

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

Regarding an application by Modern Dwellings)	<u>FINAL ORDER</u>
LLC, for approval of a preliminary plat to)	
divide 6.08-acres into 18 lots in the R-7.5 zone)	File# SUB22-01
at 1811 NW Hood Street, in the City of Camas)	(Hood Street)

A. SUMMARY

1. The applicant, Modern Dwellings LLC, requests approval to divide the 6.08-acre site into 18 lots and tracts for stormwater, private roads, trails, and open space. The site is located at 1811 NW Hood Street; also known as tax parcels 127415-000 and 127440-00, Section 9, Township 1 North, Range 3 East, Willamette Meridian (WM), Camas Washington (the “site”). The applicant proposed to construct the development in two phases.

a. The site and abutting properties to the east, northwest, and southeast are zoned R-7.5 (Single Family Residential, 7,500 square foot average lot size). Properties to the north and southeast are zoned R-12 (Single Family Residential, 12,000 square foot average lot size).

b. The site is currently developed with a single-family residence and accessory structure in the northeast corner. The applicant proposed to retain these existing structures on proposed Lot 18 and construct a new single-family detached dwelling on each of the remaining proposed lots. All proposed lots comply with the minimum dimensional standards for the R-7.5 zone, as modified by the density transfer ordinance and the negotiated flexibility provisions of CMC 18.09.060.D.

c. The site contains three wetlands: Wetland A is a 19,311 square foot (0.44-acre) Category IV wetland near the center of the site, located primarily in the northern portion of tax parcel 127440-00 with small portions extending onto tax parcel 127415-000 as well as offsite to the west and southeast. Wetland B is a 2,057 square foot (0.05-acre) Category IV wetland located near the east boundary of the site, near the proposed intersection of NW 17th Avenue and NW Hood Street. Wetland C is a 6,333 square foot (0.15-acre) Category IV wetland abutting the north boundary of the site, in the approximate area of proposed Lots 6 and 8. (See Figures 2 and 4 of Exhibit 61).

i. The applicant proposed 0.39-acres of permanent direct wetland impact (filling wetlands) and 0.19-acres of permanent indirect wetland impact (reduced wetland buffers) to accommodate the proposed development, broken down as follows:¹

(A) Fill a small area in the northern portion of Wetland A and associated buffer to accommodate the extension of NW 17th Avenue and fill the south end of Wetland A and associated buffer to accommodate the private road in Tract

¹ The proposed wetland fills will also impact wetland buffers on proposed Lots 5-9 (Wetland B), 13-16 (Wetland A), and 1-3 and 125-17 (Wetland C).

C, proposed Lot 12, and portions of proposed Lots 15 and 16 for a total of 0.19-acres of direct wetland fill. Development on Lots 13 and 14 will impact Wetland A's buffer;

(B) Fill all of 0.05-acre Wetland B and associated buffer for the extension of NW 17th Avenue and portions of lots 15-17; and

(C) Fill all of 0.15-acre Wetland C to accommodate Lots 6 and 8.

ii. In addition, the applicant proposed to indirectly impact 0.19 acres within Wetland A for temporary construction impacts from the installation of an underground detention pipe, outfall, and riprap pad for the stormwater facility within the Wetland A buffer. (Exhibit 72). However, the applicant revised the utilities plan to locate the riprap pad outside of the wetland, within the buffer. (Exhibit 71).

iii. The applicant will retain the remainder of Wetland A and associated buffer within proposed Tract B. The applicant proposed to mitigate for the permanent wetland impacts by purchasing credits at an off-site wetland mitigation bank. The applicant will mitigate the temporary impacts by replanting the disturbed areas.

d. The City of Camas will supply domestic water and sanitary sewer service to the proposed development. The applicant will collect stormwater from impervious areas on the site and convey it to stormwater facilities in proposed Tracts A, B, and H for treatment and detention. The applicant will discharge treated stormwater from the facility in Tract B into the onsite wetlands. Stormwater detained in Tract A will discharge to the existing storm sewer in NW 17th Avenue, and stormwater detained in Tract H will discharge to the existing storm sewer in NW 16th Avenue. All stormwater discharges will occur at less than predevelopment rates.

e. The applicant will dedicate right-of-way and construct frontage improvements along the site's NW Hood Street and NW 16th Avenue frontages. The applicant will extend a new private street, proposed NW 17th Avenue within Tract E, into the site from NW Hood Street, terminating in a cul-de-sac turnaround near the northwest corner of the site. The applicant will extend a second private street, proposed Tract C, south from proposed NW 17th Avenue, terminating in a hammerhead turnaround in the southern portion of the site. The applicant will also provide a pedestrian connection between the proposed on-site section of NW 17th Avenue and existing NW 17th Avenue west of the site, a second pedestrian connection between the private street in Tract C and NW 16th Avenue, and a pedestrian trail within Tract "B."

2. The City issued a Determination of Nonsignificance ("DNS") for the subdivision pursuant to the State Environmental Policy Act ("SEPA") on May 26, 2022. The SEPA determination was not appealed and is now final.

3. City of Camas Hearing Examiner Joe Turner (the "examiner") conducted a public hearing to receive testimony and evidence about the application. City staff recommended the examiner approve the preliminary plat subject to conditions. See the City of Camas Staff Report to the Hearing Examiner dated June 30, 2022 (the "Staff

Report”), as modified by Exhibits 52 and 53. The applicant accepted the findings and conditions in the Staff Report, as modified, without exceptions. Five 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 proposed development complies with the “beveling” requirement of CMC 18.09.080.B for lots on the north boundary of the site;
- b. Whether the proposed development will cause or exacerbate flooding, high groundwater, and other stormwater issues on adjacent properties;
- c. Whether and how the City will ensure ongoing maintenance of stormwater facilities on the site;
- d. Whether traffic generated by the proposed development will exceed the capacity of area streets or create a hazard; and
- e. Whether the proposed development complies with the wetland sequencing requirements of CMC 16.53.050.D.1.

4. 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 July 7, 2022. 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 Madeline Sutherland summarized the Staff Report and her PowerPoint presentation.

- a. She noted the site currently contains a single-family residence in the northeast corner and a Category 4 wetland with a required 50-foot buffer near the center of the site and slopes in excess of 15-percent.² The site also contains five existing trees, all of which are proposed for removal due to tree health and grading impacts. The applicant proposed to plant 120 new tree units on the site, in the open space tracts and as street trees.

- i. The applicant proposed to directly impact 0.1-acres and indirectly impact 0.13-acres of the wetland in order to extend the private roads, proposed NW 17th Avenue and Tract C. The applicant will mitigate these impacts by purchasing credits at an offsite wetland mitigation bank.

