



Community Development Department

NOTICE of DECISION
Valley View Subdivision (city file# SUB18-02)

DECISION ISSUED: October 31, 2018

CITY CONTACT: Lauren Hollenbeck, Senior Planner
 (360) 817-7253
communitydevelopment@cityofcamas.us

APPLICANT: Sterling Design, Inc. 2208 E Evergreen Blvd. Vancouver, WA. 98661

OWNER: Stan Firestone

THIS IS TO SERVE AS NOTICE that a decision of **APPROVAL** has been rendered for **Valley View Subdivision** (City File# SUB18-02), a 36-lot single-family residential development. The project is located at 20109 SE 40th street. The location is also described as Tax parcel #125646-000 & 125365-000, within the NW ¼ Section 8, Township 1 North, Range 3 E.W.M, Camas, WA.

The final order of the Hearings Examiner is attached to this notice.

RECONSIDERATION (Refer to CMC 18.55.235)

Any party of record believing that a decision of the hearings examiner is based on erroneous procedures, errors of law or fact, or the discovery of new evidence which could not be reasonably available at the public hearing, may make a written request to the examiner, filed with the city clerk (**Municipal Center, 616 NE 4th Ave., Camas**), to be accompanied by an appeal fee of \$369, for reconsideration by the examiner.

- A. Time Frame. The request for reconsideration shall be filed within fourteen calendar days of the date the decision was rendered. **Deadline for filing a reconsideration request is November 14, 2018, at 5:00 p.m.**
- B. Content. The request for reconsideration shall contain the following:
 1. The case number designated by the city and the name of the applicant;
 2. The name and signature of each petitioner;
 3. The specific aspect(s) of the decision being appealed, the reasons why each aspect is in error as a matter of fact or law and the evidence relied on to prove the error. If the petitioner wants to introduce new evidence in support of the appeal, the written appeal must explain why such evidence should be considered.
- C. The hearings examiner may, after review of the materials submitted in conjunction with the reconsideration request, and review of the open record hearing transcript, take further action as he or she deems proper; including, but not limited to, denying the request, modifying the decision, or affirming the decision.
- D. The hearings examiner shall issue a decision on a request for reconsideration within forty-five (45) days of the filing of the request for reconsideration. When a request for reconsideration has been timely filed, any appeal to Clark County Superior Court under the Land Use Petition Act shall be filed within twenty-one (21) days after a hearings examiner issues its decision on the request for reconsideration.

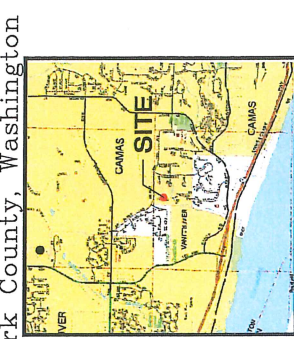
JUDICIAL APPEALS (Refer to RCW Chapter 36.70C)

The city's final decision on an application may be appealed by a party of record with standing to file a land use petition in Clark County superior court. Such petition must be filed as provided in Chapter 36.70C RCW.

STERLING DESIGN, INC. PREPARED BY: STERLING DESIGN, INC. 2200 N. WASHINGTON BLVD THUNDERBOLT, VA 20131 TEL: (800) 756-1994 FAX: (703) 756-1993 email: info@sterlingdesign.com	VALLEY VIEW ESTATES SUBDIVISION COVER SHEET Sheet Description:	VALLEY VIEW ESTATES SUBDIVISION Project Number: 236 Scale: AS SHOWN Date: 05/20/19 Drawn: JCS/PC Printed: 05/20/19 Printing Date: MAY 2019 (603) 885-9889 505-4601 SHEET 1 OF 9 SHEETS
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VALLEY VIEW ESTATES

A Preliminary Subdivision
 within a portion of Sec. 8,
 NE 1/4 of Sec. 8,
 T11N., R3E., W.M.
 Clark County, Washington



SHEET INDEX

1	COVER SHEET
2	PROPOSED DEVELOPMENT PLAN
3	PRELIMINARY REPAIRING & BOUNDARY SURVEY
4	PRELIMINARY EROSION CONTROL PLAN
5	PRELIMINARY FLOODPLAIN PLAN
6	PRELIMINARY STORMWATER MANAGEMENT PLAN
7	PRELIMINARY TRANSPORTATION PLAN
8	PRELIMINARY UTILITIES PLAN
9	PRELIMINARY LANDSCAPE & LIGHTING PLAN

- SITE DATA:**
- TAX LOTS: 59 & 48
 - SERIAL NUMBER(S): 125646-000 & 125635-000
 - AREA: 2.03 ACRES
 - ZONING: R-7.5
 - COMPREHENSIVE PLAN: UL

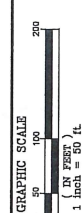
CITY OF CAMAS PRE-APPLICATION NUMBER: PA18-09

DESIGN & DEVELOPMENT TEAM

CIVIL ENGINEER/
 LAND USE PLANNING: SURVEYOR
 PROPERTY OWNER: STERLING DESIGN, INC.
 2200 N. WASHINGTON BLVD
 THUNDERBOLT, VA 20131
 TEL: (800) 756-1994
 FAX: (703) 756-1993
 email: info@sterlingdesign.com

