

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

Regarding an application by Modern Dwellings LLC, for approval of a preliminary plat to divide 9.69-acres into 34 lots in the R-7.5 zone at 3010 NW 18 th Avenue, in the City of Camas))))	<p style="text-align: center;"><u>FINAL ORDER</u></p> <p style="text-align: center;">File# SUB22-02 (18th Avenue Subdivision)</p>
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A. SUMMARY

1. The applicant, Modern Dwellings LLC, requests approval to divide the 9.69-acre site into 34 lots and tracts for stormwater, private roads, and open space. The site is located at 3010 NW 18th Avenue; also known as tax parcels 127356000, 127359000 and 127439000, Section 9, Township 1 North, Range 3 East, Willamette Meridian (WM), Camas Washington (the “site”).

a. The site and abutting properties to the east, west, and south are zoned R-7.5 (Single Family Residential, 7,500 square foot average lot size). Properties to the north 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 structures in the east portion of the site. The applicant proposed to remove the detached accessory structures, retain the existing residence on proposed Lot 22 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.¹ The applicant will retain Tract C, a 20-foot wide strip on the south boundary of the site, as undeveloped open space or deed it to adjacent property owners.

c. The site contains a mapped geologically hazardous area (i.e., steep slopes) in the southeast portion of the site. The applicant submitted a geotechnical report demonstrating that the geologic conditions and slopes on the site will not preclude the proposed development. (Exhibit 10).

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 Tract B for treatment and detention. The applicant will discharge treated stormwater from the facility in Tract B into the existing ditch on the south side of NW 16th Avenue 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 18th Avenue frontages. The applicant will extend a public private street, proposed NW 17th Avenue into the site from NW Hood Street. Proposed NW 17th Avenue on this site will align with a similar intersection proposed by the Hood Street subdivision on the west side of NW Hood

¹ The reference to density transfer on page 17 of the Staff Report is a typographical error.

Street, forming a four-way intersection. near the center of the west boundary of the site. The on-site section of proposed NW 17th Avenue will form a “T” intersection with a new north-south street, proposed NW Hazel Street. The south end of NW Hazel Street will turn east as proposed NW 17th Circle, terminating in a cul-de-sac turnaround in the southeast portion of the site. The north end of NW Hazel Street will turn east as proposed NW 17th Avenue, intersecting existing NW Hancock Drive near the northeast corner of the site.

2. The City issued a Determination of Nonsignificance (“DNS”) for the subdivision pursuant to the State Environmental Policy Act (“SEPA”) on August 25, 2022. The SEPA determination was not appealed and is now final.

3. City of Camas Hearing Examiner Joe Turner (the “examiner”) conducted a duly noticed public hearing to receive testimony and evidence about the application. City staff recommended the examiner approve the preliminary plat subject to conditions, as modified at the hearing. See the City of Camas Staff Report to the Hearing Examiner dated November 22, 2022 (the “Staff Report”). The applicant accepted the findings and conditions in the Staff Report, as modified, without exceptions. Three 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 applicant can be required to retain the existing trees on the site;

b. Whether clearing on the site will have prohibited impacts on wildlife and wildlife habitat;

c. Whether the applicant can be required to create a park on the site;

d. Whether the proposed development will affect current land uses on adjacent properties in ways not anticipated and allowed by the current zoning and Code;

e. Whether a dispute regarding the location of the south boundary of the site must be resolved prior to final plat approval;

f. Whether the applicant can be required to dedicate right-of-way or preserve land for the potential future extension of NW 16th Avenue east of Hood Street;

g. Whether the offsite right-of-way between the east boundary of the site and NW Hancock Drive allows for a public street;

h. Whether adequate sight distance is available at the intersection of NW 18th Avenue and NW Hancock Drive;

i. Whether the proximity of the proposed NW 17th Avenue/Hancock Drive intersection to the existing NW 18th Avenue/Hancock Drive intersection will create a hazard;

j. Whether the applicant can be required to compensate the Haven Heights homeowners association for the cost of maintaining the green spaces near the NW 18th Avenue/Hancock Drive intersection; and

k. Whether the setbacks on proposed Lot 22 can be reduced to be consistent with the lot sizes in the remainder of the development.