² The U.S. Army Corps of Engineers identified Wetlands B and C after the public hearing in this case.

b. The applicant proposed to preserve more than 0.5 acres of critical areas on the site, the wetland and buffer in proposed Tract B. In addition, the applicant proposed to construct a four foot wide wood chip pedestrian trail, a covered viewing deck, benches, and educational signing within Tract "B." Therefore, the applicant is requesting negotiated flexibility pursuant to CMC 18.09.060.D to reduce the minimum front yard setbacks from 20 feet to 15 feet for all lots, reduce the front yard garage setback to 20 feet, and reduce the minimum rear yard setbacks from 25 feet to 15 feet on all lots except Lots 5, 6 and 8 abutting the north boundary of the site. The five-foot side yard of proposed Lot 9 abuts the north boundary of the site. However, the applicant proposed a ten-foot wide tract, proposed Tract I, between Lot 9 and the north boundary, so that future development on that lot will be setback 15 feet more from abutting parcels to the north. Lot coverage is limited to 40-percent, except single-story homes are allowed 45-percent lot coverage.

c. She noted a typographical error on page 2 of the Staff Report. The site is bordered on the north and west by single-family residences and the property to the east, across NW Hood Street, is undeveloped.

d. She noted that CMC 18.09.080.B requires that lots abutting a lower density zone must be developed at the largest size allowed by the zoning. In this case, because the applicant is utilizing density transfer, the largest lot size allowed in the R-7.5 zone is 9,000 square feet. She argued that the last sentence of CMC 18.09.080.B allows applicants to rely on the density transfer provisions. The City authorized smaller perimeter lots pursuant to density transfer in the Valley View Estates subdivision, SUB18-02.

e. Proposed Lot 18 is larger than 15, 000 square feet. Therefore, CMC 18.09.040 Table 2 requires a 15-foot side yard, 30-foot front yard, and 35-foot rear yard setbacks on that lot. She requested the examiner add a condition of approval to that effect.

3. City engineering project manager Anita Ashton noted that the applicant proposed to discharge treated stormwater runoff from the majority of the site into the wetland within proposed Tract B. The applicant will provide additional treatment and detention facilities in proposed Tracts A and H. Stormwater detained in Tract A will discharge to the existing storm sewer in NW 17th Avenue west of the site, and stormwater detained in Tract H will discharge to the existing storm sewer in NW 16th Avenue abutting the south boundary of the site. The applicant will be required to create a Homeowners Association ("HOA") that will be responsible for ownership and maintenance of all stormwater facilities and other common areas on the site. The City will conduct periodic inspections of the stormwater facilities to ensure they are being properly maintained.

b. The applicant is required to design the stormwater facilities on the site in compliance with CMC 14.02, which requires compliance with the latest version of the Stormwater Management Manual for Western Washington (SWMMWW). The City cannot compel the applicant to provide larger stormwater facilities than the Code

requires. Stormwater facilities may overflow during extremely large events. It is impractical to design stormwater facilities for all storm events, as it would consume substantially more land area, reducing development density and forcing expansion of the urban growth area.

c. City inspectors review all construction on the site, including stormwater facilities. Inspectors issue Inspectors Daily Reports (“IDRs”) and take photos documenting their inspections. The applicant must demonstrate that filter systems and other components were installed in compliance with the manufacturer’s specifications. Once the City grants final inspection, the HOA is responsible for ongoing maintenance of stormwater facilities. City staff inspects the entire stormwater system at least once per year to ensure that such maintenance is occurring. Those inspectors also generate inspection reports, which may include additional maintenance items that the HOA needs to address. If additional maintenance items are required, the HOA must complete the required maintenance and request additional inspection to confirm compliance.

4. Civil engineer Kurt Stonex, attorney Steve Morasch, and traffic engineer Han Lee testified on behalf of the applicant, Modern Dwellings LLC.

a. Mr. Stonex accepted the proposed findings and conditions of approval in the Staff Report, as modified by Exhibits 52 and 53, without exceptions.

i. He summarized the changes to the conditions of approval discussed in Exhibit 53.

(A) The applicant proposed to provide a trail through the southern portion of Lot 11, between the western terminus of proposed NW 17th Avenue within the site to the eastern stub of existing NW 17th Avenue abutting the west boundary of the site. The applicant proposed to locate the trail within a ten-foot wide easement. However, the City is also requiring the extension of a water line in that same location. Therefore, the applicant will provide a 22-foot wide tract in that location to accommodate the trail and water line. The applicant will install fencing to clearly distinguish the tract from abutting lots.

(B) Given the existing slopes in the area, it is not feasible to construct the trail connecting the existing and proposed sections of NW 17th Street in compliance with ADA requirements. The applicant will provide an ADA compliant trail in the southern portion of the site, connecting Tract C to NW 16th Avenue.

(C) The City modified conditions related to private storm easements in the area of Lots 12 and 13 based on the final grading plan.

ii. The applicant modified the preliminary plat to provide a 25-foot setback on the north boundary of proposed Lots 5, 6, and 7. The north boundary of Lot 9 is subject to a five-foot side yard setback. However, the applicant proposed a ten-foot wide tract between Lot 9 and the north boundary of the site to ensure that development on Lot 9 will be setback 15 feet or more from abutting properties to the north.

iii. The SWMMWW is based on storm data accumulated between 1950 and 2012, providing an accurate summary of expected weather patterns and runoff volumes in Western Washington.

iv. The applicant will not route all stormwater runoff into Tract B. The applicant will direct runoff from roughly one-half of the site to the stormwater facility in Tract A, which then discharges to the existing public storm sewer in NW 17th Avenue west of the site. Runoff from roughly ¼ of the site will discharge to the stormwater facility in Tract H, which then discharges to the existing public storm sewer in NW 16th Avenue. The stormwater facilities in Tract B will only accommodate runoff from the center of the site will flow. Those portions of the site drain to this area under existing conditions.

v. The applicant is required to detain stormwater and release it at less than the rate of runoff from a 100-year storm based on historic, pre-development (forested) conditions on the site.

b. Mr. Morasch noted that CMC 18.09.080.B expressly authorizes the use of the density transfer provisions where, as here, a land division is required to increase the size of lots. In this case, the applicant is proposing the reverse, allowing use of the density transfer provisions to allow smaller lots on the boundaries of the site abutting a lower density zone. He noted that the examiner interpreted CMC 18.09.080.B in the decision for the Hancock Springs subdivision, SUB18-05. In that case the examiner held that the specific language of CMC 18.09.080.B supersedes the general density transfer provisions of CMC 18.09.060 and applicants may only use density transfer where an applicant is required to increase the size of perimeter lots. The Hancock Springs site bordered a higher density zone, so the applicant was required to provide smaller lots on the perimeter of that site. In that case the examiner prohibited use of the density transfer provisions to allow larger perimeter lots. This case is the opposite. The applicant is required to increase the size of lots and is proposing to use density transfer to allow smaller perimeter lots. Therefore, the applicant can utilize the density transfer, including the smaller maximum lot size allowed by CMC 18.09.040 Table 1, Section B.

5. Ken Vartanian objected to the five-foot setbacks proposed in the applicant's original plat. He argued that the public needs more time to review and comment on the application, as the City posted the 837 page record on its website on Friday before the July 4th holiday weekend. He requested the examiner hold the record open for 60 days for that purpose. He expressed concern that development on this site will exacerbate existing stormwater issues on his and his neighbors' properties north of the site. Water flows out of existing sidewalk drains year round.

6. Brian Foster questioned whether the north boundary of proposed Lot 18 is a "side yard" and what the side yard setback is for that lot.