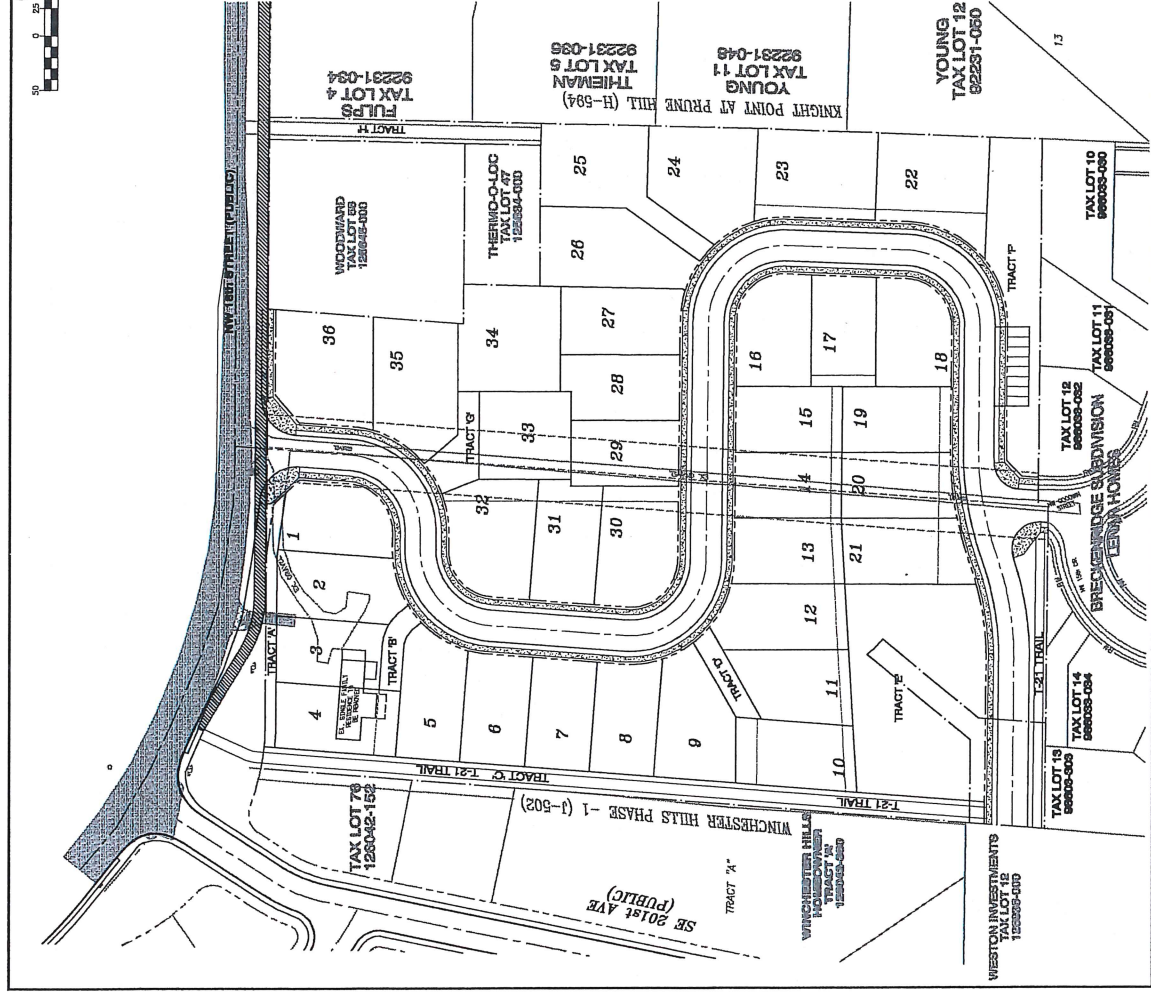
SITE INFORMATION

ADMINISTRATIVE DATA:	STERLING DESIGN, INC.
DESIGNER:	STERLING DESIGN, INC.
DATE:	05/20/19
SCALE:	AS SHOWN
SHEET NUMBER:	236
TITLE:	VALLEY VIEW ESTATES
PROJECT NUMBER:	236
DRAWN BY:	JCS/PC
DATE:	05/20/19
PRINTED:	05/20/19
PRINTING DATE:	MAY 2019
CONTACT:	(603) 885-9889
ADDRESS:	505-4601
CITY:	CLARK COUNTY, WA
STATE:	WA
AREA:	2.03 ACRES
DRAWN BY:	JCS/PC
DATE:	05/20/19



LEGEND

- PROPOSED EXHAUST
- PROPOSED LOT LINE
- EXISTING RIGHT-OF-WAY
- PROPOSED SANITARY SEWER LINE
- PROPOSED WATER MAIN LINE
- PROPOSED FLOODPLAIN CONTINUE
- EXISTING ELECTRIC
- EXISTING TELEPHONE LOCATE PAINT
- EXISTING SIDEWALK
- EXISTING SIDE OF PAVEMENT/PAVEMENT
- EXISTING SANITARY SEWER LINE
- EXISTING WATER MAIN LINE
- EXISTING STORM LINE
- EXISTING GROUND CONTOUR (1')
- PROPOSED GROUND CONTOUR (1')
- DIRECTION OF STORMWATER FLOW
- PROPOSED CONTROL SLOTTED FENCE
- PROPOSED FIRE HYDRANT
- PROPOSED SANITARY CLEANOUT
- PROPOSED MANHOLE SERVICE
- PROPOSED MANHOLE
- PROPOSED DRIVEWELL
- PROPOSED CONDUIT
- PROPOSED STORMWATER CURB RAZED
- EXISTING POWER POLE (P)
- EXISTING WATER MAIN
- EXISTING FLOODPLAIN
- EXISTING TELEPHONE
- EXISTING SANITARY SEWER
- EXISTING WATER MAIN
- EXISTING STORM LINE
- EXISTING CURB RAMP
- EXISTING SANITARY CLEANOUT
- EXISTING FIRE HYDRANT
- EXISTING WATER SERVICE
- EXISTING WATER WALK
- PROPOSED STREET TREES OF CAL.
- PROPOSED STREET LIGHT W/ SPACING



NOTES:
 EXISTING UTILITIES SHOWN ARE APPROXIMATE ONLY FROM UTILITY RECORDS AND FIELD SURVEY. THE USER OF THIS PLAN SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION. CONTACT THE CALL CENTER AT (800) 756-1993.