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 November 29, 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. She noted that the applicant submitted a revised preliminary plat, Exhibit 43.

a. The applicant proposed to remove all of the existing trees on the site, due to their poor health and/or impacts from construction.

b. She requested the examiner delete proposed condition of approval 60 in the Staff Report, which requires larger setbacks for proposed Lot 22 based on the size of this lot. However, footnote 1 of CMC 18.09.040(2) authorizes reduced setbacks consistent with the lot sizes of the development in which a parcel is located.

c. The applicant will be required to pay Park Impact Fees for each new residence on the site. The City will use funds generated by this and other developments to purchase and develop additional parks, open space, and recreational areas, consistent with the City's Park, Recreation, and Open Space ("PROS") Plan.

3. City engineer James Carothers summarized the engineering issues on the site.

a. All public utilities will be located within the proposed public streets, with the exception of the section of water main crossing proposed Lot 19, which will be located in an easement across that lot. The applicant will extend public utilities to the boundaries of the site to allow for further extension when the abutting properties redevelop.

b. The Haven Heights subdivision to the east of the site, formerly Hancock Springs, dedicated right-of-way for the connection of proposed NW 17th Avenue to NW Hancock Drive. The applicant must obtain City approval of a deviation from the 330-foot intersection spacing requirement for this street connection.

c. There is no evidence that the strip of land on the south boundary of the site, identified as proposed Tract C, was ever dedicated to the City as right-of-way. It is unclear whether Tract C is sufficient to provide access to future development on properties to the south of the site. However, the applicant is not required to ensure such access as a condition of this approval.

4. City engineering project manager Anita Ashton noted that the applicant will be required to post “No Parking, Tow” signs on the private streets within the site. The signs will include a phone number for a tow company which residents can call to request towing of vehicles parked in violation of the signs.

5. Civil engineer Kurt Stonex and professional arborist Kevin Terlep 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, without exceptions.

i. He noted that the existing fence line on the southern portion of the site is located about 18 feet north of the south boundary of the site identified in the site survey. The applicant proposed to retain this 18-foot wide strip as proposed Tract C and deed the land to the abutting property owners south of the site if they are willing to accept it. The applicant is also willing to dedicate Tract C to the City as right-of-way or easement to facilitate access to future development on properties south of the site, if desired by the City. Existing development east of the site precludes the extension of NW 16th Avenue beyond the east boundary of the site. Critical areas (wetlands and steep slopes) limit development on properties south of the site.

ii. A previous development in the area created a 30-foot wide right-of-way on the abutting properties south of Tract C, but there is no evidence that the City ever accepted dedication of this right-of-way.

b. Mr. Terlep noted that the applicant proposed to remove all of the existing trees on the site, primarily due to age and structural defects in the trees. The trees are approaching their maximum life and contain areas of rot and decay, which causes large limbs to fall off, posing a hazard. All of the trees on the east boundary of the site have some form of defect that poses a safety hazard. Development on the site will increase that risk, placing more structures and people within the hazard area. Reducing that risk would require additional setbacks of one foot per one-inch of tree diameter, which would require elimination of proposed lots 17, 19, 21, 31, 32, 33, and 34. The root plates of trees 32-38 are uplifting and the trees will fall in the foreseeable future, posing a hazard to the existing residence on the site. The applicant will plant 38 five-foot tall red cedar trees within proposed Tract F on the east boundary of the site to provide a buffer between the site and the Haven Heights subdivision to the east.

6. Christopher Bloom argued that the mature trees on the south and east boundaries of the site provide habitat for wildlife. These trees serve as a wildlife corridor, connecting other wildlife habitats to the north and south of the site. The trees will also

protect the homes on the site from the east winds. Absent the buffer provided by the existing trees homes on the site will lose roofing material during high wind events. Mature trees increase property values and provide a privacy buffer between abutting developments. He questioned how the applicant proposed to replant Tract F on the east boundary of the site.