7. Christopher Rieve disputed staff's interpretation of the "beveling" standard. He argued that the plain language of CMC 18.09.080.B refers to the dimensional requirements of "CMC 18.09.040 Table 2, Section A."

a. The reference to “Table 2” is clearly a typographical error, as CMC 18.09.040 Table 1 sets out the density and dimensional standards for single-family residential zones, including lot size. CMC 18.09.040 Table 2 addresses building setbacks and is therefore, inapplicable. CMC 18.09.080.B is intended to cite to “CMC 18.09.040 Table 1, Section A.”

b. CMC 18.09.040 Table 1, Section A provides dimensional standards, including minimum and maximum lot sizes for “Standard New Lots” in each single-family residential zone. CMC 18.09.040 Table 1, Section B provides dimensional standards for Density Transfer Lots. Therefore, the reference to “Section A” in CMC 18.09.080.B indicates the clear intent to require that perimeter lots abutting a lower density zone comply with the maximum lot size for “Standard New Lots” listed in CMC 18.09.040 Table 1, Section A and lots abutting a higher density zone comply with the minimum lot size for “Standard New Lots” in CMC 18.09.040 Table 1, Section A.

c. CMC 18.09.080.B only refers to density transfer in the second sentence, allowing the use of density transfer where larger perimeter lots are required, so that compliance with the “beveling” standard does not reduce the number of lots allowed.

d. Staff failed to provide any support for allowing the applicant to utilize the smaller maximum lot sizes for density transfer lots listed in CMC 18.09.040 Table 2, Section A, for perimeter lots abutting the lower density zoning to the north of the site.

e. He requested the examiner hold the record open to allow an opportunity to review the prior subdivision approvals cited by the applicant and city staff in support of their interpretation of CMC 18.09.080.B.

8. Gordon Fogg agreed with the revised proposal to require 25-foot rear yard setbacks on proposed Lots 5, 6, and 8.

9. Patrick Rowson supported Mr. Vartanian’s request for more time to review the application materials. He submitted four questions to city staff but did not receive an answer. He is opposed to the proposed development due to concerns with increased stormwater runoff. His property is located one lot south of proposed Tract A and abutting the west side of Tract B. The applicant proposed to route all stormwater runoff from a two to three acre portion of the site - Tracts B and D, Lots 1-3 and 15-17, and all of proposed NW 17th Avenue - into the stormwater facility proposed within Tract B, which then discharges to the wetland in that Tract. Runoff from the wetland discharges into a swale south of his residence before entering the storm sewer system in NW Juneau Court. Runoff from larger storms will exceed the capacity of the stormwater system, increase the volume of runoff entering the swale, and potentially cause flooding and to damage on his property. He also asked the following questions:

a. The proposed stormwater facilities are designed to accommodate the volume of stormwater runoff generated by a 72 hour storm. What happens in the event of back to back 72 hour storms? Where does the excess runoff go?

b. At what point during construction does the City inspect and/or test stormwater systems installed by the applicant and are such inspections recorded and subject to public review?

c. Will the applicant be required to demonstrate that the stormwater filter cartridge systems were properly installed consistent with the manufacturer's specifications and are such inspections recorded and subject to public review?

d. Who is responsible for future on-going inspection and maintenance of the on-site stormwater systems?

10. Interim community development director Robert Maul noted that the City is only reviewing the applicant's proposal. The City did not require 9,000 square foot lots on the north boundary. That was the applicant's proposal.

11. At the end of the hearing the examiner held open the public record for one week, until July 14, 2022, to allow all parties an opportunity to submit additional written testimony and evidence. The examiner held the record open for a second week, until July 21, 2022, to allow all parties an opportunity to respond to whatever was submitted during the first week, and for a third week, until July 28, 2022, for the applicant to submit a closing argument.

12. During the open record period the applicant submitted a revised Wetland Plan Exhibit 61), which identified two additional wetlands on the site. Therefore, the examiner issued an Order dated August 9, 2022, reopening the record for the limited purpose of allowing all parties to address the newly identified wetlands. (Exhibit 67). The record in this case closed at 5:00 pm. August 30, 2022.

C. DISCUSSION

1. City staff recommended approval of the preliminary subdivision plat, based on the affirmative findings and subject to conditions of approval in the Staff Report, as modified by Exhibits 52 and 53. The applicant accepted those findings and conditions, as modified, without exceptions.

2. The examiner concludes that the affirmative findings in the Staff Report, as modified, show that the proposed preliminary plat generally 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. The applicant originally proposed to provide a minimum five-foot setback from the north boundary of the site. (Exhibit 17). Several persons objected to the limited setback. (Exhibits 40-42 and 44-46). The applicant revised the preliminary plat to provide 25-foot rear-yard setbacks for proposed Lots 5, 6, and 8, which abut the north boundary of the site. (Exhibits 49 and 51). This is consistent with the Code requirements for the proposed 9,000 square foot lots. However, as discussed below, because these lots abut a

lower density zone, the “beveling” standards of CMC 18.09.080.B require the applicant to provide 12,000 square foot lots abutting the north boundary of the site, for which Table 2 of CMC 18.09.040 requires a minimum 30-foot rear yard setback. A condition of approval is warranted to that effect.

a. The north boundary of proposed Lot 9 is a side yard, for which Table 2 of CMC 18.09.040 requires a minimum five-foot side yard setback. The applicant proposed to provide a ten foot wide tract (proposed Tract “I”) between Lot 9 and the north boundary of the site to increase the distance between any future structures on Lot 9 and the abutting properties to the north. Therefore, as discussed below, Lot 9 is not subject to the “beveling” standards of CMC 18.09.080.B because Lot 9 is not “adjacent” to the R-12 zoned lands to the north. Proposed Tract “I” is located between Lot 9 and the abutting property.

b. Proposed Lot 18 is 43,797 square feet in size. Therefore, development on that lot is subject to the following minimum setback requirements:

30-foot front yard
15-foot side yard
35-foot rear yard

Table 2 of CMC 18.09.040.

The existing residence on Lot 18 does not comply with these requirements. However, that is an existing nonconforming situation that the applicant is not required remedy with this development. Any future development on Lot 18 must comply with the above setback requirements. A condition of approval is warranted to that effect.