ALL UTILITIES SHALL BE LOCATED ON THE WESTERLY SIDE OF THE RIGHT-OF-WAY UNLESS OTHERWISE NOTED.

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

Regarding an application by Sterling Design, Inc. for approval of a preliminary plat to divide 9.2-acres into 36 lots in the R-7.5 zone at 20109 SE 40 th Street in the City of Camas)	<u>FINAL ORDER</u> FILE# SUB18-02 (Valley View Estates)
)	
)	
)	

A. SUMMARY

1. The applicant, Sterling Design, Inc., requests approval to divide the 9.2-acre site into 36 lots and tracts for stormwater, parking, private streets, and open space/trails. The development site is located at 20109 SE 40th Street; also known as tax parcels 125646-000, and 125635-000 (the “site”). The site is currently vacant; an existing single-family residence was recently removed. The applicant will construct a new single-family detached dwelling on each of the proposed lots. All proposed lots comply with the minimum dimensional standards for the R-7.5 zone, as modified by the density transfer ordinance.

a. The site and properties to south are zoned R-7.5 (Single Family Residential, 7,500 square foot average lot size). The property to the south is developed as the Breckenridge Subdivision. Properties to the east are zoned R-15 (Single Family Residential, 15,000 square foot average lot size) and developed as the Knight Pointe at Prune Hill subdivision. Properties to the north, across SE 40th Street/NW 18th Avenue, are zoned BP (Business Park) and developed with the Camas School District Pacific Rim Campus. Properties to the west are in unincorporated Clark County, zoned R1-6 (Residential, 6,000 square foot minimum lot size), and developed as the Winchester Hills Phase 1 subdivision. Properties abutting the southwest corner of the site are in the City of Vancouver, zoned RGX (Riverview Gateway Mixed Use), and currently under development as the Columbia Palisades mixed use project.

b. The City of Camas will supply domestic water and sanitary sewer service to the site. The applicant will collect stormwater from impervious areas on the site and convey it to one of two stormwater facilities, in proposed Tracts E and F, for treatment, detention, and discharge into the seasonal creek located on the western boundary of the Breckenridge subdivision at less than predevelopment rates. In addition, the applicant will collect stormwater runoff from the Knight Pointe development that currently discharges to a surface pipe on the site and convey it via underground pipes to the stream to the southwest.

c. The applicant will dedicate right-of-way and extend NW Goodwin Street through the site from its existing terminus at the south boundary of the site to NW 18th Street abutting the north boundary of the site. The applicant will also extend a street stub to the southwest corner of the site to connect NW Goodwin Street with the planned roadway in the Columbia Palisades development. The applicant will construct modified frontage improvements along the site’s SE 40th Street/NW 18th Avenue frontage, including a left-turn lane at the site access and preserving the existing east-west aligned multi-use pedestrian trail (the T-24 trail) abutting the north boundary of the site. In addition, the

applicant will construct a portion of the planned north-south aligned T-24 trail within Tract C on the west boundary of the site.

2. The City issued a Mitigated Determination of Nonsignificance ("MDNS") for the subdivision pursuant to the State Environmental Policy Act ("SEPA") on October 4, 2018. (Exhibit 26). 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 October 11, 2018 (the "Staff Report"). The applicant accepted those findings and conditions, as amended at the hearing, without exceptions. Five persons testified orally with questions and concerns about the application. Written testimony as also submitted. (Exhibit 30). Contested issues in the case include:

- a. Whether there is a stream and/or wetland on the site;
- b. Whether the proposed stormwater facilities comply with applicable regulations or will have prohibited impacts on abutting properties;
- c. Whether the applicant can be required to provide wider streets;
- d. Whether the development makes adequate provisions for parking;
- e. Whether the proposed street connection to the Columbia Palisades development will have prohibited impacts on adjacent properties;
- f. Whether the proposed density is consistent with the R-7.5 zoning as modified by the density transfer ordinance;
- g. Whether the applicant can be required to dedicate land for a park on this site, in addition to the proposed trail;
- h. Whether the applicant is required to install fencing separating the proposed trail from adjacent properties; and
- i. Whether the applicant can comply with the retaining wall regulations of CMC 18.17.060.

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 October 18, 2018. 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 Lauren Hollenbeck summarized the Staff Report and her PowerPoint presentation.

a. The City's 2014 Parks Recreation and Open Space ("PROS") plan identifies the location of existing and planned public parks in the City of Camas. This site is not designated as a park.

3. City engineer James Carothers noted that the applicant requested an adjustment to the frontage improvement requirements to waive the bike lane on SE 40th Street/NW 18th Avenue. The existing east-west aligned T-24 trail will replace the bike lane in this location. He noted a typographical error on page 12 of the Staff Report; the applicant should be required to provide a 25-foot minimum rear yard setback.

a. He noted that Chapter 4 of the City's Stormwater Manual requires that stormwater ponds be setback a minimum ten feet from adjacent properties.