7. Akhil Raghuram disputed the applicant's survey. He argued that the fence on the south end of the site is located on the boundary between the site and his property and that he and his neighbors own proposed Tract C. He questioned how his property can be developed in the future, whether the applicant will extend public utilities needed to serve future development on properties south of the site and whether NW 16th Avenue can be extended east of NW Hood Street. He argued that the applicant should be required to provide larger setbacks on the southern row of lots on the site in order to allow for the future extension of NW 16th Avenue.

8. Ben Warren argued that the applicant should be required to provide a neighborhood park or greenspace within the development. Dorothy Fox Elementary School, located more than a mile from the site, is the nearest existing park.

9. The examiner closed the record at the end of the public hearing and announced his intention to approve the application subject to the conditions of approval in the Staff Report, as modified at the hearing.

C. DISCUSSION

1. City staff recommended approval of the revised preliminary subdivision plat (Exhibit 43), 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 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 examiner finds that the applicant cannot be required to retain the existing trees on the site. The tree preservation priorities of CMC 18.13.052 only apply to "healthy, wind firm trees." Based on Mr. Terlep's expert testimony and tree survey, the majority of the trees are not healthy. The trees "[a]re over-mature and displaying varying degrees of heartwood and sapwood decay..." (page 3 of Exhibit 9). Other trees have uplifting root plates and are likely to fall. These conditions create a hazard to existing and future structures and residents on the site. Other trees must be removed to accommodate proposed roads, utilities, homes, and other development on the site. There is no substantial evidence to the contrary. The applicant will plant additional trees on the site as necessary to comply with the minimum tree density requirements of CMC 18.13.051.

a. Clearing and development on this site will eliminate habitat for wildlife, including birds, deer, and coyotes. But the County Code does not prohibit such an effect. To the contrary, it is an inevitable consequence of concentrating new development in the urban area. There are no wetlands or habitat areas on the site and none of the animals observed on this site are listed as endangered or threatened. They are commonly observed in the area. Their presence is less likely after the site is developed, but that is to be expected.

b. Removal of the trees on this site will increase wind impacts to homes on and near the site. However, wind exposure is not unique to this site and future developers can address that issue in the design and construction of homes on the site.

c. The applicant will replant proposed Tract F on the east boundary of the site with 38 five-foot tall red cedar trees that will provide a wind and privacy buffer as they mature.

4. Neighbors argued that there is a need for additional parks in the area. The proposed development contributes to the need for parks. However this need exists largely because of existing development. It would be inequitable to require this applicant to bear the full burden of parkland dedication and improvements where the proposed development is only responsible for a small portion of the problem. The need for parks is one that exists generally in the area and is a need to which all properties in the area contribute, not just the lots being created in this case. The applicant will pay park impact fees, which the City can use to acquire additional parkland in the area consistent with the City's PROS Plan.

5. This development will affect current land uses on adjacent properties; what is now a nearly vacant parcel will be developed with 33 new homes. However, this impact was foreseeable and is in the broader public's interest. The site and abutting properties to the north, south, and east are located within the city's Urban Growth Area ("UGA") boundary and zoned for urban development. As large lots are sold, presumably they will be developed to the maximum extent allowed.

a. 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 development are not relevant to the applicable State or City standards. The examiner must base the decision on the laws of the City of Camas and Washington State.

6. There is a dispute about the location of the south boundary of the site. However, that is a private issue between the applicant and adjacent property owners. The examiner has no jurisdiction to resolve such boundary disputes and determine who holds title to land under Washington law. None of the applicable approval standards for a preliminary plat require the examiner to find that the applicant owns the area within the plat. City planning staff do not have that authority either. The examiner states no opinion about the validity of the adjacent owners' claims.

a. The examiner notes that Washington law requires that the county auditor must receive a survey of the property to be platted and a title report certifying the ownership of property prior to final plat approval. It also requires the owner to sign or certify the plat that divides property. RCW 58.17.160 and 58.17.165. If a proposed plat includes property owned by another party, the plat would conflict with State statutes unless that owner also signs or certifies the plat. This is consistent with the Court of Appeals decision in *Halverson v. Bellevue*, 41 Wn.App. 457, 704 P.2d 1232 (1985).