4. The examiner finds that the “beveling” standards of CMC 18.09.080.B require the applicant to provide 12,000 square foot lots abutting the north boundary of the site. This section provides:

When creating new lots via short plats or subdivisions that are adjacent to a different residential zone designation, the new lots along that common boundary shall be the maximum lot size allowed for the zone designation of the new development (if a lower density adjacent zone), or the minimum lot size allowed for the zone designation of the new development (if a greater density adjacent zone), as based on CMC 18.090.040 Table 2, Section A. In applying this section, where a land division is required to increase the size of lots, the land division may utilize the density transfer provisions provided for in CMC 18.090.060.

a. In this case the applicant is creating new lots via a subdivision that are adjacent to a lower density zone; the site is zoned R-7.5 and the abutting properties to the north are zoned R-12. Therefore, the applicant is required to provide lots along that common boundary, the north boundary of the site, that are the maximum lot size allowed for the R-7.5 zone based on CMC 18.09.040 Table 1, Section A.

i. CMC 18.09.080.B actually cites to “CMC 18.09.040 Table 2, Section A.” However, this citation is clearly a typographical error, as CMC 18.09.040 Table 2 does not include a “Section A” and CMC 18.09.040 Table 2 deals with building setbacks, not lot size. The examiner finds that CMC 18.09.080.B must have been intended to cite to CMC 18.09.040 Table 1, Section A.

ii. Section A of CMC 18.09.040 Table 1 provides density and dimensions for “Standard Lots” while Section B of CMC 18.09.040 Table 1 provides density and dimensions for “Density Transfer Lots.” The “beveling” standards of CMC 18.09.080.B require larger lots where a development site abuts a lower density zone and smaller lots where a development site abuts a higher density zone. However, based on the text of CMC 18.09.080.B, the density transfer provisions only apply to land divisions where the applicant is required to increase the size of lots. Density transfer does not apply where the applicant is required to reduce the size of lots; hence a citation to CMC 18.09.040 Table 1, Section B would be irrelevant. Therefore, the examiner finds that the only reasonable interpretation is that CMC 18.09.080.B requires compliance with the minimum and maximum lot sizes set out in CMC 18.09.040 Table 1, Section A.

b. The maximum lot size allowed in the R-7.5 zone is 12,000 square feet. CMC 18.09.040 Table 1, Section A. Therefore, all lots abutting the north boundary of the site, proposed Lots 5, 6, and 8, must be 12,000 square feet.

c. The examiner disagrees with staff and the applicant’s assertion that the reference to “[t]he density transfer provisions provided for in CMC 18.090.060” authorizes the applicant to provide the maximum lot size allowed for density transfer lots as set out in CMC 18.09.040 Table 1, Section B.

i. The first sentence of CMC 18.09.080.B applies to all perimeter lots, whether the abutting property is subject to higher or lower density zoning and explicitly cites to the CMC 18.09.040 Table 1, Section A, which sets out the maximum lot size allowed for “Standard New Lots.” It makes no reference to CMC 18.09.040 Table 1, Section B, which sets out the maximum lot size allowed for Density Transfer Lots. The second sentence, which allows applicants to utilize the density transfer provisions, only applies where an applicant is required to provide larger lots.

ii. In addition, CMC 18.09.080.B refers to the density transfer provisions provided for in CMC 18.090.060, rather than the density transfer lot sizes in CMC 18.09.040 Table 1, Section B. The density transfer provisions of CMC 18.090.060 are specifically listed as an “exception” to the standard provisions in CMC 18.09.030-18.09.030.050. See CMC 18.09.020.C. If the Board had intended to allow perimeter lots to comply with the smaller maximum lot size allowed through density transfer it would have said so explicitly. There is no reason the Board would allow applicants to reduce the maximum lot size for developments abutting a lower density zone but require strict compliance with the minimum lot size when abutting a higher density zone.

iii. The examiner finds that the only reasonable interpretation of the second sentence of CMC 18.09.080.B is to allow applicants to maintain the

development density by utilizing density transfer to provide smaller lots within a development while providing larger lots abutting adjacent properties subject to a lower density zone.

d. The examiner's decisions in Hancock Springs Subdivision (SUB18-05) (Exhibit 56) and Valley View Estates Subdivision (SUB18-02) (Exhibits 56 - 59) do not warrant a contrary interpretation.

i. The examiner's Hancock Springs decision did not address the issue under consideration in this case, whether CMC 18.09.080.B allows the applicant to comply with the maximum density transfer lot size allowed by CMC 18.09.040 Table 1, Section B. In Hancock Springs the examiner held that the reference to density transfer in CMC 18.09.080.B did not allow the applicant to provide larger lots abutting a higher density zoned properties, the opposite of the issue in this case. The examiner's reasoning in Hancock Springs is inapplicable here.

ii. The Valley View Estates decision did allow the applicant in that case to comply with the maximum lot size provisions for density transfer lots set out in CMC 18.09.040 Table 1, Section B. However, that decision has no precedential effect, as the examiner did not actually consider that issue in that decision because that issue was not contested. The examiner merely adopted the findings in the Staff Report without reviewing that issue. The Staff Report for Valley View Estates does not include any findings as to why it applied the density transfer lots set out in CMC 18.09.040 Table 1, Section B. Regardless, that portion of the decision was clearly wrong, based on the analysis above. The City is not required to continue to apply an erroneous interpretation. *Northlake Marine Works, Inc. v. Dept. of Natural Resources*, 134 Wn. App. 272, 293-94, 138 P.3d 626 (2006); *Dykstra v. Skagit County*, 97 Wn. App. 670, 677, 985 P.2d 424 (1999).

5. CMC 18.09.040 Table 2 requires the following setbacks for the 12,000 square foot lots abutting the north boundary of the site proposed for Lots 5, 6, and 8:

- 30-foot front yard;
- 15-foot side yard;
- 15-foot street side yard; and
- 30-foot rear yard.

Proposed Lot 9 is 8,889 square feet, for which CMC 18.09.040 Table 2 requires the following setbacks:

- 20-foot front yard;
- 5-foot side yard;
- 10-foot street side yard; and
- 25-foot rear yard.

The applicant proposed to reduce the front yard setback to 15 feet on proposed Lots 5, 6, 8, and 9 in exchange for the open space amenities proposed in Exhibit 49. The applicant

did not propose to reduce the remaining setbacks for these lots. However, the applicant's revised preliminary plat assumes that Lots 5, 6, and 8 are 9,000 square feet, the maximum density transfer lot size. As discussed above, these lots must be increased to 12,000 square feet. The examiner finds that the proposed front yard setback reduction should be approved because it complies with the standards for negotiated flexibility in CMC 18.09.060.D and the reduced setback will not impact abutting properties to the north. All other setbacks should comply with the requirements of CMC 18.09.040 Table 2. Condition of approval 56 in the Staff Report should be modified to that effect.³

6. The examiner finds that development on this site will not cause or exacerbate flooding, high groundwater, and other stormwater issues on adjacent properties. The proposed development will increase the amount of impervious surface area on the site and therefore the rate of stormwater runoff. However, the applicant is required to collect storm water from all areas of the site and convey it to one of three stormwater facilities within the site for treatment and detention. The applicant will discharge treated stormwater to Wetland A and the existing storm sewer lines in NW 17th Avenue west of the site and NW 16th Avenue south of the site at less than pre-development rates. The proposed detention facilities will ensure that the development does not increase the rate of stormwater runoff leaving the site.

a. Based on the existing topography, stormwater falling on the site currently flows downhill from northeast to southwest. (See Exhibit 16). The applicant is required to design the stormwater system to follow the existing drainage patterns in the area, grading the site and designing the stormwater facilities to replicate this existing condition.

i. Runoff from the northern portion of the site, in the area of proposed Lots 4-11 and the western portion of on-site NW 17th Avenue, that currently flows west onto adjacent properties will be collected and directed to the stormwater facility in Tract A and then discharged to the storm sewer in NW 17th Avenue. (See Exhibits 20 and 71).

ii. Runoff from the northeast and central portions of the site, in the area of proposed Lots 12-18, the eastern portion of NW 17th Avenue, and the northern portion of the private road in Tract C, that currently flows southwest into Wetland A will be collected and directed to the stormwater facility in Tract A and then discharged, into Wetland A. Wetland A then overflows into the offsite swale which appears to be located on the boundary between the Rowson's property, parcel 127437-005, and their neighbors to the south, parcel 127437-01. (See Exhibits 20, 54, and 71).

iii. Runoff from the southern portion of the site, proposed Lots 9-11, and the southern portion of the private road in Tract C, that currently flows west onto adjacent properties will be collected and directed to the stormwater facility in Tract H and then discharged to the storm sewer in NW 17th Avenue. (See Exhibits 20 and 71).