4. Engineer Joel Stirling testified on behalf of the applicant. He accepted the findings and conditions in the Staff Report, as modified, without exceptions.

a. He requested clarification of condition 53, which requires a revised clearing and grading plan in compliance with CMC 18.17.060 retaining walls. He argued that the setback requirements should only apply to walls located on the boundaries of the site.

b. The proposed stormwater facilities will have retaining walls in excess of four feet in height in order to provide the required detention capacity. Taller walls should be allowed, so long as they do not present a hazard. This is consistent with the Department of Ecology standards.

c. The applicant will install stormwater inlets to collect runoff from the proposed trail and direct the runoff to the stormwater facilities for treatment and detention.

d. The proposed development will not remove any trees larger than eight inches in diameter. The majority of the trees on the site were removed approximately eight years ago. The applicant will retain all healthy existing trees on the west boundary of the site as well as planting additional landscaping within the trail tract. The applicant will remove the dead tree noted in Exhibit 30.

e. The applicant has no plans to fence the site. The Parks Department may choose to install fencing on portions of the trail to demarcate the boundaries of the trail tract and prevent inadvertent trespass.

f. There are no streams or wetlands on the site. The “seasonal stream” noted by Mr. Torve is actually excess stormwater runoff from the stormwater facility serving the Knight Pointe development to the east of the site. Stormwater from that development discharges to an 18-inch pipe on the surface of this site, which conveys the runoff to an existing stream on the west side of the Breckenridge development to the south of the site. However, due to design and maintenance issues, runoff from the Knight Pointe stormwater facility frequently bypasses the pipe inlet and flows west on the surface of the site. This man-made runoff is not a “stream” as defined by the Code. A stream on the southern portion of this site would have precluded development on the north boundary of the Breckenridge subdivision. This development will modify the existing Knight Pointe stormwater facility to direct excess runoff into an adequately sized underground pipe that will convey stormwater through the site, eliminating the existing surface flow.

g. The applicant intends to begin construction of the subdivision (grading, installation of utilities and streets) in late spring 2019, with completion of the lots by the fall of 2019. The applicant will then sell the entire development, or individual lots, to homebuilders who will construct homes on the lots.

h. The proposed 28-foot wide streets meet City standards, provide two-way traffic and on-street parking on one side. Such streets are common throughout the region.

i. The applicant will install curb and gutter along the site’s SE 40th Street/NW 18th Avenue frontage, retaining the existing pedestrian path/trail along the north boundary of the site. These improvements will terminate at the east boundary of the site.

j. The applicant will construct the T-24 trail on the west boundary of the site as a ten-foot wide paved trail within a twenty-foot wide tract. The trail will meander within the tract to avoid existing trees.

k. The proposed parking lot is primarily intended to serve guests. The majority of residents will park in garages or driveways on their lots.

l. The applicant considered shifting the alignment of the east-west road connection to the north. However, the location of the existing and planned street connections and the steep topography on the site severely limit the design options. The applicant must connect to the approved street stub within the Columbia Palisades development as well as existing NW Goodwin Street within the Breckenridge subdivision.

5. Karen Wales, a member of the Breckenridge Homeowners Association board, testified in opposition to the proposed development.

a. She objected to the proposed development density. The site should be developed with fewer larger homes.

b. She argued that residents will not use the proposed parking lot. The applicant should be required to provide wider roads with parking on both sides. On-street parking on the proposed narrow roads slows traffic and creates a hazard.

c. She objected to the lack of parks in the area.

d. She questioned the timeline for the proposed development.

6. John Woodward questioned whether and how the applicant will improve the site's SE 40th Street/NW 18th Avenue frontage.

7. Kris Good noted that the proposed T-24 trail on the west boundary of the site will abut the rear yard of her property. The applicant should be required to install a fence on the west boundary of the trail to maintain her privacy and prevent trespass. Her existing "good neighbor" fence is inadequate to screen views of her yard from the trail.

8. Nena Cavel argued that the site should be developed at higher density to provide more affordable housing.

9. Steve Torve argued that there is a seasonal stream flowing from east to west along the southern portion of the site. The stream flows during the wet weather months, between mid-October and late spring. The environmental analysis for the Columbia Palisades development noted the existence of the stream. The stream frequently floods the site and some adjacent properties to the south.

a. He argued that this site should be developed with wider streets with parking on both sides, consistent with the streets in the Grand Ridge development to the south. The narrower streets proposed on this site and within the existing Breckenridge subdivision limit traffic flow, especially when vehicles are parked on the streets. Drivers frequently cut the corners on sharp curves, creating a hazard. There have been several accidents on the streets within the Breckenridge subdivision due to the narrow road width.

b. He objected to the design of the proposed stormwater detention facilities.

c. He argued that there is a need for more parks in the area.

d. He argued that the site should be developed with fewer larger lots.

10. At the end of the hearing the examiner held open the public record for one day, until October 19, 2018, to allow the City to submit the environmental reports for the Breckenridge development south of the site. The record in this case closed at 5:00 p.m. on October 19, 2018. During the open record period the City submitted the Wetland Mitigation Plan and Delineation Report and the Compensatory Wetland Mitigation Plan for the Breckenridge Subdivision (Exhibits 32 and 33).