b. Based on the statute, it appears that the county auditor is delegated authority to acknowledge the plat. RCW 58.17.160(3). If any official has authority to determine the ownership of property, the examiner believes it is the county auditor. Moreover, based on RCW 58.17.180, the examiner finds that the Superior Court is vested with authority for reviewing a decision approving or denying a plat. Therefore, if the owners of adjacent property believe the final plat would adversely affect them because it includes land they own, then a writ of review to Superior Court would appear to be the appropriate recourse. A condition of approval requiring the applicant to comply with state law regarding signatures and certifications accompanying the final plat is unnecessarily repetitious. The examiner recommends the owners of adjacent property consult competent legal counsel about this matter.

c. The examiner finds that it is not necessary to resolve the potential boundary disputes prior to preliminary plat approval. The applicant proposed to retain the disputed area as a separate tract and the area under dispute is to not necessary to ensure compliance with the density and lot size requirements of the Code. The applicant clearly must resolve any boundary disputes prior to final plat approval.

d. In this case, the applicant proposed to deed Tract C to the owners of adjacent properties, dedicate it to the City as right-of-way, or retain it as undeveloped open space. Deeding the property to adjacent property owners would likely resolve the boundary dispute, but the examiner cannot require that as a condition of approval.

7. The City cannot require the applicant to dedicate or preserve right-of-way for the potential future extension of NW 16th Avenue east of Hood Street, as there is no “essential nexus” between the impacts of this development and the need for such a street. A future extension of NW 16th Avenue will not provide access to this development or facilitate cross-circulation in the area, as further extension of NW 16th Avenue is precluded by existing development to the east and topography and critical areas to the south. The need for access to future development on properties south of the site is an existing issue that is not created or exacerbated by this development. *Unlimited v. Kitsap County*, 750 P.2d 651, 50 Wn.App. 723 (Wash. App. 1988) (The public has no interest in development of abutting properties, and it is manifestly unreasonable for local governments to require access to a currently land-locked parcel as a condition of development on an adjacent property). The applicant is required to stub utilities to the boundaries of the site as needed to accommodate future development on abutting properties.

8. Wenfeng Chang argued that the offsite right-of-way between the east boundary of the site and NW Hancock Drive “is reserved for the purpose of installing, laying,

constructing, renewing, operating and maintaining electric and telephone services.” (Exhibit 38). However, they failed to provide any support for that assertion. Based on Mr. Carothers’ testimony, the Haven Heights subdivision dedicated public right-of-way for a street connection to NW Hancock Drive.

9. Concerns were expressed about sight distance restrictions at the intersection of NW 18th Avenue and NW Hancock Drive. (Exhibit 39). The applicant is required to review sight distance at this intersection and demonstrate that it complies with City requirements. See condition 74. The applicant has no authority to reduce the posted speed limit on area streets.

10. The proposed intersection of NW 17th Avenue and NW Hancock Drive is located close to the existing intersection of NW 18th Avenue and NW Hancock Drive. However, these intersections are expected to operate safely, based on the expert testimony of the city engineer. There is no equally probative evidence to the contrary. Neighbor’s unsupported testimony is not sufficient to overcome the expert testimony of the city engineer.

11. The applicant cannot be required to compensate the Haven Heights homeowners association for the cost of maintaining the green spaces near the NW 18th Avenue/Hancock Drive intersection. This is private open space created by the developer of the Haven Heights subdivision that is now owned by the Haven Heights homeowners association and neither the City nor the applicant has any duty to maintain this area.

12. CMC 18.09.040 Table 2 generally requires larger setbacks for the proposed 32,240 square foot Lot 22, which contains the existing residence on the site. However, footnote 1 of this Code section allows setbacks to be reduced “[t]o be consistent with the lot sizes of the development in which [the lot] is located.” In this case, proposed Lot 22 will be located within the site, separated from all abutting properties by streets and/or lots within the development. Therefore, smaller setbacks consistent with the remainder of the lots on the site are appropriate and allowed by the Code. Proposed condition of approval 60 in the Staff Report should be deleted.

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# SUB22-02 (18th Avenue Subdivision), subject to the following conditions of approval.