³ The examiner refers to the condition numbers in the Staff Report, which differ slightly from the condition numbers used in this Final Order due to changes to the conditions.

b. The applicant is required to design and size the stormwater facility, including detention capacity, to accommodate the projected runoff volume from a 100-year design storm based on historic pre-development conditions as set out in the SWMMWW. The City cannot require the applicant to provide additional detention capacity to accommodate runoff from larger or more frequent storms. Unusually large storms may exceed the capacity of the downstream conveyance system, resulting in flooding in certain areas. However, such flooding issues are likely to occur during unusually large or frequent storms under existing conditions as runoff from this site currently flows to the same offsite conveyance systems.

c. Neighbors expressed concerns that filling of the existing wetlands on the site may increase flooding on uphill properties north of the site, presumably by blocking existing groundwater flows. However, as noted in the Geotechnical Report “Shallow groundwater, springs, or seeps should be conveyed via drainage channel or perforated pipe into an approved discharge.” (p. 16 of Exhibit 25). The applicant can install drainage to collect groundwater that currently flows to filled portions of these wetlands and convey it through the site, eliminating the potential for upstream flooding. This is required by Condition of approval 27 in the Staff Report.

7. As Ms. Ashton noted at the hearing, city inspectors will review all construction on the site, including the design and installation of stormwater facilities. In addition, the City will at least annually inspect the privately maintained stormwater facilities to ensure that they are being properly maintained. Those inspectors will file reports of their inspections, which are public records available for review through a public records request. In addition, it is in the best interest of the Homeowners Association to maintain drainage systems on this site in order to avoid liability for flooding impacts on the site or downstream properties.

8. Traffic generated by this development will increase the volume of traffic on streets in the area. That increased traffic will be perceptible to area residents. However, engineering staff for the city reviewed the applicant’s traffic analysis and determined that it will not exceed the capacity of affected streets nor create a hazard. There is no substantial evidence to the contrary. Neighbor’s unsupported concerns about increased traffic are not substantial evidence sufficient to overcome the expert testimony of the traffic engineers for the city and applicant. The traffic analysis considered the impact of existing traffic, additional traffic generated by this development, and traffic that will be generated by previously approved but incomplete developments in the area.

a. Neighbors argued that the curve connecting NW 16th Avenue and NW Hood Street is hazardous, as vehicles traveling westbound on NW 16th Avenue turning north onto NW Hood Street “tend to cut over the yellow line creating a hazard for drivers heading south on NW Hood.” (Exhibit 39). However, based on the applicant’s crash report, no accidents were reported at this location over the past five years. Neighbor’s noted numerous “near misses” where accidents could have occurred but were avoided. However, the action rate of 1 crash per million entering vehicles is based on reported crashes. There is no substantial evidence that this location experiences an unusually high number of unreported crashes. The examiner finds that the reported crash history is the best evidence available regarding the safety of this intersection. Reasonably prudent

drivers will remain within their travel lane and not cut into the oncoming lane. Unfortunately, not all drivers are prudent. But there is no evidence that the development proposed in this application will contribute a disproportionate share of imprudent drivers.

b. The additional traffic generated by this subdivision may pose an increased risk for drivers, cyclists, and pedestrians in the area. Higher vehicular traffic volumes create a marginally higher risk for pedestrians and bicyclists. It may well warrant a heightened degree of attentiveness to traffic when driving, cycling, or walking in the neighborhood. However, those risks are consistent with the location of the site in the urban area where city plans call for the sort of development being proposed.

c. The examiner understands neighbors' complaints about drivers failing to use turn signals at the NW Hood Street/NW 18th Avenue intersection. While that can be frustrating for opposing traffic, this existing problem can only be addressed through education or enforcement. This intersection is projected to operate at Level Of Service B with the additional traffic generated by this development and no crashes were reported at this intersection during the five year crash analysis period.

d. The proposed NW 17th Avenue/NW Hood Street intersection will increase congestion on NW Hood Street as it will create a new intersection where drivers may turn on and off of NW Hood Street. However, there is no evidence that this intersection will create a hazard. Adequate sight distance can be provided at this intersection and it is the only feasible location for providing vehicular access to the site.

e. The applicant is not required to remedy all existing and perceived traffic issues in the area. The applicant is only required to address issues caused by or significantly exacerbated by the proposed development. The intersection of NW Brady and Macintosh Roads is outside the scope the applicant's traffic study as determined by the Code. Although the proposed development will generate some additional traffic at this intersection, it is not sufficient to require review and improvement to this intersection.

9. The site contains three Category IV wetlands: Wetland A, a 19,311 square foot wetland located in the west-central portion of the site; Wetland B, a 2,057 square foot wetland located in the eastern portion of the site; and Wetland C, a 6,333 square foot wetland located in the northwest portion of the site, abutting the north boundary. (See Figure 9 of Exhibit 61). The applicant proposed to fill all of Wetlands B and C and portions of Wetland A.

a. Wetland B, a small (less than 4,350 square feet) isolated Category IV wetland, is exempt from regulation pursuant to CMC 16.53.010.C.2. Therefore, the applicant may fill this wetland as proposed.

b. Wetlands A and B are both larger than 4,350 square feet and therefore subject to regulation. CMC 16.53.050.D.1 provides:

Applicants shall demonstrate that a range of project alternatives have been given substantive consideration with

the intent to avoid or minimize impacts to wetlands.