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 at the hearing. 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 does or can comply with the applicable standards of the Camas Municipal Code and Revised Code of Washington, provided that the applicant complies with recommended conditions of approval. 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. There are no streams or wetlands on the site, based on the analysis by the biologists for the applicant and the Breckenridge development. (Exhibits 18, 31 and 22).

a. There was a north-south aligned wetland on the west side of the Breckenridge subdivision. There is no evidence that this wetland extended onto the site. The developer of the Breckenridge development filled the northern portion of the wetland, within Lot 14 of the Breckenridge development. The remainder of the wetland continues south within an open space tract on the west side of the Breckenridge development site, eventually becoming a seasonal stream. (See "Sheet 3" of Exhibit 32).

b. The east-west water flow noted by Mr. Torve is not a "stream" as defined by Code.¹ Based on Mr. Stirling's testimony the water flowing across the southern portion of the site during wet-weather is excess stormwater runoff discharged from the Knight Pointe subdivision stormwater facility. Therefore, the noted surface water flows are "an entirely artificial watercourse," which are excluded from the definition of "stream." The applicant will modify the Knight Pointe subdivision stormwater facility to eliminate this overflow, collect all stormwater discharge from the facility, and convey it through the site via an underground pipe, thereby eliminating the existing surface flows.

4. The applicant will collect runoff from impervious areas of the site (streets, sidewalks, driveways, and roofs) and convey it one of two stormwater facilities on this site for treatment and detention. The applicant will discharge treated runoff to the off-site stream on the west side of the Breckenridge development. The proposed stormwater detention facilities must be designed to comply with applicable City standards for setbacks, landscaping, wall height, and design. The proposed stormwater facilities will not have a

¹ CMC 18.03.030 provides:

"Stream" or "watercourse" means those areas where surface waters produce a defined channel or bed. The channel or bed need not contain water year-round. This definition does not include irrigation ditches, canals, storm or surface water conveyance devices, or other entirely artificial watercourses. Streams are further categorized as Class 1 through 5 in accordance with the classifications used by WAC 222-16-030.

significant visual impact; they are largely underground and surrounded by fencing and landscaping.

a. The detention facilities are designed to detain stormwater runoff and release it at controlled rates to the off-site stream, replicating historic conditions. The detention facilities will not hold water during dry weather. Similar detention facilities are used throughout the region with no evidence of significant vector control problems. The County vector control agency is responsible for controlling mosquitoes in stormwater ponds.

b. The applicant is required to modify the design of the detention facilities to comply with the side slope standards of the City's Stormwater Design Standards Manual. Section 4.05(4) of the Manual authorizes the Director to approve a deviation from the side slope standards when the safety, health, and welfare of the public will not be compromised. The examiner has no authority to approve a deviation in this proceeding.

5. The proposed streets on this site will comply with City standards for local residential streets as set out in CMC Table 17.19.040-2, Minimum Public Street Standards, which requires a minimum twenty-eight foot paved width. This pavement width allows for two fourteen-foot travel lanes and on-street parking on one side. (See Figure ST3 of the Camas Design Standards Manual). On-street parking on such roads serves a traffic calming function, reducing the available travel lane width and requiring some drivers to wait for oncoming vehicles to pass before proceeding, thereby reducing travel speeds and discouraging cut-through traffic on local roads. Such traffic calming can also be seen as slowing traffic and causing congestion. In adopting the public street standards, the City Council struck a balance between these competing needs. The examiner has no authority to reconsider that policy choice in this proceeding. The proposed streets comply with applicable regulations.

a. Concerns were expressed that drivers will cut corners and ignore "No Parking" restrictions, creating a hazard on these narrower streets. However, the examiner finds that reasonably prudent drivers will observe applicable traffic and parking regulations. Unfortunately, not all drivers are prudent. Nevertheless, there is no evidence that the development proposed in this application will contribute a disproportionate share of imprudent drivers. If necessary, the City can address such issues by providing increased enforcement on streets in the area.

6. This development will generate additional demand for on-street parking in the area. However, the Code does not require that developments provide a minimum amount of on-street parking. Parking on area streets is available to all members of the public on a first-come, first-served basis. The applicant is required to provide a minimum two off-street parking space per dwelling unit. CMC 18.11.130. The City will ensure compliance with that requirement through the building permit review process. In addition, because the proposed average lot size falls below 7,400 square feet, the applicant is required to provide one additional off-street parking space for every five units, located within a common tract. The applicant proposed to provide eight parking spaces within Tract F in the southeast corner of the site. As noted at the hearing, the residents of the site are unlikely to utilize

these parking spaces for their daily parking needs. These spaces are intended to provide additional guest parking during periods of high demand or for resident's additional vehicles. This parking area will be landscaped consistent with CMC 18.13.060.A and E.

7. The applicant is required to connect to the street stub at the southwest corner of the site, created by the Columbia Palisades development, in order to comply with cross-circulation requirements. Given the location of the street stub within the Columbia Palisades development, that street connection must be located on the north boundary of Lots 13 and 14 of the Breckenridge development. Traffic on that street will generate noise and other impacts perceptible to the residents of these lots. However, this is one of the results of living in an urban area where City plans call for the type of development being proposed. The extension of this street was foreseeable. This site and the Columbia Palisades property were both vacant, zoned for development, and abut at the southwest corner of the site. All of the surrounding properties are fully developed. Therefore, this is the only feasible location for a needed street connection.

