual. However code only requires that street trees be selected from that list, and we would certainly extend that to any public plantings. The private plantings are not required by code to be restricted to the City's list. The only list we must follow for private landscaping is that selected species may not be on the invasive species identified in the most current edition of the Clark County Noxious Weed List. Please modify the draft Condition 49 to clarify the distinction between the public right-of-way and private site requirements.

On Page 14 it incorrectly states that the site is 3.95 acres. We believe it should be 3.59 acres.

For stormwater, on page 15 staff recommends a condition that the entirety of our conveyance be limited to on site and not disturb the City's parcel to the east. This appears to be contrary to the applicant's prior discussions regarding a gravity conveyance pipe from the site to near the stream, which will disturb less than 0.1 acres on the City's lot. Of course stormwater will be detained and treated on the site consistent with standard engineering practices, after which the property is allowed to discharge at the predevelopment rate. That the City owns the adjacent property does not provide the city with authority to disallow the predevelopment flow of stormwater. The applicant requests that draft Condition 61 be revised to allow the discharge pipe and outflow as designed subject to the approval of the City during engineering review.

On page 21, the staff report recommends—without citation to the code authority—pedestrian crossings on site across the parking lot aisles be a concrete or a distinct material clearly defining the crossing rather than painted. We reviewed Chapter 18.11 governing parking and do not see such a requirement. Unless authority is demonstrated, the final decision must ensure that this recommendation is not a condition of approval. The applicant will provide clear pedestrian demarcations for its own liability, but this does not need to be a condition of approval.



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As discussed at the hearing, the proposed Condition 42 that required the food carts be limited to 11:00 am to 3:00 pm on weekdays must be removed, in order to allow the food services to be provided through the late afternoon and early evening hours.

Finally, we brought up at the hearing the ability to do some light work within the dripline of the oak tree in order to help preserve it. We believe the Hearing Examiner understood our request in this regard.

Conclusion

We appreciate the careful consideration of our final argument for this project. And again we wish to thank staff for their continued cooperation on this unique land use in the City of Camas.

Best regards,

JORDAN RAMIS PC

A handwritten signature in blue ink that reads "Jamie D. Howsley". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Jamie D. Howsley
Admitted in Oregon and Washington

cc: Client