Documentation must demonstrate that the following hierarchy of avoidance and minimization has been pursued:

- a. Avoid impacts to wetlands unless the responsible official finds that:
 - ...
 - ii. For Categories III and IV wetlands, avoiding all impact will result in a project that is either:
 - (A) Inconsistent with the city of Camas comprehensive plan;
 - (B) Inconsistent with critical area conservation goals; or
 - (C) Not feasible to construct.
- b. Minimize impacts to wetlands if complete avoidance is infeasible.
 - ...
- c. Compensate for wetland impacts that will occur, after efforts to minimize have been exhausted.
 - ...

c. The examiner finds that some impacts to Wetlands A and C are unavoidable.

i. The applicant must extend proposed NW 17th Street into the site as proposed to provide access to the developable lands in the east and northwest portions of the site and to provide pedestrian circulation to the west. The applicant must extend the proposed private street Tract C south of NW 17th Street to provide access to the developable lands in the south of the site and to provide pedestrian circulation to the south. These street extensions will result in some unavoidable impacts to Wetland A and the buffers of Wetlands A and C. The applicant proposed to mitigate these impacts by purchasing credits at an offsite wetland mitigation bank. This is permitted by CMC 16.53.050.D.2.b.

d. The examiner further finds that it is feasible to avoid additional impacts to Wetlands A and B.

i. The applicant could avoid additional impacts to Wetland C and its buffer by eliminating proposed Lots 6 and 8, which include all of Wetland C, and by modifying Lots 5, 7, and 9 to locate these lots outside of the buffer of Wetland C. The applicant could utilize the buffer averaging provisions of CMC 16.53.050.C.2 to reduce buffer widths and the density transfer provisions of CMC 18.09.040.B and CMC 18.09.060 to reduce lot sizes in order to avoid or minimize impacts to the Wetland C buffer.⁴

⁴ As discussed above, the beveling standard of CMC 18.09.080.B requires that lots abutting the north boundary of the site be developed at the maximum lot size permitted in the R-7.5 zone, which limits the applicants ability to reduce the size of some lots.

ii. The applicant could avoid additional impacts to Wetland A and its buffer by eliminating proposed Lots 12, 15 and 16. The majority of Lot 12 is located within Wetland A and the remainder of the lot is located within the buffer. The southern portion of Lot 15 and much of the remainder of Lot 15 and Lot 16 are located within the Wetland A buffer. (See Figure 5 of Exhibit 61). The applicant could modify proposed Lots 13 and 14 to avoid or minimize further impacts to the Wetland A buffer, utilizing buffer averaging and density transfer as discussed above. In addition, it may be feasible to shift the hammerhead turnaround portion of Tract C to the south, outside of the Wetland A buffer.

iii. The extension of Tract C will divide the eastern portion of Wetland A, separating this portion of the wetland and buffer from the larger wetland area to the north and west. This separation may impact the hydrology of the eastern portion of Wetland A, rendering this portion of the wetland and buffer functionally isolated and impractical to retain, which would be “inconsistent with critical area conservation goals.” CMC 16.53.050.D.1.a.ii(B). As discussed above, the extension of Tract C is necessary to provide access to developable areas in the southern portion of the site and to provide pedestrian cross-circulation to the south.

iv. However, there is no evidence in the record that construction of Tract C through Wetland A will alter the hydrology or otherwise preclude preservation of the portion of Wetland A east of Tract C. As shown in Figure 5 of Exhibit 61, the eastern portion of Wetland A also extends onto the abutting property to the east, increasing the size of Wetland A east of Tract C, which may increase the feasibility of preserving this portion of Wetland A.

v. Therefore, the examiner finds that the applicant should be required to eliminate Lots 15 and 16, unless the applicant demonstrates to the satisfaction of the planning director that development on the remainder of the site will alter the hydrology of isolated portion of Wetland A east of Tract C or otherwise render preservation of this portion of Wetland A unsustainable.

e. The applicant argues that it gave “substantive consideration” to “a range of project alternatives” “with the intent to avoid or minimize impacts to wetlands” (CMC 16.53.050.D.1), modifying the layout of the preliminary plat to avoid and minimize impacts to wetlands. (Exhibit 69). However, all of the cited changes to the plat design occurred prior to the discovery of Wetlands B and C. There is no evidence, in the record let alone any “documentation,” that the applicant gave any consideration to project alternatives to address impacts to Wetland C.⁵

f. The applicant argues that eliminating lots to avoid impacts to Wetlands A and C is not required, because it would reduce the development density, resulting in a project that is inconsistent with the housing and density goals of the City’s comprehensive plan in violation of CMC 16.53.050.D.1.a.ii(A).

⁵ As discussed above, Wetland B is exempt from regulation. Therefore, the applicant is not required to avoid or minimize impacts to this wetland.

i. The applicant cites to the density goals of the “Camas Housing Action Plan,” adopted July 6, 2021 (the “Housing Plan”) in support of this argument. However, there is no evidence that the Housing Plan has been adopted by the City Council, let alone incorporated into the City’s comprehensive plan. To the contrary, one of the stated “objectives” of the plan is “Furthering the city’s Comprehensive Plan housing goals and be adopted by the City Council.” (p 2 of the Housing Plan). Therefore, the examiner cannot find that the housing and density goals of the Housing Plan are part of the City’s comprehensive plan.

ii. The applicant argues that the R-7.5 zone has a “planned density” of 5.8 dwelling units per net acre and eliminating lots to preserve additional wetlands and buffers will prevent this development from meeting that density. However, CMC 18.03.040 defines “Developed/net acreage” as “the total acreage of a land use development exclusive of open space and critical areas.” Wetlands and buffers are “critical areas” protected by CMC 16.51. Therefore, these areas are excluded from the “net acreage” used to determine density. In addition, 5.8 dwelling units per net acre is the maximum density permitted in the R-7.5 zone. There is no minimum density in this or other single-family residential zones in the City of Camas. Therefore, the examiner cannot find that eliminating lots to avoid or minimize impacts to wetlands and buffers is inconsistent with the “planned density” of the R-7.5 zone.

iii. The applicant could replace some of the lost density by reducing the size of proposed Lot 18. This 43,797 square foot (1.01-acre) lot is significantly larger than the 12,000 square foot lot size required for lots abutting the lower density R-12 zone to the north of the site. The applicant could reduce the size of this lot and create additional lots consistent with the 7,500 square foot standard minimum lot size or the 5,280 square foot density transfer minimum lot size allowed in the R-7.5 zone. The location of the existing residence on the site limits the number of additional lots that could be created from Lot 18, but it appears that the applicant could create two or three additional lots while maintaining required setbacks for the existing residence.

iv. The applicant appears to argue that the preservation of wetlands and buffers must be balanced against the need for additional housing density in the City. However, such balancing of conflicting needs is policy determination for the City Council. The City Council can achieve realize its housing and density goals by rezoning existing lands to higher densities, requiring minimum densities in the single-family residential zones, and other changes to the Code. The City’s density goals are not relevant to individual development applications subject to review by the examiner. In addition, to the extent there is a conflict, CMC 16.53.010.D.2 provides “When there is a conflict between any provisions of this chapter or any other regulations adopted by the city of Camas, that providing the most protection to affected critical areas shall apply.” Allowing impacts to wetlands in order to provide additional density, while maintaining a one-acre lot for an existing residence, does not provide “[t]he most protection to affected critical areas...”

g. The applicant argues that eliminating additional lots to avoid or minimize wetland impacts on this site will render this development financially infeasible, in violation of CMC 16.53.050.D.1.a(c). (Exhibits 69 and 75). However, the applicant

failed to provide any evidence to support this assertion or any argument supporting a finding that CMC 16.53.050.D.1.a(c) is intended to include consideration of the financial feasibility of a particular development proposal.