8. Concerns were expressed about the density of development proposed. However, the density proposed for this site is within the range permitted by the comprehensive plan map designation and zoning of the site, as modified by the density transfer ordinance. The purpose of the density transfer ordinance is to encourage the preservation of open space (the proposed public trails) by transferring development density from these areas to other areas of the site. The density transfer ordinance allows for smaller lot sizes in order to enhance compliance with the City's density goals while preserving lands for open space.

a. Although the proposed lots are smaller than adjacent lots, the uses are not incompatible. The applicant is proposing to provide single-family detached residences adjacent to existing single-family development. Even if the subdivision will have an adverse impact on property values --- and there is no substantial evidence to that effect in the record --- protection of property values and consistency with adjoining lot sizes are not relevant to the applicable State or County standards, beyond the perimeter lot size requirement of CMC 18.09.080.B.² The examiner must base the decision on the laws of the City of Camas and Washington State.

b. Development of this site will cause an incremental loss of privacy for existing residents in the area. What is now a vacant parcel will be developed with 36 new homes. But the Code does not prohibit development from having an impact on privacy. The intensity of the proposed development, including setbacks from adjacent properties, is consistent with the current zoning of the site. The hearings officer understands residents' displeasure with the growth around them, but this growth was foreseeable and is in the broader public's interest. This area has been zoned R-7.5 for many years. As large lots are sold, presumably they will be developed to the maximum extent allowed.

9. Neighbors argued that there is a need for additional parks in the area. The proposed development contributes to the need for parks. However, the site is not

² CMC 18.09.080.B requires new lots along the common property boundary needs to be the maximum size allowed of the zone designation with the development if adjacent to a lower density zone.

designated as a planned park in the City's PROS plan. See the "Proposed Park System Plan," p. 19 of the PROS plan. The applicant will pay park impact fees, which the City can use to acquire additional parkland in the area, consistent with the PROS plan. In addition, the applicant will dedicate land and construct portions of the City's planned north-south aligned T-24 trail along the west boundary of the site, also consistent with the PROS plan, which will provide opportunities for public recreation.

10. It was argued that the applicant should be required to install fencing to separate the proposed trail from adjacent properties. CMC 18.13.055 establishes standards for landscaping and screening. Based on Table 1, no screening or buffering is required where parks and open space lands adjoin land zoned for residential development. Therefore, the examiner has no authority to require the applicant to install fencing as a condition of this approval; there is no basis for concluding that trail users will pose a hazard to the use of abutting properties or will be reasonably likely to trespass on abutting properties. As Ms. Good noted, her property has an existing fence that clearly demarcates the boundaries of her property. However, the City Parks Department may choose to install fencing. The examiner encourages residents to raise their concerns with the Parks Department, which will be responsible for ownership and maintenance of the trail.

11. As noted in the Staff Report, the proposed subdivision includes several walls up to 10-feet in height. The applicant is required to modify the grading plan to comply with the retaining wall regulations of CMC 18.17.060. The examiner finds that it is feasible to comply with these regulations.

a. The setback requirements of this section only apply to exterior facing retaining walls where the total height of the wall and fence exceeds forty-two inches in the front yard setback or six feet in the side and rear yard setback, in which case the wall must be set back a distance of one foot for every foot in height of fence in excess of allowed height. CMC 18.17.060.C(1).

b. Setbacks are not required for interior facing retaining walls. However, fences on top of such walls are limited to forty-two inches within the front yard setback and six feet within the side and rear setbacks. CMC 18.17.060.D(1).

c. Design review approval is required for exterior facing retaining walls over six feet in height. CMC 18.17.060.C(3).

d. Building permits are required for retaining walls over four feet zero inches in height, and for retaining walls that support additional weight (e.g., steep slopes, buildings, parking areas) and drainage is required to relieve buildup of water pressure behind the wall. CMC 18.17.060.A and B.

e. Guards (fencing or similar barriers) are required for retaining walls on a property line that are over thirty inches above grade. CMC 18.17.060.C(2) and CMC 18.17.060.D(2).

D. CONCLUSION

Based on the above findings and discussion, the examiner concludes that FILE# SUB18-02 (Valley View Estates Subdivision) should be approved, because it does or can comply with the applicable standards of the Camas Municipal Code and the Revised Code of the State of Washington, subject to conditions of approval necessary to ensure the final plat and resulting development will comply with the Code.

E. DECISION

Based on the findings, discussion, and conclusions provided or incorporated herein and the public record in this case, the examiner hereby approves FILE# SUB18-02 (Valley View Estates Subdivision), subject to the following conditions of approval:

Standard Conditions:

1. All construction plans will be prepared in accordance with City of Camas standards. The plans will be prepared by a licensed civil engineer in Washington State and submitted to the City for review and approval.
2. A 3% construction plan review and inspection fee shall be required for this development. The fee will be based on an engineer's estimate or construction bid. The specific estimate will be submitted to the City's engineering department for review and approval. The fee will be paid prior to the construction plans being signed and released to the applicant. Under no circumstances will the applicant be allowed to begin construction prior to approval of the construction plans.
3. Existing water wells, septic tanks and septic drain fields shall be properly abandoned in accordance with State and County guidelines prior to final plat approval.
4. Any entrance structures or signs proposed or required for this project will be reviewed and approved by the City. All designs will be in accordance with applicable City codes. The maintenance of the entrance structure will be the responsibility of the homeowners.
5. The applicant will be responsible for ensuring that private utilities; underground power, telephone, gas, CATV, street lights, and associated appurtenances are installed.
6. A 6-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.
7. A draft street lighting plan shall be submitted for review prior to final plan submittal to Clark Public Utility.
8. The applicant will be required to purchase all permanent traffic control signs, street name signs, street lighting and traffic control markings and barriers for the improved subdivision.
9. A homeowner's association (HOA) will be required and a copy of the CC&R's 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&R's for ownership and maintenance of the storm drainage systems, 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.

