



NOTICE of DECISION
Parklands at Camas Meadows (file# SUB15-03)
Effective Date of Decision: **July 13th, 2016**

Applicant: Kevin DeFord
Nex Generation, LLC
PO Box 61962
Vancouver, WA 98666

THIS IS TO SERVE AS NOTICE that a decision of **APPROVAL** with conditions has been rendered for Parklands at Camas Meadows Subdivision (SUB15-03), a 42-lot single-family development with four commercial lots on 36.43 acres. The property is located north of NW Camas Meadows Drive and Northeast of NW Payne Road in the city of Camas, which is also described as Tax Parcels: 175948-000 & 986031-650.

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

RECONSIDERATION PROCEDURES:

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 \$350, 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 July 27th, 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.

QUESTIONS: For further information regarding this specific application, Hearing Examiner action in this matter, or planning issues in general, please contact Robert Maul, Planning Manager, by email at communitydevelopment@cityofcamas.us, or by phone at (360) 817-1568 ext. 4255.

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

Regarding an application by Parklands at Camas Meadows,) **FINAL ORDER**
LLC, for approval of a preliminary plat to divide 36.43-acres) **FILE# SUB15-03**
into 42 single-family and 4 commercial lots north of NW Camas) **(Parklands at**
Meadows Drive at NW Payne Road in the City of Camas) **Camas Meadows)**

A. SUMMARY

1. The applicant, Parklands at Camas Meadows, LLC, requests approval to divide the 36.43-acre site into 42 lots for single-family dwellings, four lots for future commercial development, and stormwater, private street, and open space tracts. The site is located north of NW Camas Meadows Drive, east of the intersection of NW Payne Road. The Camas Meadows Golf Course abut the west and north boundaries of the site. The legal description of the site is tax parcels 175948-000 & 986031-650, Section 28, Township 2 North, Range 3 East, Willamette Meridian (WM), Camas Washington (the "site").

a. The southern portion of the site and abutting properties to the west are zoned BP (Business Park). The northern portion of the site and properties to the east, and northeast are zoned R-15 (Single Family Residential, 15,000 square foot average lot size). Properties to the northwest are zoned LI/BP (Light Industrial/Business Park). Properties to the south are zoned (from west to east) MF-18 (Multi-Family, 18 units/acre), R-7.5 (Single Family Residential, 7,500 square foot average lot size), and R-10 (Single Family Residential, 10,000 square foot average lot size).

b. The applicant and the City of Camas entered into a Development Agreement (DA) to establish a Mixed Use Planned Development overlay for the site. The goal of the DA was to integrate land uses in a cohesive master plan, which allows some residential lots in the BP zone (see Exhibit 4, Master Plan). Other elements of the master plan included vested dimensional standards, an employment use table, phasing, street scape design, SEPA review and approval, and performance measures to name a few. This subdivision approval is only for the creation of the residential and commercial lots, and associated public and private improvements. Individual site plan approval will be required at a later date for development of the commercial pads contained in the master plan.

c. The site is currently vacant, largely covered with trees, and includes roughly 7.5 acres of wetlands in the north and northwest portions of the site. The applicant proposed to develop the site with 42 lots for single-family detached dwellings and four commercial lots for mixed use employment use.

d. Domestic water and sanitary sewer service will be supplied by the City of Camas. The applicant will collect stormwater from impervious areas on the site, treat it, and discharge it to the wetlands north of the site at less than predevelopment rates.

e. The applicant will dedicate right-of-way and construct frontage improvements along the site's NW Camas Meadows Drive. The applicant will extend two dead-end private roads into the site from NW Camas Meadows Drive: one located opposite the existing NW Payne Road/Camas Meadows Drive intersection (proposed NW 10th Fairway Drive) and a second located opposite the entrance to Phase I of the proposed Village at Camas Meadows development (proposed NW Golf Drive). NW Golf Drive will split into two separate cul-de-sac streets, proposed NW 16th Fairway Street and NW Parkland Trail Drive, serving portions of the site to the south and north of the on-site wetlands.

2. The City issued a Determination of Nonsignificance ("DNS") for the subdivision pursuant to the State Environmental Policy Act ("SEPA") on January 12, 2016. The SEPA determination was not appealed and is now final.