E. DECISION

The examiner hereby approves File# SUB22-02 (18th Avenue 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; and
 - 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 have approved final engineering plans and 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 (ESC) in the amount of 200-percent of the cost for erosion control measures, per CMC 17.21.030.B and CMC 14.06.200.
14. In the event any item of archaeological interest is uncovered during 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. Per CMC 17.21.070.E A letter of final acceptance will be issued once all items listed in 17.21.070.B-C.
19. 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.
20. 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.
21. Accessory dwelling units shall not be precluded from in the CC&R's.
22. 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.
23. Automatic fire sprinklers installed per NFPA 13D or 13R shall be required in all new residential structures.
24. 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.
25. 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 applicant shall comply with the Arborist Report by Olson Environmental, LLC dated October 28, 2021.
28. The applicant shall comply with the Geotechnical Report prepared by Columbia West Engineering, Inc., dated September 15, 2021.
29. 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:*

30. Tract A shall include a minimum of two-inch caliper trees every thirty feet on center, three-foot tall shrubs that form a continuous screen, groundcover plants that fully cover the remainder of the landscaped area and maintained in perpetuity by the homeowner's association. The tract must also include a four-foot-high wall along a collector and a six-foot-high wall along an arterial.
31. Retaining walls shall comply with CMC 18.17.060.D.
32. A final landscape, tree, and vegetation plan consistent with the landscaping standards in CMC Chapter 18.13 should be submitted to the City for review and approval prior to engineering plan approval. Plants utilized will need to be per the approved City's Tree list and per the Camas Design Manual planting specifications and landscape notes. For plants not on the approved City list, a characteristic card should be submitted to the City for review and approval. Irrigation and landscaping should be installed or bonded for prior to final acceptance per CMC 17.19.030.F.3.

Engineering:

Water

33. The water utility and stormwater utility plans shall be revised as follows:
 - a. The 12-inch public water main is to cross under the private storm sewer line and is to be located along the easternmost side of Lot 19, five-feet from the eastern property line. There is to be a ten-foot separation between the two utilities.
 - b. The combined public water line easement and private storm sewer easement, along the eastern property line of Lot 19 is to be shown as a total 20-foot-wide easement width that includes: the five-foot offset from the east property line for the public water line, the ten-foot separation between the two utilities, and the remaining five feet of easement on the west side of the private storm sewer line, in accordance with CDSM General Engineering Detail G8 Utility Easements.

34. The water utility plans are to be revised to provide for a water service stubbed to the right-of-way at Tract D Private Road with the meter box located at the right-of-way. The water service from the meter box to the future single-family residence on Lot 30 is to be extended from the meter box at right-of-way, thru the private road Tract D to the future single-family residence.
35. The water utility plans are to be revised to provide for the water services to future Lots 22 and 34 be stubbed to the right-of-way at Tract E with the meter boxes located within the right-of-way. The water services from the meter boxes to the future single-family residences on Lots 22 and 34 are to be extended from the meter boxes at right-of-way, thru private road Tract E to the future single-family residences.
36. The applicant is to revise the water utility plans to include installation of sampling station.
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. A final stormwater drainage (TIR) report to be submitted to the city for review that full addresses minimum requirements (MR) #2, per Ecology's latest 2019 SWMMWW.
39. The final stormwater (TIR) report is to be submitted with the current *June 2022 City of Camas Stormwater Sewer System O&M Manual*.
40. The applicant should be required to submit revised stormwater plans addressing potential impacts to the adjacent property owners on the south side of NW 16th Avenue, east of the Shelborn subdivision in accordance with CMC 14.02 and CMC 17.19.040.C.
41. Final stormwater plans are to be submitted to engineering 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 the sanitary utility plans to provide either a one or two-inch STEP sewer laterals to serve each lot, per CDSM STEP Sewer Detail SP2.
44. Final sanitary sewer plans are to be submitted to engineering for review and approval.
45. Any existing wells, or septic systems are to be decommissioned and documentation shall 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.

Roads:

[Public Roads]

46. The applicant shall be required to dedicate sufficient right-of-way to provide the minimum 74-foot-wide right-of-way width and 46-foot paved street width, along NW

18th Avenue and NW Hood Street, in accordance with CMC 17.19.040.B Table 17.19.040-2 Minimum Public Street Standards C.