h. However, despite the above analysis, the examiner must find, based on the expert testimony of the applicant's wetland biologist, that impacts to Wetland C are unavoidable, because avoidance of these impacts is "Inconsistent with critical area conservation goals." CMC 16.53.050.D.1.a.ii(B). As discussed in Exhibit 70, if Wetland C is preserved, development on the remainder of the site will cut off hydrology to this wetland. Surface and groundwater that currently flows into Wetland C would be diverted to the stormwater facility. There is no substantial evidence to the contrary sufficient to overcome the expert testimony of the applicant's wetland biologist. The examiner questions whether the applicant can modify the stormwater facilities to maintain the hydrology of this wetland and enhance the wetland and buffer to mitigate wetland impacts elsewhere on the site, thereby increasing the potential that this wetland will remain. However, there is no evidence in the record to support the examiner's speculations. Therefore, the applicant cannot be required to modify the preliminary plat to preserve Wetland C and its buffer.

i. Based on the above discussion, the examiner finds that the applicant should be required to modify the plat to:

(A) Eliminate proposed Lot 12 and modify Lots 13 and 14 to minimize impacts to Wetland A and its buffer: and

(B) Eliminate Lots 15 and 16 unless the applicant demonstrates to the satisfaction of the planning director that development on the remainder of the site will alter the hydrology of isolated portion of Wetland A east of Tract C, including offsite portion of property to west, or otherwise render preservation of this portion of Wetland A unsustainable. Conditions of approval are warranted to this effect.

10. The fact that the buffer of Wetland C extends onto adjacent properties is irrelevant. Wetland buffers are a regulatory requirement, not a physical condition. Buffers are upland, non-wetland, areas abutting a wetland that are intended to protect the buffer from development and activities on abutting lands. Filling of this wetland will eliminate the need for these buffers.

11. The applicant is not required to install wetland buffer signs or fencing on abutting properties, as the applicant has no right to enter those properties.

D. CONCLUSION

Based on the findings, discussion, and conclusions provided or incorporated herein and the public record in this case, the examiner hereby approves FILE# SUB22-01 (Hood Street Subdivision), subject to the following conditions of approval.

E. DECISION

The examiner hereby approves File# SUB22-01 (Hood Street Subdivision) subject to the following conditions.

Standard Conditions:

1. Engineering site improvement plans shall be prepared by a licensed civil engineer in Washington State 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 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. One (1) hard copy of (TIR) stormwater report;
 - c. 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. Payment of the one-percent plan review (PR) fee shall be due prior to the start of the plan review process.
 - b. 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.
 - c. Under no circumstances will the applicant be allowed to begin construction prior to construction plan approval.
4. 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.
5. Installation of public improvements shall be in accordance with CMC 17.21 Procedures for Public Improvements.
6. Existing water wells, septic tanks and septic drain fields shall be properly abandoned and/or decommissioned in accordance with State and County guidelines prior to final plat approval.
7. 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.
8. The applicant will be responsible for ensuring that private utilities; underground power, telephone, gas, CATV, streetlights, and associated appurtenances are installed.
9. 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.

10. A draft street lighting plan shall be submitted to development engineering for review prior to final plan submittal to Clark Public Utility.
11. 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.
12. Prior to any land-disturbing activities of an acre or more, the applicant shall submit a copy of the *NPDES General Construction Stormwater Permit (GCSWP)*, which is issued by the Washington State Dept. of Ecology, and the *Stormwater Pollution Prevention Plan (SWPPP)*, which is required as a component of the NPDES GCSWP permit.
13. Prior to commencing any land-disturbing activities of an acre or more, the applicant shall submit an Erosion Control Bond in the amount of 200-percent of the cost for erosion control measures, per CMC 14.06.200.
14. 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).
15. 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.
16. 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.
17. 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.
18. Prior to final acceptance the amenities described in Exhibit 49 shall be installed or bonded for.
19. Per CMC 17.21.070.E A letter of final acceptance will be issued once all items listed in 17.21.070.B-C.
20. Final plat and final as-built construction drawing submittals shall meet the requirements of the CMC 17.11.060, CMC 17.01.050, and the Camas Design Standards Manual.
21. 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.

22. Accessory dwelling units shall not be precluded from in the CC&R's.
23. 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.
24. Automatic fire sprinklers installed per NFPA 13D or 13R shall be required in all new residential structures.
25. 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.
26. 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 accepted until after final acceptance.

Special Conditions of Approval:

Planning:

26. The recommendations provided by the Department of Ecology shall be complied with.
27. The recommendations in the Geotechnical Report by Columbia West Engineering, Inc dated January 5, 2021, shall be followed, including the installation of drainage channels, perforated pipe, or other methods to collect groundwater in the area of filled wetlands and convey it into an approved discharge.
28. The recommendations in the Wetland Delineation dated June 14, 2021, Preliminary Wetland Mitigation Report dated August 31, 2021, and the Updated Mitigation Report and Letter dated June 7, 2022, prepared by Olson Environmental, LLC shall be followed.
29. The recommendations in the Arborists Report by Olson Environmental, LLC dated June 15, 2021, shall be followed.
30. 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:

31. The applicant shall modify the plat to:
 - a. Eliminate proposed Lot 12 and modify Lots 13 and 14 to minimize impacts to Wetland A and its buffer;
 - b. Eliminate Lots 15 and 16 unless the applicant demonstrates to the satisfaction of the planning director that development on the remainder of the site will alter the hydrology of isolated portion of Wetland A east of Tract C, including offsite portion of property to west, or otherwise render preservation of this portion of Wetland A unsustainable;

- c. To the extent feasible, shift the hammerhead turnaround portion of Tract C to the south, outside of the Wetland A buffer; and
 - d. Show all lots abutting the north boundary of the site with 12,000 square feet in area.
32. Detailed construction plans and a monitoring program are required for wetland mitigation per CMC 16.53.050.E.3
33. Temporary construction fencing is required prior to construction and shall clearly mark the wetland buffers and fencing should remain throughout permitted construction activities.
34. Retaining walls shall comply with CMC 18.17.060.

Engineering:

Water

35. The applicant is to revise and resubmit the water utility plans with the Tracts and Lots mirroring the preliminary plat.
36. The applicant is to submit revised the water utility plans to include the new eight-inch water main extended to the west to tie into the existing eight -inch water main that dead-ends at the easternmost end on NW 17th Avenue.
37. The water utility plans and the landscape plans are to be revised and submitted for approval showing the locations of the irrigation services and meter sizes.

Storm Drainage:

38. The applicant is to revise and resubmit the stormwater plans with the Tracts and Lots mirroring the preliminary plat.
39. Final stormwater plans are to be submitted to engineering for review and approval.
40. The applicant shall submit a revised stormwater drainage plan that provides a private stormwater line and easement between Lots 12 and 13 and the adjacent parcel to the west.
41. A final stormwater drainage analysis is to be submitted to the City for review and approval.

Erosion Control:

42. The applicant shall submit the Erosion Sediment Control (ESC) plans, as a part of the site improvement plans, to the City for review and approval.

Sanitary Sewer Disposal:

43. The applicant is to revise and resubmit the sanitary sewer plans with the Tracts and Lots mirroring the preliminary plat.

Roads:

44. The applicant is to revise and resubmit the final engineering plans with the Tracts and Lots mirroring the preliminary plat.