3. City of Camas Hearing Examiner Joe Turner (the "examiner") conducted a public hearing to receive testimony and evidence about the application. City staff recommended the examiner approve the preliminary plat subject to conditions. See the City of Camas Staff Report to the Hearing Examiner dated June 13, 2016 (the "Staff Report"). The applicant accepted those findings and conditions, as amended at the hearing, without exceptions. Three persons testified orally with questions and concerns related to the application. Other persons testified in writing. Contested issues in the case include:

a. Whether traffic generated by the proposed development will exceed the capacity of area streets or otherwise create a hazard;

b. Whether development on this site will block existing stormwater runoff and cause or exacerbate flooding issues on adjacent properties;

c. Whether the applicant is required to fence the site; and

d. Whether potential impacts from development on the proposed commercial lots on the site are relevant to this subdivision application.

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 June 16th, 2016. 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 planning manager Robert Maul summarized the Staff Report.

a. He noted that the City Council approved a Master Plan for the site, which allows some residential development in the BP zoned portion of the site. The proposed subdivision will create 42 lots for single-family detached homes and four lots for commercial development. Development on the commercial lots will require additional site plan review by the City.

b. NW Larkspur Street is a public right-of-way extending south from the proposed terminus of NW Camas Meadows Drive, but it is steeply sloped and only developed with half-width improvements. Therefore, pursuant to the approved development agreement, NW Camas Meadows Drive will dead-end at the existing barricade at the north end of NW Larkspur Street. The existing barricade will remain in place until the City improves the remainder of NW Larkspur Street.

c. The applicant and the City are negotiating with the owner of the Camas Meadows golf course regarding the possibility of connecting the proposed trails on this site with the existing Lacamas Lake trail to the north.

d. He agreed with the modified findings and conditions proposed by the applicant in Exhibit 42, with two exceptions. He requested the examiner delete proposed plat note 6 in the Staff Report and retain plat note 5 without amendment.

e. The applicant intends to remove the existing chain link/barbedwire fence on the boundary of the site, noted in Exhibit 40. The applicant or future homeowners are likely to install new fences along the boundary of the site. However the Code does not require fencing in this case, where the proposed residential development abuts existing residential development.

3. City engineer James Carothers noted that the applicant's traffic study assumed that the existing barricade on NW Larkspur Street will be removed and traffic from the site will be able to use NW Larkspur Street. He noted that the Staff Report lists the wrong file number for this application. The correct file number is SUB15-03.

4. Planner Paul Dennis and project engineer James Kessi, testified on behalf of the applicant, Parklands at Camas Meadows, LLC.

a. Mr. Dennis noted that NW Payne Street is an existing private street. The City plans for two future streets in the area, Streets A and B abutting the south end of the Village at Camas Meadows development south of the site, which will provide additional cross-circulation opportunities in the future. Development on the proposed commercial lots on this site will likely require additional traffic analysis as part of the development review.

b. Mr. Kessi testified that the applicant will collect, treat, and, if required, detain stormwater on the site prior to discharge to the offsite wetlands and/or Lacamas Lake, consistent with Department of Ecology (ECY) regulations. The applicant, the City,

and the ECY are still working out the specific details for the stormwater facilities on the site. The applicant reviewed the existing stormwater ponds south of the site that currently discharge onto the site. The applicant will collect stormwater from those facilities and convey it through the site. Each lot on the site will have an individual stormwater lateral to collect and convey stormwater runoff from roof downspouts.

5. Robert Miner testified that stormwater ponds in the southeast corner of the site. There is standing water in this area most of the year. Recent developments in the area increased the amount of stormwater flowing downhill onto the site. He expressed concern that this development will block this existing stormwater, creating problems for the uphill residents.

6. Jim Petrone noted that there are two stormwater detention ponds south of the site. A roughly 3-inch diameter pipe discharges water from these ponds onto the site. During heavy rains this pipe discharges large volumes of water onto the site, which causes flooding problems on his property on Klickitat Street abutting the southeast boundary of the site.

7. Shannon Petrone testified that she has observed ankle-high water on the site during heavy rains. She expressed concerns with noise, vehicle parking, and other impacts from future development on the proposed commercial lots on the site.