NW Hood Street

47. The applicant is to submit revised engineering plans to provide a minimum 35-foot curb radius on both sides of the road at the intersection of NW Hood Street and future NW 17th Avenue.
48. The applicant is to submit revised engineering plans showing the future right-of-way on NW Hood Street extended south to the southernmost property line of future Tract C. The frontage improvements along NW Hood Street will begin/end at the northernmost property line of future Tract C.

[Interior Public Roads]:

49. The applicant shall be required to provide a minimum 25-foot curb radius at the transitions from the public road, future NW 17th Avenue, to the future private roads as follows:
 - a. Tract D: A 25-foot curb radius is required on both sides of the private road to Lot 30, which is located between Lots 29 and 31.
 - b. Tract E: A 25-foot curb radius is required on both sides of the private road to Lots 22 and 34, which is located between Lots 32 and 33.

[Private Roads]:

50. The applicant shall be required to provide a design for a 'No Parking and Towing' sign for review and approval for private road Tract D and Tract E.
 - 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]

51. 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.
52. Prior to submittal of electrical plans to Clark Public Utilities, the preliminary electrical plans for streetlights, transformers, J-boxes, etc., which are prepared by others, are to be submitted to the city for review and approval.

[Street trees and Landscaping]:

53. The applicant is to show proposed driveway locations for each lot to ensure that street trees are not impacted.
54. The applicant is required to submit to the City for review and approval a final landscape plan consistent with the landscaping standards in CMC Chapter 18.13, in addition to CMC Chapter 17.19.030.F.6, and include plantings from the City's approved plan list.

Traffic Impact Analysis:

55. The engineering plans are to be submitted with the site vision clearance/corner site distance triangles shown on the final engineering plans at the access location for the

existing NW 18th Avenue & NW Hancock Drive and NW Hood Street & Proposed Project Access (future NW 17th Avenue).

56. The applicant is required to provide an additional trip distribution analysis determining the number of PM peak hour trips distributed through the intersections of SE 192nd Avenue and SE 34th Street and SE 192nd Avenue and WB SR-14 Ramps and to calculate the total proportionate share fee for each intersection:

Proportionate Share Project Name	Fee Rate	Number of Trips	Proportionate Share Cost
SE 192 nd Ave and SE 34 th St	\$150 per PM peak hour trip		\$0.00
SE 192 nd Ave and WB SR-14 ramps	\$2,000 per PM peak hour trip		\$0.00
Total Proportionate Share Cost			\$0.00

Prior to Land-Disturbing Activities:

Engineering:

57. Prior to any land-disturbing activities, an electronic copy of the NPDES GCSWP permit, an electronic copy of the SWPPP, and the Erosion and Sediment Control bond are to be submitted to the city.
58. Prior to any land-disturbing activities, which includes tree cutting and clearing and grading, an approved set of final engineering plans, including erosion prevention and sediment control measures is required.

Prior to Final Plat Approval:

Planning:

59. The outbuildings that will not be located on lot 22 as a result of this subdivision shall be removed prior to final plat approval.
60. The setbacks for lots 10 and 11 shall be updated to reflect corner lot setbacks.
61. The front and side yard setbacks for lot 19 shall be updated to reflect the correct setbacks.
62. Lot 30 is not considered an irregular shaped lot and the setbacks shall be updated to reflect the correct setbacks.
63. The maximum lot coverage allowed in the R-7.5 zoning is 40-percent and a shall be noted on the plat.

Engineering:

64. The preliminary plat should be revised as follows:
- a. A combined public water easement and private storm sewer easement is to be shown along the eastern property line of Lot 19.
 - b. The combined easement width is to be shown as a total 20-foot-wide easement that includes: the 15-foot-wide public water easement along the east property line,