[Public Roads]

45. The applicant is to submit final engineering plans that include the five-foot wide hard surface ADA accessible pathway from the west end of Lot 13 to the east end of the existing sidewalk on NW 16th Street and NW Juneau Court.
46. Staff recommends a condition of approval that prior to final engineering plan approval, that the applicant should be required to provide a minimum 35-foot curb radius at the intersection of future NW 17th Avenue and NW Hood Street.

[Private Roads]

47. The applicant is to revise the engineering plans as follows:
 - a. An easement is to be provided from the eastern end of NW 17th Avenue in Summit at Columbia Vista, across Lot 11 and Tract A ‘Storm Facility’, to Tract E ‘NW 17th Avenue – Private Road’.
 - b. The easement across Lot 11 is to be 22-feet wide and is to include the public pedestrian access trail, the water line extension, and the storm line.
 - c. The public pedestrian access trail is to consist of a hard surfacing and is to not to exceed a maximum 12-percent slope or the applicant is to provide a maximum extent feasible (MEF) documenting the reasons for exceeding the maximum 12-percent slope.
 - d. A maximum six-foot high fence is to be installed along the northern easement line of Lot 11, prior to Final Acceptance.
48. 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.

[Street lighting]:

49. All street light locations are to be shown on the engineering and landscape plans. Streetlights on private streets are required to be metered separately and are to be owned and maintained by the HOA/homeowners.
50. Draft electrical plans for streetlights, are to be submitted to for review and approval by the city, prior to submittal to Clark Public Utilities.

[Street trees and Landscaping]:

51. The applicant is to show proposed driveway locations for each lot to ensure that street trees are not impacted.
52. 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.

Traffic Impact Analysis:

53. The engineering plans are to be submitted with the site vision clearance/site distance triangles shown on the final engineering plans at the access location for future NW 17th Avenue and NW Hood Street.

Prior to Land-Disturbing Activities:

54. The NPDES GCSWP permit, an electronic copy of the SWPPP, and the Erosion and Sediment Control bond are to be submitted to the city.

Prior to Final Plat Approval:

Planning:

55. The applicant shall purchase bank credits to compensate for the direct and indirect impacts to Wetland A.
56. A conservation covenant shall be recorded with the County to ensure the long-term preservation of all the critical areas and any associated buffers, including maintenance of any mitigation actions.
57. The applicant shall post a mitigation bond in an amount deemed acceptable by the city to ensure the wetland mitigation is fully functional per CMC 16.51.250.
58. Lots 5 and 6 are not considered irregular lots and shall follow current setbacks per CMC 18.09.040 Table 2.
59. Front yard setbacks for proposed Lots 5, 6, 8, and 9 may be reduced to 15 feet. All remaining setbacks shall comply with the standards in CMC 18.09.040 Table 2.
60. An updated mitigation plan addressing the impacts to the wetland from the amenities described in Exhibit 49 shall be submitted prior to final plat approval.

Engineering:

61. The applicant is to provide to the city a utility access and maintenance easement over and under the eight -inch water main located in the private streets, Tract C 'Private Road', Tract E 'NW 17th Avenue – Private Road', and Tract G 'Private Road'.
62. A note is to be added to the final plat stating that the onsite private stormwater collection and conveyance system located within the private road Tracts E, C, and G are to be owned and maintained by the HOA/homeowners, with right-of-entry granted to the city for inspection purposes.
63. Both the ten-foot wide and the 12.5-foot wide private stormwater easements are to be shown as located on the stormwater plans for Lots 1 thru 3, Lots 9 thru 11, and Lots 12 thru 17.
64. A plat note is to be added to the final plat that states that these private stormwater systems and easements are to be owned and maintained by the HOA or the applicable Lot owners upon which the private stormwater systems are located.
65. A note is to be added to the plat which states that Per CMC 14.02.C, the City shall have the right-of-entry and authority to inspect of the stormwater facilities located in Tract A 'Storm Facility', Tract B 'Open Space', and Tract H 'Walking Trail/Open Space'.

66. If applicable, any existing wells, or septic systems are to be decommissioned and documentation should be provided to the city that said wells and/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.
67. The applicant is to provide to the city a utility access and maintenance easement over and under the two-inch sanitary sewer pressure mains located in Tract C ‘Private Road’, Tract E ‘NW 17th Avenue - Private Road’, and G ‘Private Road’.
68. The applicant is to provide the following:
- a. An easement is to be provided from the eastern end of NW 17th Avenue in Summit at Columbia Vista, across Lot 11 and Tract A ‘Storm Facility’, to Tract E ‘NW 17th Avenue – Private Road’.
 - b. A public pedestrian access easement over Tract A ‘Storm Facility’ to accommodate the public pedestrian access trail.
 - c. A public pedestrian access easement over private road Tracts C and E, and over Tract H.
69. The applicant is to verify that the vision clearance/site distance triangle requirements have been met at the future intersection of NW 17th Avenue and NW Hood Street.

Prior to Final Acceptance:

Planning:

70. Permanent signs and fencing should be installed at the edge of the critical area buffers per CMC 16.51.210.B and C. Sign and fencing specifications should be submitted to the City for review and approval prior to installation.
71. Irrigation and landscaping should be installed or bonded for prior to final acceptance.

Engineering:

72. The applicant is 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, as the city does not provide towing on private roads, nor does the city enforce no parking on private roads.
 - b. The applicant shall be required to install the ‘No Parking and Towing’ signs prior to final acceptance.
73. 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.
74. 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.
75. 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.

Prior to Final Occupancy:

Planning:

- 76. 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 40-percent. A maximum building lot coverage of 45-percent is allowed for single-story residences.”
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 C 'Private Road', Tract E 'NW 17th Avenue – Private Road', and Tract G 'Private Road' consist of a utility access and maintenance easement, to the city, over and under the water main located in the private streets.

9. The onsite stormwater collection and conveyance system located within the private road Tracts E, C, and G are to be owned and maintained by the HOA/homeowners, with right-of-entry granted to the city for inspection purposes.
10. The ten-foot wide and the 12.5-foot wide private stormwater easements that are located on Lots 1 thru 3, Lots 9 thru 11, and Lots 12 thru 17 are to be owned and maintained by the HOA or the applicable Lot owners.
11. At completion of the two-year warranty period, which expires two-years after issuance of final acceptance, Tract A 'Storm Facility', Tract B 'Open Space', and Tract H 'Walking Trail/Open Space' are to be owned and maintained by the homeowner's association/homeowners, with right-of-entry granted to the city for inspection purposes.
12. Tract C 'Private Road', Tract E 'NW 17th Avenue - Private Road', and G 'Private Road' consists of a utility access and maintenance easement, to the city, over and under the two-inch sanitary sewer pressure main.
13. The public pedestrian access trail, located within the easement across Lot 11, is to be owned and maintained by the HOA/homeowners association.
14. A public pedestrian access easement is provided over Tracts A, C, E, and H. Tracts A, C, E, and H are to be owned and maintained by the HOA/homeowners.

DATED this 7 day of September 2022.



Joe Turner, AICP
City of Camas Land Use Hearing Examiner