8. At the end of the hearing the examiner held open the public record for ten days to allow the applicant an opportunity to review the traffic impact of retaining the barricade on NW Larkspur Street and to allow the Petrones to submit photos in support of their testimony regarding stormwater runoff flowing onto on the site. The record in this case closed at 5:00 p.m. on June 23, 2016. The following exhibits were submitted during the open record period:

a. The Petrones submitted four photos of stormwater runoff on the site, Exhibits 44-47;

b. The applicant's transportation engineer submitted two memoranda regarding the traffic impact of retaining the barricade on NW Larkspur Street. Exhibits 48 and 49.

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 (the "CMC") and Revised Code of Washington, provided that the applicant complies with recommended conditions of approval as

modified herein. The examiner adopts the affirmative findings in the Staff Report as his own, except to the extent they are inconsistent with the following findings.

3. There is no dispute that stormwater discharges onto this site from uphill properties and causes ponding on the site under existing conditions. The applicant is required to collect that existing runoff and convey it through the site. The applicant can include this offsite runoff in the design of the stormwater facilities serving the site. The applicant is not required to remedy the existing flooding problems noted on the Petrone's property. However the applicant's proposal to collect water that currently ponds on the site may alleviate those problems to some extent.

4. The applicant's supplemental traffic analysis and memoranda, Exhibits 48 and 49, demonstrate that the proposed development will not exceed the capacity of area streets or create a hazard, even if Payne Road remains a private street and the barricade on NW Larkspur Street is retained. The examiner understands the applicant's argument that NW Larkspur Street has adequate capacity and improvements to allow removal of the barricade. However the examiner has no authority to require removal of the barricade. Based on the language of the development agreement, the City has exclusive authority to determine if and when the barricade will be removed.

5. The applicant proposed to remove the existing wire fence on the boundary of the site. The applicant is not required to replace this existing fence, because the proposed single-family residential subdivision abuts existing single-family residential development. However the applicant is likely to install a fence on the boundaries of the site in order to ensure a consistent fence design along the perimeter of the site.

6. Ms. Petrone expressed concerns with impacts of development on the commercial lots. However no development is proposed on those lots at this time. The City will review development on those lots through the site plan review process, which will require additional public notice and opportunity to comment. The examiner notes that this portion of the site is zoned BP (Business Park), which allows for commercial development.

D. CONCLUSION

Based on the above findings and discussion, the examiner concludes that File No. SUB15-03 (Parklands at Camas Meadows 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 No. SUB15-03 (Parklands at Camas Meadows Subdivision), subject to the following conditions of approval:

A. Standard Conditions of Approval

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. Underground (natural gas, CATV, power, street light and telephone) utility plans shall be submitted to the City for review and approval prior to approval of the construction plans.
3. 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.
4. 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 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.
5. Any entrance structures or signs proposed or required for this project will be reviewed and approved by the City. All design will be in accordance with applicable City codes. The maintenance of the entrance structure will be the responsibility of the homeowners.
6. A homeowner's association (HOA) is required for this development. The applicant shall furnish a copy of the CC&R's for the development to the City for review and approval. Specifically, the applicant shall make provisions in the CC&R's for maintenance of the storm drainage system, street lighting, fencing, landscaping, irrigation, parking areas, retaining walls, private roads and tracts or easements outside of the City's right of way if applicable.
7. In the event that any item of archaeological interest is uncovered during the course of a permitted ground disturbing action or activity, all ground disturbing activities shall immediately cease and the applicant shall notify the Public Works Department and DAHP.
8. 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.
9. 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.
10. Building permits shall not be issued prior to the City's final acceptance of the improvements and the final plat is recorded.
11. An approved address sign, in accordance with the Camas Municipal Code, must be posted for each residence where the flag lot leaves the public road or access tract. CMC 17.19.030.D.5.d