10. 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 for engineering as-built submittals.
11. The applicant shall remove all temporary erosion prevention and sediment control measures from the site at the end of the two-year warranty period, unless otherwise directed by the Public Works Director.
12. Street names shall be reviewed and approved by the Building Department prior to final plat approval.
13. Building permits shall not be issued until this subdivision has been granted Final Acceptance and the final plat is recorded and approved by the Planning, Engineering, Building and Fire Departments.

Special Conditions:

14. The SEPA MDNS mitigation measures shall be complied with (SEPA18-15).
15. The applicant shall comply with the geotechnical report recommendations to minimize any potential hazards associated with construction.
16. Accessory dwelling units shall not be precluded from CC&R's.
17. On corner lots, the side façade elevation facing the street shall provide architectural variation similar with the front building façade. Additional landscaping shall be provided along the street side façade but shall not impede necessary vision clearance requirements.
18. The T-24 public access trail shall be generally located within Tract C as shown on the preliminary plat and installed in a manner to avoid the removal of existing healthy trees.
19. The applicant shall provide the following trail features:
 - A 10-foot wide trail with landscaping along both sides of the trail
 - Directional signage to the Breckenridge trail and a bench located near the intersection of NW Goodwin Street
20. The trail shall be constructed prior to final plat approval and owned and maintained by the City.
21. Prior to engineering plan approval, a sight distance analysis shall be provided at the SE 40th Street / NW 18th Avenue access.
22. The applicant shall install a left-turn lane from NW 18th Avenue into the development site per the Transportation Impact Study (TIS).
23. The applicant shall upsize the proposed 8-inch waterline to a 12-inch waterline from Columbia Palisades north to the 12-inch waterline located in SE 40th Street / NW 18th Avenue.
24. The applicant shall connect the proposed Valley View water system to the existing Columbia Palisades 12-inch waterline and work with the City's Utility Manager to evaluate water pressure and the potential need for a pressure reducing station.

25. The applicant shall provide adequate access and utility easements to the City over the private street tracts at the time of final platting for the inspection, maintenance and operation of said public water lines.
26. The applicant shall provide acceptable back flow device(s) (BFD) and yearly backflow testing for any private HOA irrigation service(s) proposed. Prior to occupancy of each home with an irrigation system, the builder shall submit acceptable BFD testing for each irrigation meter installed and provide said testing results to the city.
27. Prior to engineering plan approval, the storm facilities located on Tract E and Tract F shall meet the requirements of the Camas Stormwater Design Standards Manual, Chapter 4.05 Side Slopes and Setbacks.
28. The applicant shall provide reasonable accessibility for maintenance activities of the stormwater facilities.
29. The applicant shall provide documentation demonstrating compliance with Ecology's SWMMWW Appendix 1-D: Guidelines for Wetlands When Managing Stormwater criteria for any discharge of stormwater into the off-site wetlands.
30. Prior to engineering plan approval, the applicant shall submit a final stormwater report (TIR) to the City for review and approval.
31. Stormwater facilities shall be owned and maintained by the HOA, with a right-of-entry granted to the City of Camas for inspections.
32. Prior to final engineering approval, the applicant shall perform a sewer basin analysis to quantify the existing and proposed sewer flows that will be conveyed to the existing pump station.
33. The applicant shall conduct a capacity analysis of the existing pump station that evaluates the existing flows from Grand Ridge, Breckenridge, and future Valley View flows. The analysis shall include but not be limited to evaluation of pump sizes, pumping rates, and condition of existing structures, etc.
34. The applicant shall be responsible for appropriate mitigation of any identified and necessary pump station or system upgrades to serve the proposed development.
35. The individual lot owners shall be responsible for the cost and installation of the individual STEF systems at the time of home construction. A right-of-entry will also be granted to the City for the maintenance and repair of said STEF tanks.
36. A restricted access is required for Lots 1 and 36 to ensure that the driveway locations for these two lots meet or exceed the minimum 110-foot access setback requirement from a collector road.
37. The applicant shall provide adequate improvements and necessary adjustments for the existing multi-use T-24 trail alongside SE 40th Street / NW 18th Avenue to include:
 - A 10-ft. minimum path width from the existing landing on the northeast corner of SE 201st Avenue east to the eastern boundary of the applicant's site.
 - Curb ramps at SE 40th Street / NW 18th Avenue and the site entrance that align both vertically and horizontally with the shared use path along SE 40th Street / NW 18th Avenue and shall meet Public Right-of-Way Accessibility Guidelines (PROWAG).