- the ten-foot separation between the two utilities, the ten-foot-wide private storm sewer easement overlapping the public water easement, with the remaining five-feet of private easement on the west side of the private storm sewer line.
- c. A note is to be added the final plat stating: “The 15-foot-wide public water easement across Lot 19 is to be owned and maintained by the city. Except for the driveway access to the SFR on Lot 19, placement of permanent structures, trees, and shrubs within the 15-foot public water easement is prohibited.”
65. A note is to be added to the final plat stating: “The onsite private stormwater collection and conveyance system located within the private road Tracts ‘D’ and ‘E’ are to be owned and maintained by the HOA/homeowners, with right-of-entry granted to the city for inspection purposes”.
66. A note is to be added to the final plat stating that private stormwater systems and easements, located on Lots 1 thru 34, are to be owned and maintained by the HOA or the applicable Lot owners upon which the private stormwater systems are located.
67. 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 facility located in Tract ‘B’.
68. The applicant is to provide to the city a utility access and maintenance easement over and under the two-inch sanitary sewer pressure main located in Tract D ‘Private Road’ and Tract E ‘Private Road’.
69. The applicant shall be required to dedicate sufficient right-of-way to provide the minimum 74-foot-wide right-of-way width and 46-foot paved street width, along NW 18th Avenue and NW Hood Street, in accordance with CMC 17.19.040.B Table 17.19.040-2 Minimum Public Street Standards C.
70. The applicant is to submit a revised final plat with the future right-of-way on NW Hood Street extended south to the southernmost property line of future Tract C. The frontage improvements along NW Hood Street will begin/end at the northernmost property line of future Tract C.
71. The final plat is to include the site vision clearance/corner site distance triangles at the access locations for the existing NW 18th Avenue and NW Hancock Drive and NW Hood Street and Proposed Project Access (future NW 17th Avenue).

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. The site vision clearance/corner sight distance triangles at the access locations for the existing NW 18th Avenue & NW Hancock Drive and NW Hood Street & Proposed Project Access (future NW 17th Avenue) are to be field verified and shown on the approved as-builts plans.
75. 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.
 - b. The cover sheet for the as-builts is to include the originally approved and signed cover sheet.
76. 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.
77. Prior to final acceptance, the applicant is required to pay the proportionate share amount of \$ _____ to the City of Vancouver. The applicant is to provide Camas staff with documentation of payment of said proportionate share amount.

Prior to Final Occupancy:

Planning:

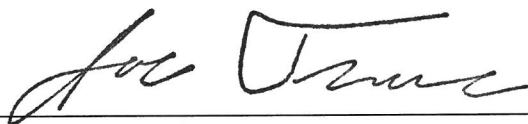
78. Street trees adjacent to lots should be installed prior to final occupancy per CMC 17.19.030.F.4.

Required Plat Notes

1. A homeowner's association (HOA) will be required for this development. Copies of the C.C. & 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.
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. 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.
6. In the event any item of archaeological interest is uncovered during 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).

7. The 15-foot-wide public water easement across Lot 19 is to be owned and maintained by the city. Except for the driveway access to the SFR on Lot 19, placement of permanent structures, trees, and shrubs within the 15-foot public water easement is prohibited
8. Tract 'D' Private Road: The onsite private stormwater collection and conveyance system located within the private road Tract D is to be owned and maintained by the HOA/homeowners, with right-of-entry granted to the city for inspection purposes.
9. Tract 'E' Private Road: The onsite private stormwater collection and conveyance system located within the private road Tract D is to be owned and maintained by the HOA/homeowners, with right-of-entry granted to the city for inspection purposes.
10. Lots 1 thru 34 - Onsite Private Storm Systems: The onsite private stormwater collection and conveyance systems located at the rear of Lots 1 thru 34; are to be owned and maintained by the HOA or applicable homeowners upon which the private stormwater systems are located.
11. Tract 'B' Storm Facility: Prior to end of the two-year warranty period, and upon inspection by the city, the applicant shall ensure that a fully functional facility is turned over to the new owners (e.g., homeowners' associations/homeowners). At completion of the two-year warranty period, the stormwater facility located on Tract 'B' will be owned and maintained by the Homeowner's Association/homeowners, with right-of-entry granted to the city for inspection purposes.
12. Tract 'D' Private Road and Tract 'E' Private Road shall consist of a utility access and maintenance easement to the city, over and under, the two-inch sanitary sewer pressure mains located in the private streets.
13. Tract 'C' is a Tract of land to be retained by the applicant or deeded to an adjacent property owner(s).

DATED this 22 day of December 2022.



Joe Turner, AICP
City of Camas Land Use Hearing Examiner