12. Underground oil tank removal requires a permit with the fire marshal's office following if there are any discovered or known installations. IFC (International Fire Code) 3404.2.14
13. Any gates serving two or more homes is required to follow the gate code CMC 12.36
14. Prior to final engineering plan approval of any phase the applicant shall provide acceptable line sizing and fire flow calculations that support the proposed line sizing.
15. Prior to final engineering approval of any phase, the applicant shall demonstrate to the satisfaction of the city that the proposed direct release meets the criteria of 2.5.7 of the 2012 SMMWW, or provide an acceptable alternative regional stormwater treatment and flow control system as allowed in CMC 17.19.040 (C, 3a) that will serve both this project and the Village at Camas Meadows development south of the site, or provide a separate on-site stormwater treatment and flow control system to serve only the subject property.
16. If direct release of stormwater flows into Lacamas Lake is approved, prior to final plat approval of any phase the applicant shall ensure that an adequate and acceptable perpetual stormwater easement across the Camas Meadows Golf Course is in place and recorded with Clark County.
17. Stormwater runoff from the proposed lots and landscaped areas of the site shall be directed into the streets and/or into a stormwater treatment system that will provide adequate phosphorus removal from the yard and landscaped areas of the site prior to release into the wetlands.
18. Stormwater lines serving the site not located within the public right-of-way will shall be placed within private stormwater easements and shall be maintained by the homeowners association.
19. Existing water wells on-site shall be properly abandoned in accordance with State and County guidelines prior to final plat approval for the particular phase that the well may be located in. Additionally, any water rights associated with the abandoned well shall be transferred to the City.
20. The applicant shall construct a minimum 23 foot wide half width street improvement on NW Camas Meadows Drive extension prior to final acceptance of any phase of the development.
21. Prior to final engineering plan approval for any phase the applicant shall submit an acceptable landscaping plan that details the location, number, plant species proposed, planting notes and associated details.
22. Prior to final engineering approval, the applicant shall provide updated critical area report addressing the criteria for placing a natural surface trail within the buffer.
23. Prior to final acceptance, the applicant shall install eight (8) 2" caliper Oak Mitigation trees in the wetland buffer.

B. Special Conditions of Approval

24. Accessory dwelling units shall not be precluded from CC&R's.

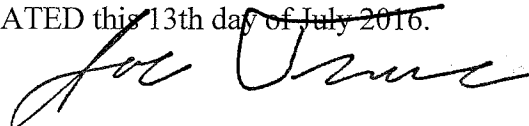
25. The wetlands on site shall be contained in separate tracts.
26. Continuous permanent fencing and/or barrier shall be placed along the outer edge of the wetland buffer.
27. Install permanent signage along the outer edge of the wetland buffer that reads, "Wetland area – Leave in its natural state. It is illegal to cut, prune, or mow in this area. Call the City of Camas for Information." Signs must be permanently maintained along this boundary. If violations occur, the City may require continuous fencing to be installed at that time.
28. Wetland buffer signs shall be placed along the buffer lines where abutting residential lots.
29. The applicant shall record a conservation covenant for the wetland and its buffer area in a form approved by the City in accordance with CMC§16.53.040(C)(3).
30. The applicant shall provide the lead effort to coordinate and participate in the implementation of the off-site T-1 connection as much as possible.
31. Street names shall be reviewed and approved by the Building Department prior to final plat approval.
32. Automatic sprinklers installed per NFPA 13D or 13R shall be required in all new residential structures.
33. Provisions for parking enforcement acceptable to the Fire Marshal shall be included in the CC&R's at the time of final platting.
34. All building envelopes and setbacks shall be shown on the final plat.
35. Lots shall be numbered consecutively with each phase, with the numbers starting where the last phase ended.
36. Temporary construction fencing shall be provided around the drip line of any significant trees including the 20" oak to be retained and along the entire wetland buffer area. The temporary fencing shall be in place prior to any earthwork activities to remain in place until final acceptance of site improvements.

C. 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. All costs associated with the installation of the STEP. systems for individual lots will be the responsibility of said individual lot owners.
3. A right of entry is hereby granted to the City of Camas for the repair and maintenance of the STEP sewer system.
4. The adopted dimensional standards table contained in the recorded development agreement shall be placed on the face of the plat.
5. No further short platting or subdividing will be permitted once the final plat has been recorded.
6. 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

- 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.
7. 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 or front yard of each lot, 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.
 8. Automatic fire sprinkler systems designed and installed in accordance with NFPA 13D are required in all structures.
 9. Illegally parked vehicles may be subject to towing or other private parking enforcement measures in accordance with the provisions outlined in the HOA documents.
 10. 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.

DATED this 13th day of July 2016.



Joe Turner, AICP
City of Camas Land Use Hearing Examiner