38. Prior to engineering plan approval, the applicant shall provide a Geotechnical report with an analysis to determine if the existing street section meets the half-street improvement requirements of the Camas Design Standards Manual.
39. Automatic fire sprinklers installed per NFPA 13D or 13R shall be required in all new residential structures.
40. Provisions for parking enforcement acceptable to the Fire Marshal shall be included in the CC&R's at the time of final platting.
41. Prior to the Building Department issuing a Certificate of Occupancy, street trees shall be located within the planter strip as approved on the final plat. Trees shall be a minimum of two-inch diameter at breast height.
42. Required trees shall be maintained in good health, and shall be promptly replaced (within six months) if damaged or in poor health, and a note to this effect shall be on the final plat document.
43. Prior to final engineering plan approval, the applicant shall submit a landscape plan for City review and approval that details the location, plant species, planting, irrigation and fencing notes and associated details for all required landscaping including but not limited to the stormwater facilities located on Tract E and F.
44. All landscaping shall be installed or bonded for prior to final plat acceptance.
45. Prior to final engineering approval, the applicant shall show proposed driveway locations for each lot to ensure that street trees are not impacted.
46. Off-street parking lot areas shall be landscaped at all perimeters and provide a minimum 5-foot width of planting space.
47. The applicant shall provide private easements for storm, sewer, and water lines. These easements shall be shown on the construction drawings and the final plat for recording.
48. The applicant shall grant an access and utility easement to the City of Camas for access, inspection and maintenance of the water and S.T.E.F. sanitary sewer systems.
49. Prior to final plat approval, the applicant shall accomplish one of the following: 1) add a note to the final plat that the developer will own and maintain Tract H, 2) quit claim deed Tract H to the property owners of tax lots 58 and 47, or 3) submit to the city for review and approval a boundary line adjustment application between Tract H and tax lots 58 and 47.
50. All building envelopes and setbacks shall be shown on the final plat.
51. Lots 1-4 shall comply with the development standards for double frontage lots in CMC 17.19.030.D.6(a-d).
52. Prior to engineering plan approval, the applicant shall submit the arborist report and tree survey for City review and approval.
53. Prior to engineering plan approval, a revised clearing and grading plan shall be submitted in compliance with CMC 18.17.060 *Retaining walls*.

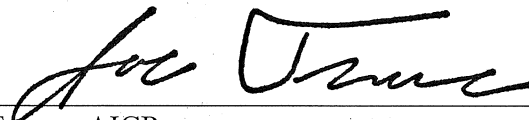
Proposed Plat Notes

1. A homeowner's association (H.O.A) will be required for this development. Copies of the CC&R's shall be submitted and on file with the City of Camas.
2. The homeowner's association is responsible for maintaining all private roads and associated infrastructure in this subdivision, including but not limited to the pavement, curbs, sidewalks, landscaping, street lights and storm drainage utilities.
3. All costs associated with the installation of the step systems for individual lots will be the responsibility of said individual lot owners.
4. An access and utility maintenance easement is provided to the City over the private street tracts for the inspection, maintenance and operation of said public water lines.
5. A right of entry is hereby granted to the City of Camas for the repair and maintenance of the individual S.T.E.F systems located on the lots within the plat.
6. The following setbacks shall apply: Front yard 20-feet, Rear yard 25-feet, Side yard 5-feet, Corner rear yard 5-feet, Side yard flanking a street 20-feet.
7. No further short platting or subdividing will be permitted once the final plat has been recorded.
8. A final occupancy permit will not be issued by the Building Department until all subdivision improvements are completed and accepted by the City.
9. The lots in this subdivision are subject to traffic impact fees, school impact fees, and park/open space impact fees. Each new dwelling unit will be subject to the payment of appropriate impact fees at the time of building permit issuance or as otherwise provided by the city.
10. Prior to the Building Department issuing a Certificate of Occupancy, each lot shall install a minimum of one 2" caliper tree to be located in the planter strip as specified on the plat. Specified trees shall be maintained in good health, and damaged or dying trees shall be promptly replaced (within six months) by the homeowner.
11. Automatic fire sprinkler systems designed and installed in accordance with NFPA 13D are required in all structures.
12. Illegally parked vehicles may be subject to towing or other private parking enforcement measures in accordance with the provisions outlined in the HOA documents.
13. Should archaeological materials (e.g. cones, shell, stone tools, beads, ceramics, old bottles, hearth, etc.) be observed during project activities, all work in the immediate vicinity should stop and the State Department of Archaeology and Historic Preservation (360-586-3065), the City planning office, and the affected Tribe(s) should be contacted

immediately. If any human remains are observed, all work should cease and the immediate area secured. Local law enforcement, the county medical examiner (360-397-8405), State Physical Anthropologist, Department of Archaeology and Historic Preservation (360-586-3534), the City planning office, and the affected Tribe(s) should be contacted immediately. Compliance with all applicable laws pertaining to archaeological resources (RCW 27.53, 27.44 and WAC 25-48) and human remains (RCW 68.50) is required. Failure to comply with this requirement could constitute a Class C Felony.

14. Prior to occupancy for each home with an irrigation system, the builder shall submit acceptable back flow device (BFD) testing for each irrigation meter installed and provide said testing results to the City.
15. A restricted access is required for Lots 1 and 36 to ensure that the driveway locations meet or exceed the minimum 110-foot access setback requirement from SE 40th Street / NW 18th Avenue.
16. Tract "A" is a landscape area to be owned and maintained by the homeowner's association.
17. Tract "C" is a public access trail to be owned and maintained by the City of Camas.
18. Tracts "B", "D" and "G" are hereby conveyed to the homeowner's association (HOA) upon the recording of this final plat for pedestrian and vehicle access and utilities. Parking shall not be allowed in the tracts. The HOA shall be responsible for the maintenance of the tract and the access improvements therein.
19. Tract "E" is a stormwater area to be owned and maintained by the homeowner's association (HOA). An easement for access and inspection shall be granted to the City of Camas with this plat.
20. Tract "F" is a parking area and stormwater area to be owned and maintained by the homeowner's association (HOA). An easement for access and inspection to the stormwater facility shall be granted to the City of Camas with this plat.
21. Tract "I" is a monument sign and landscape area to owned and maintained by the homeowner's association.

DATED this 31 day of October 2018.



Joe Turner, AICP
City of Camas Land Use Hearing Examiner